

APPROVED

JOHN MAXWELL
Chairman

PHILIP AGLIETTI
Vice-Chairman

**TOWN OF CARMEL
ZONING BOARD OF APPEALS**



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MICHAEL CARNAZZA
*Director of Code
Enforcement*

BOARD MEMBERS
ROSE FABIANO
SILVIO BALZANO
WILLIAM ROSSITER
MARC DITOMASO
MICHAEL SCHWARZ

ZONING BOARD OF APPEALS MINUTES

FEBRUARY 26, 2015

PRESENT: CHAIRMAN, JOHN MAXWELL, VICE-CHAIRMAN, PHILIP AGLIETTI,
ROSE FABIANO, SILVIO BALZANO, WILLIAM ROSSITER, MICHAEL SCHWARZ

ABSENT: MARC DITOMASO

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Dorene Seymour	65.18-1-37	1	Heldover
Theodore Finney	86.48-1-6	1	Granted.
John Cobelli	76.19-1-66	2-3	Denied.
Anthony Savino/Benedetto Savino	75.42-1-7	3-4	Granted with a Condition.
David Vaughan/Debra Serio-Vaughan	65.13-1-25	4	Heldover.
Minutes - 1/22/2015		4	Approved.

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Rose Trombetta

Application of Dorene Seymour for a Variation of Section 156-20 seeking permission to retain 6' fence. The property is located at 16 Baxter Court, Mahopac and is known by Tax Map #65.18-1-37.

Code Requires	Will Exist	Variance Required
4' Fence Front	6'	2'

Mr. Aglietti moved to holdover the application. The motion was seconded by Mrs. Fabiano with all in favor, except for Mr. Balzano who abstained.

Application of Theodore Finney for a Variation of Section 156-15, seeking permission to retain shed. The property is located at 7 Maple Drive, Mahopac and is known by Tax Map #86.48-1-6.

Code Requires	Will Exist	Variance Required
10' Rear (east)	.78'	9.22'
10' Rear (south)	2.8'	7.2'

Mr. Finney was sworn in. He addressed the board and stated I am seeking a variance to retain a shed. There was a metal shed, which I tore down and put up a wooden shed in place of it. I made the shed bigger because my wife wanted to have a porch, so we put a porch in the front. There was a variance granted on the old shed but it doesn't carry over to the new shed. There's no other place on the property that I could place the shed without needing to obtain a variance.

Mr. Maxwell asked if there is any other property he could purchase.

Mr. Finney replied no there is not.

Mr. Maxwell asked how long the shed has been there.

Mr. Finney stated approximately 15 years.

Mr. Maxwell stated it looks like it matches the house and design well. Have any neighbors ever complained about it?

Mr. Finney stated no.

Mr. Maxwell asked what he uses the shed for.

Mr. Finney replied for storage. It used to be a playhouse for my kids when they were younger.

Mr. Maxwell asked if anyone in the audience wished to be heard on this application.

Mr. Aglietti moved to close the public hearing. The motion was seconded by Mrs. Fabiano with all in favor.

Decision of the Board

Mr. Balzano moved to grant the variance. The motion was seconded by Mrs. Fabiano with all in favor.

Application of John Cobelli for a Variation of Section 156-15, seeking permission to retain deck. The property is located at 14 Engelwood Terrace, Mahopac and is known by Tax Map #76.19-1-66.

Code Requires	Will Exist	Variance Required
25' Side	4'	21'

Mr. Cobelli was sworn in. He addressed the board and stated the back of my house faces the road and I have a deck outside the back which goes within 4 feet of my neighbor's fence. I am thinking of selling the home and I was told I needed a variance. I've had the deck there for a long period of time, but I redid it about 8 years ago.

Mr. Maxwell stated it was hard to get up there because it was full of snow so I couldn't get to the other side to get an accurate look at it. We did receive a letter from your neighbor opposing this. Mr. Maxwell then proceeded to read the letter aloud. He asked Mr. Cobelli if he was aware he needed a building permit.

Mr. Cobelli responded no because originally when I had built the deck it was on the ground. There is also a retaining wall and I just walked my patio out onto that. At the time we had the red pavers on the ground and when it started to get old I decided that I wanted to put a deck. I built right on top and it's now a little bit off the ground.

Mr. Maxwell asked exactly how high is off the ground, because by code you're allowed 12".

Mr. Carnazza stated he is over 12".

Mr. Maxwell stated in the spirit of negotiation and cooperation what about building some kind of screening so there's segregation.

Mr. Balzano stated I was thinking the same thing if there is some way we can come to a compromise and create some privacy.

Mr. Maxwell stated I think evergreens would be good.

