

# APPROVED

JOHN MAXWELL  
*Chairman*

PHILIP AGLIETTI  
*Vice-Chairman*

## TOWN OF CARMEL ZONING BOARD OF APPEALS



60 McAlpin Avenue  
Mahopac, New York 10541  
Tel. (845) 628-1500  
www.ci.carmel.ny.us

MICHAEL CARNAZZA  
*Director of Code  
Enforcement*

### BOARD MEMBERS

ROSE FABIANO  
SILVIO BALZANO  
WILLIAM ROSSITER  
JOHN STARACE  
JULIE MCKEON

## ZONING BOARD OF APPEALS MINUTES

**APRIL 28, 2022**

**PRESENT:** CHAIRMAN JOHN MAXWELL; VICE-CHAIRMAN PHIL AGLIETTI  
SILVIO BALZANO, ROSE FABIANO & JOHN STARACE

**ABSENT:** JULIE MCKEON & WILLIAM ROSSITER

\*\*\*\*\*

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
John Regan	55.6-1-24	1 – 4	Hold Over
Cristina Felizardo	53.17-1-16	4 – 9	Granted Requested Variance
B. Brown & E. Russell	64.19-1-44	9 – 10	Granted Requested Variance
Silvano DiRenzo	64.5-1-4	11	Granted Requested Variance
Jose Illescas	64.18-1-42	12 – 13	Granted Requested Variance
Jonny Reinoso	86.39-1-31	13 – 15	Granted Requested Variance
MINUTES:	February 24, 2022	15	Accepted as Written
	March 24, 2022	15	Accepted as Written

The meeting was adjourned at 8:19 p.m.

Respectfully submitted,  
Dawn M. Andren

# **HOLDOVER APPLICATIONS:**

1. Application of **JOHN REGAN** for a Variation of Section 156-15 seeking a Use Variance for permission to legalize existing third apartment. The property is located at 1751 Route 6, Carmel NY and is known as Tax Map #55.6-1-24.

<b>Code Requires/Allows</b>	<b>Provided</b>	<b>Variance Required</b>
No Mixed Use – Variance granted to allow 2 families w/office below 6/19/98	2 apts. approved; request permission to expand non-conforming use to a 3rd apartment.	Applicant seeks to expand existing 2 family w/office, approved by ZBA in 1998, by adding a 3 <sup>rd</sup> studio apt from existing empty space which has been residentially occupied for over 10 years. Applicant will, in turn, waive the previous ZBA approval to add a garage.

- Mr. Frank J. Smith, III, Esq. from the Law Office of Shilling & Smith representing the applicant appeared before the Board.
- Mr. Joel Greenberg of Architectural Visions representing the applicant was sworn in.

Mr. Smith said as noted the property is at 1751 Route 6, Carmel NY 10512. The property has a tax map number of 55.6-1-24. The property is comprised of roughly 1.4 acres and is located in a commercial zoning district. Currently existing on the premises is a mixed-use structure. It contains two apartments; one two-bedroom & one three-bedroom; a downstairs office and a studio apartment roughly 400 square feet. The property is also serviced by municipal water and municipal sewer. The relief requested this evening is an expansion of a non-conforming use to legalize the studio apartment and also a waiver of the previously approved garage. In support of our application, this office provided you with the applicant's affidavit, a memorandum of law, the inspection report from the time of purchase, photographs and a profit and loss statement. The applicant purchased the property in 2007. At the time of purchase, the applicant's home inspector continuously referred to the studio. At the time of purchase, the units were occupied, and since 2012, the studio apartment has been occupied by the same tenant. The property consists of one two-bedroom apartment, one three-bedroom apartment, an office and the studio. In December of 2020, the Town conducted a fire inspection. At that time, the report noted that the additional unit must be addressed. The additional unit is the studio in question. This was the first time the applicant became aware of any issues related to the studio. This property was granted variances in both 1996 and 1998. The 1998 variance permitted the building of a two-car garage and the expansion of one of the apartments. That initial application also sought an apartment above the garage which was denied. The approval in 1998 never took place. Construction never began, the garage was never built and the apartment was not expanded. Along with the application, I mentioned the memorandum of law in support; this property is currently recognized as a legally pre-existing mixed-use. Tonight, we are seeking an expansion of that mixed-use to provide for a kitchen in the studio apartment and to legalize it. When determining the expansion of a non-conforming use, the Board must utilize Use Variance standards although it is not a true Use Variance. The use proposed is consistent with the zoning district but the Board must consider the Use Variance criteria when

