

JOHN MAXWELL
Chairman

PHILIP AGLIETTI
Vice-Chair

TOWN OF CARMEL
ZONING BOARD OF APPEALS



60 McAlpin Avenue
Mahopac, New York 10541
Tel. (845) 628-1500 – Ext 187
www.ci.carmel.ny.us

MICHAEL
CARNAZZA
Director of Code
Enforcement

BOARD MEMBERS

ROSE FABIANO
SILVIO BALZANO
WILLIAM ROSSITER
JOHN STARACE
JULIE MCKEON

LEGAL NOTICE

By the Zoning Board of Appeals of the Town of Carmel pursuant to Section 267 Town Law, notice is hereby given that a hearing will be held on:

DECEMBER 22, 2022 – 7:30 P.M.

To hear the following applications:

NEW APPLICATIONS:

1. Application of **ALEX & KIMBERLY REDMOND** for a Variation of Section 156-15 seeking a Variance for permission to retain existing gazebo. The property is located at 25 Lacona Road, Mahopac NY and is known as Tax Map #65.11-2-46.

Code Requires/Allows	Provided	Variance Required
40'	24.6'	15.4'

2. Application of **ANTHONY & DAWN LANZA** for a Variation of Section 156-15 seeking a Variance for permission to retain two sheds. The property is located at 14 Upper Lake Road, Mahopac NY and is known as Tax Map #43.17-1-13.

Code Requires/Allows	Provided	Variance Required
(10'x12') 10' Side - Shed	5'	5'
(6'x6') 10' Side - Shed	5'	5'

3. Application of **MARK MALISZEWSKI** for a Variation of Section 156-15 seeking a Variance for permission to retain already existing shed. The property is located at 2 Sun Street, Mahopac NY and is known as Tax Map #65.14-2-48.

Code Requires/Allows	Provided	Variance Required
10' Rear Yard	.7'	9.3'

4. Application of **565 ROUTE 6 PARTNERS LLC** for a Variation of Section 156-15 seeking a Variance for permission to construct a shed containing an Alternate Water Supply within the setback distance from the property lines. The property is located at 565 Route 6, Mahopac NY and is known as Tax Map #75.12-2-25.

Code Requires/Allows	Provided	Variance Required
25' side	5'	20'
30' rear	4'	26'

5. Application of **LUCIO & CYNTHIA ROCCA** for a Variation of Section 156-15 seeking a Variance for permission to retain 2 sheds & metal carport. The property address is 56 Ernhofer Drive, Carmel NY and is known as Tax Map #77.13-2-37.

Code Requires/Allows	Provided	Variance Required
Westerly shed: 40'	5' 8"	34' 4"
Easterly shed: 40'	12' 7"	27' 5"
Metal Carport: 40'	6"	39' 6"

6. Application of **KIWI COUNTRY DAY CAMP** for a Variation of Section 156-10A seeking a Variance for permission to expand day camp onto adjacent residential lot already occupied as a one family dwelling. The property is located at 825 Union Valley Road, Mahopac NY and is known as Tax Map #77.17-1-31 & 32.

Code Requires/Allows	Provided	Variance Required
One main building & one accessory building on one lot.	Expand day camp onto adjacent residential lot already occupied as a one family dwelling.	Permit two principal uses on one lot.

MISCELLANEOUS:

MINUTES: November 17, 2022

By Order of the Chairman,

John Maxwell



ZONING BOARD OF APPEALS
TOWN OF CARMEL
PUTNAM COUNTY

Town Hall, Town of Carmel
60 McAlpin Ave.
Mahopac, N.Y. 10541
(845)628-1500

MC

IN THE MATTER OF THE APPEAL
OF
Redmond Gazebo
TO THE ZONING BOARD OF APPEALS
OF THE TOWN OF CARMEL

Application Date: September 29, 2022

Application For (circle applicable): Area Variance (156-15) Use Variance Interpretation 280A
CODE SECTION

Name of Property Owner: Alex & Kimberly Redmond Address: 25 Lacona Road Mahopac NY
(Address) (City) (State)

Mailing Address: 25 Lacona Road Mahopac NY Phone Number(s): _____
(Address) (City) (State)

Zoning District: R-120 Tax Map: 65-11 - 2 - 46
(R-120, Commercial, C/BP, or Conservation) (section) (Block) (Lot)

Applicant is: (circle one) (Owner) (Lessee) (Contract Vendee) [Attach deed, contract of sale or lease agreement]

E-Mail Address: _____

Previous Appeals regarding the subject premises:

DATE	REQUEST	RESULTS
<u>Per Dawn Andren 10/6/2022</u>	<u>No Previous ZBA Appearances</u>	

List all improvements (1 family dwelling, pool, etc.) Any improvements

The owner shall submit with this application supporting materials including plans, elevations, landscaping diagrams, traffic circulation diagrams, neighborhood land use maps, property survey, photographs of property and any other materials that will assist the Board to understand the request. List attachments here: property survey and photographs

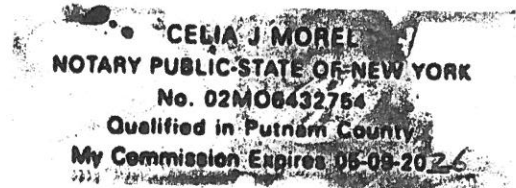
Is any portion of the property within 500 ft. of any state or county highway, town boundary, parkway or public lands? YES (NO)
Explain: _____

