

APPROVED

JOHN MAXWELL
Chairman

PHILIP AGLIETTI
Vice-Chairman

TOWN OF CARMEL ZONING BOARD OF APPEALS



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JULIE MCKEON

ZONING BOARD OF APPEALS MINUTES

SEPTEMBER 28, 2023

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

ABSENT: JOHN STARACE

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Liz & Pat Martin	74.12-2-56	1	Hold Over
John Chang	76.30-1-26	1 – 2	Granted Requested Variance
Carl & Anita Albano	55.14-1-26.324	2 – 4	Granted Requested Variance
Robert Altero	53.12-1-17	4	Hold Over
Frank Giordano	55.6-1-68	5	Hold Over
Bore Cotaj	76.30-1-5	5	Hold Over
John & Donna Cappelli	64.7-1-16	5 – 7	Granted Requested Variance
Erin Haddeland	65.15-2-15	7 - 8	Granted Requested Variance
Jaime Davila	65.15-1-77	8 - 9	Granted Requested Variance
Howard Pearle	64.11-2-32	9 – 10	Granted Requested Variance
Aharon & Navit Yehuda	64.11-2-33	11 – 12	Granted Requested Variance
B&V Realty Group	53.12-1-3	12 – 14	Granted Requested Variance
Burim Sylaj	53.16-1-15	14 – 16	Granted Requested Variance w/cond.

The meeting was adjourned at 8:17 p.m.

Respectfully submitted,
Dawn M. Andren

approved

HOLD OVER APPLICATIONS:

1. Application of **LIZ & PAT MARTIN** for a Variation of Section 156-15 seeking a Variance for permission to relocate accessory apartment (no setback variance needed). The property is located at 151 Secor Road, Mahopac NY and is known as Tax Map #74.12-2-56.

Code Requires/Allows	Provided	Variance Required
Single Family House w/accessory apt can be detached if existing prior to 1998.	Separate cottage as an accessory apartment being relocated	To relocate accessory apt./cottage, therefore, not existing prior to 1998.

Chairman Maxwell indicated that this application had requested a holdover.

Mr. Balzano moved to holdover this application; seconded by Ms. McKeon with all in favor.

2. Application of **JOHN CHANG** for a Variation of Section 156-15 seeking a Variance for permission to retain church on 2nd floor. The property is located at 716 Route 6, Mahopac NY and is known as Tax Map #76.30-1-26.

Code Requires/Allows	Provided	Variance Required
23 parking spaces	20 spaces	3 spaces
10' wide x 20' long Per parking space	9' wide x 20' long Per parking space	1' wide Per parking space

- Mr. Joel Greenberg (Architectural Visions) of 2 Muscoot Rd North representing the applicant was sworn in.

Mr. Greenberg stated at the last meeting, this was held over for basically two reasons. One that there was no ad put in the newspaper with regard to changing the parking spaces from 10' to 9' so that's been taken care of. That was the main reason. The Board already saw that we were able to add two more parking spaces. If you recall, one of the things that we talked about two meetings ago was to reduce the parking variance. So we were able to accommodate that by reducing it from 5 down to 3 and by reducing the parking space [width] from 10' down to 9', that also helped accommodate additional parking. Basically, it all works now and if we can move on to the Planning Board, we'd love to do that.

Chairman Maxwell said so you minimized the variance.

Mr. Greenberg said correct, and we were able to get the two additional parking spaces.

Chairman Maxwell said thanks for working with us on that.

Mr. Balzano said you also made some other changes that we had talked about.

approved

Mr. Greenberg said yes, and everything will be restriped.

Chairman Maxwell asked if there was any other input on this application from both the Board Members and the Public 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:

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

3. Application of **CARL & ANITA ALBANO** for a Variation of Section 156-45.2B(3) seeking a Variance for permission to allow 1,640 square foot accessory apartment where 900 square foot maximum is allowed. The property is located at 7 Albano Ridge, Carmel NY and is known as Tax Map #55.14-1-26.324.

