

APPROVED

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Chairman

JOHN MAXWELL
Vice Chair

TOWN OF CARMEL
ZONING BOARD OF APPEALS



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ROSE FABIANO
ROGER GARCIA
SILVIO BALZANO
PHILIP AGLIETTI
CRAIG PAEPRER

ZONING BOARD OF APPEALS MINUTES

September 26, 2013

PRESENT: CHAIRMAN MARK FRASER, VICE CHAIR JOHN MAXWELL, 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>
Antonio Correa	76.9-2-5	1	Held over
Jonathan Schneider	53.17-1-10	1-2	Granted
Zephyr Farm	76.10-1-5	2-3	Granted
16 Lake Rd	76.17-1-19	3-5	Held over
Delancy Street Foundation	86.10-1-3	5	Dismissed
South Lake Blvd realty	75.44-1-65, 66&67	5	Held over
Minutes – June, July		6	June and July Approved

The meeting was adjourned at 8:26 p.m.

Respectfully submitted,

Donna Esteves

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Application of Antonio Correa for a Variation of Section 156.15 seeking permission to construct a boiler room. The property is located at 33 Mt. Hope Rd, Mahopac and is known by Tax Map #76.9-2-5.

Code Requires	Will Exist	Variance Required
30' Rear (Boiler Room)	9.22'	20.78'

Mr. Correa was sworn in. Mr. Fraser stated that the applicant was before the board back in 2008 and the variance was granted. However, it has since expired. The applicant did not have the funds to do the project at that time. He stated that nothing has changed on this application.

Mr. Garcia stated that he went by the property and he did not see the notification sign.

The applicant stated that he put it in the window.

Mr. Fraser questioned if that is permissible by code.

Mr. Carnazza stated that it does not comply with code because the sign should be erected no more than 10' from the property line.

Mr. Fraser stated that they will have to hold the application over so that the sign can be put up within 10' of the property line.

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

Application of Jonathan Schneider for a Variation of Section 156.15 seeking permission to construct a roof on the side of the existing shed. The property is located at 79 Barrett Hill Rd, Mahopac and is known by Tax Map #53.17-1-10.

Code Requires	Will Exist	Variance Required
40' Front	5'	35'

Mr. Schneider was sworn in.

Mr. Fraser stated that the applicant is looking to build a covered roof off the existing shed. He asked why he couldn't build it into the property as opposed to towards the road.

Mr. Schneider stated that he had originally looked into doing that but because of the elevation and grade change; he had to build a retaining wall when he originally built the shed. The retaining wall comes in a circular pattern that comes close so he wouldn't get the same coverage. He further stated that he wants to build this to store power equipment, lawn furniture, firewood, etc.

Mr. Garcia stated that when he went to look at the property it didn't seem to pose any problems to any of the immediate neighbors. The other board members agreed.

Mrs. Fabiano asked if it would be within the fenced in area. Mr. Schneider responded yes, and eventually he would do more grading and put plantings in the front.

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

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DECISION OF THE BOARD:

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

Motion granted.

Application of Zephyr Farm, Inc. for a Variation of Section 156.17(a) seeking permission to construct a roof over the outdoor riding area. The property is located at 219 Watermelon Hill Rd, Mahopac and is known by Tax Map #76.10-1-5.

Code Requires	Will Exist	Variance Required
Runs 200'	100'	100'
10,000 ^{sq.ft.} max	16,000 ^{sq.ft.}	6,000 ^{sq.ft.}

Mr. Nugent was sworn in. He stated that the property is an existing horse farm. There is an existing riding ring and the owner wants to put a roof over it to protect the riding area from the ice and snow. Mr. Nugent stated that it is located about 670' from the road and surrounded by trees. It already exists and it's the only place to put it. He stated that they were before the Planning Board and they didn't have any objections to the proximity to the property line or the size of the building. They were concerned about whether or not the size of the business would increase. The owner has no intention of increasing the business nor does she plan on increasing the number of horses.

Carla Sacco was sworn in.

