

APPROVED

JOHN MAXWELL
Chairman

PHILIP AGLIETTI
Vice-Chairman

TOWN OF CARMEL ZONING BOARD OF APPEALS



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WILLIAM ROSSITER
MARC DITOMASO
JOHN STARACE

ZONING BOARD OF APPEALS MINUTES

MARCH 28, 2019

PRESENT: CHAIRMAN: JOHN MAXWELL, VICE-CHAIRMAN: PHILIP AGLIETTI
SILVIO BALZANO, ROSE FABIANO, WILLIAM ROSSITER, JR. & JOHN STARACE

ABSENT: MARC DITOMASO

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Ronald Vance	63.-1-9.4	1 – 4	Variance granted w/conditions
Kareen Simpson	63.-1-9.3	4	Variance granted
Santurnino DeJesus	65.14-1-31	5 – 6	Variance granted
John Abate	86.5-1-41	6 – 8	Variance granted as amended & w/conditions.
James Luke	74.26-1-46	8 – 9	Variance granted
Holton Rower-Yenom Studio	54.-1-26	9 – 13	Held Over

MINUTES:

February 28, 2019	13	Approved as Written
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The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Dawn M. Andren

HOLD OVER

1. Application of **RONALD VANCE** for a Variation of Section 156.15 seeking permission to retain existing carport which encroaches on adjoiner's property pursuant to an easement agreement with neighbor. The property is located at 51 Old Bullet Hole Road, Mahopac NY 10541 and is known by Tax Map 63.-1-9.4.

Code Requires	Provided	Variance Required
25' - side	0'	25'

- Mr. William Shilling, Esq. representing the client appeared before the Board.
- Mr. Ronald Vance of 51 Old Bullet Hole Road, Mahopac NY 10541 was sworn in.

Mr. Shilling said this is case #1 this evening; case #2 is intimately connected with case #1. Because the two are so interconnected, I'd like to present them together. The relief that each are seeking is exactly the same. There's a carport that encroaches on each other's property and so I think in the interest of time and simplifying the process, if you agree, I'd like to speak with them together.

Mr. Folchetti stated absolutely; you should rule on them separately but hear them together.

Mr. Shilling stated today Mr. Vance is with me. He is the applicant for 51 Old Bullet Hole Road. Mr. Vance is long time NYC law enforcement; he's still active; his tax map number is 63.-1-9.4. He is in a residential zone and his property consists of three acres. The subject of this application and of Mr. Simpson's application is a carport. Just so you can get acclimated (refers to display), this is a photograph of the carport and this is a panoramic picture of the house and then carport to the eastern side. You can see the carport has no sides; it's just a roof with some beams. The other applicant who signed a separate application is Karen Simpson who is at 53 Old Bullet Hole Road. His tax map number is 63.-1-9.3 and his property consists of about two and a half acres. The same thing the carport encroaches on Mr. Vance's property as well so it's mirrored relief and it's reciprocal. The carport was built by Mr. Vance in 2016. It's about 2-3' encroachment onto Mr. Simpson's property. I tried to blow up how minimal the encroachment is and I did so here. If you look at the black line, that's the carport; the little green spot there is where Mr. Vance's carport encroaches onto Mr. Simpson's property. The legal term is de minimis. It's a tiny encroachment. That encroachment is the subject of an easement agreement signed between Mr. Vance and Mr. Simpson. It's been memorialized in an easement agreement that's been recorded in the Putnam County Clerk's office. It is a reflection by Mr. Simpson that it's acceptable to him. Our requested relief is simple. The setback for the side yard is 25'; we provide 0'. We need a variance of 25'. The relief is the same for both. In support of what we're seeking, we've submitted our memo and affidavit signed by Mr. Vance. The facts of the matter are that Mr. Vance and his wife purchased in 1994. The survey picture tells it all. The property is extremely wide at the north end of the property and extremely narrow at the southern end of the property where it fronts on Old Bullet Hole Road. There's a lot of activity on both sides of the equation. That's the reason why no matter what Mr. Vance would have done to try to put up a carport, there was virtually no side yard potential for compliance. My client believed that the boundary line was reflected by a series of boulders and a swale. He believed that he was well within his line when he built the carport. Mr. Vance has been before Mr. Carnazza many times for things – the pool, the addition, the deck. He's a law abiding man; he believed that a carport with no sides, no electric, no anything required nothing. The two mistakes he made were 1) he believed that the string of boulders was the boundary line and 2) that it wasn't necessary. Again; he has a history of abiding by the Town