determining the application. There are 4 criteria to consider when analyzing a Use Variance. First and most importantly, the Board must consider that if the variance be granted, whether it would change the essential character of the neighborhood. In this instance, it would not. The studio has existed since, at least, 1998 and has been occupied by the same tenants since 2012 – 10 years. There are no structural changes being proposed and the approved garage will not be built. The surrounding properties in that area are also very similar in nature. Next the Board must consider whether the applicant can realize a reasonable return and has economic hardship. In our application, marked as exhibit “E”, there was a profit and loss statement showing that the property is operating at a loss. It’s well established that the burden of proving economic hardship is most burdensome on a legally, pre-existing, non-conforming use. In this case, the property is a house in a commercial district. There are no other uses and, again, it is operating at a loss. There’s also next to no market for a 4-bedroom apartment in this particular area. Next, the Board must consider uniqueness. In this case, the applicant purchased the property with no knowledge of illegality and the current use has been in existence for over 20 years. To reiterate, the studio has been occupied by the same tenant for the past 10 years. Additionally, this Board in 1998 granted approvals to expand. That expansion was through the garage and the upstairs area. That expansion never took place. In addition, that makes this particularly unique. Lastly, the Board must consider whether the hardship to the applicant was self-created. In this case, it most certainly was not. The applicant purchased the house as is with no knowledge of illegality. At the time of purchase, there were no municipal violations with the Town. The applicant had no knowledge of any issues related to the studio until the fire inspection which took place in December of 2020. At the time of purchase, the applicant relied on his home inspection, advice of counsel and the fact that there were no violations at the time of purchase. Again, I would like to reiterate that this is not a standard Use Variance but an expansion of a non-conforming use that utilizes Use Variance criteria. In conclusion, I contend that the applicant meets all four criteria of the Use Variance analysis and would respectfully request that this Board grant the relief being sought. Mr. Regan and Mr. Greenberg are available for questions as am I. Thank you.

Mr. Greenberg said the only thing I would like to add is if we can just take a look at the floor plans. This is the site; this is the building and the landscaping all around the side; the parking more than meets the criteria for parking requirements for the 3 apartments and the office downstairs. The two- & three-bedroom apartments are above and this is the studio – this little “L”. It consists of one room and a bathroom. We’re at the Planning Board, as Mr. Carnazza suggested, to put a small utility kitchen which we now show on the plan. Basically, the footprint of the building has never changed. This has been occupied by the same tenant for 10 years and there’s certainly no burden on the sewer or water districts. Again; this perimeter has never changed. It’s the same as it was back in 1998.

Vice-Chairman Aglietti said where was the approved garage addition supposed to go?

Mr. Greenberg said the approved garage was supposed to be in this area between this parking lot and the existing area over here. Actually, right behind the funeral home which is over here. Again; that was not built and this area is well-kept and well-landscaped.

Chairman Maxwell said in light of knowing what’s coming with the Master Plan that’s forthcoming..... When is that supposed to be adopted?

Mr. Folchetti said I would say within a year from now. There’s a draft plan; now the zoning modifications to meet the concept of the Plan are being done. It still has to go through SEQ; It’s a type 1. Obviously, Covid affected it in terms of the process but I know that the consultant is shooting for the end of this year.

Mr. Greenberg said in talking with Mr. Pat Cleary, the Town Planner, one of the things that is definitely going to be part of the new Master Plan is to allow commercial on the lower floor with apartments above. As you probably all know, I think this is the only Town in Westchester and Putnam that doesn't allow commercial with apartments above.

