

APPROVED

JOHN MAXWELL
Chairman

PHILIP AGLIETTI
Vice-Chairman

TOWN OF CARMEL
ZONING BOARD OF APPEALS



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ZONING BOARD OF APPEALS MINUTES

AUGUST 25, 2022

PRESENT: **CHAIRMAN JOHN MAXWELL; VICE-CHAIRMAN PHIL AGLIETTI**
SILVIO BALZANO, ROSE FABIANO, JULIE MCKEON & BILL ROSSITER

ABSENT: **JOHN STARACE**

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Raymond Madeya	75.12-1-40	1	Hold Over
George D Samuels	74.26-2-19	1 – 3	Granted Requested Variance
William & Irene Neubauer	76.18-2-52	3 – 4	Granted Requested Variance
1875 Route 6 LLC	55.10-1-13	4 – 8	Granted Requested Variance
Michele Torres	76.10-1-11	9 – 10	Granted Requested Variance
Gail P Apicella	65.14-1-86	10 – 16	Dismissed w/o Prejudice
Dynamite Properties Corp.	44.14-1-39	16 – 17	Hold Over
William A Shilling Jr.	55.9-1-69.3	17 – 18	Granted Requested Variance

The meeting was adjourned at 8:36 p.m.

Respectfully submitted,

Dawn M. Andren

HOLD OVER APPLICATIONS:

1. Application of **RAYMOND MADEYA** seeking an Interpretation that the structure is a legally pre-existing, non-conforming, two-family or; in the alternative, a Use Variance to permit a two-family residence in a single-family zone. The property is located at 6 Mary Avenue, Mahopac NY and is known as Tax Map #75.12-1-40.

Code Requires/Allows	Provided	Variance Required
1 family	2 family	Interpretation that the structure is a pre-existing 2-family or in the alternative a Use Variance to permit a 2-family use.

- Mr. William Shilling, Esq. representing the applicant appeared before the Board.

Mr. Shilling stated I spoke with the Building Inspector and he had some information. I'd like to integrate that information, that I didn't have, into the presentation next month. So, I'm requesting an adjournment until next month.

Decision of the Board:

Vice-Chairman Aglietti moved to hold over the application; seconded by Ms. McKeon with all in favor.

NEW APPLICATIONS:

2. Application of **GEORGE D. SAMUELS** for a Variation of Section 156-15 seeking a Variance for permission to retain shed. The property is located at 214 Willow Drive, Mahopac NY and is known as Tax Map #74.26-2-19.

Code Requires/Allows	Provided	Variance Required
10' Side	0'	10'
10' Rear	0'	10'

- Mr. George Samuels of 214 Willow Drive, Mahopac was sworn in.

Chairman Maxwell said how long has the shed been there?

Mr. Samuels said about ten years.

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

Mr. Samuels said no; I live in Lake Secor and houses are small. You don't have much room so I didn't know about the variance or anything. As you can see in the pictures, I just finished putting a fresh coat of paint on there.

Chairman Maxwell said if you had to move it, what would it cost you roughly?

Mr. Samuels said I would have no place to move it. I've looked all over the property so I could maybe get a permit 10' from the property line but there's no where I can move it.

Chairman Maxwell said just give me an idea as I'm trying to create a record here.

Mr. Samuels said about \$600-\$700 maybe?

Chairman Maxwell said have you talked with your neighbors?

Mr. Samuels said yes.

Chairman Maxwell said does anybody have any issues or concerns with it?

Mr. Samuels said not to my knowledge.

Chairman Maxwell said I believe they would be here tonight if so.

Vice-Chairman Aglietti said it's a low shed – right?

Mr. Samuels said yes.

Chairman Maxwell said it's lower than the fence that's around it?

Mr. Samuels said yes; I have the knots on my head to prove how low it is going in and out.

Mrs. Fabiano said why are you coming to us now?

Mr. Samuels said I just know that I got the letter in the mail.

Mrs. Fabiano said you got a violation notice?

Mr. Balzano said that's the answer.

Mrs. Fabiano said are you sure you're not on your neighbor's property?

Mr. Samuels said I'm positive I'm not on my neighbor's property.

Mrs. Fabiano said okay because it's a zero variance. That's my only concern.

Chairman Maxwell said there's a fence in between.