I, the applicant, am seeking permission to: retain existing gazebo

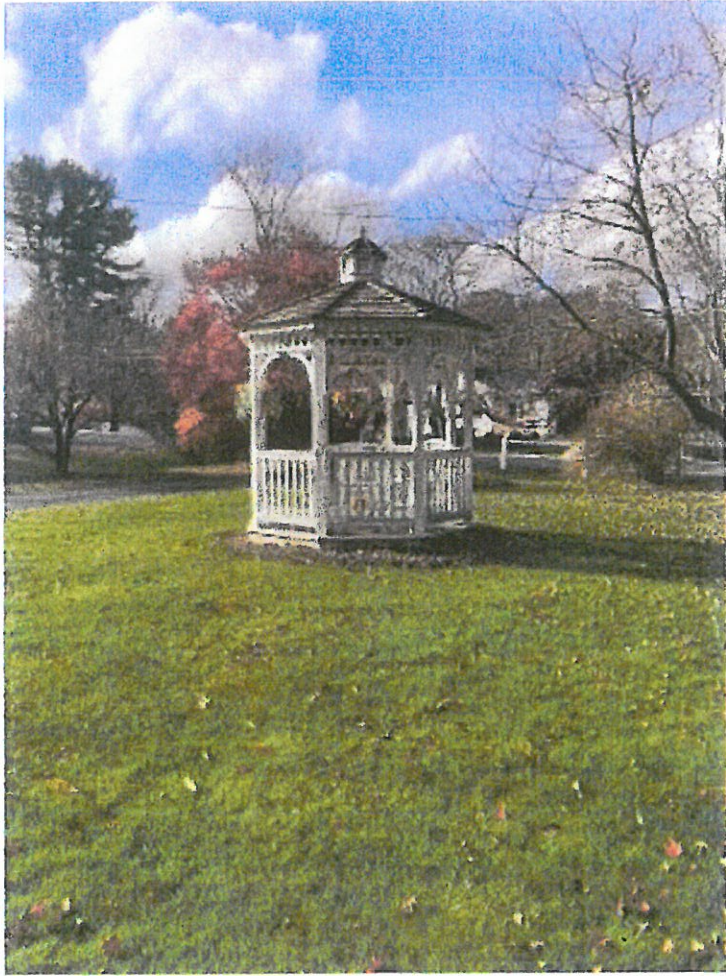
CODE REQUIRES / ALLOWS	PROVIDED	VARIANCE REQUIRED
<u>40</u>	<u>24.6</u>	<u>24.6 15.4</u>

State of New York)
 ss:
County of Putnam)
The undersigned petitioner, being duly sworn, deposes and says that (he) (she) has read the foregoing petition and knows the content thereof, and that the same is true to (his) (her) knowledge except as to the matters therein stated to be on information and belief, and as to those matters (he) (she) believes to be true.

Sworn to before me this 29th day of September, 2022
Celia J. Morel
Notary Public



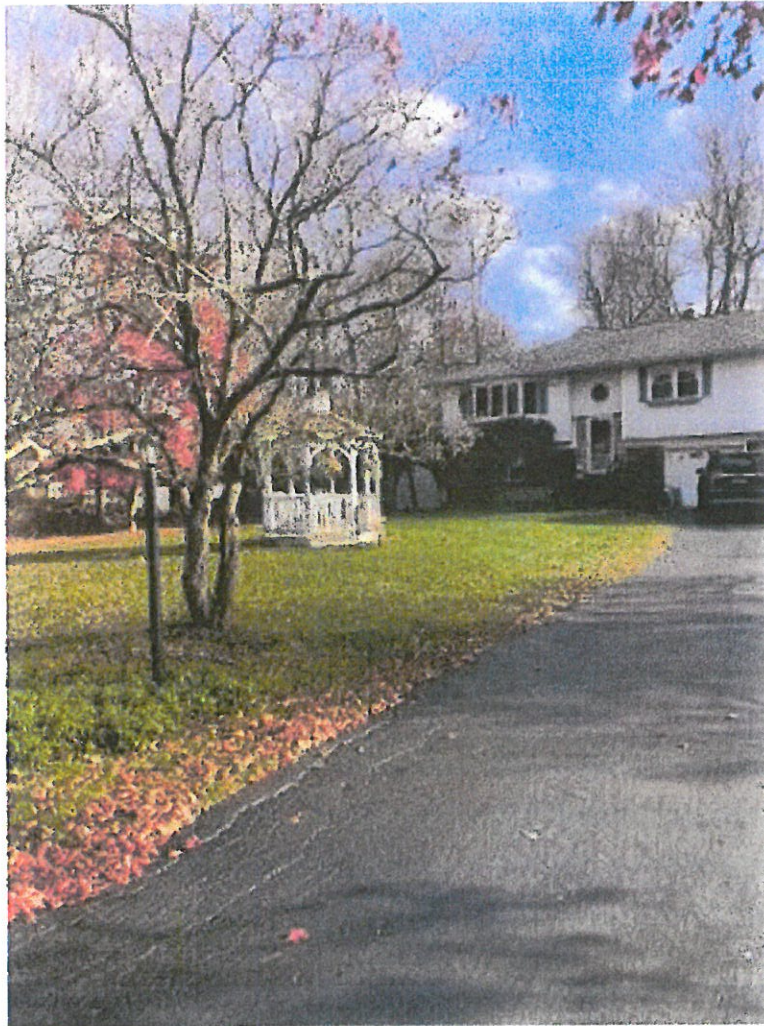
Petitioner [Signature] Date 09/29/2022



FOUNDRY
LEHIGH
RECEIVED
NOV 18 2022
Anna Spofford
KIMBERLY



RECEIVED
NOV 18 2022
Ann Stafford
TOWN OF
DUNSTON



TOWN OF CARMEL
RECEIVED
NOV 16 2022
Chris Hofford
TOWN CLERK



ZONING BOARD OF APPEALS
TOWN OF CARMEL
PUTNAM COUNTY

Town Hall, Town of Carmel
60 McAlpin Ave.
Mahopac, N.Y. 10541
(845)628-1500

ME

IN THE MATTER OF THE APPEAL
OF
LANZA
TO THE ZONING BOARD OF APPEALS
OF THE TOWN OF CARMEL

Application Date: 11/10, 2022

Application For (circle applicable): Area Variance (156-15) Use Variance Interpretation 280A
Name of Property Owner: Anthony J. Lanza Dawn M. Lanza Address: 14 Upper Lake Rd Mahopac NY 10541
Mailing Address: 14 Upper Lake Rd Phone Number(s): _____
Zoning District: R-120 Tax Map: 43.17 - 1 - 13
Applicant is: (circle one) Owner (Lessee) (Contract Vendee) [Attach deed, contract of sale or lease agreement]
E-Mail Address: _____
Previous Appeals regarding the subject premises: none