Code Requires/Allows	Provided	Variance Required
Apartment should be between 400 s.f. & 900 s.f.	1,640 s.f.	740 s.f.

- Mr. Carl Albano of 7 Albano Ridge, Carmel was sworn in.

Chairman Maxwell said you went back to the drawing board I take it or what happened here?

Mr. Albano said I just looked at all the information again just to go over. Actually, when I was here last time, I was a little tired and really didn't speak up. I would just like to reiterate what I have here. *(Tape hangs up)* changes in the zoning, mixed use. I know that square footage is something that is going to come up. This particular property had a Building Permit granted for this new home and, unfortunately, the issue came up with the square footage after it was built. I did put the door to the side because I was aware of the fact that if you wanted an accessory apartment, that it should be that way. It's a two-story home. The top is exactly the same as the bottom. It's two bedrooms. I live there. I've lived in the community for over forty years. This isn't an area variance for size of the building or for parking. It's strictly what's inside the home. This apartment will have no effect on the exterior of the home or any effect on the community whatsoever. Visually, it's the same as all the homes in the neighborhood. This request is based on unique circumstances. The house is already built, and I can't think of a way to make it conform except just to close down rooms upstairs. Even that wouldn't work because there's only four rooms.

Chairman Maxwell said well it's still the same footage regardless.

Mr. Albano said yes. A permitted mother/daughter apartment could easily be this size or much bigger. I would ask the Board to take into consideration granting this. There's no detriment to the health, safety or welfare of the neighborhood. It's in a sewer and water district. Basically, the variance would have no impact on the neighborhood. No undesirable change would be affected by this variance. I'd like to point out, in the neighborhood where I live, we have two group homes, a medical facility all within walking distance. [There's] 50 condominiums on the corner and 350 condominiums directly across the street from this property. No neighbors showed up to object to

approved

this and I think one of the reasons is that the home is 500' from any main road. It's barely visible to any homes in the neighborhood. It's on 13 acres. This variance won't affect any change to the character of the neighborhood in any way. What's there would make no difference. What I have is a larger apartment that's a little nicer. I live there and I wanted it to be a little nicer.

Mr. Carnazza said and the good thing is it has to be owner occupied. It's an accessory; so, it's not that he's renting out two separate units. He would only rent out one.

Mr. Albano said I've been there for forty years and I intend to stay. I was trying to figure out a way to make it more manageable with my \$20K+ taxes. Another point is that I didn't spend a lot of time researching past variances but I know a variance like this was granted in April 2006. A 3,300 square foot house had a variance granted for an 1,800 square foot accessory apartment.

Chairman Maxwell said do you have a case?

Mr. Albano said yes. I could provide that for you.

Chairman Maxwell said do you have it with you so we can take a look?

Mr. Albano said yes I do. I didn't spend a lot of time looking at anything else but this one popped up for me. It was April 27, 2006. It was actually an accessory apartment for a secondary structure on a piece of property. It was for an 1,800 square foot accessory apartment in Carmel.

Chairman Maxwell said can I see it?

Mr. Albano approached dais and gave the Chairman supporting documentation.

Chairman Maxwell said I believe I was on the Board at that time. Maybe it'll ring a bell.

Mr. Carnazza said I remember this one; Cherry Hill Road?

Chairman Maxwell said yes; Othmer is the petitioner.

Mr. Balzano said Mark [Fraser] was the Chairman. It predates me.

Mrs. Fabiano said so the unit is in a separate building?

Mr. Albano said yes. It was a separate structure but it needed an area variance for an accessory apartment.

Mr. Carnazza said and you're allowed to have it in a detached structure if it is existing. So, if it was built before 1998, it's considered existing and you can put an apartment in.

Mr. Albano said my application might be a step better than that in the fact that it's in one building, in a sewer and water district and on 13 acres.

Chairman Maxwell said can I keep this for the record?

Mr. Albano said sure.

