

APPROVED

JOHN MAXWELL
Chairman

TOWN OF CARMEL
ZONING BOARD OF APPEALS

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ZONING BOARD OF APPEALS MINUTES

MAY 27, 2021

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

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
The Hamlet at Carmel	66.-2-58	1	Granted Interpretation
Adam Brandt	55.14-1-32	1 – 2	Granted Requested Variance
Kerrigan Jean-Jacques	55.20-1-35	2 – 8	Denied Requested Variance
Christopher & Katherine deGraffenried	75.11-1-28	8 – 9	Granted Requested Variance
Alphonso Zimbaldi	53.19-1-46	9 – 10	Granted Requested Variance
Kenneth Lubbers	76.18-1-48	10 – 11	Granted Requested Variance
Jessica Neuwirth	53.16-2-15	12 – 13	Granted Requested Variance
Richard Koziak	44.17-1-5	13 – 14	Granted Requested Variance
Richard Rossi	86.47-1-6	14 – 16	Granted Requested Variance
Patricia & Cesar Romero	76.30-1-54	16 – 20	Granted Requested Variance
MINUTES:	March 16, 2021		Approved as Written
	April 22, 2021		Approved as Written
The meeting was adjourned at 8:35 p.m.			

Respectfully submitted,
Dawn Andren

HOLDOVER APPLICATIONS:

1. Application of **THE HAMLET AT CARMEL ASSOCIATES, LLC** for an Interpretation seeking permission for construction of a multi-family residential development as per plans. The property is located on Stoneleigh Avenue, Carmel NY and is known as Tax Map #66.-2-58.

Chairman Maxwell said we did close the public hearing last month so I think we're just going to bring this to vote. I look for a motion on the Interpretation on this.

Decision of the Board:

Vice-Chairman Aglietti said I was not at the meeting of April 22nd for this but I did review the submissions and watched the presentation. It is my understanding that Rose, who was also not present on April 22nd, was also able to review the submissions and the presentations. As everyone here was also able to review the submissions and the presentation, even after the April 22nd meeting, it is my motion to grant the Interpretation – that chapter 156-28 of the Town Code permits development of non-age restricted multi-family developments in an R-zone; seconded by Mr. Starace.

Mrs. Fabiano said I've read all of the submissions and I have watched the meeting on tv so I'm well aware and I'm voting knowing full well what I'm doing.

Chairman Maxwell asked if there was any further discussion from any of the Board Members (of which there was none.) Chairman Maxwell asked all in favor to which all Board Members said "aye". The Interpretation has been granted.

2. Application of **ADAM BRANDT** for a variation of section 156-15/Use Variance seeking permission to add a second floor to 6 Mechanic Street to accommodate an increase in family size. The property is located at 6 Mechanic Street, Carmel NY and is known as Tax Map #55.14-1-32.

Mr. Rossiter recused himself from this application.

➤ Mr. Adam Brandt of 6 Mechanic Street, Carmel was sworn in.

Mr. Brandt said I'm looking to add a second floor onto my house due to increase in family size. My girlfriend currently has two kids. She's looking to move in with me so our house is just not big enough. That's the main reason for it.

Chairman Maxwell said so you're going out to the left side if I recall.

Mr. Brandt said yes; the left side I would like to put an attached garage on the house.

Chairman Maxwell said it doesn't need any variances but because there are two houses on the same lot, it's the need for the Use Variance.

Mr. Carnazza said that's correct. He's not expanding the non-conformity but it's already non-conforming so that's why he is here.

Chairman Maxwell said right; so just for clearing it up. There isn't other property you can purchase because you're land-locked there. Your septic is where – in the back?

Mr. Brandt said town water and town sewer.

Chairman Maxwell said let me poll the Board for questions or input 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.

Mr. Brandt said I failed to mention I have a couple of letters from neighbors of mine.

Chairman Maxwell said I think we got those.

Mr. Brandt said these might be more.

Chairman Maxwell said alright. We'll take them and put them in the record here.

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

Decision of the Board:

Vice-Chairman Aglietti moved to grant the requested variance; seconded by Mr. Balzano with all in favor with the exception of Mr. Bill Rossiter who had recused himself.

NEW APPLICATIONS.

3. Application of **KERRIGAN JEAN-JACQUES** for a Variation of Section 156-20 seeking permission to retain already existing fence. The property is located at 30 Avery Road, Carmel NY and is known as Tax Map #55.20-1-35.

Code Requires/Allows	Provided	Variance Required
4' Front Yard	9' 10"	5'10"
6' Rear Yard	9' 10"	3'10"

➤ Mr. Kerrigan Jean-Jacques of 30 Avery Road, Carmel was sworn in.

Chairman Maxwell said what's the situation here. You have a 5'10" variance for one fence and a 3'10" variance for the 6' portion that's allowed. Why is this built as such? Did you not know that you needed a permit to do this?