SM

DATE	REQUEST	RESULTS

List all improvements (1 family dwelling, pool, etc.) 1 family house, pool, sheds

The owner shall submit with this application supporting materials including plans, elevations, landscaping diagrams, traffic circulation diagrams, neighborhood land use maps, property survey, photographs of property and any other materials that will assist the Board to understand the request. List attachments here: Survey, photos

Is any portion of the property within 500 ft. of any state or county highway, town boundary, parkway or public lands? YES NO
Explain: City of New York M.O.A. land.

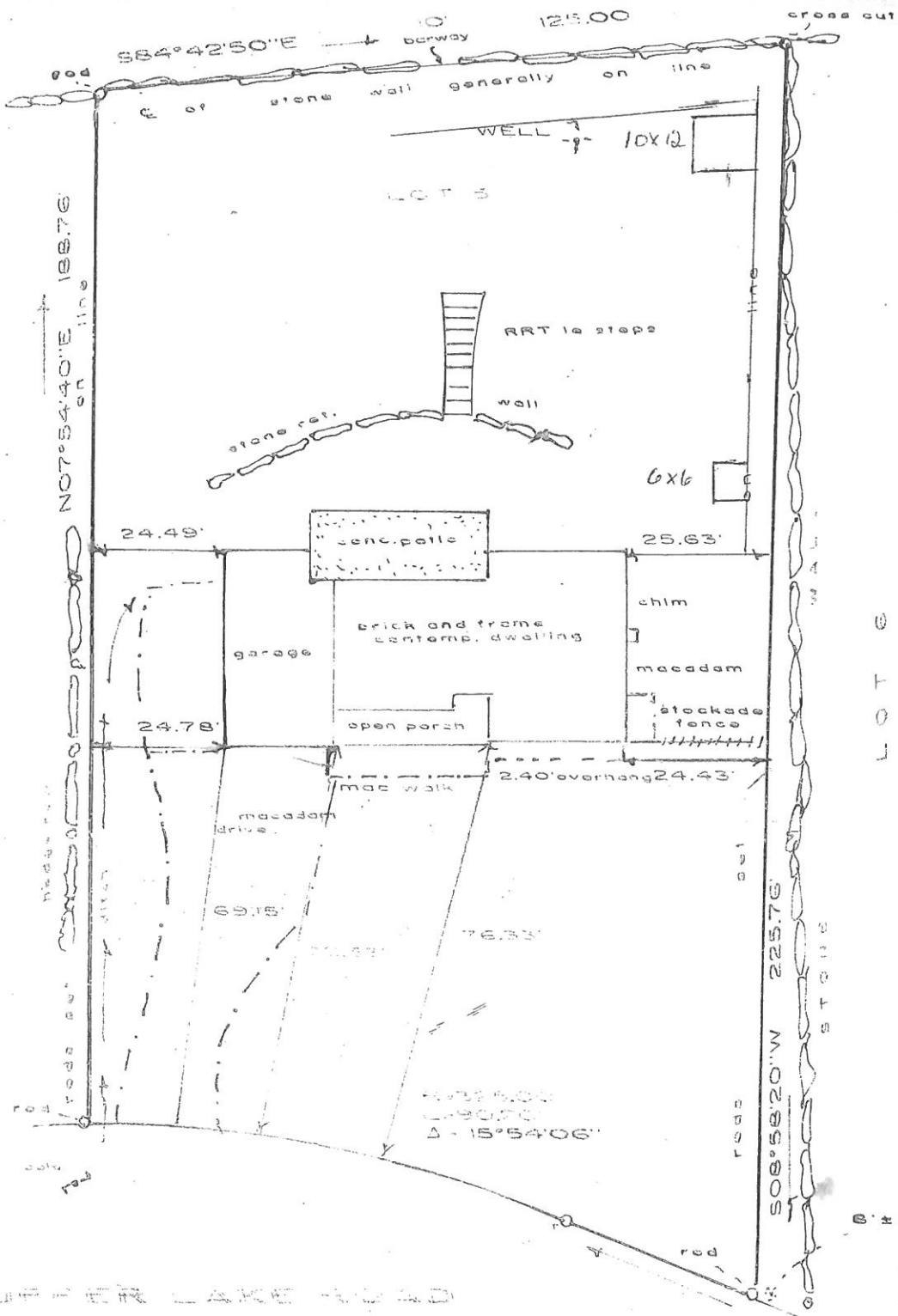
I, the applicant, am seeking permission to: Retain 2 Sheds

CODE REQUIRES / ALLOWS	PROVIDED	VARIANCE REQUIRED
<u>(10x12) 10' side Shed</u>	<u>5</u>	<u>5'</u>
<u>(6x6) 10' side Shed</u>	<u>5</u>	<u>5'</u>

State of New York)
 ss:
County of Putnam)
The undersigned petitioner, being duly sworn, deposes and says that (he) (she) has read the foregoing petition and knows the content thereof, and that the same is true to (his) (her) knowledge except as to the matters therein stated to be on information and belief, and as to those matters (he) (she) believes to be true.
Sworn to before me this 10 day of Nov. 2022
[Signature]
Notary Public

ROBERT JAMES VARA
Notary Public, State of New York
No. 02VA6074894
Qualified in Putnam County
Commission Expires May 27, 2026

