

**APPROVED**

**JOHN MAXWELL**  
*Chairman*

**PHILIP AGLIETTI**  
*Vice-Chairman*

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



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**MICHAEL CARNAZZA**  
*Director of Code  
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**BOARD MEMBERS**

**ROSE FABIANO**  
**SILVIO BALZANO**  
**WILLIAM ROSSITER**  
**JOHN STARACE**  
**JULIE MCKEON**

**ZONING BOARD OF APPEALS MINUTES**

**AUGUST 26, 2021**

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

**ABSENT:**      **WILLIAM ROSSITER & JOHN STARACE**

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<b><u>APPLICANT</u></b>	<b><u>TAX MAP #</u></b>	<b><u>PAGE</u></b>	<b><u>ACTION OF THE BOARD</u></b>
Mary Mills	74.42-1-26	1	Granted Variance Request
Keri Fredriksen	75.42-1-48, 49 & 50	2 – 6	Hold Over
Leonardo Morrone	75.13-1-81	6 – 7	Granted Variance Request
Brendan & Maria Smyth	65.15-1-50	7 – 8	Granted Variance Request
Sandra Itzla	86.47-1-1	8 – 9	Granted Variance Request
Dorene Seymour	65.18-1-37	9 – 10	Granted Variance Request
Karin Waliszewski	53.13-1-13	10-12	Granted Variance Request w/condition
MINUTES:	July 22, 2021	12	Approved as Written

The meeting was adjourned at 8:09 p.m.

Respectfully submitted,

Dawn Andren

# **NEW APPLICATIONS:**

1. Application of **MARY MILLS** for a Variation of Section 156-15 seeking permission to retain front porch. The property is located at 94 Crosshill Road, Mahopac NY and is known as Tax Map #74.42-1-26.

<b>Code Requires/Allows</b>	<b>Provided</b>	<b>Variance Required</b>
25' front	17'	8'

➤ Ms. Mary Mills of 94 Crosshill Road, Mahopac was sworn in.

Ms. Mills stated I've recently sold my house and it came to light that I didn't have a C.O. on the front porch. It's been there 19 years. I was told that I needed to go to the Building Department because I needed to get a Building Permit, and I needed to come to the Zoning Board to get a variance for the deck. So, here I am.

Chairman Maxwell said you've spoken with all your neighbors on both sides?

Ms. Mills said yes.

Chairman Maxwell said I was there the other night and I see in the pictures too that it's very meticulous and well-kept.

Ms. Mills said it's taken care of every year. I paint it and.....

Chairman Maxwell said I can see that. There's no other property that you can purchase to bring it into conformance?

Ms. Mills said no. My lot is 100' x 40'.

Chairman Maxwell asked the Board Members if there were any questions of which there was none and then asked the public if there was any input on this application.

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 Mrs. Fabiano with all in favor.***

2. Application of **KERI FREDRIKSEN** for a Variation of Section 156-15 seeking permission to install 8' x 12' shed on lot without a principal structure. The property is located at 777-779 South Lake Blvd., Mahopac NY and is known as Tax Map #75.42-1-48, 49 & 50.

Code Requires/Allows	Provided	Variance Required
25' front	4'	21'
10' side	4'	6'
10' rear	8'	2'

➤ Mr. Mark Fredriksen of 779 South Lake Blvd., Mahopac was sworn in.

Mr. Fredriksen stated we purchased the property in January and we're just looking to add a shed to the property to keep all of my kids' stuff so it's not just out in the public for people to take.

Chairman Maxwell said it's a lake-front piece – right?

Mr. Fredriksen said yes.

Chairman Maxwell said where on the property was.....

Mr. Fredriksen said if you're looking at the electrical panel at the back of the shed, the front doors will open up toward Colonial Drive.

Chairman Maxwell said okay; so in this patio area I guess?

Mr. Fredriksen said yes. All that stuff is going to be moved and the slider door will open up toward Colonial Drive. The back of the shed will be along this fence, and the two doors will open up toward the length of the property.

Chairman Maxwell said it's not very uncommon for this part of the Lake. As to the size of the shed, does it have to be that big?

Mr. Fredriksen said the paddle boards are 14'.

Chairman Maxwell said there's no other property that you can purchase to bring it into conformance obviously. We've approved many similar [sheds] along this whole strip here.

Chairman Maxwell asked the Board for any input and then the public if there was any input.

- Ms. Audrey Parma of 5 Mountain Drive, Mahopac was sworn in.  
➤ Mr. Daryl Reich of 5 End Court, Mahopac was sworn in.