Mr. Carnazza said I think we drew the setbacks on this and there's no where to put a shed that complies.

Mrs. Fabiano said yes; it's a tight lot.

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. GRANTED

3. Application of **WILLIAM & IRENE NEUBAUER** for a Variation of Section 156-15 seeking a Variance for permission to retain shed. The property is located at 37 Fenwood Road, Mahopac NY and is known as Tax Map #76.18-2-52.

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

- Mr. William Neubauer of 37 Fenwood Road, Mahopac was sworn in.

Chairman Maxwell said what's your situation? Did you get a violation?

Mr. Neubauer said yes.

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

Mr. Neubauer said I purchased the house 17 or 18 years ago; that shed was there.

Chairman Maxwell said so it was existing and didn't get picked up on the title search?

Mr. Neubauer said no.

Chairman Maxwell said if you had to move it to conform, what would it cost you roughly?

Mr. Neubauer said I would have to replace the shed because it's that old. I'd have to put in a new slab. There's electric in there which I legally actually installed 16 years ago.

Chairman Maxwell said it's on a slab?

Mr. Neubauer said it's on a slab with electrical. So, we're talking, at least, \$10,000.

Chairman Maxwell said you have the same situation. You're well screened in the back. It looks like it's very far from the nearest house in that area. I was up there the other night. It was the middle of your back-yard roughly so I don't think you're affecting any neighbor on your left or right?

Mr. Neubauer said yes.

Chairman Maxwell said do your neighbors have any issues or concerns?

Mr. Neubauer said no.

Chairman Maxwell said there's no other property that you can purchase to bring it into conformance? You're land-locked there.

Mr. Neubauer said that's correct.

Chairman Maxwell said somebody owns the property behind you?

Mr. Neubauer said yes.

Mrs. Fabiano said it's very wooded back there so I don't think it really affects anyone.

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 Ms. McKeon with all in favor. GRANTED

4. Application of **1875 ROUTE 6 LLC** for a Variation of Section 156-41(c)(9) seeking a Variance for permission to fabricate and install a free-standing directory sign. The property is located at 1875 Route 6, Carmel NY and is known as Tax Map #55.10-1-13.

Code Requires/Allows	Provided	Variance Required
12' Height	16'	4' Height
32 Square Feet	162 Square Feet	130 Square Feet

- Mr. James Polinsky of Signs Ink at 3255 Crompond Rd., Yorktown, NY representing the applicant was sworn in.

Mr. Polinsky stated I provided a packet that should have some drawings in it. This is a new owner of the building. There are two existing tenants on the top floor. One is the V.A. Outpatient Medical. The other is an attorney, Costello & Folchetti. On the lower floor is going to be eight retail spaces allowed which are roughly 10' x 10' areas that are glassed in as well as a few kiosks in the center. There's going to be like a boutique kind of [space] selling different products.

Chairman Maxwell said 10' x 10'?

Mr. Polinsky said they're glassed in areas. When you go in, it's like a mini shopping mall that have boutique clothing, soaps and they're looking to open up other.....

Mr. Carnazza said a newsstand, a library.

Chairman Maxwell said is that a permitted use – the multiple.....

Mr. Carnazza said yes. They're all permitted uses.

Mr. Polinsky said they went through and everything checked out.

Chairman Maxwell said that was one of my questions because how many tenants are in to provide.....

Mr. Polinsky said there's twelve spaces available.

Chairman Maxwell said twelve; including the two existing?

Mr. Polinsky said yes. We were trying to do a sign that is within character of the neighborhood. I know 16' seems tall. Other signs in the area are 16' plus including Taco Bell, the neighboring Mobil, the CVS which is right next door. They're all within the same strip there. We were trying to do something that looked nice. The total with the height of 16' includes the 30" brick base as well as the topper of the sign. We were trying to make it look modern and dress up the area there.

Chairman Maxwell said the brick matches the building too. (To Mr. Carnazza) Mike, does the square footage of that have to be factored in since it's part of the sign?

Mr. Polinsky said in your writing there, that's all factored in.

Mr. Carnazza said but not the brick.

Mr. Polinsky said yes; the brick we factored in.

Mr. Carnazza said are you sure?