Petitioner Dawn Lanza Date 11/10/22



E
T
O
L

UPPER LAKE ROAD

N58°50'0\"/>

CERTIFIED TO:
 DAWN M. LANZA
 ANTHONY J. LANZA
 ADELAIDE E. CARPANZANO
 TIMELY TITLE SERVICES, LTD
 agent for TICOR TITLE
 GUARANTEE
 TITLE NO. TTP 11660

F.T. MORTGAGE COMPANIES
 their successors and/or assigns
 as their interests may appear

SURVEY OF PROPERTY

PREPARED FOR

**DAWN M. & ANTHONY J. LANZA
 ADELAIDE E. CARPANZANO**

SITUATE IN THE

TOWN OF CARMEL

ALBANY COUNTY NEW YORK







ZONING BOARD OF APPEALS
TOWN OF CARMEL
PUTNAM COUNTY

Town Hall, Town of Carmel
60 McAlpin Ave.
Mahopac, N.Y. 10541
(845)628-1500

ME

IN THE MATTER OF THE APPEAL
OF

Maliszewski Shed

TO THE ZONING BOARD OF APPEALS
OF THE TOWN OF CARMEL

Application Date: *10/12*, 20 *22*

Application For (circle applicable): Area Variance (*B7e-15*) Use Variance Interpretation 280A

Name of Property Owner: *MARK MALISZEWSKI* Address: *2 SUN STREET MAHOPAC NY*

Mailing Address: *2 SUN STREET MAHOPAC, NY* Phone Number(s)

Zoning District: *R-120* Tax Map: *65.14 - 2 - 48*

Applicant is: (circle one) *(Owner)* (Lessee) (Contract Vendee) [Attach deed, contract of sale or lease agreement]

E-Mail Address:

Previous Appeals regarding the subject premises:

BT

DATE	REQUEST	RESULTS
<i>2004</i>	<i>Construct 1 garage w/ add + add to existing garage</i>	<i>Granted</i>
<i>1970</i>	<i>Construct attached garage to west side</i>	<i>Denied</i>

List all improvements (1 family dwelling, pool, etc.) *1 family house, shed, pool w/pool*

The owner shall submit with this application supporting materials including plans, elevations, landscaping diagrams, traffic circulation diagrams, neighborhood land use maps, property survey, photographs of property and any other materials that will assist the Board to understand the request. List attachments here: *Survey, photos*

Is any portion of the property within 500 ft. of any state or county highway, town boundary, parkway or public lands? YES NO

I, the applicant, am seeking permission to: *retain already existing shed*

me

CODE REQUIRES / ALLOWS	PROVIDED	VARIANCE REQUIRED
<i>10' Rear yard</i>	<i>7'</i>	<i>9.3'</i>

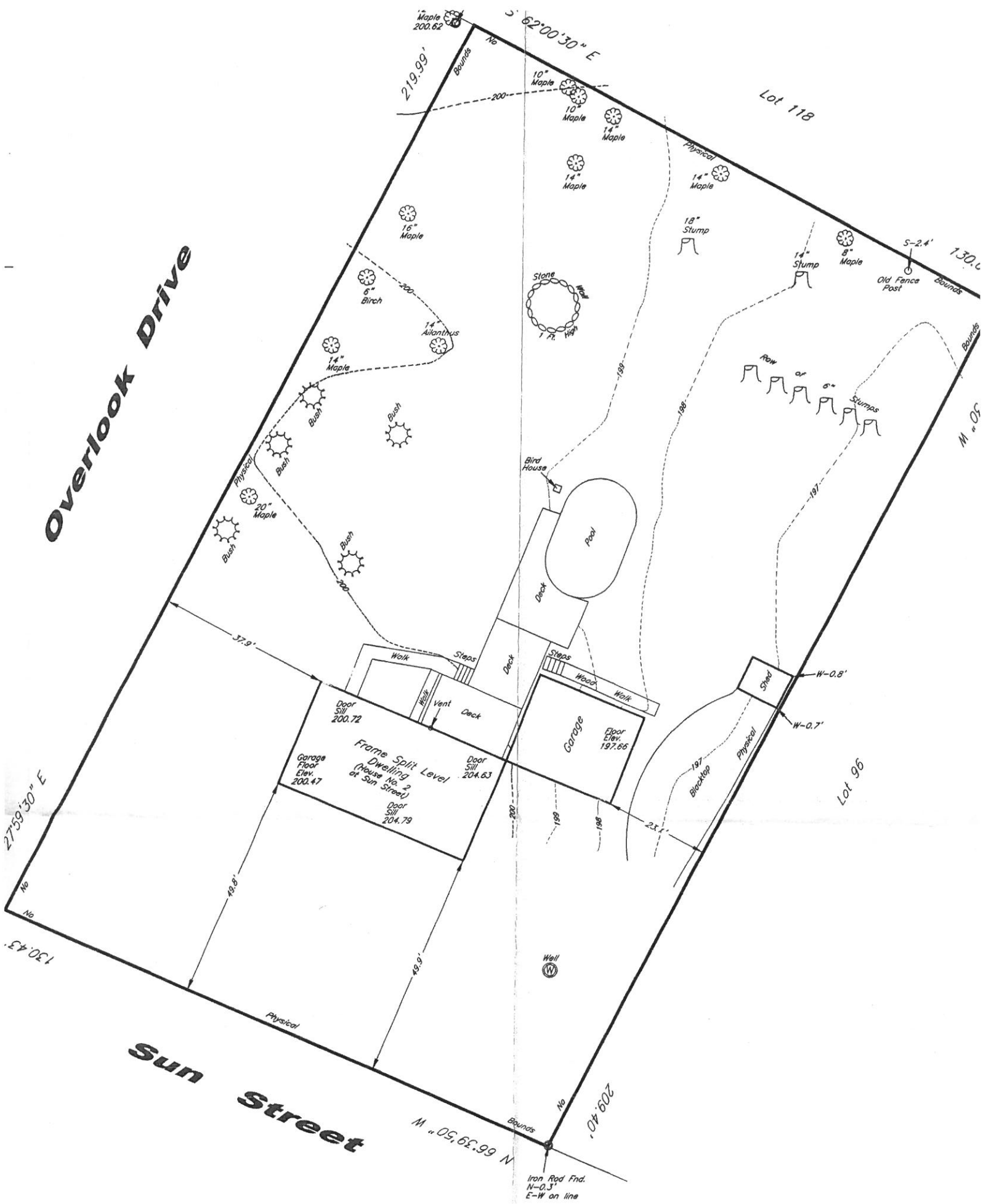
State of New York)
 ss:
County of Putnam)
The undersigned petitioner, being duly sworn, deposes and says that (he) (she) has read the foregoing petition and knows the content thereof, and that the same is true to (his) (her) knowledge except as to the matters therein stated to be on information and belief, and as to those matters (he) (she) believes to be true.