Mr. Jean-Jacques said I know I needed a permit – not for the 6' - but for the highest that I went. It's just for the privacy of my family. I went a little bit higher. I bought another 3.5 feet just to secure the privacy of my family.

Chairman Maxwell said you went much higher than twice the size.

Mr. Jean-Jacques said it's 6' and 3.5' so that's 9.5' but the view from the other side is above my driveway. Basically, the only way for me to get my privacy for the safety of my family, I had to be able to do a little bit higher so the other side won't see the activity in my area.

Chairman Maxwell said there are other means to achieve that same privacy - in a sense - by either planting arborvitaes with a staggered pattern of some sort that you won't need a variance for or you don't need a permit for. (To Mr. Carnazza): They don't need a permit to grow and plant arborvitaes of any sort - right?

Mr. Carnazza said that is correct.

Chairman Maxwell said that's just my opinion here but I think this is a pretty extreme case where you're going against what the Code allows. I'm going to open it up to the Board Members for questions or concerns.

Mr. Rossiter said like you said; if you want that type of privacy, put some plantings up there along the fence.

Mr. Balzano said I agree with that resolution. I think it makes a lot more sense than trying to build a fence.

Chairman Maxwell said when I was out there the other night, it was kind of a windy night and the tops section was just flopping in the breeze. I think it's more of a danger to anybody else than what plants would achieve.

Mrs. Fabiano asked how long has it been up?

Mr. Jean-Jacques said maybe last summer when the pandemic started.

Mrs. Fabiano said I agree with everyone else. I think that it's dangerous - the height and the way it's constructed. I also believe that planting tall trees - evergreens would be much better than having this fence because I do believe it is a danger to both sides.

Mr. Jean-Jacques said I could retain the 6' high and just remove the additions to the top.

Mrs. Fabiano said the 6' only starts once you hit your house line.

Mr. Jean-Jacques said that's where it is.

Mrs. Fabiano said I thought it was before that.

Mr. Jean-Jacques said no; it's not even on the borderline. It's right on the corner of my driveway.

Mrs. Fabiano said you don't need a variance if it starts off where your house is. Anything before your house, you're only allowed 4'.

Mr. Jean-Jacques said I'm aware of that so I keep it just in that area.

Mrs. Fabiano said right; once you hit the house, then you can go 6' out but 9' is not safe. In my 18 years on the Board, I've never seen anything like that.

Mr. Jean-Jacques said I understand.

Mr. Starace said the original fence – did you install it?

Mr. Jean-Jacques said the original fence was a wire fence from the previous owner. So basically, everything – the situation changed in my mind. My next-door neighbor got a new fence. Then I tried to make it nice on my side by removing the old metal one. So, when I started, that's when the whole situation started. So, I said if that's the case, I have to put my own on my side. We basically have a double fence which you're not supposed to. When I get my double fence, which is 6' high – the view from the other side in my area is still very dominant. The only way for me to get my family secure from the oversee from the other side, I just raised it a little bit higher.

Mr. Starace said we're looking at a variance but you leave that space in between there, there's a lot of debris that's going to get stuck in there. It's a hard area to maintain.

Mr. Jean-Jacques said whatever is in between is between me and the other side. It's not just on my side. It's between us. If anything has to be done, it has to be done on both sides. That's why I left enough space on the other side because if I want to do something, I could do it without going on my neighbor's side.

Chairman Maxwell said so it's more inboard on your property – your fence?

Mr. Jean-Jacques said yes; the fence is on my property – on my side.

Mr. Starace said but between your fence and your neighbor's fence..... how many feet is that?

Mr. Jean-Jacques said I left about 12" - 16" from my fence. Plus, he's got about 12" on the other side.

Mr. Starace said so you're talking about 2.5'. That's dangerous and a lot of debris gets back there. This fence's posts – are they set in concrete?

Mr. Jean-Jacques said they're set in concrete about 24" deep.

Mr. Starace said how far apart is each post?

Mr. Jean-Jacques said less than 72" – about 6'. Those panels are 6' x 6'.

Mr. Starace said it looks like it's modified with some supports; some 2 x.....

Mr. Jean-Jacques said those are temporary 2 x that I set up just in case to ease the tension – just in case. It's not exactly.....

Mr. Starace said this wasn't really designed, engineered, built to be that high with that small footing. You should be down much further in concrete. I'm just saying that's not a safe set-up.

Chairman Maxwell said I'll reiterate the bottom line is you can achieve the same amount of privacy with plantings of some sort.

Mr. Starace said green, giant arborvitaes are gorgeous.

Chairman Maxwell said get 10' arborvitaes and you can stagger them so they grow into each other.

Mr. Starace said they'll grow fast.

Mr. Jean-Jacques said those fences are not heavy. Those are light.

Mrs. Fabiano said one thing I wanted to mention is where this fence is, you have an extra flap over here. We measure fences from the ground.

Mr. Jean-Jacques said those are excess pieces that I cut (inaudible) but they're not part of the fence.

Mrs. Fabiano said because you can't measure from where this is up here. You have to measure from the ground. Just wanted to make sure you know that.