Ms. Parma said I'm the secretary and legal counsel of the Homeowners' Association for Colonial Drive. Our waterfront is adjacent to this property, and we have several concerns about it. If you're driving, and it doesn't matter which way you're driving on 6N, through the fencing you can barely see the oncoming traffic. There's a little blind curve there, and we have a lot of concerns about putting the shed, especially so close to the road, that we'll lose whatever visibility we have. Our members that have to walk across the street to enter our lakefront area are already highly at risk from people driving. Our concern is that this is going to become a more serious and hazardous issue with the structure being put there. That's number one. Number two is that we're also concerned about what's going to be stored there. This is a waterfront. If it's a pre-fab shed, there are concerns

about the flooding because the flooding and storm surges have come all the way up the beach so that this would then flood and if there's any kind of toxic chemicals or whatever, paint or gasoline or whatever that's stored, we're concerned about the water being tainted.

Chairman Maxwell said this looks like a pre-fab shed with siding and roofing. If there is gasoline, I'm sure like any other shed.....

Ms. Parma said yes but a shed in my backyard is in the middle of my backyard. If there is a spill or if it's toppled over, I'm not going to be polluting the water. This is right down at the water's edge.

Chairman Maxwell said there's tons and tons of sheds along the Lake.

Mr. Reich said I believe the primary concern of our community is the crossing Route 6N.

Chairman Maxwell said if you look at the location where I think this is going, you have a fence already there that's almost as high as the shed.

Mr. Reich said if you actually go to the bottom of Colonial Drive and you're familiar with the turn there, we're in the low spot there for our crossing to our property. Also, a lot of people park on Colonial Drive and cross to the Lake. It's in a dip coming either direction and especially coming from the east where his shed would be constructed, it would completely obstruct the view for pedestrians crossing the road there. Just this spring, we took down forsythia bushes because they would get to be about 5 feet tall. Where we're standing, by our crossing, the vantage point of this shed would almost be probably 15'-16' taller than a person standing looking for traffic coming from the east. Coming from the east, it would definitely obstruct the view looking across that dip where you really need to look for trucks and vehicles coming around that sharp corner on Rt 6N.

Chairman Maxwell said to be fair to the applicant and to you guys, is there another spot on this property that will work for him to be able to house a shed?

Mr. Fredriksen said for that one picture where it's going and you see a car in the background, a typical shed is 11' to the tip of the roof. That car is only a Honda Civic and that's well over 11'.

Chairman Maxwell said have you seen this package. Do you see the picture he's talking about?

Mr. Fredriksen showed Mr. Reich and Ms. Parma on their map and said (inaudible) from back here to where your fence is, that's well over 11' high. So, that would be below that. That's my part and that's two properties over. Everyone on that property has an SUV or bigger.

Mr. Reich said anything on that property makes it impossible to see traffic coming across there.

Mr. Fredricksen said if they park there, that would still be higher than a shed.

Ms. Parma said but having an adjacent property that has a problem is not a reason to compound the problem.

Mr. Balzano said that's not the prevue of this Board. We have specific criteria here for granting and not granting variances and your sight line - I don't think falls into anything - maybe environmental or neighborhood.

Mr. Carnazza said what is the safety and the welfare of (inaudible) - as always.

*Several conversations took place at once.*

Mr. Balzano said I understand. This is not something that is unprecedented on these pieces of property that are there. You can't say you can't have it because I don't think that's fair. I think we maybe need to work more toward a compromise.

Chairman Maxwell said this is a custom made shed. Can it be built with a little lower roof or maybe like a shed roof – not a gable roof which would, obviously, be a lot higher.

Mr. Fredriksen said you could do like a cape cod style or a.....

Chairman Maxwell said like a gambrel roof but you've still got a peak to it. What I'm talking about is a shed roof; two walls with one side that's higher and one side that's lower. If the higher side is toward the Lake, the lower side is toward the road, the roof comes down – that's called a shed roof and your door can still be in the same configuration. You probably have to have a custom built shed or go to the shed company but I think that's a good compromise to help you guys with the vision and to help you getting a shed for storage there.

Mr. Fredricksen said then it would go against the side wall facing the road and then there would still be an issue. If you kept it the regular way of what it is supposed to be, whatever car is in the way, the shed is still going to be lower than that car.

Ms. Parma said that still doesn't solve the problem.

Mr. Carnazza said the shed is on the other side of the road though – no?

Mr. Reich said no.

Ms. Parma said it's on the Lake side.

Mr. Reich said Colonial Park Association own the adjacent parcel right next to this. We own 775 South Lake Blvd.