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regulations and visiting Mr. Carnazza anytime he needed something. That's why it's unusual for me to be here with him because, as stated, he believed the carport was something that didn't need any municipal approvals. Sadly, Mrs. Vance died in 2018 and he started thinking about down-sizing and he learned for the first time, when an assessor came over, that he encroached. He immediately went to the Building Department and said I think I've made a mistake here and received advice from Mr. Carnazza on what to do. There was never a violation served on him. It was never that he was caught. He brought it to the attention of the Building Department that he had made an error. He went through the routine of trying to settle it. In 2017, Mr. Simpson purchased his property and Mr. Vance and Mr. Simpson negotiated an easement agreement where no money was passed. That's a reflection that Mr. Simpson believed there was not any harm to his property's value; but Mr. Vance did pay a price. He's paid for attorney fees, paid for recording costs, etc. and all that to get the easement recorded. Again, I submit to you that it is a very small encroachment but it is an important attribute to my client's sale. He has a one car garage. He built the carport for his father-in-law and his wife, who was a real-estate agent, believed the carport plus the one car garage made his property more marketable as they started thinking about selling it. With regard to the four or five standards – as far as the neighborhood is concerned, there is no change. The easement reflects an intention on the only person affected and he's okay with the very small encroachment. There's one way to obviate the need because the property is so narrow that he couldn't put it anywhere else that would be functional. It's such a thin, southerly border. It's hard for me to stand here and say it's not substantial but when the only person who is affected signs away with it, I submit to you that it's not substantial. It's such a de minimis encroachment that I don't think it's constitutes a substantial application. There's no environmental impact and finally, the hardship was not self-created. I've submitted many files to you over the years where people make good faith mistakes and this is what happened here. He believed that the lot line was evidenced by manmade and natural boundaries – the boulders and the swale. I want you to understand that he has a long history of compliance with the Town of Carmel Building Department. Even if you do find it was self-created, I submit to you that that's not dispositive what the law says as long as the other factors are met. I would submit to you, respectfully, that the only one affected by this has signed off for no consideration. If the only person who could be affected thinks it's a non-issue, I would ask the Board to think that as well.

Chairman Maxwell asked is Mr. Simpson here this evening.

Mr. Shilling replied he's not but he did sign the application.

Chairman Maxwell said I think you've made a good case. We judge each case on its own merits and the facts presented are justifiable. I'll open it up to the Board for questions or concerns.

Mr. Starace asked the masonry wall – is that what you felt was the border.

Mr. Vance responded no sir; I built the masonry wall to help with the rain, erosion, etc. When you look over the masonry wall, you'll see a line of major boulders that are all lined up. When my house was built, I assumed that was the property line.

Mr. Starace said so you built the masonry wall?

Mr. Vance said yes because of erosion.

Mr. Starace asked when you built the wall, did you know you were off your property.

Mr. Vance replied not at all. I'd like to be clear on one thing: When the Town reassessed everybody's house, that's when I asked to have a survey, went to the Building Department and that's when it came up about the carport. When I got the survey done, that's when I learned my

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property line was different than I thought it was from when I bought my house in 1994. That's when the whole issue came up so we went through the easement and it just progressed from there. I reported myself to the building department.

Mrs. Fabiano said just for my clarification – with the Vance & Simpson applications, we're only talking about one carport; it's the same carport in both cases?

Mr. Vance replied yes.

Mrs. Fabiano said another thing is that we're talking about the carport but I understand that the stone wall and the fence are also encroaching on the neighbor's property according to the easement.