Chairman Maxwell said just a few thoughts here: we worry about opening 'Pandora's Box' with everybody coming out of the woodwork with similar situation as this. I understand there was

approved

maybe some paperwork faux pas in the building of the house. It was approved as such. I think that's working in your favor. My second thought is the fact that you laid out that there is plenty of property. There's nothing nearby. It's a large acre lot. I think that helps. Rose [Fabiano], you made that point last time. Those are some things to ponder.

Mr. Balzano said you look at the criteria. There's obviously no detrimental impact to the neighborhood because of the land and the situation.

Chairman Maxwell said if you had a neighborhood like Secor, it wouldn't be similar. This will be judged on its own merits.

Mr. Albano said several neighbors did call me and asked what it was about. When I explained to them, they said they didn't understand why it would be an issue. Visually, in other words, it doesn't change anything in the neighborhood.

Mr. Carnazza said and you do have one front door and all the other things.

Chairman Maxwell said any more input from the Board?

Mrs. Fabiano said just that it's a unique circumstance and that it's on 13 acres. We don't see many like this. It's very unusual to have a situation like this.

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 Ms. McKeon with all in favor.

4. Application of **ROBERT ALTERO** for a Variation of Section 156-15 seeking a Variance for permission to retain gazebo and legalize room above garage. The property is located at 3 Curry Spur, Mahopac NY and is known as Tax Map #53.12-1-17

Code Requires/Allows	Provided	Variance Required
10' rear (gazebo)	2'	8'
25' front (garage)	0' (over property line. Easement agreement need	25'

Chairman Maxwell said the applicant has requested a holdover.

Mr. Balzano moved to hold this application over; seconded by Ms. McKeon with all in favor.

approved

5. Application of **FRANK GIORDANO** for an Interpretation of Section 156-15. Applicant seeks Interpretation that the apartment above garage is legally pre-dated, or in the alternative, a Use Variance to permit same to continue. The property is located at 23 Seminary Hill Road, Carmel NY and is known as Tax Map #55.6-1-68.

Chairman Maxwell said the applicant is requesting a holdover.

Mr. Balzano moved to hold this application over; seconded by Ms. McKeon with all in favor.

6. Application of **BORE COTAJ** for an Interpretation of Section 156-15. Applicant owns the parcel upon which the temporary dock is located and a parcel improved by at least one residential dwelling unit which is directly across the street but separated by a road (i.e. East Lake Blvd.). Applicant seeks an Interpretation that the intent of the statute (i.e. a dock when not located on a parcel improved by at least one residential unit) is met under the circumstances set forth herein or, in the alternative, the following area variances (table below). The property is located at 148 East Lake Blvd., Mahopac NY and is known as Tax Map #76.30-1-5.

Code Requires/Allows	Provided	Variance Required
Dock:		
Lake frontage 50'	6'	44'
Minimum Depth 30'	4'	26'
Minimum Area 3000	96	2904

Chairman Maxwell said the applicant is requesting a holdover.

Mr. Balzano moved to hold this application over; seconded by Ms. McKeon with all in favor.

NEW APPLICATIONS:

7. Application of **JOHN & DONNA CAPPELLI** seeking a Variance for permission to restore property to original property lines; Lot 5 & Lot 6 with intention to build on Lot 6. The property is located at 16 Brook Street, Mahopac NY and is known as Tax Map #64.7-1-16.

➤ Mrs. Donna Cappelli of 16 Brook Street, Mahopac was sworn in.

Mrs. Cappelli stated we're requesting that our property gets restored to the original property lines. It's on two lots; lots 5 & lot 6 on Brook Street and Maurice Drive.

Chairman Maxwell said so these were merged at one time?

approved

Mrs. Cappelli said yes. The original property was two separate parcels at one time.

Chairman Maxwell said and they're both ½ acre parcels?

Mrs. Cappelli said yes.

Chairman Maxwell said how long ago did that occur?

Mrs. Cappelli said I'm not sure. I bought the home in 1982.

Chairman Maxwell said so you didn't do it. It was the previous owner?