Mr. Carnazza said correct; but if the shed is on their side, what's it blocking?

Mr. Reich said when we're leaving our lot, you're in that turn on 6N, and you look to your left, you can barely see up 6N as it is and it's a game of chicken or egg. A shed there in the sight line, could be deadly. It's already been a deadly road this summer.

Ms. Parma said and people speed on that road and there's really nothing impeding them. I understand that this Board isn't in position to solve all of those problems but this Board should not also allow something that's going to exacerbate them. I don't want to be standing here and saying that one of our kids got hit going across the street.

Vice-Chairman Aglietti said isn't there other kind of storage things that you could use that you don't even need to be here? Whether they be like benches and things like that; maybe have three things instead of one big thing. You're not putting your paddle boards in the shed anyhow, its going to be too big. So, what are you putting in there?

Mr. Fredriksen said well that's the reason; to put them in there.

Vice-Chairman Aglietti said you said they're 14' long and this is 12'.

Mr. Fredriksen said if you put them in at an angle with the 12', they'll fit but also a BBQ & jet ski.

Vice-Chairman Aglietti said sometimes you don't always get what you need.

Mr. Fredriksen said if I've got to change mine, why can't they change the entrance to the thing?

Vice-Chairman Aglietti said they're not in front of me right now; you are.

Chairman Maxwell said that's something that's already established.

Mrs. Fabiano said you're putting the jet ski in the shed?

Mr. Fredriksen said yes. I have a standard jet ski that goes in the shed.

Chairman Maxwell said do you guys understand what is meant by a shed roof? If this is the roadside and this is the lakeside down here, a shed roof is not so peaked as a solid roof that would come across and hamper the vision.

Mr. Reich said yes, if the high side of the shed was facing the Lake.

Chairman Maxwell said and this could be customized to be no higher than the fence with a slight pitch and still achieve what you're looking for and to help not blocking the vision.

Mr. Reich said I have no objection to a neighbor having storage on their property whatsoever. Our objection is blocking the site line and creating a safety issue for all of the residents. We have over 125 people in the neighborhood that do use the lakefront.

Chairman Maxwell said I may not be seeing the right perspective here and we may have to do a site visit but I think you can get a shed that wouldn't be much higher than this fence that's there now.

Mr. Reich said even the slightest bit higher than the existing fences.....if you do a site visit, I encourage you – our gate is right across there from Colonial Drive – if you go there and stand and look in both directions, it is a low spot and you're looking up hill. Everything up there is substantially higher than where you're standing.

Mrs. Fabiano said maybe we should hold this over and we can look at it, and you can all work together on finding some kind of middle-ground for this.

Mr. Fredriksen said even on that other side, that cut-out there, I was going to put a porta-potty there. So that's going to be an issue too?

Mr. Carnazza said porta-potties do not need approval. We encourage them.

Chairman Maxwell said we encourage them but we also ask for screening.

Mr. Fredriksen said but they just cut down their screening.

Chairman Maxwell said no higher than the portable toilet itself but some kind of lattice detail, or what have you, around it to pretty it up. Is there a shed company that you're working directly with?

Mr. Fredriksen said I was just getting a random.....

Chairman Maxwell said you might be able to customize and fabricate a custom shed that will work and won't go any higher than that adjacent fence. You'll still be able to get what you need and won't hamper the vision or what they're concerned about. I think maybe we should hold this over and give the Board Members another chance to get out there knowing the facts that we've heard tonight. Come back next month and see if we can come up with a solution that will work for everybody.

***Vice-Chairman Aglietti moved to hold over this application; seconded by Mrs. Fabiano with all in favor.***

3. Application of **LEONARDO MORRONE** for a Variation of Section 156-15 seeking permission to add pool deck to pool. The property is located at 31 Sugarbush Court, Mahopac NY and is known as Tax Map #75.13-1-81.

Code Requires/Allows	Provided	Variance Required
20' side	10'	10'

➤ Mr. Ermanno Morrone of 31 Sugarbush Court, Mahopac was sworn in.

Mr. Morrone said I'm just looking to put a deck around the pool basically for more convenience and [be] nicer.

Chairman Maxwell said you spoke with your neighbors on.....

Mr. Morrone said they saw that the date was tonight and nobody showed up so there's no issues. There's only one real close neighbor.

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

Mr. Morrone said no.

Chairman Maxwell said so basically it's a deck going around the pool for.....

Mr. Morrone said part of the pool; not around the entire pool.

Chairman Maxwell said it's just the back half – right?

Mr. Morrone said yes.