Mr. Fraser asked if a 16,000^{sqft} area was considered excessively large for the industry. The applicant responded no; in fact it is quite small. Most indoor riding rings are usually 100x200. This would be 80x200. Anything less than 80' wide is difficult to make turns in.

Mr. Balzano asked what type of roof she is going to put up.

Mrs. Sacco responded that she would put up a metal roof.

Mr. Paepre initially questioned if noise would be an issue with a metal roof but since it is set far back it shouldn't be a problem.

The applicant stated that she would probably have some lighting installed but her business day usually ends by 6:30.

Mr. Aglietti asked if she would be putting in a sound system. She responded no.

Mr. Maxwell confirmed that she will be following the same footprints that exist.

The applicant responded yes she will be following the same footprints. She stated that she is putting up the roof but the sides will remain open. It is her intention to run the business all year (lessons and training). The roof will allow protection from the elements in the winter as well as offer shade in the summer.

Mr. Garcia commented that it is so far off the road and so far back off the other houses that he can't imagine it being a problem. There is also a substantial wooded buffer so it would not have a negative impact on the neighborhood.

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

DECISION OF THE BOARD:

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

Motion granted.

Application of 16 Lake Road Inc. for a Variation of Section 156.15 seeking permission for a 2 lot Realty Subdivision. The property is located at 103 Tea Kettle Spout Lake Rd, Mahopac and is known by Tax Map #76.17-1-19.

Code Requires	Will Exist	Variance Required
Lot line w/in Property Lines	Exits & Re-enters Property	
Frontage 100'	55.17 + 55.16	44.83 + 44.84

Mr. Besharat and Mr. Karell were sworn in.

Mr. Karell stated that this is an 18 acre parcel of land. They are proposing to subdivide it into 2 lots. They are proposing one (1) lot with 9 acres and one (1) lot with 8 acres. Originally this was laid out on an old subdivision map with a 50' right of way entering into the property at a time when zoning was 1 acre. It was contemplated at one time to put in a town road and maybe 8 or 10 lots. The applicant would instead like to build 2 homes with separate driveways and eliminate building a town road. They do not have the frontage for this; therefore they are requesting the variance. They have a little over 50' for each lot but they need 100'. The other variance is because the depth line exits and reenters the property.

Mr. Fraser stated that a neighbor mentioned that this property was before the board many years ago and it was rejected, but that was for a much higher density.

Mr. Fraser commented that the only way to alleviate the frontage would be to put in a town road.

Mr. Fraser asked if they have Board of Health Approval. Mr. Karell stated that the lot to the right has BOHA for a septic system and the lot on the left has been tested but not sent to the BOH yet.

Mr. Fraser commented that there is concern amongst the neighbors with regards to the wetlands and water run off on the property and asked Mr. Karell to address that in further detail.

Mr. Karell explained that the property drains to the rear and all of the development is outside the 100' buffer. They intend to infiltrate some storm water off the house roofs, and they will put rain gardens in the driveway so that it will not impact any off site properties. The wetland line was verified by DEC in September.

Mr. Fraser asked if the applicant has been in front of the Planning Board yet. Mr. Karell responded yes but that they didn't want to proceed with them until they got their variances.

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Mr. Garcia commented that currently they only have enough frontages for one lot unless they put in a town road. He asked if the applicant considered just making one shared driveway to lessen the disturbance.

Mr. Carnazza said if they do that they would have to apply for an “open development” and there is a moratorium on that so it is not an option.

Mr. Maxwell asked about the details of the storm water.

Mr. Karell stated that they haven’t gotten into the design yet but it would probably be sub surface infiltration or it will be rain gardens; or maybe a combination of both.

Mr. Garcia asked what they plan to do if they don’t get BOHA on the other lot.

Mr. Karell stated that then they would only have one lot....but they feel pretty confident that they will get it. The soils are good and there is more than enough room to put in a septic system.

Mr. Maxwell asked how they are going to manage the water drainage on the driveways. Would they be putting curtain drains in on each side?