Mr. Polinsky said yes. The sign itself is 44 square feet but we factored it was 59 multiplied by the two sides. I thought when you and I sat down..... the 162 square feet is the topper, the sign itself, the posts and the brick base; it's the entire thing.

Chairman Maxwell said if the brick base doesn't need to be calculated, we can....

Mr. Carnazza said it does not. Can we skip and come back in two minutes or no?

Mr. Balzano said so you can do the math?

Mr. Carnazza said yes. I can do it quick if you tell me the size of it. How big is each side?

Mr. Balzano said 30" by 8'.

Mr. Carnazza said it's 6' wide. We know that.

Mr. Polinsky said the topper is 6' by 30".

Mr. Carnazza said you do one rectangle. So, you go from the top to the bottom and left to right.

Mr. Polinsky said so let's say 6' x 16'.

Mr. Carnazza said take off the bricks.

Mr. Polinsky said okay; so we've got 11' and 30".

Mr. Carnazza said 13' 6" by 6' so that's 81'.

Mr. Polinsky said 13.5 x 6 is 81 feet times 2 = 162 sf. So, that's what we have on our sheet.

Mr. Carnazza said so we did do it right.

Mr. Balzano said so the application is correct.

Mr. Polinsky said so the brick is out. It's just the sign and the topper.

Chairman Maxwell said so I'll ask the same question for the height. The height is the same...

Mr. Carnazza said the height is the height. It's from the grade to the top of the sign. For some reason, they put a max to the bottom and a max to the top. I would like a minimum height on the bottom so the cars can see [while pulling out]; but that's another story.

Mr. Polinsky said speaking of the cars, this sign itself, to meet regulation, is set back off the road 14' 6" and then the shoulder there is 10'. It's quite a ways off the road. So, there's no blocking of your coming in the entrance. They're trying to make that a one-way in. The sign doesn't block any site lines as you're pulling out.

Chairman Maxwell said the rendering is pretty accurate?

Mr. Polinsky said yes. The existing sign that's there – I think we have a few photos of that – encroaches, according to our math, it starts in the center of that sign. So, it will even be back a little further than the existing sign.

Chairman Maxwell said what can we do to minimize this? We've done this to every application in the last couple of years. We need to try and get this down a little bit. I know our Code is somewhat outdated; we've got to live with it and work within it. We know there are multiple tenants here which creates this larger than you would typically see but I agree with you – McDonalds is tall, CVS is tall, the Shell Station [is tall].

Mr. Polinsky said the newest one that we acquired a variance for was the Taco Bell sign. That sign is 22' tall. I think we brought it down to roughly 16'.

Mr. Carnazza said how big is each tenant's space sign?

Mr. Polinsky said each tenants' space [sign] would be 9.5" by 48" wide. It doesn't give us a whole lot of letter height. You can't stretch the logos and make the letter itself 9.5" tall; but to get a 3"-4" letter, we need that 48" [wide]. We were just trying to keep with something that will be readable as you come down the road. That's a pretty fast road so we need a little bit of letter height. We don't want to end up with a 4" panel with a 1"-2" letter because that defeats the purpose of this sign in this area. If it was in a slower traffic area, that might be a different situation. This is not out of character of the neighborhood with the other signs. I think it actually looks nicer, with the brick base and topper, than all the other signs that are there. That's what we're trying to do. I know it's

16' but if we got rid of the 30" of the brick base, we're a little bit closer. We had another sign that was 16' and we were shooting for 22'.

Chairman Maxwell said the body of the sign is a lot higher than the legs.

Mr. Polinsky said in the case here, this one is off the road quite a bit but it's not blocking the line of site.

Chairman Maxwell said what about the topper? Can we bring that down a little bit and minimize it?

Mr. Balzano said maybe get rid of the artisanal community and just have the Promenade on 6?

Chairman Maxwell said is that an important element to have that?

Mr. Polinsky said for the owner who is trying to create this thing, it was. I guess it's a thing that's popular.

Vice-Chairman Aglietti said how about putting it on the brick?

Mr. Carnazza said then we have to include that in the square footage.

Vice-Chairman Aglietti said at least it wouldn't be as high.

Mr. Carnazza said we would need to redo the calculation.

Vice-Chairman Aglietti said I actually don't have much of a problem with it.