Mr. Cobelli stated there are evergreens that separate the property now. If I was standing on my deck they would be over my head blocking most of the view.

Mrs. Fabiano stated with all due respect Mr. Cobelli, I found that deck to be excessive. We do have someone complaining and one of our criteria for making a decision is if it's a detriment to a nearby property owner. You may be the greatest neighbor in the world, but if you sell your house we don't know who the next neighbor is. She asked if he did this himself.

Mr. Cobelli stated yes I did.

Mrs. Fabiano stated so you could also take it apart to reduce it. It looks like it exceeds the house line. I just think it's very excessive. My concern is the neighbor next door. I don't know the person, but the fact that they wrote this letter means that they have a real problem with this, so I would like to see this reduced.

Mr. Aglietti stated I don't have any questions, but I do concur with Mrs. Fabiano's feelings.

Mr. Schwarz stated I think the neighbor is here and I'd like to hear from her. Either screening or reducing the deck if possible would be good.

Mrs. Fabiano stated but it is already screened.

Mr. Schwarz stated I'm talking more of a solid fencing.

Mr. Maxwell stated maybe compounded with some screening and reducing the deck if it comes down to it.

Mr. Maxwell asked if anyone in the audience wished to be heard.

Mrs. Pauline Agrisan was sworn in. She addressed the board and stated I think the deck is grossly over, it's very close. The evergreens that we're talking about are to the side of the house and there is no privacy back there. If you do put something up, such as a privacy blocker or sound barrier, they're selling the house and I don't know what the next neighbors are going to do. If the variance is allowed they can do whatever they want.

Mr. Maxwell stated we would have them build a solid wall that could be 6 to even 8 feet and we would have it come across the side of the deck and bring it in maybe 10 feet to help capture any sound that would be created on that deck. The material used would match the house and/or deck.

Mrs. Agrisan stated it also reduces the value of the house. We moved to this area for the privacy and now if we go outside and sit on our deck we're going to have to look at a big wall.

Mr. Balzano moved to close the public hearing. The motion was seconded by Mr. Aglietti with all in favor.

Decision of the Board

Mr. Aglietti moved to deny the variance. The motion was seconded by Mrs. Fabiano.

A roll call vote was taken as follows:

Mr. Rossiter	For the motion
Mr. Schwarz	For the motion
Mr. Aglietti	For the motion
Mrs. Fabiano	For the motion
Mr. Balzano	For the motion
Mr. Maxwell	For the motion

Motion carries.

Application of Anthony Savino/Benedetto Savino for a Variation of Section 156-15, seeking permission to rebuild shed at a different location on property; construct shed (accessory use) on lot without principal use. The property is located at 725 South Lake Boulevard, Mahopac and is known by Tax Map #75.42-1-7.

Code Requires	Will Exist	Variance Required
Allows accessory structure (shed)	No principal use	Accessory use with no principal use

Mr. Anthony Savino was sworn in. He addressed the board and stated I'm looking for a variance for an ADA accessible shed on our lake property.

Mr. Maxwell stated you have a shed there now and you want to relocate it so it's more accessible.

Mr. Savino stated actually we want to rebuild it and make a new shed.

Mr. Maxwell asked if there were any setback issues.

Mr. Carnazza stated no because he only has to be 10 feet off.

Mrs. Fabiano stated the shed is going to be tucked to the side is that correct; it's not going to obstruct the whole view?

Mr. Savino stated during the project I spoke to Mr. Carnazza and we're going to remove the 6 foot fence and replace it with a 4 foot fence. We're also redoing the decking, but it's going to be below 12 inches and ADA accessible. I'm making it easier because I will be needing surgeries in the future.

Mrs. Fabiano stated so if we condition it that you will remove the 6 foot fence, you are agreeable to that?

Mr. Savino stated absolutely.

Mr. Maxwell asked if anyone wished to be heard on this application.

Mrs. Fabiano moved to close the public hearing. The motion was seconded by Mr. Aglietti with all in favor.

Decision of the Board

Mrs. Fabiano moved to grant the variance with the condition that a certificate of occupancy will not be issued until the fence conforms to code. The motion was seconded by Mr. Balzano with all in favor.

Application of David Vaughan and Debra Serio-Vaughan for a Variation of Section 156-15, seeking permission to retain masonry with fireplace. The property is located at 544 North Lake Boulevard and is known by Tax Map #65.13-1-25.

Code Requires	Will Exist	Variance Required
Masonry Wall 10' Side	1.5'	8.5'

Mr. Balzano moved to holdover the application. The motion was seconded by Mr. Aglietti with all in favor.

MINUTES-1/22/2015

Mrs. Fabiano moved to accept the minutes. The motion was seconded by Mr. Balzano with all in favor.

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Rose Trombetta