Mr. Shilling replied the easement just covers the carport.

Chairman Maxwell to Mr. Carnazza – the stonewall wouldn't matter in this situation.

Mr. Carnazza replied stone walls and fences don't require permits. Could it be a title issue down the road - possibly?

Mrs. Fabiano interjected or a maintenance issue? Who is going to be maintaining the fence? The sheds are down?

Mr. Shilling replied no; the sheds – as a condition of this relief we're seeking – we want the Board to know we were just waiting for the season to come. Mr. Vance will remove the sheds within the next month.

Mrs. Fabiano stated I assume the person that owns your property will take responsibility for the carport but what about the wall and the fence? How does that work? It says "I hereby acknowledge that two sheds, a stone wall and a corner of the carport belong to him and encroach on the premises described in schedule B and hereby acknowledges no claim"..... "Whereas several structures that belong to Vance are outside the property line on land belonging to Simpson: 2 sheds, a stone wall and a corner of his carport, parking area and fence".

Mr. Shilling responded I think the fence and the stone wall, as I understand it, are not in need of any maintenance. I'm not sure that's a zoning issue because it might be a title issue as far as maintenance. We don't think there's any need to maintain the fence or the stone wall.

Mrs. Fabiano said so that's not a concern at all?

Mr. Folchetti replied unless it's something that required a permit which a natural stone wall and the fence, under a certain height, would not. It may be an 'out of possession' issue when it comes time to move the property but that's something the title company will deal with and if there's got to be a different boundary line agreement or remove a fence; the stone wall I can't imagine but the fence might have some issue with limits of possession. Nothing that I think this Board has to be concerned with as long as it's not a permanent improvement that requires a permit.

Vice-Chairman Aglietti asked was there a variance for the pool.

Mr. Vance replied I wasn't told I needed one. I filed a permit for the pool; I just didn't get the final inspection on it.

Vice-Chairman Aglietti said according to the survey, it looks like there's 12 ½ feet between the pool and the property line.

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Mr. Carnazza interjected we only need 10'.

Vice-Chairman Aglietti said but we're looking for 25' for the carport?

Mr. Carnazza replied yes; because it's attached to the house.

Chairman Maxwell then opened the application for public comments, questions and input 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 with condition that the two sheds are removed from the property; seconded by Mr. Balzano with all in favor.

2. Application of **KAREEN SIMPSON** for a Variation of Section 156.15 seeking permission to retain portion of neighbor's existing carport within the easement granted, which is on the property line. The property is located at 53 Old Bullet Hole Road, Mahopac NY 10541 and is known by Tax Map 63.-1-9.3.

Code Requires	Provided	Variance Required
25' – side	0'	25'

Chairman Maxwell stated we heard the case as part of the previous application and we just need to formalize it. Are there any questions on this application from the Board Members? Seeing none, I'll ask the public if there are any questions or concerns with this application.

Mr. Balzano moved to close the public hearing on this application; seconded by Mr. Rossiter with all in favor.

DECISION OF THE BOARD:

Mr. Balzano asked do we have to put the same condition on this one?

Mr. Carnazza responded they don't have sheds.

Mr. Balzano moved to grant the requested variance; seconded by Vice-Chairman Aglietti with all in favor.

NEW APPLICATIONS

3. Application of **SANTURNINO “PETER’ DeJESUS** for a Variation of Section 156.15 seeking permission to retain existing shed. The property is located at 129 Fairmont Rd, Mahopac NY 10541 and is known by Tax Map 65.14-1-31.

Code Requires	Provided	Variance Required
15’ – side	0’	15’

- Santurnino DeJesus of 129 Fairmont Road, Mahopac was sworn in.

Mr. DeJesus said I’m seeking a variance for an existing tool shed that was on the property when I bought it in 1996. It’s an 8’ x 12’, cinderblock construction. It’s been there since I bought the house.

Chairman Maxwell interjected and they never picked it up on the title search when you bought the house?

Mr. DeJesus replied no.

Chairman Maxwell said I was out there the other day. It’s affixed to the ground and pretty solid but it could use a little help with the wood but the cinderblock is not going anywhere. How did this come up?