Mr. Polinsky said the two neighboring signs are the Mobil which is almost 18' and the CVS is way over 20'. Across the street, you have the Putnam Shopping Plaza that's way over 20'. You have the gas station which is 18' plus. Then there's the Taco Bell which is 16'. I don't think we've asked for more than we need on this project.

Mrs. Fabiano said you want to be able to see it while you're driving.

Vice-Chairman Aglietti said I think it's actually nice looking. The brickwork; it's not that crazy wide.

Chairman Maxwell said I like how it matches the building.

Mr. Carnazza said you don't want 4" letters or else nobody is going to be able to read it.

Mr. Balzano said yes; it's meaningless.

Mr. Rossiter said it's a nice layout and it's pushed off the road.

Chairman Maxwell said I'll open it up to the Board.

Ms. McKeon said no questions. I think it looks nice.

Mr. Balzano said how bright are the LEDs going to be? You don't want to blind the drivers.

Mr. Polinsky said it's not going to be brighter than any of the other signs. They're all LED nowadays.

Mr. Balzano said is it going to black on white?

Mr. Polinsky said yes.

Chairman Maxwell said the posts are going to be that gray color?

Mr. Polinsky said yes; it's aluminum construction so it won't rust in a couple years.

Mrs. Fabiano said and you're going to get rid of this one (pointed to old sign on map)?

Mr. Polinsky said yes; that one goes. We're going to start at where that sign's halfway point is and then to back 2'-3' further.

Mrs. Fabiano said so is the parking lot going to change?

Mr. Polinsky said no. It's actually a very large area there. It's 27' there. So, we'll have the sign and then we'll still have another 4' of grass before the parking lot.

Mr. Carnazza said does the V.A. get a spot on here?

Mr. Polinsky said yes but the plan was not to remove that other permanent V.A. sign.

Mr. Carnazza said that's right; they got one there.

Mrs. Fabiano said do they have enough parking?

Mr. Carnazza said yes; it's based on square footage. They did not increase the size of the building at all.

Chairman Maxwell looked for 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. GRANTED

5. Application of **MICHELE TORRES** for a Variation of Section 156-15 seeking a Variance for permission to retain pool with deck. The property is located at 61 Tanager Road, Mahopac NY and is known as Tax Map #76.10-1-11.

Code Requires/Allows	Provided	Variance Required
40'	25'	15'

- Ms. Torres of 61 Tanager Road was sworn in.

Chairman Maxwell said how long has the deck and pool been there?

Ms. Torres said we erected the above-ground pool at the end of last summer. A permit was applied for but then late winter/early spring, we had the deck added to connect to my existing deck.

Chairman Maxwell said so the deck on the house was existing?

Ms. Torres said correct.

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

Ms. Torres said I just wasn't thinking. Now that I've found out, I've been trying to comply. I've been coming in and submitting everything that needs to be submitted. I even hired an architect so I could get this right.

Chairman Maxwell said how did this come to light? You got served?

Ms. Torres said I did not get served. I think a light bulb just lit up or maybe a friend told me did you get a permit for that. So, then I came to the Town and.....

Chairman Maxwell said we certainly appreciate that.

Ms. Torres said I just want to comply. I've owned my house 22 years. Most of my neighbors have complemented how nice it looks. They've been here and utilized the deck and the pool.

Chairman Maxwell said yes; good pools make good neighbors. Any complaints from your neighbors? You're on a corner lot so, it makes it a little more difficult there. Its aesthetic is in good shape. It looks like your property is well maintained.

Mrs. Fabiano said (to Mr. Carnazza) an above-ground pool doesn't have to be fenced completely around?

Mr. Carnazza said not if it's 4' tall.

Ms. Torres said I don't know if those pictures have it but we have since put that little fence around where it was 4' or less.

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:

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

6. Application of **GAIL P. APICELLA** for a Variation of Section 156-39.5 seeking a Variance for permission to build a chicken coop. The property is located at 42 Cortlandt Road, Mahopac NY and is known as Tax Map #65.14-1-86.

Code Requires/Allows	Provided	Variance Required
Requires: 1 acre	.62 acre	.38 acre
Allows: 6 chickens/acre	6 chickens/.62 acre	

- Mr. Bill Foster of 42 Cortlandt Road, Mahopac was sworn in.

Mr. Foster said that is my mother-in-law, Gail Apicella.