Chairman Maxwell said that's my point. There are some changes that are forthcoming that may benefit the applicant here and might prompt them to hold off on this. Just asking the question. If they decide not to, that's their prerogative.

Mr. Greenberg said as Mr. Folchetti said: possibly a year but who knows how much longer. I think that Mr. Smith has made a very good argument. As I've said, we haven't expanded anything. There's been no additions. This building is exactly the same as it was when that apartment was put in. I think that's also a plus. Mr. Smith has gone through the criteria for a Use Variance even though it's technically not a Use Variance. I think we've made the case.

Mrs. Fabiano said one critical part of the Use Variance that normally gets shot down is the financials. What you handed me doesn't satisfy my financial question. I can throw numbers down on a piece of paper. This really isn't something that I think is effective in answering that part of the criteria. I'd like to see something more than this.

Chairman Maxwell said so invoices or utility bills or.....

Mrs. Fabiano said the rental income.

Mr. Smith said I absolutely understand your concern. The only point that I would make is that this was included in our sworn application to you. Mr. Regan is here if you would like additional testimony to help bolster that this evening. If you would like additional materials, I would not mind gathering and submitting them to you. I do believe that through our application, our client's affidavit and Mr. Regan being here to answer any questions would satisfy the Board. Again; I'm open minded should you require anything additional.

Mr. Balzano said the \$65 a month – that's for the studio unit? That's what it's calling out in Exhibit E? I'm with Mrs. Fabiano. This is just a word doc to me but you have the total of rental income of \$5,104 and then there's the \$1,665. What is that?

Mr. Smith said that's minus \$1,665. To clarify – on the left-hand side are operating expenses on a monthly basis. On the right-hand side is monthly rental income. It's negative \$1,665.

Mr. Balzano said so that's your net loss.

Mr. Smith said correct.

Mr. Balzano said so what is the specific.....that's what's missing from here. How much is that studio paying in rent a month. Again; that would go toward the story as well.

Mrs. Fabiano said yes. There should be four rents.

Mr. Balzano said we should see the rents here so we can get an idea of what's going on. This, to me, is woefully incomplete because we don't have that information.

Mrs. Fabiano said yes. How much does the commercial property bring in? How much are the 3 apartments bringing in? \$5,104 – is that for just the commercial? What is it for? What's the breakdown of the four rentals?

Mr. Smith said if you would like, Mr. Regan can provide the answers to that tonight or we can respectfully request an adjournment to next month where I provide you a more detailed breakdown of each unit, the rentals and hopefully something that would be more satisfactory and to your liking.

Vice-Chairman Aglietti said I'm not saying that Mr. Regan wouldn't come up here and tell us exactly what we're looking for but I think we would rather have it in writing with the proof. With mortgage payments, whatever; I'm sure it's easy enough to find out what the insurance is, utilities are and things like that.

Chairman Maxwell said right; rent receipts.

Vice-Chairman Aglietti said yes; rent receipts and go from there. I think that's where we're at.

Mr. Smith said okay. Mr. Chairman, respectfully, I would request an adjournment to next month. In that time, I will prepare additional information to be submitted to the Board two weeks prior to that appearance.

Mr. Balzano said that would be great.

Chairman Maxwell said yes; please. Sometimes we get submissions a day before or the day of the meeting and it's just not enough time.

Vice-Chairman Aglietti said even a week before is fine by me.

Chairman Maxwell said a week before is fine as well.

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

## **NEW APPLICATIONS:**

2. Application of **CRISTINA FELIZARDO** for a Variation of Section 156-15 seeking an Area Variance for permission to amend previous Decision & Order from February 27, 2020. The property is located at 41 Leslie Drive, Mahopac NY and is known as Tax Map #53.17-1-16.

- Mrs. Cristina Felizardo of 41 Leslie Drive, Mahopac was sworn in.
- Mr. Pedro Felizardo of 41 Leslie Drive, Mahopac was sworn in.