Mr. DeJesus said I received a notice (violation) in the mail from the Town.

Chairman Maxwell asked is there any property you can buy to bring the shed into conformity.

Mr. DeJesus replied no.

Chairman Maxwell said you’re landlocked over there.

Mr. DeJesus agreed yes; it’s been there since I purchased – 23 years ago.

Chairman Maxwell said and you’ve talked with your neighbors on both sides; never had issues or concerns.

Mr. DeJesus replied yes; never had a problem with the neighbors.

Chairman Maxwell said if it needs to be replaced, you’d have to bring it into conformity.

Chairman Maxwell then polled the Board to see if there were any questions or input on this application.

Mrs. Fabiano said on the opposite side you have a fence. Is that yours or your neighbor’s?

Mr. DeJesus replied that’s my neighbor’s.

Mrs. Fabiano said it seems to be falling down.

Mr. DeJesus replied that’s not mine.

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Mr. Starace asked what do you store in the shed.

Mr. DeJesus responded just tools, gardening equipment.

Mr. Starace asked is there electric there.

Mr. DeJesus replied there is electric but I don't use it. It's hooked up but I don't need it.

Mr. Starace said so the electric runs underground.

Mr. DeJesus replied underground – yes.

Mr. Starace said and there's a concrete slab inside that shed?

Mr. DeJesus responded yes.

Chairman Maxwell opened up the application to the public for input, questions, comments and concerns of which there were none.

Vice-Chairman Aglietti moved to close the public hearing on this application; seconded by Mr. Rossiter with all in favor.

DECISION OF THE BOARD:

Vice-Chairman Aglietti moved to grant the requested variance; seconded by Mr. Rossiter with all in favor.

4. Application of **JOHN ABATE** for a Variation of Section 156.15 seeking permission to build 2 car detached garage. The property is located at 18 Rose Drive, Mahopac NY 10541 and is known by Tax Map 86.5-1-41.

Code Requires	Provided	Variance Required
20' - side	5'	15'

- Mr. William Besharat of 266 Shear Hill Road, Mahopac representing the applicant was sworn in. Mr. Abate was in the audience.

Mr. Carnazza said did you get that survey?

Mr. Besharat replied yes I did; what we are proposing is a detached garage. This house does not have a garage and there is a need for it. The location that we chose for this garage is at the end of the driveway and we'll extend the driveway. Because of the deck location and the house, this is the most appropriate location for the garage. Any other place will not serve the purpose. If we put it in the front, it will be very intrusive on the neighborhood. If I put it to the right, I will need a variance and it will block the view of the back yard from the kitchen, bedroom - whatever. It will overpower the house. The garage that we are proposing is about 5' from the property line. If we have to go a foot or two away from the property line, we have no objection to that. We chose that location because it's the easiest accessibility due to the existing driveway and we just extended it slightly to the edge of the garage. There are no other properties available to purchase to bring this into conformance. There's not an appropriate location for it without a variance. Where we intend to locate it will not create a hardship on anybody in the neighborhood. It will set back away so you

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won't even see it and it will not alter the characteristics of the neighborhood. The garage will have a little higher ceiling because we may have the need for a handicap van to park in there down the road. Mr. Abate's son was involved in a very serious car accident a few years back.

Chairman Maxwell said you've got 5 feet which is pretty extreme. It looks like you have room to move this thing inboard. It would still work with the line of the house, the driveway wouldn't need to much added to it. You mentioned you would be willing to anyway.

Mr. Besharat said we can bring it a couple feet in.

Chairman Maxwell said a few more feet and I think that would make everyone happy here.

Mr. Besharat replied let's say we'll go to 8' from the property line.

Chairman Maxwell said that's reasonable. Have you spoken with the neighbors on the right hand side?

Mr. Abate responded yes.

Chairman Maxwell said and they have no concerns.

Mr. Abate replied no concerns.

Mr. Besharat said I always advise my clients to speak to the neighbors because it's better to hear it directly from them than just receive a letter in the mail. As he indicated, he did speak with them and they had no objection to it.