Chairman Maxwell said this is existing?

Mr. Foster said no; it's something I'd like to do.

Chairman Maxwell said did you talk with your neighbors?

Mr. Foster said I talked with the neighbors to the left, to the right and directly behind me.

Chairman Maxwell said no one has issues?

Mr. Foster said no. It's located in a very secluded area. There's a hill that actually goes back up at the back of the property and I've already built a kind of lattice to hide the shed that's there anyway. I included space for a chicken coop in the future if that's possible.

Chairman Maxwell said no roosters – right?

Mr. Foster said nope and not free range. They would all be within the coop and the pen.

Vice-Chairman Aglietti said what kind of coop are you going to have?

Mr. Foster said 4' x 4' of plywood.

Vice-Chairman Aglietti said you're building it yourself?

Mr. Foster said yes; I have not built it yet.

Vice-Chairman Aglietti said did you get any advice on the size for 6 because it seems a little small for 6?

Mr. Foster said actually it's quite large because it's going to be 4' x 4' x 4' which gives you 16. I've done a lot of research. There's plenty of room for 6 chickens. The pen itself is going to be like 10' x 8' x 8' high. The range is going to be huge.

Chairman Maxwell said so that's what you're showing here?

Mr. Foster said that's the range area and then the corner is the coop itself; the 4' x 4'.

Chairman Maxwell said so they'll be allowed to stay within that range?

Mr. Foster said yes. It will all be enclosed within that pen.

Chairman Maxwell said even the top?

Mr. Foster said yes.

Mr. Carnazza said otherwise the hawks get them.

Mr. Foster said yes; I have to secure it. There's a fox that travels that route every night.

Mr. Balzano said there's a lot of foxes in that area.

Chairman Maxwell said and you'll have to dig down below?

Mr. Foster said I'm going to lay chicken wire on the whole base of the pen and secure it that way.

Chairman Maxwell said (to Mr. Carnazza) what's the Code?

Mr. Carnazza said you need 1 acre to have chickens.

Chairman Maxwell said is there any reason you need 6 chickens? Could you live with 4?

Mr. Foster said we can live with 4.

Chairman Maxwell polled the Board Members for any questions.

Mrs. Fabiano said this is where it's going?

Mr. Foster said yes. If you see the posts that are there, that has almost been completely enclosed with lattice so you can't even see that from anywhere.

Mrs. Fabiano said so you won't even be able to see the coop.

Chairman Maxwell said that existing sea container that you're calling a shed, is that in conformance?

Mr. Foster said yes; that's permitted. Mr. Carnazza came out a couple years ago for that. It's a container/shed. It was permitted.

Mr. Carnazza said it's 6 chickens per acre is what they're allowed.

Vice-Chairman Aglietti said with the change to 4, I don't have an issue.

Chairman Maxwell opened this application up to the public for input, comments and concerns.

- Ms. Maria Zappala of 26 Cortlandt Road, Mahopac was sworn in.

Ms. Zappala said I understand there is no rooster – correct?

Chairman Maxwell said no rooster.

Ms. Zappala said I'm good with that then.

- Mr. A.J. O'Shaughnessy of 55 Longdale Road, Mahopac was sworn in.

Mr. O'Shaughnessy said the reason why I'm here about this variance and four other home owners are is basically I am next to the house that received an approval on Longdale Road. My concerns are rodents. Chicken feed is all over the place. We have that strip between Cortlandt and Longdale. This year, as well toward the end of last year, we've had a bad rodent problem in our area.

Chairman Maxwell said what kind of rodents.

Mr. O'Shaughnessy said mice, rats invading the shed in the back. I'm not talking about the squirrels or the chipmunks. I've had to have it treated. Usually you get more food, you're going to get more visitors and they propagate like crazy. Secondly is the noise. They're going to be out and going around. I can speak by experience. I grew up in the south Bronx with a lot of illegal chicken coops and chickens are pretty noisy. Also, I think one of you mentioned about the fox that is in that area; she just had a litter of cubs and we've seen her running down with a mouse in her mouth, across our property. I think if you put a chicken coop there it's just like putting up a dinner bell. If the fox gets in the hen house, you can imagine the noise that makes. One comment I would like to add is the individual that he spoke with that gave his approval, I live next to him as well as her son. He can tell you that their property is kept like a garbage dump. This guy would just say yes to anything. Those are all the contentions we have.