Mr. Jean-Jacques said yes; from the ground.

Chairman Maxwell said do you have anything else to discuss?

Mr. Jean-Jacques said I was just wondering if there was anything I could do just to keep that fence secure; maybe add bracket or cable. Anything I could do to keep it. This is what I was looking for because I could have a heavy bracket from two or three different places to secure those poles because those poles are 4" x 4". That's really deep in the concrete and they're heavy before they reach to the top.

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

➤ Mr. Jeffrey Oshins of 32 Avery Road, Carmel was sworn in.

Mr. Oshins said just for the record which was already stated; I just want it to be known that this is not his already existing fence. This fence that he is talking about tonight was installed last August to replace that old metal link fence. I want that to be on the record. He had it on the application that that fence.....

Chairman Maxwell said and where is your house in proximity?

Mr. Oshins said right next to his.

Chairman Maxwell said to the left?

Mr. Oshins said yes.

Mr. Balzano said on the other side of the fence.

Mr. Oshins said yes. As everyone on the Board mentioned, it is a major safety concern. I watched that fence go up. I've seen it sway in the heavy winds and I was also concerned. Right now, it's bellowed. It's not a straight line anymore. It's been curved and it will become a projectile at some point. How it was put together, I don't know. All that I can say is that it's a safety concern. It's also an eyesore. As you had already mentioned, it's way above Code Standards and I know that when people drive by, it's a hazard. When people drive by, all of a sudden, they stomp on the brakes; they're not used to seeing something so high. We have children riding their bikes in the street. We have people walking with their children. You don't need someone coming down the street and..... It should be taken down because it's a hazard for pedestrians, children and anyone that's in the street. Just looking at this monstrosity just caused the possibility of decrease of my property value so that's another issue. I've never seen any houses; and I'm up here 8 years and I know what the

Codes are, I've been around Carmel. I've been around Mahopac and throughout other parts and I've never seen a fence more than This is just way unnecessary. Thank you.

➤ Mr. Reynaldo Fuentes of 32 Avery Road, Carmel was sworn in.

Mr. Fuentes said my concern about the fence is that on windy days, like the wind storm that we had a month or so ago, I noticed the fence moving and creaking. I thought this thing is going to come down at some point. It's bellowed like he mentioned. It has a curve. Everyone says, oh my gosh, what is that? They say it's no good for your property value. The main, main concern is safety. Regarding the privacy issue that the gentleman mentioned..... on that side of his wall, he has a door that leads to either the kitchen or the dining area and there's no window. Outdoors is just the driveway so I don't know what the concerns are about the privacy. On our side, the house that faces us from South to North.....they can see into our bedrooms. We can just close the curtains. That's it. It's a fix.

➤ Mr. Charlie Roberts of 32 Lakeview Road, Carmel was sworn in.

Mr. Roberts indicated he was just on the backside of the property.

Mr. Roberts said just as a neighbor in the general neighborhood, I think my bigger concern is that this will become a scope-creep issue, and that this will become a variance that, if we do it for one, we'll continue to see 12' fences. I came from a neighborhood in Massachusetts – the Boston suburbs – where we had 12' fences. It looks a little weird. I really love how open our whole entire neighborhood is. My biggest concern is scope-creeping on top of the safety concern.

Chairman Maxwell asked do you have anything else to add here?

Mr. Jean-Jacques said you have to understand where everything started. I've been in this area for the last 18 years. That's where I raise two children. One is serving in the military and one is in high school. We never had any problem, whatsoever, with the previous neighbor. I'm probably the last one in this area from everybody before me. Before they bought the house, the lady that had the house, we never had any problem whatsoever. The metal fence was between us two. We never had any situation whatsoever. Everything started when he put his white fence. If he put his white fence on his side; then my side doesn't look nice, and I don't want to touch anything on his side. So, I'm going to remove that previous metal fence just to make my side look nice too. When I removed that, they started complaining because a lot of things happened because I removed that metal fence. I want to make my side look nice.

Chairman Maxwell said you have every right to do that as long as it's within our Code and restrictions.

Mr. Jean-Jacques said the metal fence was not even 4'. It was a 3' fence. I said I'm not going to put something between the two fences but I'm just going to put it on my side which is 16" from the borderline to my side where we put the fence. We're talking about safety – I know. I know about those things because I've been in construction for the last 18 years. I've been working all over Westchester before I moved everything out. When I said okay – that I was going to put up my fence, I put it at 6'. It was a vinyl fence at 6'. The thing is when I put the 6' vinyl fence in (inaudible), his window from that side overview, oversee every activity that I do with my family. So, I said it doesn't make no sense because I had no problem with my neighbor on my left side. The only problem is on my right side. [It's] the only way for me to achieve safety for my family. When my kids have family coming over, any noise that we make, they're there to witness it. I said let me raise that a little bit higher. It's not the whole fence that's up. It's where his window is.