Sworn to before me this *13* day of *Oct*, 20 *22*

Alice Daly
Notary Public

ALICE DALY
Notary Public, State of New York
No. 01DA6345218
Qualified In Putnam County
Commission Expires July 25, 2024

Petitioner *Mark Maliszewski* Date *10/12/22*



Partial Topographic Survey
prepared for

Mark & Maria Maliszewski

in the Town of

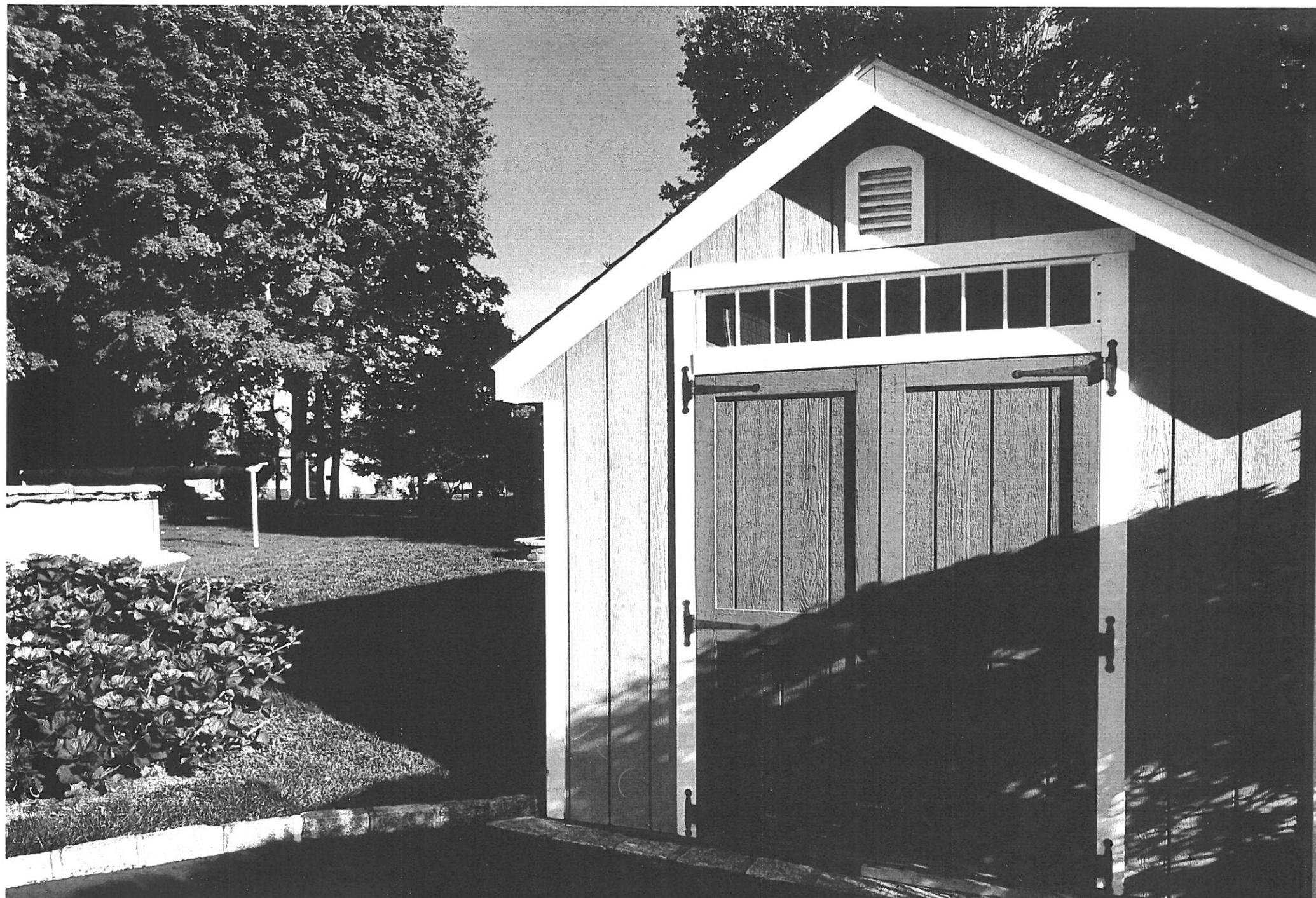
Carmel

Putnam County, N.Y.