Mr. Felizardo stated we had a variance meeting in February 2020 and we came to a conclusion, an agreement and there was no objection to the conclusion but it wasn't written down on the final written paper so I got hit with a violation. I went to Mr. Carnazza and showed him the minutes and said this is what we agreed on but only the fence was written down, and I ended up planting all trees which is 38 trees.

Chairman Maxwell said big expense.

Mrs. Felizardo said yes.

Chairman Maxwell said so you guys are here to clear that up. Unfortunately, it wasn't clarified properly in the Decision & Order but I believe it was the intent of this Board to allow for trees to be grown which can be construed as a fence when they're planted in line.

Mr. Felizardo said correct.

Chairman Maxwell said that said, anything that is living is allowed to be planted at 4' and grow higher. When it's a man-made structure such as a fence or a solid stockade or whatever type of variety, it has to be set and maintained at no higher than 4'. I believe that was the intention here and maybe it wasn't as clear on the Decision and Order. Right Mike?

Mr. Carnazza said the Decision came down that it said that you're only allowed to do a fence of 4' for the first "x" amount of feet. I don't have it in front of me. So, when it said you can only do a fence and if you look at the definition in the Code, it says hedges, bushes, trees planted for that purpose – meaning along a line – are considered fences. So, in our interpretation reading the Code, we had to call that a fence and it's over 4' so they got a violation for it.

Chairman Maxwell said for the intent of screening, it's construed as fencing.

Vice-Chairman Aglietti said we've learned something.

Mrs. Fabiano said in the past, we've always considered shrubbery and natural barriers [as] non-fences. So, this took us all for a surprise.

Mr. Carnazza said you actually have required trees in a line to buffer something.

Mr. Balzano said right.

Mr. Carnazza said which is bigger than what's allowed. You've done it that way as well.

Mr. Balzano said to hide the fence or the shed.

Mr. Felizardo said that's why we went with the trees because it just goes natural. It cost a fortune but.....

Mrs. Fabiano said it looks beautiful. I was out there. It does look beautiful.

Mr. Starace said it looks nice. Those are hemlocks you planted?

Mr. Felizardo said they're some type of spruce. My friend is a landscaper.

Mr. Starace said we'll clarify it now.

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

➤ Dr. Elaine Gilhooly of 34 Leslie Drive, Mahopac was sworn in.

Dr. Gilhooly said I guess I'm a little bit confused because we came to the meeting 26 months ago – my husband and I. We stood here and it was a variance to put in a 6' fence where only 4' is permitted, and we objected along the 25% that is closest to our driveway and the variance was denied along there. We anticipated that there would only be a fence of 4' high in that area like you had said and thereafter, it would be 6'. So now a living fence has been put in and the living fence is currently about 7'-8' tall for the entire length. The only area that is a little bit disturbing to us is the section closest to our house is not capped at 4'. The Town Code says that hedges, plantings and other living fences shall be considered as fences if placed on the side for such purpose. So, I guess the conclusion that the applicant eluded to, we weren't privy to that although we were here until after 11:00 that night on February 27<sup>th</sup>. So, I'm a little bit surprised or confused as to what happened.

Vice-Chairman Aglietti said during the conversation that we had with the applicant the last time, there was discussion regarding planting of a living barrier – whether it be evergreens or.... – in addition to the fence.

Dr. Gilhooly said right; yes.

Vice-Chairman Aglietti said there was tons of discussion regarding having a fence and not wanting to see the fence so you could put something in front of it or whatever. As we mentioned earlier, the section that you just read regarding a living fence was not something that we were privy to. But, in the discussion for the decision, we said, and we were clear, that they would be allowed to plant something in excess of 4' in addition to that 58.49' stretch.

Mr. Balzano said correct.

Dr. Gilhooly said I guess I don't see that anywhere in the minutes.

Vice-Chairman Aglietti said it is in there. I just read them. So, that's where we're coming from.