Mr. Karell stated that they will do infiltration under the driveway. It was also be subject to approval by the Town Engineer.

Mr. Aglietti asked about landscape. Mr. Besharat stated that part of the area is already landscaped with existing trees. However, there will be buffers between the houses in the back. Mr. Besharat stated that he would be willing to put in more landscape for aesthetic purposes.

Mr. Fochetti commented that “storm water” and “landscape” issues are not for this board to decide. This will all be addressed at the Planning Board. The board can only make a determination on the variances they are seeking.

Robert Morelli was sworn in. He stated that Teakettle Spout has always been a problem. He began to read an article about all of the issues on this road. Mr. Fraser reminded the resident that they can only address the issues that are relevant to the Zoning Board.

Mr. Morelli continued to list the concerns of the neighbors:

- If there are 18 acres on this property why is there an issue of frontage?
- Why is the developer not considering a cul-de-sac?
- Why are they not choosing a town road which would have to conform to all state/town standards?
- Drainage – where will all of the water go?
- Who is financially responsible for moving the 2 existing town drains?
- How are emergency vehicles expected to get to this property without a properly sized dedicated town road?

Mr. Kotch was sworn in. He stated that this property was before the board many years ago and it was denied because of the water issues/wetlands. He feels that the applicant is trying to push through something that was already denied.

Mr. Carnazza stated that this is a different application asking for a different variance.

Mr. Fraser stated that there is a big difference in the number of homes that they want to build. The developer cut it down to 2 homes and is planning to build in the areas not deemed wetlands.

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Mr. & Mrs. Munrit were sworn in. They stated they live right next door. Although they have several concerns about the wetlands, their main concern is the implementation of driveways or a town road. They are worried that it will cut into their property and their leech fields. They are also concerned about the flow/safety of traffic that the construction will cause.

Mr. Pelloquin was sworn in. He stated that he thinks the property in question would be directly behind him. He is concerned about the wetlands and the flow of water. He questioned how much worse this will become with the development of this subdivision. He also submitted a letter to the Board with his concerns.

Mr. Fraser stated he would like to hold this over to have a chance to review the old file.

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

Application of Delancy Street Foundation for a Variation of Section 156.15 seeking permission to amend the previous variance in 2002. The original variance granted permission to sell horticultural products during the months of April through October, and the applicant wishes to extend this permission through the month of December to sell Christmas trees. The property is located at 40 Baldwin Place Rd, Mahopac and is known by Tax Map #86.10-1-3.

Mr. Fraser stated that this application is dismissed without prejudice as the variance was granted back in 2007.

Mr. Balzano made a motion to dismiss without prejudice. Mrs. Fabiano seconded the motion with all in favor.

Application of South Lake Realty Inc. for a Variation of Section 156.15 seeking permission to convert 6 office suites into 6 apartments. The property is located at Route 6N and Clark Place, Mahopac and is known by Tax Map #75.44-1-65, 66 & 67.

Code Requires	Will Exist	Variance Required
Commercial Use	Commercial & Residential Use	Residential – 6 apartments on 2 nd floor of West Building

Mr. Fraser stated that he received a lengthy submission from Mr. Molè's office but has not had an adequate chance to review the material. He thinks it would be in the applicant's best interest to hold the application over so that all the Board members can review the material. He also commented that this application is melded with other lots, and the financials they the Board will need to review should reflect this lot only.

Mr. Molè will have the accountant breakout the financials and value for this particular lot and submit it before the next meeting.

Mr. Fraser also commented that the apartments that are above the left hand building looking at the property are "pre-existing non-conforming." That building was built in 1952.

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

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Mr. Fraser made a motion to go into attorney/client session. The motion was seconded by Mr. Maxwell with all in favor.

Minutes: June and July

Mr. Aglietti made a motion to accept the June and July minutes as corrected. Mr. Paepre seconded the motion with all in favor.

The meeting was adjourned at 8:26 p.m.

Respectfully submitted,

Donna Esteves