Chairman Maxwell said before we amend the application with that change, we'll go through the Board Members to see if they have any questions or concerns.

Mrs. Fabiano asked are you planning to have any screening put up on the side.

Mr. Besharat replied there is an existing row of very mature shrubs and there's no reason for any more than that.

Mrs. Fabiano said okay; there's no reason for you to take those down?

Mr. Besharat replied absolutely none. They serve a purpose and they are well maintained by both neighbors.

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

- *The applicant's file was obtained and application updated to reflect a move of 8' from the property line.*

Mr. Carnazza asked how far will it be from the house with that?

Mr. Besharat replied 30'.

Mr. Carnazza said good.

Chairman Maxwell said we're changing it to 8' provided with a variance required of 12' and had Mr. Besharat initial the change on the application.

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Mr. Balzano 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 as amended and with the condition that the current screening is maintained; seconded by Mrs. Fabiano with all in favor.

5. Application of **JAMES LUKE** for a Variation of Section 156.15 seeking permission to construct deck and front steps. The property is located at 323 Forest Road, Mahopac NY 10541 and is known by Tax Map 74.26-1-46.

Code Requires	Provided	Variance Required
25' - front	19.1'	5.9'
10' – sides	7.9'	2.1'

- Mr. Daniel Garay, contractor of Apple Summit Lane, LaGrangeville NY for applicant was sworn in.
- Mr. Mike Luke of 16 Vanwick Drive, Poughkeepsie NY was sworn in.

Mr. Garay said what is existing at the house is a concrete set of steps that comes down to a walkway and then to the driveway. The proposed deck that we plan to do in the front is basically to ease the entry to the home and it's not going to encroach the existing house line. The house, itself, sits at 7.5' off the property line from the original build. The new deck will end where the concrete steps come out. We're going to remove the concrete steps and put a gravel base underneath so the aesthetic look of the front of the house is not going to impact the neighborhood.

Chairman Maxwell said so you're making it a little easier for your elderly parents with a step, platform, step, platform?

Mr. Garay replied correct.

Chairman Maxwell said that makes sense. I was out there and it looks like it could use an upgrade. It's probably the original.

Mr. Garay responded yes; it's been the original since they bought the house in 1971.

Chairman Maxwell said I presume you're going to put full railings up?

Mr. Garay replied yes.

Mr. Garay said it all be pressure-treated wood with the proper handrails as by code.

Chairman Maxwell asked have you talked with the neighbors on either side.

Mr. Luke replied no complaints.

Chairman Maxwell said there's no other property to buy to bring it into conformance; you're up against the street and then polled the Board Members for questions, comments or concerns.

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Chairman Maxwell then opened this application up to the public for input, questions or concerns of which there were none.

Mr. Luke said I just want to say that both my parents are elderly and disabled. We want to make it easier for them to get in and out of the house.

Mr. Starace said it looks like there's about 8 or 9 steps to get up there.

Mr. Luke responded it's like dropping off a cliff every time they want to come out of the house. It's very steep and my dad has already fallen down the stairs and we don't want it to happen again.

Mr. Starace said there are no railings there.

Mr. Luke said I put in a railing a few months ago to try and make it a little safe for them but my dad is too proud to use it. It's still not safe.

Mrs. Fabiano moved to close the public hearing on this application; seconded by Vice-Chairman Aglietti 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.

6. Application of **HOLTON ROWER – YENOM STUDIO LLC** for a Variation of Section 156.20 seeking permission to install continuous 8' high deer fence; 40' from front property boundary, 20' from side and rear property boundaries. The property is located at 240 Washington Road, Carmel NY 10512 and is known by Tax Map 54.-1-26.