Chairman Maxwell said good fences make good neighbors but it has to be legal. You can achieve the same privacy with a 6' fence and plantings/screenings.

Mr. Jean-Jacques said I could keep the 6' and get some plantings on the other side.

Mr. Balzano said that's it.

Chairman Maxwell said absolutely.

Mr. Jean-Jacques said alright.

Chairman Maxwell said (inaudible) the recommendation. We're not here to discuss civil issues or what have you. That's for the police department. We're here just to make sure the Code is followed and grant minimal variance as required.

Mr. Carnazza said but that needs 4' in front of the house.

Chairman Maxwell said 4' up to the front line of the house. Then you can go 6' from that line back. In other words, here's your lot, here's your house, 4' to the front of the house and.....

Mr. Jean-Jacques said I have more than 4' in front of the house.

Mr. Carnazza said no; the front of the fence can only be 4' tall.

Mr. Jean-Jacques said oh; no – the front of the house is only 4'.

Mr. Carnazza said that's not what it says on your application.

Mr. Jean-Jacques said I have a different level. The front of the vinyl fence is 4'. There's a small little one and the rest is that 6'. The 6' starts at a certain area and then cuts up to 9' from this area that I'm talking about.

Mr. Carnazza said you wrote down that it's 9' 10".

Mr. Jean-Jacques said not the whole fence.

Mr. Carnazza said but you wrote that even in the front yard. In front of the house, you wrote 9'10".

Mr. Jean-Jacques said when I spoke to Dawn [Andren], she said measure the highest part of the fence.

Mr. Carnazza said that's correct.

Mr. Jean-Jacques said the highest part of the fence is not the front. I give them the highest part of the fence which is from the bottom to the top.

Vice-Chairman Aglietti said you can fix it.

Mr. Carnazza said they don't have to because what is going to happen is they'll deny the variance obviously because he doesn't need one if he goes 4' and 6'. Then we'll go verify that what's left meets Code.

Mr. Balzano said right. Then he'll do his plantings.

Mr. Carnazza said correct.

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 deny the requested variance; seconded by Mr. Balzano.

Vice-Chairman Aglietti said I think it was well discussed during the public hearing. There was safety issues. There's other alternatives that are available.

Mr. Balzano said it's also self-created. It's excessive; all the criteria.

Chairman Maxwell said all in favor: all Board members responded "aye".

4. Application of **CHRISTOPHER L. & KATHERINE S. DE GRAFFENRIED** for a Variation of Section 156-15 seeking permission to place a tool shed 20 ft. from back of property. The property is located on 16 Clara Lane, Mahopac NY and is known as Tax Map #75.11-1-28.

Code Requires/Allows	Provided	Variance Required
40' from roadway (front on Rt. 6N)	20'	Normal 20' from back of property line instead of 40'.

Mr. Carnazza said just so you know, they're on two streets. I don't know if you can see it on the map. It doesn't necessarily show it. They're on a main front street and the backyard faces 6N. It's a weird lot so that's why they have a problem. There's no yard that they can do it in.

- Mr. Chris deGraffenried of 16 Clara Lane, Mahopac was sworn in.
- Mrs. Kathy deGraffenried of 16 Clara Lane, Mahopac was sworn in.

Mr. deGraffenried said I think the issue started when my daughter bought a 12' kayak to use in the Lake and that presented a storage issue for us. So, we had to find something to keep it in. So, we searched around for a location on the property and, as was indicated previously, the property is rather odd pie shaped property. The property runs from the corner of West Lake Blvd. on 6N toward Baldwin Place about 2/3rds of the way; about 600' across the back on 6N. We were looking for a location because at the back of our property, the zoning requirement was 20' and there are woods that form a giant 'C' around the property.

Chairman Maxwell said when I was out there the other day, it was pretty well screened. Plus, there's another fence on the 6N side – right; behind all the natural woods?

Mrs. deGraffenried said yes.

Mr. deGraffenried said that is correct.

Chairman Maxwell said unfortunately, our Code doesn't make it pertaining to each individual lot so each case is its own individual case. I kind of agree that's a perfect spot for it. Like Mr. Carnazza said, it's a corner lot so your setbacks are different. If this was a different situation; if you didn't have a corner lot, you'd be within Code anyway.

Mr. Carnazza said yes. They have two fronts, two sides and no rears. It's a weird one because it's a corner and usually there are two fronts and two rears. They have none.

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 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 Vice-Chairman Aglietti with all in favor.

5. Application of **ALPHONSO ZIMBALDI** for a Variation of Section 156-15 seeking permission to construct a back deck attached to house. The property is located at 25 Somerset Road, Mahopac NY and is known as Tax Map #53.19-1-46.

Code Requires/Allows	Provided	Variance Required
20'	12.5'	7.5'

➤ Mr. Alphonso Zimbaldi of 25 Somerset Road, Mahopac was sworn in.

Mr. Zimbaldi said I'm looking to construct a deck off the back of my house: width 20' and length 16'. I also have 3 letters from neighbors approving us seeking a variance.