Mrs. Cappelli said I didn't do it.

Chairman Maxwell said so it predates 1982 at least.

Mrs. Cappelli said yes.

Chairman Maxwell said and the intention is to build?

Mrs. Cappelli said the intention is to build if we can. I'm not sure if it's buildable at this point. I have to have tests done.

Chairman Maxwell said so this would be going to the Planning Board?

Mr. Carnazza said it already went to the Planning Board. There were two lots there. At one time they merged them together. They're trying to return to original lot lines so that they can now go further and see if they can get a septic approval, well approval, everything else based on what's there.

Mr. Balzano said and you can't get those approvals unless we do the split?

Mr. Carnazza said you can but their hurdle is going to be making sure their septic is on their lot, their well is on their lot and everything works out.

Mrs. Cappelli said we're on a Town well there.

Mr. Carnazza said oh right. They have that water system there; Stocum.

Chairman Maxwell said it's not out of character for the neighborhood. They're all basically ½ acre lots. You can see that on this map with the adjacent properties as well.

Mrs. Cappelli said and the property on the side of Lot 6 is Lot 8, and that's all wetlands mostly.

Chairman Maxwell said I was up there the other night. Is there a brook that runs through there?

Mrs. Cappelli said yes. There's a small brook that runs through there.

Mr. Carnazza said that's another hurdle that you're going to have to jump over.

Chairman Maxwell said yes. If you're going to build a house, you're going to have to run it by the ECB, and there are probably a lot of controls that you'll have to put in if it gets approved.

approved

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 Mr. Balzano with all in favor.

8. Application of **ERIN HADDELAND** for a Variation of Section 156-15 seeking a Variance for permission to retain pool & shed/garage. The property is located at 108 Shear Hill Road, Mahopac NY and is known as Tax Map #65.15-2-15.

Code Requires/Allows	Provided	Variance Required
Pool: rear – 10’	1.2’	8.8’
Garage: rear 15’	0’	15’

- Ms. Erin Haddeland of 108 Shear Hill Road was sworn in.

Ms. Haddeland stated we’re applying for the variance because we want to make everything legal.

Chairman Maxwell said how long has it been there?

Ms. Haddeland said forty something years. My in-laws built the house in 1977 when she was pregnant with my husband. They have both passed away. We had moved in to take care of his mother and when she passed away, we bought the house. Now, we bought everything that came with it including the problems.

Chairman Maxwell said I was up there the other night. It’s pretty well screened behind the garage or shed, and it looks like it’s well screened from the other neighbors. The rear neighbors – it dips down and there’s really no other flat areas. I don’t know if anyone else got a chance to get out there but it’s almost like a natural spot for it. Typically, we frown on zero lots lines but if it’s been there that long and no one has complained about it at this point..... Have you talked with all your neighbors? I’m sure if someone had an issue, they’d be here. Do the Board Members have any questions?

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.

approved

Decision of the Board:

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

9. Application of **JAIME A. DAVILA** for a Variation of Section 156-15 seeking a Variance for permission to keep existing pool deck. The property is located at 35 Stuart Road, Mahopac NY and is known as Tax Map #65.15-1-77

Code Requires/Allows	Provided	Variance Required
Pool Deck: 20' side	12.4'	7.6'
Pool (attached) 20' side	15'	5'

- Mr. Jaime Davila of 35 Stuart Rd., Mahopac was sworn in.

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

Mr. Davila stated the deck's been there since I purchased the home in 2015. It was an existing deck. The pool deck and the pool was there. I did redo the deck as it was falling apart in the spring of 2016.

Chairman Maxwell said so it never got picked up on a title search apparently.

Mr. Davila said yes sir.

Chairman Maxwell said so you're a victim of that.

Mr. Carnazza said the pool was legal though but when they put the deck to the pool, the setback changed from 10' to 20'.