Chairman Maxwell said that's here say but I was out there the other night and I didn't get that impression.

Mr. O'Shaughnessy said Mr. Marousek has been out there at least 5 times since citing him.

Mr. Balzano said it's not relevant to this case because you're talking about the person that gave him permission.

Chairman Maxwell said oh; I thought you were talking about his property. If it's not his property, it's irrelevant to the case.

Mr. O'Shaughnessy said I'm pretty confident that if it was anyone else who took care of their property, that they would say no also.

- Ms. Susan Villani of 71 Longdale Road, Mahopac was sworn in.

Ms. Villani stated having chickens is going to bring the foxes and other animals as it was said. We've been inundated with mice and rats. There's just too many animals including the bobcats that are behind my house. I don't know if you're aware of that. I don't know if that's legal. There's a big, big cage behind my house and I can see it. The bobcats are there. So, how many animals do we have to have. This is not farmland. It's like feeding the deer; it's just unheard of. As he was saying, who agreed to him, his house is disgusting. I understand what you're saying but get someone who is taking care of their property.

➤ Ms. Leonora Butironi of 36 Cortlandt Road, Mahopac was sworn in.

Ms. Butironi said I'm right next door. I oppose the chickens. Most of what the other neighbors said with the animals and everything else.

Chairman Maxwell said alright. I just want to make sure that you all are aware that the Town passed a law about 5 years ago to allow this. At that time, I don't know if they considered situations like this but it is an allowed use. It's just the quantity we talked about; like him going from 6 to 4 based on the property size. So, it is an allowed use for the Town. I just want to make sure everyone is aware of that.

Ms. Butironi said I understand but I'm right next door.

➤ Mr. Philipppo Canonaco of 50 Longdale Road, Mahopac was sworn in.

Mr. Canonaco said I have no problem with chickens. The only problem I have is animals/rodents. That short-cut going from Longdale into Croton Falls Road, I caught two people that were catching racoons and releasing them right there - this year. I do a lot of gardening and everything was destroyed: racoons, rats, opossums, chipmunks, squirrels, you name it; I had everything. How are these animals here? The only thing I can think of is that people trap them and release them right there. If you've got chickens, what's going to happen there. I had 3 little chickens. I built a cage twice as big as this because I know we had rodents. I had chicken wire on the front. I had mesh underneath and another piece of mesh underneath there. After 3 days and the middle of the night, they cut their feet off on one of the chickens.

Chairman Maxwell said if you're going to build a coop, you have to do it right.

Mr. Canonaco said it was probably mice in the middle of the night and chewing up on their feet. I healed it but then the other chicken started attacking it. I had to get rid of them. I couldn't take it. I've got no problem if you live on a farm. You can protect them. You get cats but where we are here, we've got a fox with 4 babies.

Mrs. Fabiano asked how far are you from the Lake.

Mr. Canonaco said which lake?

Mrs. Fabiano said Lake Casse.

Mr. Balzano said they're closer to Mud Pond.

Mrs. Fabiano said so are the rodents coming because of the water?

Mr. Canonaco said where they have the sewer treatment – that property cannot be built there. There's a lot of vacant acreage there. I saw 2 or 3 people there and he opens up his trunk, pulls out

a trap and releases a racoon I think. I said what are you doing. I'm releasing a racoon. I said you're creating problems for me. He said it's humane; you can't kill it. I said in New York State, you can.

Mrs. Fabiano said so you think that's why all of these rodents are here?

Mr. Canonaco said yes. There's no way in the world that you have so many rodents in this small area. They're coming up the hill because we have a drought and that's what happens.

Chairman Maxwell said that's what she's saying. I have everything in my yard – fox, white deer.....

Mr. Canonaco said I'm not near the water though; not even close. Racoons and opossums are very, very vicious. Rats can chew through wire. They're terrible. You can make it work if you're really going to go through all the trouble of a double-wire and then you can't leave the feed there. That's my concern. I have no problem with chickens. I lived in Italy on a farm. Chickens don't bother me. It's what comes after the chickens.