Mr. Balzano said for the record, it's James O'Connell of 28 Somerset, Henry Ovalles of 23 Somerset and Kurt Youngberg of 27 Somerset.

Chairman Maxwell said there's no other property you can buy to bring this into conformance – correct?

Mr. Zimbaldi said no.

Chairman Maxwell said you're land-locked there on either side.

Mr. Zimbaldi said correct.

Chairman Maxwell said is there a septic there?

Mr. Zimbaldi said it's in the back. It's after the deck.

Chairman Maxwell said it's back further so it won't effect it on the side. I was out there the other day and you've got a lot of room but obviously you want to connect that side. That's where the kitchen is. If a deck is off a kitchen, it makes it more convenient.

Mr. Balzano said you're keeping it within the line of the house?

Mr. Zimbaldi said correct; and Kurt (Youngberg) is the one that it's infracting on the property line.

Chairman Maxwell said you talked to your neighbors on either side?

Mr. Zimbaldi said yes.

Mr. Starace asked are you going to have steps going down into the yard?

Mr. Zimbaldi said correct.

Mr. Starace said what's on the concrete pad out there?

Mr. Zimbaldi said there is a concrete pad out there that will be removed. There's dirt on it right now but it will be removed.

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

Mrs. Fabiano asked the stairs – where are they going to be? Not on the side where you're looking for the variance?

Mr. Zimbaldi said no.

Chairman Maxwell said I think the drawing showed them all tiered coming off the deck.

Mr. Zimbaldi said correct. They're tiered if you're looking at the deck on the left side and the back of it.

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

Decision of the Board:

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

6. Application of **KENNETH LUBBERS** for a Variation of Section 156-15 seeking permission to receive variance for shed placement. The property is located at 337 Lovell Street, Mahopac NY and is known as Tax Map #76.18-1-48.

Code Requires/Allows	Provided	Variance Required
10' side	2'6"	7'6"

- Mr. Ken Lubbers of 337 Lovell Street, Mahopac was sworn in.
- Mrs. Christine Lubbers of 337 Lovell Street, Mahopac was sworn in.

Mr. Lubbers said I have a shed in the back of the lot. It's an existing shed and I couldn't put it forward from there because the septic system is there and further back, it drops off a cliff.

Chairman Maxwell said right. You showed me that the other night while I was out there. [It's] beautiful, meticulous property by the way. It's very well-manicured.

Mrs. Lubbers said thank you.

Chairman Maxwell said there's no other property that you can purchase to bring this into conformance. You're land-locked on both sides. You mentioned your septic's right there so you couldn't bring it forward. You have another shed there. One is for equipment. This one is for the pool supplies and what not.

Mrs. Lubbers said it's a "she-shed".

Chairman Maxwell said if I recall, you had enough screening behind the shed in between you and the neighbors – right? There were some trees and greenery as I recall?

Mrs. Lubbers said yes. Can I just add that we did get letters from the neighbors on both sides? I think you've got copies of them because we emailed them.

Mr. Starace said yes; Robert & Melissa Lorenz.

Mr. Balzano said Margaret Austin.

Mrs. Lubbers said yes.

Chairman Maxwell said they were all in favor so there's no negativity against it.

Mrs. Fabiano asked how long has the shed been there?

Mr. Lubbers said 10-12 years.

Chairman Maxwell said and you didn't realize that you needed a permit for it.

Mrs. Lubbers said we had a permit originally but when we went to place the shed where we originally had the permit for, we realized that's where our septic fields were. So, while the guy was there to put the shed in and he had all the equipment, we said put it over there and we would take care of it and we're here now taking care of it.

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

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

Decision of the Board:

Vice-Chairman Aglietti moved to grant requested variance; seconded by Mrs. Fabiano with all in favor.

7. Application of **JESSICA NEUWIRTH** for a Variation of Section 156-15 seeking permission to construct second floor addition. The property is located on 704 Long Pond Road, Mahopac NY and is known as Tax Map #53.16-2-15.

Code Requires/Allows	Provided	Variance Required
10'	3.5' east	6.5'
10'	3' west	7'

- Ms. Jessica Neuwirth of 704 Long Pond Road, Mahopac was sworn in.

Chairman Maxwell said so you're looking to put a second floor on. Are you going outside of the footprint that's existing?

Ms. Neuwirth said no; not at all.

Chairman Maxwell said so you're just basically going straight up.

Ms. Neuwirth said I gave you a picture of the inside of the house because the thing is that there's a loft there. You can see it's super dangerous. It's for my mother. I live down the road and she's been living with me for the last year and a half. She, I think, would like a little more space and privacy, and this property became available. I bought it and I want to fix it up for her but I want to replace the ladder with a proper staircase and I want to put a loft where you can stand with a railing. So, it's just to raise the roof and not to change anything on the footprint.

Chairman Maxwell said when I was out there the other day, it was a beautiful piece of property with the creek rolling through and the lakefront there. It's very nice. Unfortunately, it seems like your lot lines are kind of tight there. Again, you're going off the existing footprint. Did you talk to your neighbors on the left?