Mr. Davila said the deck that was there previously was convoluted coming off the house. There was a gap between with a little bridge that went to the deck that was around the pool. It just wasn't reasonable, and it was falling apart. So, when I redid it, I did it straight out to the pool.

Chairman Maxwell said I was up there the other night. It's well screened on that side of the house. It's not too close to any of the neighbor's stuff. We did receive a letter in support of your application from Gary & Eileen Magliari at 31 Stuart Road so that helps your case here.

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.

approved

Decision of the Board:

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

10. Application of **HOWARD PEARLE** for a Variation of Section 156-15 seeking a Variance for permission to get relief from setback regulations, accessory building (carport) - front & side. The property is located at 49 Traveled Way, Mahopac NY and is known as Tax Map #64.11-2-32.

Code Requires/Allows	Provided	Variance Required
15' side	0'	15'
40' front	19.5'	20.5'

- Mr. Thomas Nugent of 79 Austin Rd., Mahopac NY representing the applicants was sworn in.

Mr. Nugent stated that Mr. Pearle, for many years, had one of those movable garages. It was gray with an arched top on it. He had one of those for many years. His neighbor had one. He wanted to replace it with something that looked a lot better and like a carport. He didn't get a permit or a variance so that's why we're here.

Chairman Maxwell said so this is associated with the house across the street – correct?

Mr. Nugent said that's correct. It's by itself on a lot across the street from the Pearle residence. So that was the reason for the carport. We also asked six of the neighbors if they would approve of this and two had no objection. Others, actually enthusiastically, supported it. I think it's because it looks a lot better.

Chairman Maxwell said do you have any documentation of that?

Mr. Nugent said I just have their name and address on this piece of paper.

Chairman Maxwell said do you want to submit that?

Mr. Nugent said yes, I do.

(Tape hangs up again.)

Chairman Maxwell said so he didn't realize that he needed a permit to build them so he built them without it which is a no-no but that's why you're here I'm sure. Did Denis [Marousek] pick this up?

Mrs. Fabiano said I noticed here it says that the paving was 6' over the property line. You are sure about your dimensions for the carport?

Mr. Nugent said yes.

approved

Mr. Carnazza said the carport is over the property so each of the two neighbors have a 0' setback on the same structure.

Chairman Maxwell said wouldn't they have to give each other an easement of sorts?

Mr. Carnazza said they each have a carport on their property with 0' setback.

Chairman Maxwell said the other question I have is there is a shed that's not shown on the site plan and it's right in between the two carports?

Mr. Nugent said yes.

Chairman Maxwell said did Denis pick that up? You can't see it in any of the pictures but I was out there the other night. It's roughly where it says 'cb' on the survey in between the two carports.

Mr. Nugent said yes.

Chairman Maxwell said at this point, it's not on the application.

Mr. Nugent said it's only about this high (approximately chest high) and is for garbage cans.

Mr. Carnazza said Mr. Chairman, we don't count them. They have garbage pails in them.

Chairman Maxwell said it's probably on the other property line. We'll tackle that next then.

Chairman Maxwell asked if anybody in the public had any input, comments or concerns with this application of which there was none.

Chairman Maxwell said there's no other property that they could purchase to bring this into conformance – right?

Mr. Nugent said no. They're sharing it.

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

approved

11. Application of **AHARON & NAVIT YEHUDA** for a Variation of Section 156-15 seeking a Variance for permission to get relief from setback regulations, accessory, front & side. The property is located at 51 Traveled Way, Mahopac NY and is known as Tax Map #64.11-2-33.

Code Requires/Allows	Provided	Variance Required
Carport 1: 40' front	17'	23'
Carport 1: 15' side	10'	5'
Carport 2: 15' side	0'	15'
Carport 2: 40' front	19.5'	20.5'

- Mr. Thomas Nugent of 79 Austin Rd., Mahopac NY representing the applicants was sworn in.

Mr. Nugent stated he put up one of those tents too. Both of them had them in 1992. It was a one-car portable garage and was the same story.

Chairman Maxwell said so they basically built these structures in the same footprint where they parked the cars previously.