Chairman Maxwell said I was out there last night. It's a well-kept property so I assume you're going to put the same craftsmanship into the look here.

Mr. Morrone said absolutely.

Chairman Maxwell said you're on the left side of the property so I don't think any neighbors would be affected. It's well screened on that side. There's evergreens along that whole side between you and the neighbor, and there's no property that you can purchase to bring it into conformance.

Chairman Maxwell asked both Board Members and public if there was any input, questions, comments or concerns 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 Ms. McKeon with all in favor.***

4. Application of **BRENDAN & MARIA SMYTH** for a Variation of Section 156-15 seeking permission to add 2 decks. The property is located at 22 Russ Road, Mahopac NY and is known as Tax Map #65.15-1-50.

Code Requires/Allows	Provided	Variance Required
40' Front	26'	14'
30' Rear	24'	6'

- Mr. Brendan Smyth of 22 Russ Road, Mahopac was sworn in.
- Mrs. Maria Smyth of 22 Russ Road, Mahopac was sworn in.

Mrs. Smyth said we purchased the house in December. We have an adjoining accessory apartment where my parents live and they watch our 22-month-old daughter. On their side there is already a pavers patio but it's a little dangerous for her because there's no railing and she can fall off so we'd like to build a deck instead of the pavers patio area just to have more space for her to play outside. The other side, our side, there's a screened-in indoor patio but not a deck so we'd just like to extend it to have an outside space. Right now, our patio furniture is on the grass on an unlevelled space. We just want to have a deck where we can have table, chairs and summer barbeques.

Chairman Maxwell said you're on a corner lot too so you're kind of restricted.

Mr. Smyth said we looked into paver patio because you don't need a permit for it but the septic is unknown where the leech field is. I went to the Department of Health and they have no records on it. We really tried to build a pavers patio. We had an estimate and everything but it wouldn't work because I don't want to block our leech field.

Chairman Maxwell said that makes sense. They're not very significant variances that you're requesting here but there's no other property that you can purchase to bring this into conformance? You're land-locked there on both corners.

Mrs. Smyth said we actually have a letter from one of our neighbors in support.

Mr. Balzano read the letter from Maria and Michael Murphy of 35 Russ Road: "This letter is being written on behalf of our neighbor Maria and Brendan Smyth residing at 22 Russ Road. We are writing this letter as a courtesy to the Smyths regarding their petition for a variance to build a deck on their property. It is our hope that the Town will give them permission and note that the neighbors are not against it. Thank you for considering our request."



Chairman Maxwell asked the Board Members if there were any questions.

Mr. Balzano said no questions but I actually like the detailing on the staircase on the one side.

Mrs. Smyth said my father is a carpenter.

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 Mrs. Fabiano with all in favor.

**Decision of the Board:**

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

5. Application of **SANDRA ITZLA** for a Variation of Section 156-15 seeking permission to retain existing shed. The property is located at 106 Oak Circle, Mahopac NY and is known as Tax Map #86.47-1-1.

Code Requires/Allows	Provided	Variance Required
10' Side	2' 2"	7' 10"
10' Rear	1'	9'

- Ms. Sandra Itzla of 106 Oak Circle, Mahopac was sworn in.

Chairman Maxwell asked how long has the shed been there for.

Ms. Itzla said about 5 years.

Chairman Maxwell said you didn't realize you needed a permit?

Ms. Itzla said no. Most of my neighbors have things close to their property lines.

Chairman Maxwell said I saw the neighbor to the left.

Ms. Itzla said the fence went up after the shed.

Chairman Maxwell said the fence really separates the two properties pretty well.

Ms. Itzla said my neighbors put that up. It's not our fence.

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

Ms. Itzla said I don't think so.

Chairman Maxwell said what would the cost be to have to move this to bring it into conformance?

Ms. Itzla said my husband started to research it but we were hoping we wouldn't have to do it.

Chairman Maxwell said throw me a ball park figure.

Ms. Itzla said we tried to get a hold of the people who had installed it for us and they never called us back but we've been told it could cost like \$1,000 or more. We can't move it too far out because of our septic fields. We have a tiny backyard.

Chairman Maxwell said the numbers aren't too bad. Have you talked with your neighbors on either side?

Ms. Itzla said yes. Everybody is fine with it. We talked with them before we put it in but didn't realize we needed the variance.

Mrs. Fabiano said why is this coming up now?

Ms. Itzla said we just wanted to make sure everything was legal.

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:**

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

6. Application of **DORENE SEYMOUR** for a Variation of Section 156-15 seeking permission to retain addition, screened patio and shed. The property is located at 16 Baxter Court, Mahopac NY and is known as Tax Map #65.18-1-37.