Ms. Villani came back up and said I called my nephew who is a farmer. His chicken coop is high up off the ground. You can actually walk in and it's not anywhere near the ground. It is made way above the ground because of that reason. [Otherwise,] you're going to get a lot of animals. There's a certain way you have to do these things so you don't get all the other animals that will come and kill them. It's an art. You really have to research what you're doing. It'll bring the animals into the other houses. It's something to think about. I know that this year, I've had more mice than I've ever had up here.

Chairman Maxwell said (to Mr. Foster) I'll forward you a chance to respond to any comments.

Mr. Foster said we certainly don't want rats and rodents in our neighborhood. That's for sure.

Chairman Maxwell said so are there any means of keeping the food segregated?

Mr. Foster said yes. They actually have designed a rodent proof feeder for the chickens. In addition to that.....

Chairman Maxwell said you'll be using that?

Mr. Foster said I will be using a rodent proof feeder. By the way, I've never seen a rat on our property. I have seen mice, chipmunks, squirrels. The other factor is the wire itself that we're going to use to encase the whole coop, the pen and everything is ½" x ½" holes. So, a mouse could possibly get through it but a rat will never get through it. Hopefully, no other animals will.

Chairman Maxwell said is it the chicken wire?

Mr. Foster said it's actually a little thicker. It's a wire mesh. It's not chicken wire. It's real strong.

Chairman Maxwell said do you have any details or specifications of the actual coop?

Mr. Foster said just what I drew on there. It will be off the ground.

Chairman Maxwell said so you're building this yourself? You're not buying a pre-made.....

Mr. Foster said I'm not buying a pre-made one.

Vice-Chairman Aglietti said my concern is we have an ordinance that says you need an acre and it also applies to the chickens. The chickens need that space. You're penning them up in 8' x 12'. You're really just looking to put them in a small spot there. Even if you only got 4, I don't know whether that's good for the chickens. The ground is going to get scratched up. It's going to wear. There are chicken coops that are on rollers that move around the property so the chickens can have different spots to eat ticks and stuff like that. I don't think the feed is going to bring rats. They eat rather quickly. We live up here. We all have animals. I don't think it's going to add to that other than the fact that one day you wake up and your chickens may be gone but I just don't see the reason you're asking for a variance to basically pen them in a small area the size of your shed. That's my problem. You're looking for a variance and you're really looking to pen them into something even smaller instead of having your chickens walk around like they're supposed to.

Mr. Carnazza said the problem is the Code says that unless you have 3 acres, you have to keep them penned in. He's doing what the Code says actually.

Vice-Chairman Aglietti said so the Code says you have to have an acre of land and pen.

Mr. Carnazza said all chickens shall be in coops and runs unless property size is in excess of 3 acres.

Vice-Chairman Aglietti said we don't have the size of the coop or the pen?

Mr. Carnazza said it does break it down – 4 square feet for each chicken.

Vice-Chairman Aglietti said so if he has 4 chickens, 16 square feet.

Mr. Carnazza said yes; the coop is 4' x 4'.

Mr. Balzano said so you can only do 4 chickens in that.

Vice-Chairman Aglietti said but that's the coop; that's not the run for them.

Mr. Carnazza said that's the run actually. The coop/run area should allow at least 4 square feet for each chicken being kept on the property.

Vice-Chairman Aglietti said okay; I stand corrected.

Mrs. Fabiano said I have a problem with the location of the property itself because it's close to water and water brings animals. This is only going to encourage the animals to go to your house even more. Being near a lake, you're going to have bobcats and all kinds of animals but this is only going to bring more animals to your backyard. With that being said, how does that affect your neighbors. Is it fair for your neighbors to have to contend with the racoon because he hears chickens or a bobcat who understands all of a sudden there are chickens in the neighborhood. I don't want to encourage that. We have to look at how it affects the entire neighborhood. This could be a real problem in a small area. There's a reason why our town has asked for 1-acre zoning and I think that part of it is how it's going to affect your neighbors and the other part is the humanity of the chicken; making sure that the chicken is well cared for. I think, because of where you are, Lake Casse and Mud Pond encourages more animals to come around and they're going to be gravitating to your property even more so.

- Mrs. Gail Apicella (applicant) of 42 Cortlandt Road was sworn in.