Mr. Nugent said yes on this application.

Chairman Maxwell said so same thing: they didn't know they needed a permit?

Mr. Nugent said no.

Chairman Maxwell said it's a beautiful structure for a carport. It almost looks like a garage with no sides. Mike [Carnazza], you go and inspect this once and if this gets approved?

Mr. Carnazza said yes. They get a Building Permit and then a C.O.

Chairman Maxwell said it looks like there's no footings. It's sitting right on pavers here. Structurally, you might want to take a look at that. Unless the pavers were put on after the fact and the footings are below. It's a heavy roof to have no footings.

Mr. Balzano said Julie [McKeon] noticed it looks like it does go through. It doesn't look like it's on the pavers. It looks like it goes through.

Chairman Maxwell said it was raining when I went out there so I didn't spend a lot of time [there].

Mr. Balzano said just to note it.

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

approved

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 Ms. McKeon with all in favor.

12. Application of **B&V REALTY GROUP** for a Variation of Sections 156-15 & 156-47A(1) seeking a Variance for permission to expand 4 Curry Road & future project at 6 Curry Road; expansion of pre-existing, non-conforming use (156-47A(1)). The property is located at 695 Long Pond Road, Mahopac NY and is known as Tax Map #53.12-1-3

Code Requires/Allows	Provided	Variance Required
Rear 30' (6 Curry)	20' & 16.6'	10' & 13.4'

➤ Mr. Joseph Modica, owner of 695 Long Pond Road, Mahopac was sworn in.

Mr. Modica stated I bought this property about 5 or 6 years ago with intentions of keeping it rented out as an investment property. Since then, we've decided we want to move up to Mahopac from where we live now. My oldest daughter is getting married in two weeks. I'd like to expand 4 Curry Road first for my daughter and her new husband to move into. After I'm done with that, probably about a year or year and a half after – when I pay off the loan I'm going to need to fix that one, I'm going to fix 6 Curry Road and then myself and my wife would move up here also.

Chairman Maxwell said there's five houses on this whole lot?

Mr. Modica said so 695 Long Pond Road has a two-family house and five cottages behind it.

Chairman Maxwell said it's a pretty nice property. I was out there too. These could definitely use some TLC for sure.

Mr. Modica said I already did 2 Curry Road; the one that's right in front. It's the gray one in the beginning of the driveway. That one was done about two years ago I believe and when we finished it, people were driving by clapping. They were so happy that the property was getting better looking.

Chairman Maxwell said you did that work yourself?

Mr. Modica said I did some of the work but I had a lot of help from this gentleman right here (points to member in audience).

Chairman Maxwell said there's no other property that you can purchase to bring this into conformance; you're land-locked back there?

Mr. Modica said yes.

Chairman Maxwell said have you spoken with all your neighbors?

approved

Mr. Modica said nobody had anything to say. The gentleman right behind me was very excited when the first one was done. He came in and looked at it.

Chairman Maxwell said is someone living in both of them now?

Mr. Modica said not 4 Curry Road. That's empty right now. It's right in the middle of the three. That one's empty. She'll move into it once it's completed.

Chairman Maxwell said like you'd said: it's a good improvement for the neighborhood.

Mrs. Fabiano said can you just explain - #6 is up at the top on the left?

Mr. Modica said it's the highest one up.

Mrs. Fabiano said and #4 is.....

Mr. Modica said in the middle.

Mrs. Fabiano said #6 & #4 are both part of the parcel? They're all part of the same parcel which is less than 1 acre?

Mr. Modica said yes. It's just shy of an acre.

Mrs. Fabiano said do you know when they were built?

Mr. Modica said a very long time ago but I have no clue.

Chairman Maxwell said they look like the old bungalow type of houses.

Mr. Carnazza said most likely the 40s or 50s.

Mrs. Fabiano said so this is a very unique circumstance.

Mr. Balzano said very unique.