Code Requires/Allows	Provided	Variance Required
20' Rear Addition	15'	5'
20' Rear Screened Patio	10'	10'
10' Rear Shed	9'	1'

***Mr. Balzano recused himself from this application.***

- Ms. Dorene Seymour of 16 Baxter Court, Mahopac was sworn in.

Ms. Seymour said I got a notice back in 2020, just before the shutdown, that I had some violations. I've been going back and forth and I'm here tonight to apply for variances to maintain a screened-in patio that was built in 1971 and an addition that was built, probably, in 1970.

Chairman Maxwell said that was prior to you owning the house?

Ms. Seymour said that's the house I grew up in. The house has been in my name for time and memorial so as far as I knew, everything was fine.

Chairman Maxwell said I'm assuming your parents built it?

Ms. Seymour said my parents built it in 1968. They were the first house on the block. I've been living in that house, except for three years while I was up in Carmel, for a very long time.

Chairman Maxwell said so whomever, at that time, did not realize they needed a permit or variance. So, you're cleaning it up here.

Ms. Seymour said yes; I'm cleaning it up. Also, there's a shed on the application as well. I don't remember the old one but the new one has been up about 12 years.

Chairman Maxwell said no neighbors, obviously, have an issue with it.

Ms. Seymour said no. That's been there before other people moved in around me.

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

Ms. Seymour said no.

Chairman Maxwell said if you had to demolish it and bring it into conformance, that would be pretty costly, right?

Ms. Seymour said yes.

Chairman Maxwell polled the Board Members and asked the public if there were any questions 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 requested variance; seconded by Ms. McKeon with all in favor. Mr. Balzano recused himself.***

7. Application of **KARIN WALISZEWSKI** for a Variation of Section 156-15 seeking permission to retain existing deck. The property is located at 151 Barrett Hill Road, Mahopac NY and is known as Tax Map #53.13-1-13.

Code Requires/Allows	Provided	Variance Required
20' Side	10'	10'

- Mr. John Waliszewski of 19 Patricia Road, Middletown NY was sworn in.

Chairman Maxwell said you're looking for a variance of 10' to retain an existing deck. How long has the deck been there?

Mr. Waliszewski said 3 years.

Chairman Maxwell said and you built it yourself or you had someone build it?

Mr. Waliszewski said my sons.

Chairman Maxwell said so you didn't realize that you needed a permit or a variance?

Mr. Waliszewski said we were planning on moving back into the house - my wife and I, but when you open up the kitchen door, there was a 12' drop. My father-in-law was going to extend the house and never did. So, I wanted the deck up because.....

Chairman Maxwell said it was dangerous.

Mr. Waliszewski said well sometimes I get up in the middle of the night and don't use my brains and could see myself opening up the kitchen door to get some air and.....splat. I figured by the time we moved in, I would go see Mike [Carnazza] and he would tell me what I had to do. Now, we have another conundrum. I no longer own the house. The house was sold today.

Mr. Carnazza said they closed with money in escrow?

Mr. Waliszewski said we came to a mutual agreement.

Mr. Carnazza said so he's required to get all the permits and whatever it is.

Chairman Maxwell said but if the property is not in his name anymore, is that a sticky situation here?

Mr. Carnazza said not at all.

Chairman Maxwell said if you closed today, the property is in your name but the application was filed before this date.

Mr. Charbonneau said the new owner should join in the application.

Chairman Maxwell said can we do that administratively here - nice and easy?

Mr. Charbonneau said he can provide the Building Department with a copy of the deed and join in the application as a co-applicant.

Chairman Maxwell said should we amend the original?

Mr. Charbonneau said you can amend the application.

Mr. Carnazza said it's not really the owner. It's the property that's getting the variance.

Mr. Charbonneau said he could have brought it as a contract vendee - same way.

Chairman Maxwell said so bring a copy of the deed to the Building Department Monday morning.

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. Balzano with all in favor.

**Decision of the Board:**

***Vice-Chairman Aglietti moved to grant the requested variance with the condition that the new owner appears at the offices of the Building Department with the deed showing the transfer of the property; seconded by Ms. McKeon with all in favor.***

## **MISCELLANEOUS:**

**MINUTES:**     **July 22, 2021:**

***Mr. Balzano moved to accept the minutes of July 22<sup>nd</sup> as written; seconded by Vice-Chairman Aglietti with all in favor.***

The meeting was adjourned at 8:09 p.m.

Respectfully submitted,

Dawn M. Andren