Dr. Gilhooly said I'm sorry. I'm still confused. Which page is this on?

Chairman Maxwell said what's your objection to the shrubbery being there? Wouldn't you prefer seeing that than opposed to a fence?

Dr. Gilhooly said our principal objection when we stood here on the February 27<sup>th</sup> was of safety. We have young children and that is 's-a-f-e-t-y'; I know that in the minutes it was spelled as CFD. So, we objected on grounds of safety because, at that time, our youngest was 2 and now she's 4. We anticipated that the first section would be 4' high but the first section isn't 4' high.

Chairman Maxwell said safety in what sense? Your driveway comes down. Can you see their driveway when you're coming out?

Vice-Chairman Aglietti said you actually say in the minutes that 'I don't want to see into their property' so why do you care?

Dr. Gilhooly said I don't want to see into their property but I want my children to be seen. If I could just show you.....

Mr. Balzano said I can't understand this. How are they unsafe?

Dr. Gilhooly said because they put something up that obscures our driveway. I have lots of videos of deliveries.....

Mr. Balzano said we've been out to the property. It's not being obscured.

Chairman Maxwell said it seems like you guys are taking advantage of this Board for a civil situation which has to be taking matters somewhere else.

Dr. Gilhooly said if I could just show you a photo.....

Chairman Maxwell said we've already explained our point and we've read the minutes and we understood.

Mr. Balzano said and we've been by the property. We've seen it. We're okay with it.

Vice-Chairman Aglietti said we've reviewed everything that you gave us. We've read every email, every photo. So, I don't know what the point is.

Mr. Balzano said I can't figure out why we're continuing this conversation.

Dr. Gilhooly said we're continuing with it because there were directives and the directives were that it was not to be put in disputable territory. It is in disputable territory.

Mr. Balzano and all the other Board Members said that's not for us.

Dr. Gilhooly said that is not for you?

Mr. Balzano said that is not for this body.

Mrs. Fabiano said if something is on easement or on your property, you have to go to Court for that but it's definitely not for here.

Dr. Gilhooly said okay.

Mr. Balzano said that is not for this body.

Mrs. Fabiano said what comes into play here is we agreed to a fencing of 4' for that 58.49' – we said that you can have natural shrubbery, trees. We are going to amend directive so that you can have that. However, if you have a problem with trees being on your property or on an easement, that's a civil matter.

Dr. Gilhooly said well then it's a civil matter. Thank you for your time.

➤ Mr. Tom Sexton of 34 Leslie Drive, Mahopac was sworn in.

Mr. Sexton said I'd like to show you, if I may approach the dais, a picture of my 4-year-old daughter and show you.

Vice-Chairman Aglietti said before you do that, do you want a picture of your 4-year-old daughter in this record?

Mr. Sexton said absolutely.



Vice-Chairman Aglietti said so you have no problem with giving us a picture but you have a problem with trees.

Mr. Sexton handed picture to Vice-Chairman Aglietti and said (w/o mic so inaudible).

Vice-Chairman said this is in our record.

Mr. Sexton said when you come out of their driveway, you can't see our driveway. Our driveway dips down. (backed up to the mic) You did a site visit twice now. The first time you came out, you said safety is an issue.

Mrs. Fabiano said absolutely; 100%.

Mr. Sexton said now, it's even more of an issue because they put the trees so close to the right-of-way.

Chairman Maxwell said if I may; if safety's such an issue, why are you allowing your daughter to be so close to.....

Mr. Sexton said we don't. We have an orange fence that we pull across.

Dr. Gilhooly said she's 4 years old.

Mr. Sexton said it's a 300' driveway. She's 4 years old. She can run through those trees and get to the passing.

Mr. Balzano said and if the trees weren't there, she could run through there anyway.

Mr. Sexton said if there was a 4' fence which they'd requested in their original variance request, you can't run through a fence.

Mr. Balzano said you can climb over a fence; go under a fence.

Mr. Sexton said no you can't; look at the size of her. You haven't even seen her.