Mrs. Apicella said I wouldn't want to do anything to upset my neighbors. If it's a matter of just a few chickens, we don't have to have them. If it's upsetting to the neighborhood, then it's just not worth it. We just thought how lovely to have a few chickens. Friends of mine, that live in other areas, enjoy the eggs; no rooster – no noise. We used to have a neighbor down at the bottom of the hill that had chickens and she had a rooster. I could hear the rooster. I'm five or six houses away but I could hear it. To me, that was great because I didn't live right next door. But, of course, we wouldn't have one of those. It was just a lovely idea that my family and I thought would be nice to have a few chickens but if it upsets the neighborhood, it's not worth it. I apologize to all of you (neighbors). It's a lovely town to live in; I don't want to upset anybody.

Chairman Maxwell said do you wish to rescind your application?

Mrs. Apicella said yes. I think so. My son-in-law would love to have them. He'd be great with them but.....

Decision of the Board:

Mrs. Fabiano moved to dismiss this case without prejudice; seconded by Ms. McKeon with all in favor.

7. Application of **DYNAMITE PROPERTIES CORP.** for a Variation of Section 156-15 seeking an Area & Use Variance to permit mixed use structure in a commercial zone. The property is located at 70 Gleneida Ave., Carmel NY and is known as Tax Map #44.14-1-39.

Code Requires/Allows	Provided	Variance Required
Lot Area: 40,000 s.f.	2,640 s.f.	37,360 s.f.
Lot Width: 200 feet	32.96 feet	167.04 feet
Lot Depth: 200 feet	80.02 feet	119.98 feet
Front Yard: 40 feet	7.4 feet	32.6 feet
Side Yard: 25 feet	1.0 foot	24 feet
Side Yard: 25 feet	1.3 feet	23.7 feet
Rear Yard: 30 feet	29.6 feet proposed	0.4 feet
Minimum Floor Area: 5,000 s.f.	1,830 s.f. proposed	3,170 s.f.
Permitted Coverage: 30%	37.68% proposed	7.68%
Parking: 9 spaces	0 spaces	9 spaces
Loading: 1 space	0 spaces	1 space

Chairman Maxwell indicated there was a request for a hold over on this application.

Decision of the Board:

Vice-Chairman Aglietti moved to holdover this application; seconded by Ms. McKeon with all in favor.

8. Application of **WILLIAM A. SHILLING, JR.** for a Variation of Section 156-15 seeking a Variance for permission to retain shed. The property is located at 17 Willow Road, Carmel NY and is known as Tax Map #55.9-1-69.3.

Code Requires/Allows	Provided	Variance Required
Shed-Side Yard: 20'	17' 2"	2' 10"
Rear Yard: 20'	11' 4"	8' 6"

- Mr. William Shilling, Jr., Esq. of 17 Willow Road, Carmel appeared before the Board.

Mr. Shilling said I built my house in 1996. There was a very small shed on the property and it was damaged by tree fall. I went to Home Depot and bought an 8' x 12' shed and that's what we're talking about now. If anybody knew my house, I have a very strong pitch and then it crests or flattens at the end of the corner where the shed is. The point I'd like to make to this Board is #1) there really wasn't any other place to go. As it is, it's hedged up by some 2" x 4"s, and #2) it's visible to no one. Between my house, which shields the house to the east, and a rock wall and trees what have you, it's visible to no one. So it really is, under the circumstances, because of the pitch of my yard, I submit to you it was the only place I could put it.

Chairman Maxwell said I was up there the other night and I see it slopes all the way up and then flattens out and there's a rock wall and plenty of screening. It looked like evergreen screening behind it?

Mr. Shilling said yes.

Chairman Maxwell said I, personally, don't have a problem with it but I'll open it up to the Board? Did anybody else get a chance to get up there?

Mrs. Fabiano said I was up there. Why is it coming up now?

Mr. Shilling said after 26 years, I'm selling my house and the Building Inspector would discipline me if I didn't bring it here.

Mrs. Fabiano said no other questions. It is a difficult lot.

Chairman Maxwell said and, they're not very big variances that you're seeking here.

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 Ms. McKeon with all in favor.

Decision of the Board:

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

Vice-Chairman Aglietti moved to adjourn the meeting; seconded by Ms. McKeon with all in favor.

The meeting was adjourned at 8:36 p.m.

Respectfully submitted,

Dawn M. Andren