Mr. Carnazza said this has been operating a long time. The previous owner cleaned a few of them up somewhat but not to this degree. He's doing a lot more work, and that's why they're here for the variance.

Mrs. Fabiano said these have a septic system; one septic system?

Mr. Modica said no. Each has its own septic.

Mr. Carnazza said I'd say to increase any bedroom counts, they'd have to go through the Putnam County Department of Health. As long as they keep what's there, they're allowed to do it without going over.

Mrs. Fabiano said but not if they're expanding.

Mr. Carnazza said not unless they expand bedrooms. If you had a one-bedroom and replace it with a one-bedroom, it's a wash.

approved

Mr. Modica said it's all going to stay exactly the same.

Mr. Balzano said do you have one well that covers it all or does each have its own well?

Mr. Modica said there are two wells that cover the whole property.

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 Ms. McKeon with all in favor.

13. Application of **BURIM SYLAJ** for a Variation of Section 156-15 seeking a Variance for permission to build 2 car detached garage (20'x24'). The property is located at 16 Rosemarie Lane, Mahopac NY and is known as Tax Map #53.16-1-15.

Code Requires/Allows	Provided	Variance Required
10' Side	5'	5'
10' Rear	5'	5'

- Mr. Burim Sylaj of 16 Rosemarie Lane, Mahopac was sworn in.

Chairman Maxwell said so you want to build a garage. The house doesn't have one currently. If anybody else saw it, there's like a rock wall and there's only so much room to allow for a two-car garage, I think he has no choice but to be that extreme. It's pretty well wooded to the right side.

Mr. Sylaj said I need 5' because if I move 10', it's getting closer to the deck on the house. I tried to move it away from the house.

Chairman Maxwell said there's no property that you can purchase to bring this into conformance. You really can't make it smaller to get a two-car garage.

Mrs. Fabiano said are you going to have plumbing or electrical in there?

Mr. Sylaj said I don't think plumbing.

Mrs. Fabiano said so we'll condition it that there will be no plumbing.

Mr. Sylaj said an electrician I will hire for lights, electric and such.

Mr. Carnazza said what's going upstairs?

approved

Mr. Sylaj said storage.

Chairman Maxwell said we just want to make sure that there's no living up there; no rentals; no illegal apartments. You're going to have stairs?

Mr. Sylaj said there are stairs inside.

Chairman Maxwell said so it's just for storage.

Mr. Sylaj said yes; just for storage.

Mrs. Fabiano said it looks like a high roof line, doesn't it?

Chairman Maxwell said there are dormers on both sides.

Mrs. Fabiano said it seems high.

Chairman Maxwell said it kind of raises a flag because you think it can become living space.

Mr. Sylaj said no.

Mr. Balzano said it's 19' 10".

(Tape hangs up)

Mr. Sylaj said I will try but if you bring it down, it might be smaller. If you put storage stuff....

Mrs. Fabiano said what are you storing that you need that much?

Mr. Sylaj said tools or you know.

Mrs. Fabiano said are you operating a business in there?

Mr. Sylaj said no.

Mrs. Fabiano said do you have equipment for whatever business you're in?

Mr. Sylaj said I don't have a business. It's just for myself.

Mrs. Fabiano said it's not for commercial use?

Mr. Sylaj said no.

Mrs. Fabiano said I would love to see that roof line lower.

Chairman Maxwell said Mike [Carnazza] it conforms to the height restrictions – right?

Mr. Carnazza said I think you're allowed 20' but I'm trying to pull it up.

Chairman Maxwell said Rose [Fabiano] if you're worried about someone living up there, we've already conditioned it.

approved

Mrs. Fabiano said condition it with no plumbing.

Mr. Carnazza said maximum height of a detached garage shall be 20'.

Vice-Chairman Aglietti said so we're there.

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:

Mrs. Fabiano moved to grant the requested variance with the conditions that there shall be no plumbing and no living space in the structure; seconded by Vice-Chairman Aglietti with all in favor.

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

By Order of the Chairman,

John Maxwell