Code Requires	Provided	Variance Required
Max 4' height - front	8'	4' additional fence height
Max 6' height – side & rear	8'	2' additional fence height'

➤ Mr. Thomas Wright of 24 Grove Street, Beacon representing the applicant was sworn in. Mr. Wright stated that he's taken the property over and would love to spend a lot of time there; at least weekends and summers and spend time there with his family. Unfortunately, and there's a memo in the application to this regard, Mr. Rower suffered from Lyme's Disease for 15 years and he's pretty sensitive about deer on the property. In addition, he hopes for extensive plantings on the property to beautify it.

Chairman Maxwell said it's ironic, I looked in the field and there were about 10 deer frolicking.

Mr. Wright said yes; there are a lot of tracks out there.

Chairman Maxwell read from a letter from Mr. Wright dated March 12th addressed to Chairman Maxwell and the Zoning Board of Appeals Members that basically states "the Rower family is seeking a variance to allow an 8' high deer fence around their property at 240 Washington Road for two reasons. First, there has been Lyme's Disease in their family. Mr. Rower had the terrible disease for 15 years until he was miraculously cured. He was in terrible shape and the debilitation

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was disastrous to his family and his work. Second, the family is planning on extensive gardens which deer would find delicious and destroy. Sincerely, Thomas Wright”

Chairman Maxwell said I could see the reason for it. The only thing that I question is there were really no details. Were there any samples or.....

Mr. Wright interjected material samples of the fencing?

Chairman Maxwell replied yes.

Mr. Wright then said no; we haven't made a selection of the deer fencing material. The posts would be steel posts with a 15' center. He hasn't selected the material yet but I'd be happy to provide multiple samples for your approval.

Chairman Maxwell said I think one of the concerns is whether this is going to be solid or a little more see-through.

Mr. Wright said (inaudible)... the desire for him and his neighbors is to make it disappear as much as possible. Here's one with some deer in the foreground but you can't even really see the fence. In addition, there are notes in the Plan Detail that he will be doing extensive plantings in front of the fence to obscure the fence as much as possible.

Mr. Carnazza said it'll break up the line of dark color or whatever it is.

Mr. Wright replied exactly.

Chairman Maxwell said is there a landscaping plan..... I don't remember seeing one.

Mr. Wright responded the Site Plan does indicate schematically the plantings along the fence. On the outside of the fence – on Washington Road – he intends to put plantings on the outside and inside of the fence as well to break it up as Mr. Carnazza pointed out.

Chairman Maxwell said I know there's some concern from the neighbors on the other side. We might need to ask you to put some additional plantings there to help appease that neighbor on that side.

Mr. Wright replied absolutely; maybe we can reach out to them and get specific requests in terms of placing those plantings. I apologize that we don't have specific material in mind but in terms of the design intent, it really is to make it disappear as much as possible but also to have something strong enough so it's not falling down every time something bumps up against it.

Chairman Maxwell said I guess I question the 8' height.

Mr. Wright said actually there's 8' provided. It's a typo.

Mr. Carnazza said there's a typo on here; I apologize. It should be a 2' variance required whereas 6' is allowed – not 4'. I thought they were doing 4' in addition to make it 10'. It's actually supposed to be 2' additional feet on the bottom. The application is correct but the agenda has it 4' on both.

Mr. Wright said it's an 8' continual fence.

Chairman Maxwell asked is there studies or.....

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Mr. Starace interjected you need 8'. That's a good height. If a deer wants to jump 10' high, it will.

Mr. Rossiter said if they're scared, they'll jump.

Mr. Starace said along the lines of details and following the mesh – which we don't know; it's some type of rectangular meshing that's nice. The posts that are supporting are 10' apart and they're not in any concrete footing. How are they possibly going to withhold any kind of weather? With the first nor'easter, these would bend over. They're very small diameter posts and there's no bottom rail, no top rail. I see some diagonals off of the main posts. This is a long run. I don't see a lot of detail on the run. This is not going to last very long with that kind of detail. It's not that robust. It's only driven into the soil. There's not a detail under the mesh. I know he's going to landscape but you don't see what's going to prevent vegetation from growing up on this.....briar, understory. It looks like a lush environment. I guess you can maintain that but that would just help and add to bring this down and fast. You show a top rail here in this rendition but it's not on the detail. It's wide open; I don't see any support.