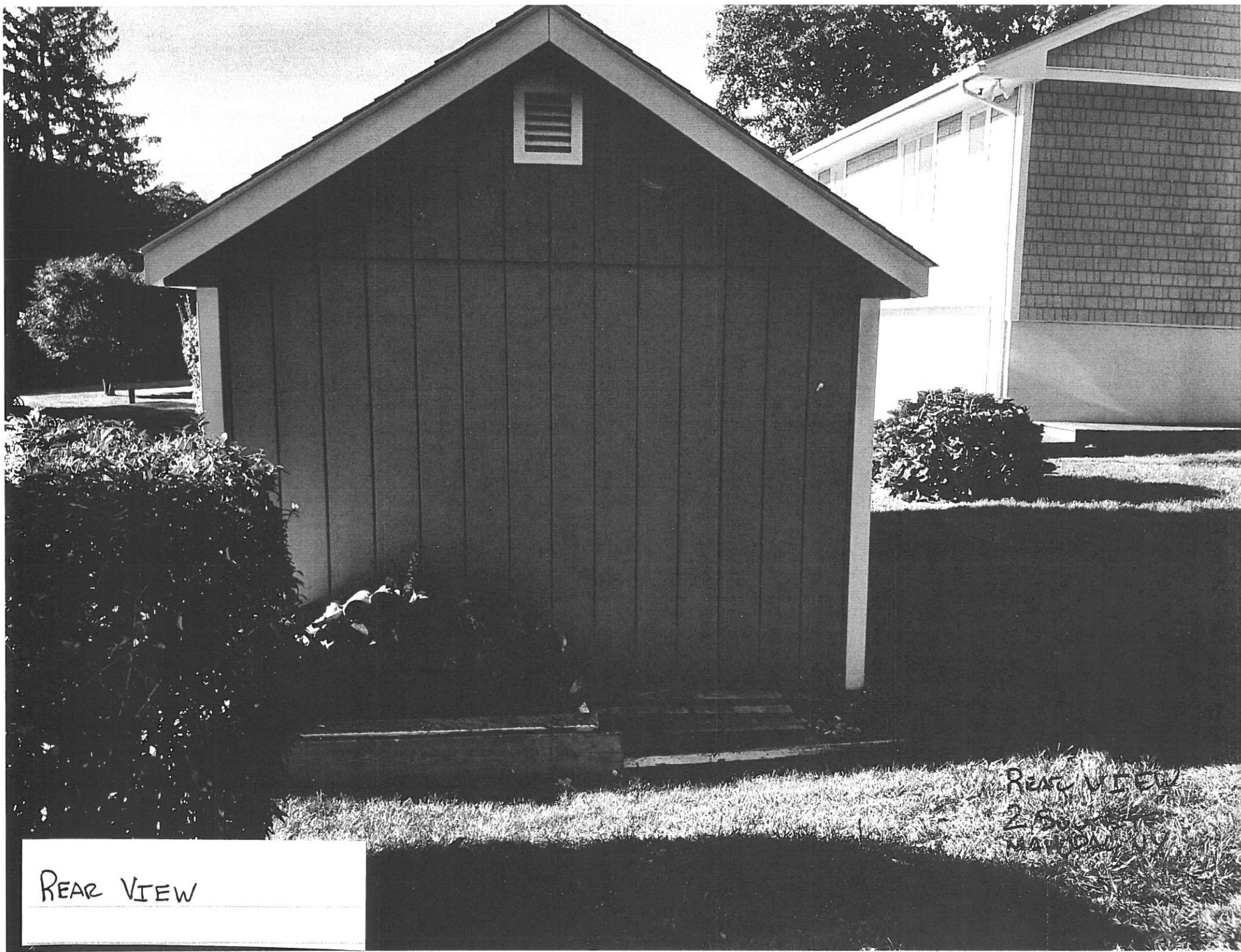
Scale 1"=20'

Sept. 14, 2004

The premises being Lot 97 as shown on a map entitled "Map of Lake Casse, Section A-A1, Town of Carmel, Putnam County, New York"; filed November 29, 1954 as County Clerk Map No. 724A.