Ms. Neuwirth said yes. I didn't realize people brought letters but they've been really helpful and I don't think they have any objection.

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

Ms. Neuwirth said I don't know how I would do that.

Chairman Maxwell said you're land-locked on either side.

Ms. Neuwirth said I would go this way but I think that would be harder.

Chairman Maxwell said that's the natural thing to do – go up.

Mr. Starace said it looks good.

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 on this application; seconded by Ms. McKeon with all in favor.

Decision of the Board:

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

8. Application of **RICHARD KOZIAK** for a Variation of Section 156-15 seeking permission to build garage closer to the property line. The property is located on 67 Glenvue Drive, Carmel NY and is known as Tax Map #44.17-1-5.

Code Requires/Allows	Provided	Variance Required
20'	13'	7'

➤ Mr. Richard Koziak of 67 Glenvue Drive, Carmel was sworn in.

Chairman Maxwell said we did receive a couple letters in support of this application. One's from Ann & Stanley Boorman.

Mr. Koziak said yes. They're the ones most affected. It's their property line between us.

Chairman Maxwell said bring us through your application here.

Mr. Koziak said I'm looking to add a 24' x 35' garage with an office and gym above. Currently, I have about a 30' x 11' family room and I have 3 children with my wife and myself. So, it gets pretty tight. What I'd like to do is turn my 'not even' 1 car garage that is currently there into my family room eventually, and actually have a garage to store my cars.

Chairman Maxwell said I just have to refresh my memory here with the site plan. So, the same situation: you're going to the right of the house and it's encumbering on the lot line to the right side.

Mr. Koziak said yes.

Chairman Maxwell said I'm sorry; what are you putting in there again?

Mr. Koziak said a garage; 24' x 36'.

Chairman Maxwell said with a second floor?

Mr. Koziak said with a second-floor gym and office.

Chairman Maxwell said so I'll ask the same questions. There's no property you can purchase to bring this into conformance correct?

Mr. Koziak said no.

Chairman Maxwell said your septic is in the back?

Mr. Koziak said sewer.

Chairman Maxwell said you've spoken with the neighbors on either side?

Mr. Koziak said I have.

Chairman Maxwell said and they wrote the letters?

Mr. Koziak said yes.

Mr. Starace said it looks good; a lot of work. You have to relocate a lot of your mechanicals there – right? Your air conditioning comes out.....

Mr. Koziak said no. Actually, I have Mitsubishi units and it's all in place.

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

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

Decision of the Board:

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

9. Application of **RICHARD ROSSI** for a Variation of Section 156-15 seeking permission to permit 3 sheds. The property is located on 151 Lake Baldwin Drive, Mahopac NY and is known as Tax Map #86.47-1-6.

Code Requires/Allows	Provided	Variance Required
Shed #1: 10' side	5'	5'
Shed #2: 10' rear	3'	7'
Shed #3: 10' side	3'	7'

- Mr. Richard Rossi of 151 Lake Baldwin Drive, Mahopac was sworn in.
- Mrs. Ann Rossi of 151 Lake Baldwin Drive, Mahopac was sworn in.

Chairman Maxwell said how long have the sheds been there is going to be the first question.

Mr. Rossi said we're talking about 3 sheds. So, if you're looking at the house, shed #1 is on the left has probably been there maybe two years. The larger one that's in the back.....it's a little confusing. When we moved up 38 years ago, we bought the property from Judge Martin and there was a huge tool shed 20' further back on his property.....

Mrs. Rossi said it was watershed property.

Mr. Carnazza said it was not on their property.

Chairman Maxwell said I was going to ask because that's what's "x-d out" on your site plan?

Mr. Rossi said correct but we used it and then maybe 10 or 15 years ago, it just fell apart. So, then I bought a nice plastic one from Home Depot and set it up where you see the second shed on the property in the back of the house. That existing one is about 15 – 20 years. Then there is a 3rd shed to the right of the house that probably went up 3, 4, or 5 years ago.

Mrs. Rossi said we had one there and then with one of the storms, a tree fell on it and collapsed it. So, we bought another one.

Chairman Maxwell said so you guys didn't know you needed permits for this.

Mrs. Rossi said we didn't realize it. We did ask about the first shed that we put up on the right side of the house. We asked the people that lived next door if it was okay but we never thought that we needed a permit.

Mr. Rossi said it was just placed there. I thought if you install something, then you need a permit.

Mr. Starace said like a footing.

Chairman Maxwell said yes. That's a big misnomer in the Town. We hear it all the time. There's no property that you can purchase to bring it into conformance?

Mr. Rossi indicated no.

Mrs. Rossi said and the reason we need the three sheds is because we have 5 kids and 13+ grandchildren. So, all the bikes, toys, all the pool stuff goes in there and not in the house.

Chairman Maxwell said and you've spoken with neighbors on both sides because you're affecting both sides.