Mr. Wright responded it should have a top rail; not a pipe but a continuous cable across the top.

Mr. Starace said a tension cable on top.

Mr. Wright replied so you'd have the diagonals at the corner to create stability but I think you also have the diagonals intermittently on the long run to maintain the tension.

Mr. Starace said if the deer went into it, they would push that right over.

Chairman Maxwell said it'd be a lot of maintenance on their end.

Mr. Starace said a lot of maintenance.

Mrs. Fabiano said I'm not really comfortable making a decision without seeing exactly what you're putting up so I would move to hold this over. The other question that I have is couldn't you move this fencing back by the house? To have a fence like this right on the road is a little offensive. It doesn't sound like an attractive fence to start with and to have so much footage right on the road doesn't appeal to me.

Mr. Wright replied on the road it's 40' back.

Mrs. Fabiano said it is 40' back? It's not where the white fence is now?

Mr. Carnazza interjected the white fence is all the way out by the road and that's staying. They're going to make that nice again and then back 40', they're going to put this deer fence.

Mr. Wright (referring to map) said here's the white fence.

Mrs. Fabiano said okay; I thought it was replacing the white fence. Again; I think I'd rather hold this over because I'm not comfortable making a decision without knowing the exact materials and what this is going to look like.

Vice-Chairman Aglietti said I'll have to agree with what Mrs. Fabiano stated. I would like to see what it looks like. I have a visual but I don't think that's enough for the neighbors and for the neighborhood to go on my visual.

Chairman Maxwell asked if we hold this over, is it possible to get some materials that actually represent and show what it's like.

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Mr. Wright replied yes.

Chairman Maxwell said if you could get a small piece of the post and a couple pieces of the wire or mesh component.

Mr. Starace added and a spec on the materials.

Mr. Wright replied absolutely.

Mr. Starace said if it's galvanized, the gauge of the mesh, is it PVC coated; is it powder coated.

Mr. Wright and I'll add some additional construction details.

Mr. Starace added and of all supporting tensioners, support posts, etc.

Chairman Maxwell (to Messer's, Rossiter and Balzano) do you agree?

Mr. Rossiter replied yes.

Mr. Balzano responded absolutely.

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

➤ Mr. Andrew Clementi of 38 Reservoir Court, Carmel was sworn in.

Mr. Clementi stated I own the property behind this horse farm and I just wanted to know if it had been surveyed and staked for this fence.

Mr. Wright replied it has been surveyed; there is a very recent survey; I don't remember the exact date but it is part of the application package. As for the staking, I don't know about that but can find out.

Mr. Clementi said there's an unusual boundary back there. I had spoken with the other owners several times but was basically ignored. (He then reviewed map with Mr. Wright). I have no objection to deer fencing; that's not my point. All I wanted to do.....

Mr. Wright interjected maybe I could get your number and can have him get back to you.

Mr. Clementi said sure; I just want to make sure the property line *is adhered to*.

Mr. Carnazza asked if Mr. Clementi had a horse fence by him.

Mr. Clementi replied no.

Mr. Carnazza said some areas in the back do have horse fence by them; that's why I asked.

Mrs. Fabiano asked is this going to continue to be a horse farm or other animals.

Mr. Wright replied no; he's an artist. There are no plans to have animals.

Chairman Maxwell asked are they going to put some money into the whole facility. I was out there the other day and it's overrun, beaten up, and such. I hear there's squatters.

APPROVED

Mr. Carnazza said the squatters are gone.

Mr. Wright said he loves the property, wants to spend a lot of time up there but at some point would love to build another house up there.

Chairman Maxwell said it needs some TLC.

Mr. Wright said absolutely; he understands that and wants to do the right thing.

DECISION OF THE BOARD:

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

MISCELLANEOUS

Minutes: February 28, 2019:

Mrs. Fabiano recused herself from voting February's minutes. Vice-Chairman Aglietti moved to accept the minutes of February 28, 2019; seconded by Mr. Balzano with all in favor.

The meeting adjourned at 8:20 p.m.