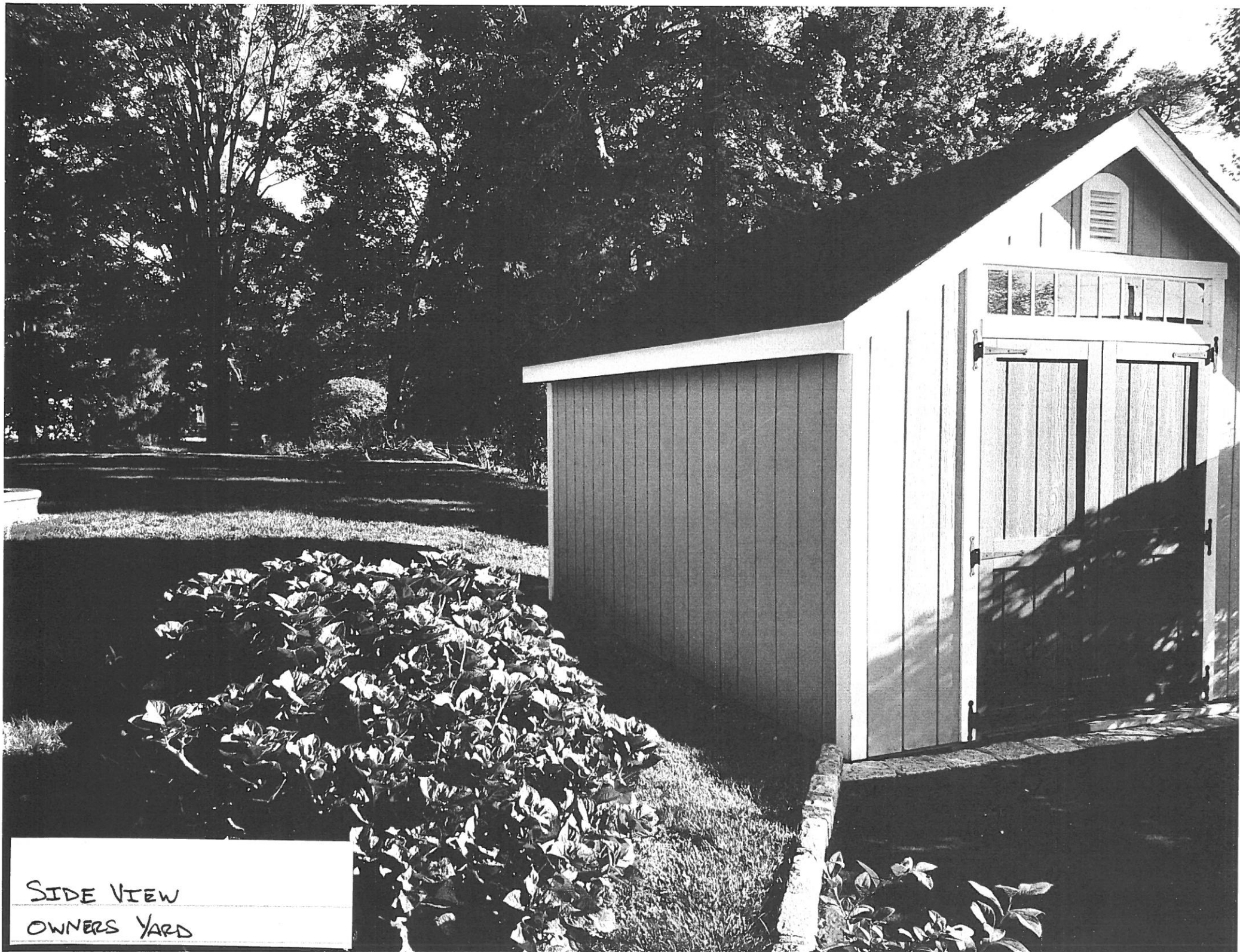


FRONT VIEW



REAR VIEW

REAR VIEW
2.5.11



SIDE VIEW
OWNERS YARD



SIDE VIEW
NEIGHBORS YARD



ZONING BOARD OF APPEALS
TOWN OF CARMEL
PUTNAM COUNTY

Town Hall, Town of Carmel
60 McAlpin Ave.
Mahopac, N.Y. 10541
(845)628-1500

IN THE MATTER OF THE APPEAL
OF
565 RT 6 Partners
TO THE ZONING BOARD OF APPEALS
OF THE TOWN OF CARMEL

Application Date: 10/11, 2022

Application For (circle applicable): Area Variance (156.15) Use Variance Interpretation 280A
 Name of Property Owner: 565 Route 6 Partners LLC Address: 565 Route 6 Mahopac
 (Address) (City) (State)
 Mailing Address: 565 Route 6 Mahopac, NY 10541 Phone Number(s): _____
 (Address) (City) (State)
 Zoning District: Commercial Tax Map: 75.12 2 25
 (R-120, Commercial, C/BP, or Conservation) (section) (Block) (Lot)

Applicant is: (circle one) (Owner) (Lessee) (Contract Vendee) [Attach deed, contract of sale or lease agreement]
 E-Mail Address: _____

Previous Appeals regarding the subject premises:

DATE	REQUEST	RESULTS
1985	Build a storage shed	approved
1976	9 mos variance for telephone co to use storage	granted
1977	2 yr use " " "	"
1973	3 mos lease	denied

List all improvements (1 family dwelling, pool, etc.) Strip Mall + Parking

The owner shall submit with this application supporting materials including plans, elevations, landscaping diagrams, traffic circulation diagrams, neighborhood land use maps, property survey, photographs of property and any other materials that will assist the Board to understand the request. List attachments here: Plan w/ Site Plan

Is any portion of the property within 500 ft. of any state or county highway, town boundary, parkway or public lands? YES/NO
 Explain: Yes, the property line is adjacent to U.S. Route 6.

I, the applicant, am seeking permission to: construct a shed containing an Alternate Water Supply within the setback distance from the property lines
10x12'

CODE REQUIRES / ALLOWS	PROVIDED	VARIANCE REQUIRED
<u>25' Side</u>	<u>5</u>	<u>20'</u>
<u>30' Rear</u>	<u>4</u>	<u>26'</u>

State of New York)
 County of Putnam)
 The undersigned petitioner, being duly sworn, deposes and says that (he) (she) has read the foregoing petition and knows the content thereof, and that the same is true to (his) (her) knowledge except as to the matters therein stated to be on information and belief, and as to those matters (he) (she) believes to be true.

Sworn to before me this 17th day of November 2022

[Signature]
 Notary Public

JESSICA B. SHARP
 NOTARY PUBLIC-STATE OF NEW YORK
 No. 01SH6224688
 Qualified in Fulton County
 My Commission Expires 07-06-2026

Petitioner [Signature] Date 11/17/22



ZONING BOARD OF APPEALS
TOWN OF CARMEL
PUTNAM COUNTY

Town Hall, Town of Carmel
60 McAlpin Ave.
Mahopac, N.Y. 10541
(845)628-1500

AUTHORIZATION FORM

RE: Property of: 565 Route 6 Partners LLC
Located at: 565 Route 6, Mahopac
Tax Map #: 75.12-2-25

In the matter of: constructing a shed containing an Alternate Water Supply within the setback distance from the property line
(Variance Request)

To whom it may concern:

This letter is to authorize New York State Department of Environmental Conservation
a/an (check one) Attorney Engineer Architect Other (NYSDEC)
to apply for the required variance(s) on the above noted property and to sign all necessary papers and make all necessary representations on my behalf in connection with the above-mentioned matter.