Mr. Rossi said we no longer speak to the neighbor on the right. We had a falling out ten years ago. When that existing shed was there, he had no problem with it. Our neighbor to the left of the house, said do whatever you want; no problem.

Chairman Maxwell said we have a letter in support from Jack and Kathy Casey of 137 Lake Baldwin Drive. Where are they? Across the street?

Mrs. Rossi said no. They're to the left of our house; 3 houses down but they can see our backyard.

Mrs. Fabiano said I think that this survey is incorrect. When I went out there, the shed #3. According to this, it starts midway to your garage where I believe it's almost 1' in front of your garage from what I could tell. It extends beyond your garage.

Mr. Rossi said so you're saying that the shed is.....

Mrs. Fabiano said in front of the garage.

Mrs. Rossi said forward too much?

Mrs. Fabiano said yes, and the survey is showing it half way

Mr. Rossi said I think you're right.

Mr. Carnazza asked Mrs. Fabiano: how many feet is it from the road to the garage? Does it say on the survey? I don't have a survey in front of me; I apologize.

(Mrs. McKeon shared her copy of the survey with Mr. Carnazza.)

Mr. Balzano said it's 55.8'.

Mr. Carnazza said they would have 15.8' in front of the garage to play with before they would need a variance. It's still the correct side yard.

Chairman Maxwell said it's the side yard that is the variance.

Discussion amongst the Board Members ensued regarding surveys.

Mr. Balzano said it's definitely 55.8'.

Mr. Carnazza said so that gives him 15.8' in front of the garage before they would have to worry.

Mr. Balzano said yes; to hit the front setbacks.

Mr. Carnazza said that's correct.

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 on this application; seconded by Mrs. Fabiano with all in favor.

Decision of the Board:

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

10. Application of **PATRICIA & CESAR ROMERO** for a Variation of Section 156-11 seeking permission to construct addition, retain shed and add a 6 ft. fence along Overhill Road. The property is located at 134 Lakeview Road, Mahopac NY and is known as Tax Map #76.30-1-54.

Code Requires/Allows	Provided	Variance Required
Lot Coverage: 15%	17.67%	2.67%
Front Yard House: 25'	22'	3'
Overlook: Shed – front yard = 25'	0'	25'
Shed – side yard = 10'	6.05'	3.95'
Fence Height: front yard =	6'	2'

- Mr. Thomas McDermott, architect of 62 Brittany Lane, Carmel, representing the applicants, was sworn in.

Mr. McDermott said we are here before you tonight for a couple of area variances to allow expansion of an existing master bedroom, to legalize an existing shed and to construct a 6' fence where 4' is permitted. The lot is located at the corner of Lakeview Drive and Overhill Road. Being that it's a corner lot, we have two front yards and two side yards.

Chairman Maxwell said I was out there the other night and I met Mrs. Romero and she said that the shed is on some kind of pallets or something. I would think it would be easy enough to move that in a little further to come into conformance. I'm probably going to ask you to meet us half way there.

Mr. McDermott said I've spoken with my client and they're amenable to that.

Chairman Maxwell said the fence, I could see a reason for it because the parking lot for the school is right directly behind and I'm sure it's quite a nuisance for privacy and what not being that there are cars in and out all day long.

Mr. McDermott said right and it's going to be a 1-story master bedroom addition. So, they're looking for a little bit more privacy being that it's on the main road.

Mr. Carnazza said I think the school would like that too because there were a few questions about delineating that line between the two properties. I guess there were some uses going on in addition. So, by delineating that, that would make the school as happy as well because then they know that they're on their side. They didn't want the shed on their property and things of that nature.

Chairman Maxwell said there was an existing slab out there; she said you're coming out a little further from that slab but you're going to have to excavate.....

Mr. McDermott said yes. So right now, there's an existing den. A variance was granted to legalize an existing shed, pool and I think that den back in 1995. Right now, that den is just being used for storage and it's adjacent to an existing bedroom. What we're looking to do is take down the wall between that space; excavate out for a crawl space; construct the 16' x 20' addition and then where the existing master bedroom is, will become the master bathroom.

Chairman Maxwell said you're not going up.

Mr. McDermott said no. It's just one story. I'll flip the boards around so that you can see what it will look like.

Mr. Carnazza said so the height will be the same afterwards as it now?

Mr. McDermott said (not at mic so inaudible) remember exactly off the top of my head what it is but you can see the main ridge line, as you can see right here, is in line with the chimney. We're just doing a shed roof. We're going to continue the same plane as the back of the house. Right here is the highest point and it's just lower than the main ridge.

Chairman Maxwell said are you going to put a new roof on the whole house or just weave in?

Mr. McDermott said no; just that section.

Chairman Maxwell said there's no property that you can buy to bring this into conformance. Obviously, you're on a corner lot and it makes sense to have an addition right at that location. Did you talk with the neighbors on the other side – no issues – right?

Mr. McDermott said none.

Mrs. Fabiano said (pointing to picture) this is the existing den?

