

APPROVED

MARK FRASER
Chairman

JOHN MAXWELL
Vice Chair

TOWN OF CARMEL ZONING BOARD OF APPEALS



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MIKE CARNAZZA
*Director of Codes
Enforcement*

BOARD MEMBERS

ROSE FABIANO
ROGER GARCIA
SILVIO BALZANO
PHILIP AGLIETTI
CRAIG PAEPRER

ZONING BOARD OF APPEAL MINUTES

August 23, 2012

PRESENT: MARK FRASER, CHAIRMAN, JOHN MAXWELL, VICE CHAIR, ROSE FABIANO, ROGER GARCIA, SILVIO BALZANO, PHILIP AGLIETTI, AND CRAIG PAEPRER

ABSENT:

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Mark Greenberg	75.8-2-5	1	Held over
Illena & James Mills's	53.-1-59.-32	1	Granted
Michael Brewster	64.16-1-3	2	Granted
Andreas Kuhbier	76.5-1-11	2-3	Granted
John Settembrini	74.34-2-37	3	Granted
Minutes:			
6/28/2012		3	Approved
7/26/2012		3	Approved

The meeting was adjourned at 7:44 p.m.

Respectfully submitted,

Donna Esteves

Application of Martin Greenberg, for a Variation of Section 156.20 seeking permission to build a 12' high concrete fence along the south side of the property. The property is located at 5 Tamarack Rd, Mahopac and is known by Tax Map #75.8-2-5.

Code Requires	Will Exist	Variance Required
6' fence	12'	6'

Mr. Fraser stated that the applicant has requested a hold over until September 27th because he is on vacation.

Mr. Balzano made a motion to hold the application over. Mr. Maxwell seconded the motion with all in favor.

The application of Illena & James Mills, for a Variation of Section 156.15, seeking permission to close in an open deck which has a non-conforming front yard. The property is located at 51 Spring La, Mahopac and is known by Tax Map #53.-1-59.-32.

Code Requires	Exists	Variance Required
Front Yard – 25 ft.	18.8'	6.2'

Mr. Joel Greenberg was sworn in.

Mr. Fraser asked if the applicant re-notified the neighbors and posted the sign. Mr. Greenberg answered yes.

Mr. Fraser commented that Mr. Greenberg made his presentation last month regarding the enclosure of the open deck before the situation regarding the pool came up. He asked how the applicant put a pool in without a permit. Mr. Greenberg replied that he was just as surprised and is assuming that the company that put the pool in must have told the applicants that they would take care of the permits and never did.

Mr. Greenberg noted that although they never received the permits for the pool, the applicant did conform to code regarding the setbacks. He also reminded the board that they would also like to just enclose the already existing deck.

Mrs. Fabiano asked how long the pool has been there. He responded that it was put in a little over a year ago.

Mrs. Fabiano also asked if people were walking on the “common property” would they be able to see the pool. Mr. Greenberg said the likelihood of someone walking in that area is minimal at best because it is a heavily wooded area and comes to a dead end, so the answer would be no.

Mr. Maxwell made a motion to close the public hearing. Mr. Balzano seconded the motion with all in favor.

DECISION OF THE BOARD

Mrs. Fabiano moved to grant the motion. Mr. Aglietti seconded the motion with all in favor.

The application of Michael Brewster, for a Variation of Section 156.15, seeking permission to construct a greenhouse. The property is located at 269 West Lake Blvd and is known as Tax Map #64.16-1-3.

Code Requires	Will Exist	Variance Required
20 ft. from next property	15'	5'

Mr. Chris Smalley was sworn in.

Mr. Fraser stated that the applicant was here last month but held over because the location of the greenhouse was not on the maps and they did not have drawings/pictures of what it would look. The applicant has since submitted those drawings and pictures.

Mr. Fraser asked Mr. Smalley why his client wanted to put the greenhouse in that particular spot.

Mr. Smalley stated that currently the garden is in that location and because of the slope of the property there is a retaining wall there so it would interfere with the entry of the room. That's why they want to move it back a bit.

Mr. Maxwell made a motion to close the public hearing. Mr. Balzano seconded the motion with all in favor.

DECISION OF THE BOARD

Mr. Maxwell moved to grant the motion. Mr. Balzano seconded the motion with all in favor.

Application of Andreas Kuhbier, for a Variation of Section 156.15 seeking permission to retain a tool storage closet. The property is located at 47 Sycamore Rd, Mahopac and is known by Tax Map #76.5-1-11.

Code Requires	Will Exist	Variance Required
15' side	10.5'	4.7'

Mr. Kuhbier was sworn in.

Mr. Fraser stated that the applicant was before the board for a tool/storage closet. He commented that he is satisfied with the pictures that the applicant submitted to the board. He doesn't feel that it is invasive to any of the neighbors and he can see from the pictures why he located it where he did.

Mr. Garcia stated that he went out to the property and agreed that you cannot see the closet from the street or the adjacent property or the back. It is in a logical place.

Mr. Maxwell agreed that it is not encumbering but his only issue is that there is no railing on the front deck to the right side of the house and he would like the applicant to put one on.

Mrs. Fabiano asked if this had been a Rubbermaid shed similar in size would the applicant even be before the board. Mr. Fraser answered no.

Mr. Maxwell made a motion to close the public hearing. Mr. Aglietti seconded the motion with all in favor.

DECISION OF THE BOARD

Mr. Maxwell moved to grant the motion. Mr. Aglietti seconded the motion with all in favor.

Application of John Settembrini for a Variation of Section 156-10.I seeking permission to construct an addition to the front deck. The property is located at 219 Overland Rd, Mahopac and is known by Tax Map #74.34-2-37.

Code Requires	Will Exist	Variance Required
25' Setback from Property Line	18' from property line	7' front yard variance

Mr. Settembrini was sworn in. He stated that he is trying to extend his front deck another 8 feet.

Mr. Balzano asked the applicant why he wanted to do it.

The applicant stated that they have a big driveway that the kids use and it would be nice to have the deck to be able to watch them since the existing deck is very small. It would also add to the house.

Mrs. Fabiano asked if there would be any roofing involved. Mr. Settembrini answered no.

Mr. Garcia stated that it would blend into the house.

Mr. Maxwell made a motion to close the public hearing. Mrs. Fabiano seconded the motion with all in favor.

DECISION OF THE BOARD

Mr. Balzano moved to grant the motion. Mrs. Fabiano seconded the motion with all in favor.

Minutes:

6/28/2012 – Approved with noted changes made

7/26/2012 – Approved with noted changes made

The meeting was adjourned at 7:44 p.m.

Respectfully submitted,

Donna Esteves