Mrs. Fabiano said that is a long driveway and I'm surprised your daughter would be that far from the house without adults being around her.

Mr. Sexton said we're always there. Have you ever chased a 4-year-old?

Mrs. Fabiano said absolutely.

Mr. Sexton said you know how quick they are.

Mrs. Fabiano said 100% but that is a long driveway.

Dr. Gilhooly said are you keeping the photo?

Chairman Maxwell said yes. It's submitted for the record.

Vice-Chairman Aglietti said I asked if you wanted to.

Mr. Sexton said I have no problem with you keeping the photo. In your minutes Chairman Maxwell, you told the applicants not to encroach on the right-of-way and not to encroach on our property.

Vice-Chairman Aglietti said again; that's for civil court, not for us.

Chairman Maxwell said we can't mandate and then follow every person, every action.

Mr. Sexton said why did you say it in your minutes then if you're not going to enforce it?

Chairman Maxwell said we cannot mandate.....

Mr. Sexton said if you're not going to enforce it.

Chairman Maxwell said I'm going to ask you to leave if you're going to raise your voice with me.

Mr. Sexton said I'm leaving. My wife can handle it.

Chairman Maxwell said do you have more to add ma'am?

Dr. Gilhooly said no. I just was surprised that it was changed after we left but we'll take it up in a civil court.

Chairman Maxwell said please do.

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

**Decision of the Board:**

***Mrs. Fabiano moved to amend the previous Decision & Order of the Board dated February 27, 2020 that the applicant, in addition to the manmade fence for the first 48.49', may plant shrubbery trees or natural growth which may exceed the 4' height; seconded by Mr. Balzano with all in favor.***

3. Application of **BRETT BROWN & ELSIE RUSSELL** for a Variation of Section 156-15 seeking an Area Variance for permission to remove garage (complete) and add larger garage for boats/car. The property is located at 161 West Lake Blvd., Mahopac NY and is known as Tax Map #64.19-1-44.

Code Requires/Allows	Provided	Variance Required
40' Front	23.6'	16.4'
15' Rear	8.58'	6.42'
15' Side	9.5'	5.5'

- Mr. Brett Brown of 161 West Lake Blvd., Mahopac was sworn in.
- Ms. Elsie Russell of 161 West Lake Blvd., Mahopac was sworn in.

Chairman Maxwell said we granted you a variance prior but I guess something has changed.

Mr. Brown said yes. We were here in June 2021 where the variance was granted. Just to recap, we had a two-car garage that we were tearing down and wanted to put in a larger one. The front corner that is closest to the street is the same corner that is being utilized and it's just going further back to the one side. After we had started construction, our friendly neighbor informed us that he thought the property lines were slightly different than what we had previously thought they were. We reviewed the survey that we had originally done in 2017 when we bought the house and we had the land resurveyed and it turned out that the overall property is the same size but slightly shifted further back. That's why the variance numbers are changing. It's going in the same exact spot as before but the whole lot shifted over.

Chairman Maxwell said you're basically well screened on the back side of that. You're not changing the front line along the road.

Ms. Russell said no; we're not changing that.

Mr. Russell said same corner.

Chairman Maxwell said so you're kind of married to what's existing.

Ms. Russell said yes; just the front setback changed where the Town owns more.

Chairman Maxwell said there's a vacant lot next to you to the right. I think they're building a house but I think it's going to be set much further back than what you are to your property line than from what they are going to be the same property line.

Ms. Russell said and in between us is a driveway slip that our original survey thought we owned but the property behind us owns it. So, that's where the shifting happened.

Mr. Brown said after that additional lot, there's another neighbor over there and we have some additional support from him. This email to us is from Marshall Huebner. 'As you know, we live at 177 West Lake Blvd. and thus, with the exception of the undeveloped parcel between your proposed garage and our driveway, are your (and your proposed garage's) nearest neighbors on our shared side of West Lake. You have been wonderful neighbors since you moved in, and your property and its visual appeal have only improved. To the extent helpful, please note that we support your request to replace your garage with a bigger and better new one, which I'm sure will be in excellent taste! Best of luck with the project.'