Mr. McDermott said that is the existing den; correct.

Mrs. Fabiano said and that's where you're putting the extension?

Mr. McDermott said correct.

Mr. Carnazza said at the end of the day, you're going to have the same net number of bedrooms?

Mr. McDermott said yes but we're on sewer anyway.

Mr. Carnazza said you are; excellent. I didn't realize it was up there.

Mr. McDermott said it's going to remain 3 bedrooms.

Mr. Starace said that's a really good rendition there. One question though; on the driveway – where does that stormwater go when it rolls down? Do you have drains there – on the driveway – going into your garage?

Mr. McDermott said it's pretty much level. I don't think it slopes toward. It actually might slope a little bit away toward Lakeview. It's probably an optical illusion in the rendering.

Mr. Balzano said which shed are we moving.....

Mr. Starace said the back corner on the left-hand side.

Mr. Balzano said it's the one that's the zero – right?

Mrs. Fabiano said so how far do you want to move it in?

Chairman Maxwell said we have to come up with a number here.

Mr. Balzano said that's why I asked.

Mr. Starace said it's on pallets – right?

Vice-Chairman Aglietti said is the fence going to be near that shed?

Mr. McDermott said yes.

➤ Mr. Michael Lugo of 134 Lakeview Drive, Mahopac was sworn in.

Mr. Lugo said that's my stepfather. Where we're actually trying to put the 6' fence, we were just hoping to put the shed to kind of butt up against the fence. If that's not possible, we can play around with some feet if you guys want to come up with something else.

Chairman Maxwell said you would need a different variance. It would have to be advertised as such – right?

Mr. Carnazza said what was the question?

Chairman Maxwell said he wants to put the shed back against the fence on the property line. Right? The fence, right now, is on the property line?

Mr. Lugo said the fence that we want to put, that we're asking for is going to be on the property line and then we were hoping to just put the shed, not up against, but maybe a foot away? Whatever you guys think is best.

Mr. Rossiter said (inaudible) maintain the property behind it.

Mr. Lugo said it's a road. There's nothing.

Mr. Carnazza asked is this closest to Lakeview's parking lot?

Mr. Lugo said yes. It would be that corner. So, the parking lot, the road and put the shed right in that corner.

Mr. Carnazza said kind of 'no mans land' to be honest with you.

Mr. Lugo said yes. There's nothing there.

Vice-Chairman Aglietti said and they're putting the fence there?

Mr. Carnazza said correct.

Vice-Chairman Aglietti said with the shed next to it.

Mr. Carnazza said so it's going to be 80% hidden.

Mr. Lugo said you're not going to see the shed. Maybe you'll see the top of it.

Mr. Carnazza said that's correct. You'll see the roof.

Chairman Maxwell said the only problem is it wasn't advertised as such as to where you want to put this thing. I'm just concerned.

Vice-Chairman Aglietti said it wasn't? They're asking for zero.

Mr. Carnazza said but does he need the second one now for the other side. You'll need a second variance for the other location. So, it'll be front and rear. It's going to be 10' on the one side and zero. You have zero only.

Mr. McDermott said we were requesting a zero on the Overhill Road side. Then in the rear, which is the side, we're requesting a variance of 3.95 feet in that location.

Vice-Chairman Aglietti said and the one on the pallet is the one where you're looking for the 25'.

Mr. McDermott said correct.

Mr. Carnazza said 25' and 3.95'.

Mr. McDermott said yes; those variances apply to the same shed.

Mr. Lugo said where it is now....It would be nice to put it in that same kind of general area as close as we can to the fence. So, wherever you want the shed to be, it could be in that spot.

Mr. Carnazza said it does actually make sense if the fence is there.

Mr. Balzano said 065. It's there. That's the shed.

Vice-Chairman Aglietti said it's advertised.

Mr. Carnazza said it's in the same spot.

Vice-Chairman Aglietti said it's going to stay in the same spot but just with the fence there.

Mr. Lugo said yes. It's going to be on the property line.

Mr. Carnazza said just make sure you guys know where the property line is when you put the fence in. It's not the edge of the road.

Mr. McDermott said to Mr. Lugo have a surveyor come out there and mark it.

Mr. Lugo said understood.

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

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

Decision of the Board:

Vice-Chairman Aglietti moved to grant the requested variance; seconded by Mr. Starace.

Mr. Balzano said I think we leave it as is. I know we asked but with that lot the way it is, I think we leave it exactly as how it was applied for.

Chairman Maxwell yes; a corner lot always has difficult times.

Chairman Maxwell asked all in favor: all Board Members said "aye".

MISCELLANEOUS:

Minutes:

- ***March 16, 2021: Mrs. Fabiano moved to approve the minutes of March 16, 2021 as written; seconded by Mr. Balzano with all in favor.***
- ***April 22, 2021: Mr. Balzano moved to approve the minutes of April 22, 2021 as written; seconded by Ms. McKeon with all in favor.***

The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Dawn M. Andren