Chairman Maxwell said we will accept and submit that letter for the record, and then polled the Board Members for any comments or questions.

Mrs. Fabiano said no questions as long as it hasn't moved location; it's fine.

Chairman Maxwell then 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. 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.***

4. Application of **SILVANO DiRENZO** for a Variation of Section 156-15 seeking an Area Variance for permission to install pool with deck and covered patio. The property is located at 21 Steiner Drive, Mahopac NY and is known as Tax Map #64.5-1-4.

Code Requires/Allows	Provided	Variance Required
15' side	Pool: 10'	5'
15' side	Pool Deck: 10'	5'

➤ Mr. Silvano DiRenzo of 21 Steiner Drive, Mahopac was sworn in.

Chairman Maxwell said you didn't put this in yet – right?

Mr. DiRenzo said no.

Chairman Maxwell said so you're looking to put this in. Have you spoken with your neighbors?

Mr. DiRenzo said yes.

Chairman Maxwell said anybody have any issues, concerns?

Mr. DiRenzo said no. I'm well liked because whenever I do something in the yard, I always ask. I try to be friendly and everyone is on board as far as I know; especially the neighbor that it's going to go next to.

Chairman Maxwell said you've submitted drawings for the structure which makes Mr. Carnazza pretty happy. It looks like the house of the next neighbor on that side is far enough away.

Mr. DiRenzo said yes. The problem is my property is crooked. If you see the way it is..... The question is can you move it over 5'. I can't because my septic goes straight down and it branches to the left. I'm 3' away and the guy said anything closer than that, I'm going to compact the fields. Even that's a little bit too much. That's why I'm 5' closer than I have to be unfortunately.

Chairman Maxwell said and obviously there's no property that you can buy because you're land-locked there.

Mr. DiRenzo said and I can't go behind me because I have the wetlands behind me.

Chairman Maxwell asked the Board Members and 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 Mrs. Fabiano 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.***

5. Application of **JOSE ILLESCAS** for a Variation of Section 156-15 seeking an Area Variance for permission to retain existing shed. The property is located at 114 Hill Street, Mahopac NY and is known as Tax Map #64.18-1-42.

Code Requires/Allows	Provided	Variance Required
20' Side Yard for Shed	5'	15'

- Mr. Joel Greenberg of Architectural Visions at 2 Muscote Road North representing the applicant was sworn in.

Mr. Greenberg said as you can see from the survey, this is a very large piece of property. It's almost one full acre. There's an existing house over here. There was some old 'lean-tos' which were here before but I had the client remove them. This particular shed is a full structure with a concrete slab. It's 5' from the property line. The good thing is that there's a fence that goes along the whole property. I've contacted the neighbor here and they have no problem with having the shed remain. They also wanted to have all the lean-tos gone which they are all gone. Basically, it's just a variance to keep the existing shed.

Chairman Maxwell said what's stored in there?

Mr. Greenberg said just tools and stuff like that.

Chairman Maxwell said how long has the shed been there?

Mr. Greenberg said I honestly don't know but I would say it's a long time.

Chairman Maxwell said so obviously, if someone had a problem with it, they would have complained. What would be the cost to.....?

Mr. Greenberg said the cost would be a little bit more than a normal shed which is usually on a wood platform but this has a full concrete slab. So, to replace that is probably in the neighborhood of \$5,000.

Mrs. Fabiano said I went over there and it's fine. My only concern was that the house behind is kind of close and he had a lot of wood there. My concern is always with carpenter ants when there's wood just hanging out. I don't know if he could move it away from the other person's property?

Mr. Greenberg said I will have it moved immediately.

Mrs. Fabiano said great; thank you.

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; seconded by Mr. Balzano with all in favor.***

6. Application of **JONNY REINOSO** for a Variation of Section 156-15 seeking an Area Variance for permission to add second story addition and interior alterations. The property is located at 35 Summit Drive, Mahopac NY and is known as Tax Map #86.39-1-31.

Code Requires/Allows	Provided	Variance Required
40' Front Yard (North)	38.7 ft.	1.3 ft.
40' Front Yard (West)	33.0 ft.	7.0 ft.

- Mr. Joel Greenberg of Architectural Visions at 2 Muscote Road North representing the applicant was sworn in.

Mr. Greenberg said this piece of property is surrounded by roads on all sides.

Mr. Balzano said it's all frontage.

Mr. Greenberg said that's right; it's all front yards. It's a very unusual piece of property and basically we're not getting any closer to the property lines than existing but because we are squaring off over here and adding a deck, the setback is the same as is for the house. On this side, we're also adding a deck on the rear part of the house. The same thing is: the existing is 33 and it's going to remain 33. Again; very unusual piece of property.

Chairman Maxwell said so you're going away from the front lines and its.....

Mr. Greenberg whatever the setbacks are now, that's going to remain.

Chairman Maxwell said so there's no property that you can purchase?

Mr. Greenberg said no.

Chairman Maxwell said do you have any renderings or elevations?

Mr. Greenberg said we've measured up the house and we're in the process of developing the floor plan and the elevations.

Mr. Carnazza said I told you they were going to want them.

Mr. Greenberg said I know but again, this is the existing house; these are the existing decks on either side. We're just basically raising the roof and the ceilings in the upper floor.

Chairman Maxwell said it looks like on that right side you're stepped back even further from the front.

Mr. Greenberg said yes; actually, we are. This is the actual setback line. Again; it's the same as existing and the deck will not be any closer and the same thing over here.

Mr. Carnazza asked how many stories?

Mr. Greenberg said 2.

Chairman Maxwell said where's the septic?

Mr. Greenberg said the septic tank and septic area are over here. The well is somewhere down over here. This is actually a magnificent piece of property. It's the highest point in Lake Baldwin. It has a magnificent view and it's a huge piece of property. We're not adding any bedrooms. We're not subtracting any bedrooms.

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

Mrs. Fabiano said it's staying on the footprint and the variances are small so I have no objections.

Mr. Carnazza said they're actually going off the footprint.

Mr. Greenberg said well yes but they're not getting any closer than.....

Mr. Carnazza said I just want to make sure she knows that they're adding decks off the footprint.

Mrs. Fabiano said but on the other side.

Mr. Carnazza said yes; the back which is too close to the other front.

Mr. Greenberg said in other words, the corner of the house over here is 33' and what I did was I extended the line, parallel to the property lines, so I made sure the deck we're adding here is also 33'. The same thing on the other side by the front of the house, I made sure that the deck was laid out so that setback was the same as the house.

Mr. Balzano said I would have loved to have seen the elevations to see what you were doing but never mind.

Mr. Greenberg said when I do it, I will get you a copy of it.

Chairman Maxwell said it doesn't have to be full blown drawings but even renderings or quick hand sketches; whatever. It helps us envision 3 dimensional.

Mr. Greenberg said alright. I apologize. We'll do that going forward.

Chairman Maxwell said I think this is pretty self-explanatory but, generally, we like to see that.

Mr. Greenberg said (to Mike) out of curiosity, is there any piece of property like this in Carmel – all four sides?

Mr. Carnazza said not where somebody has the whole piece; not that I'm aware of.

Chairman Maxwell said it's an island unto itself.

Mr. Greenberg said that's right.

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; seconded by Mr. Balzano with all in favor.***

## **MISCELLANEOUS:**

**MINUTES:**

**February 24, 2022 & March 24, 2022**

***Mr. Balzano moved to accept the minutes from February 24<sup>th</sup> and March 24<sup>th</sup> as written; seconded by Vice-Chairman Aglietti with all in favor.***

Mr. Balzano moved to adjourn the meeting; seconded by Mr. Starace with all in favor.

The meeting was adjourned at 8:19 p.m.

Respectfully submitted,

Dawn M. Andren