Countersigned: David Chiusano
(Representative)
David Chiusano
(Print Name)

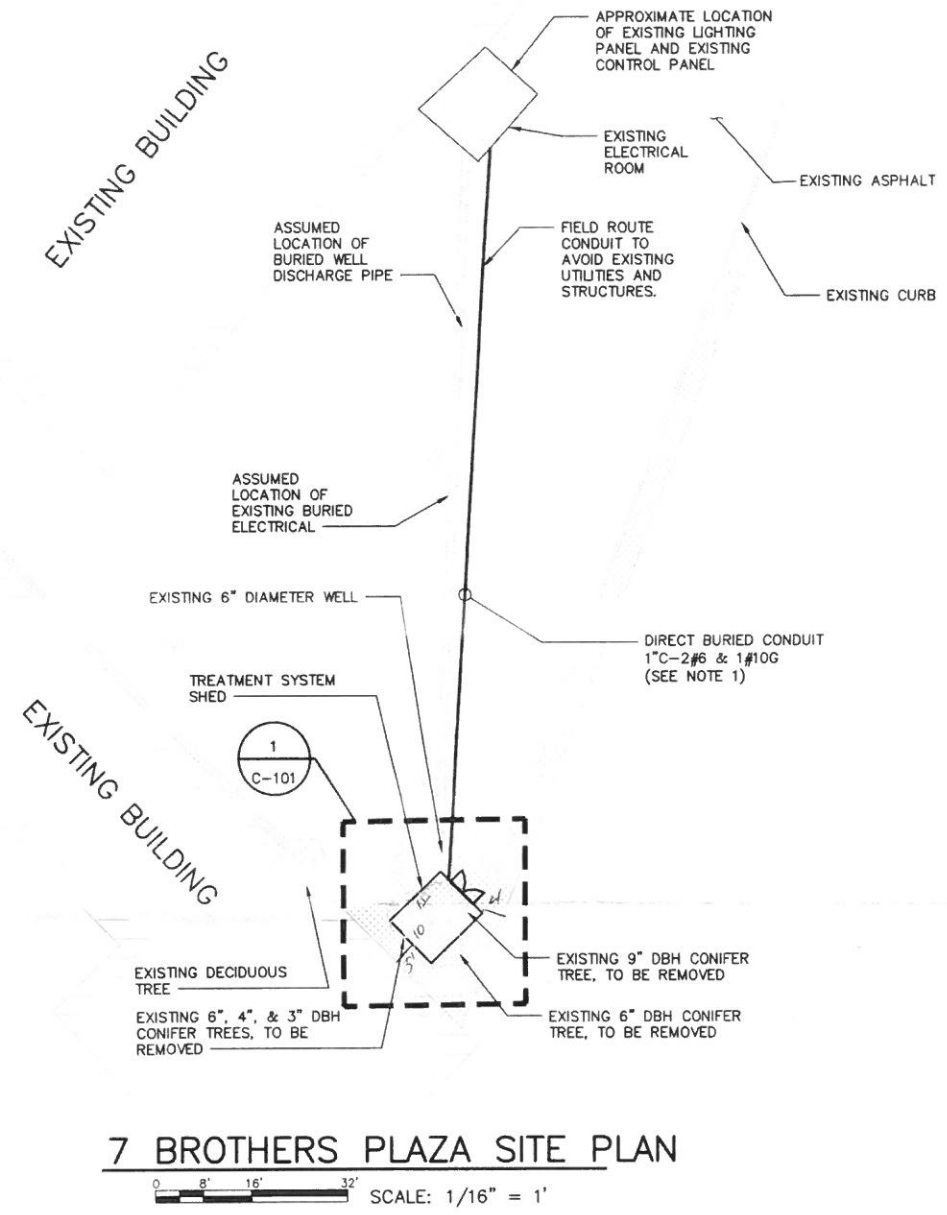
Signed: Paula Moundroukas
(Owner of Property)
Paula Moundroukas
(Print Name)

Mailing Address: 625 Broadway, 12th Floor
Albany
State: NY Zip: 12233-7017
Telephone # _____
Date: 11/17/22
E-mail: david.chiusano@dec.ny.gov

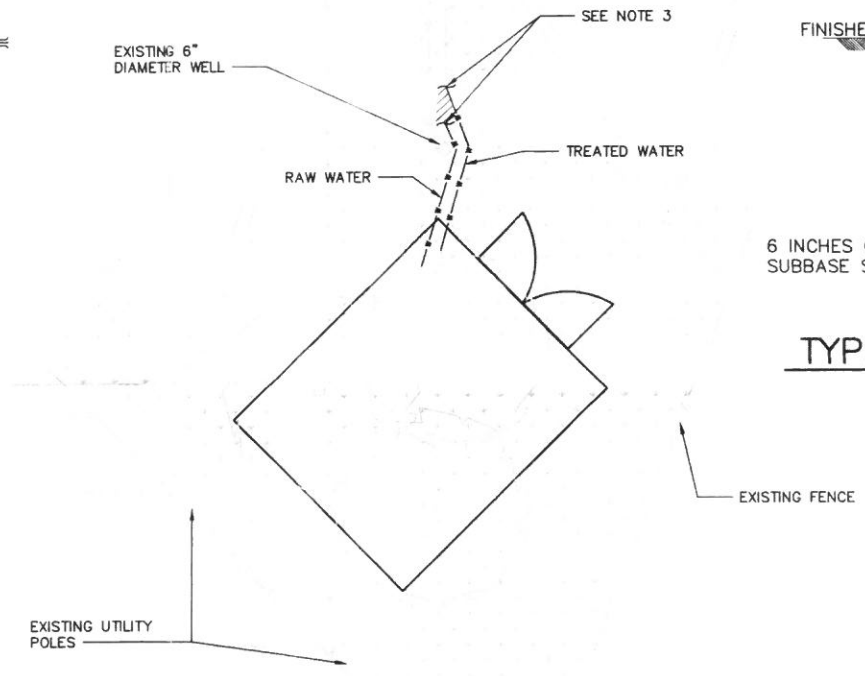
Mailing Address: 565 Route 6
Mahopac
State: NY Zip: 12233-7017
Telephone # _____

NOTE: The willful submission of false or inaccurate information on this application may result in the dismissal of the application, or the revocation of any action taken on the application, or both.

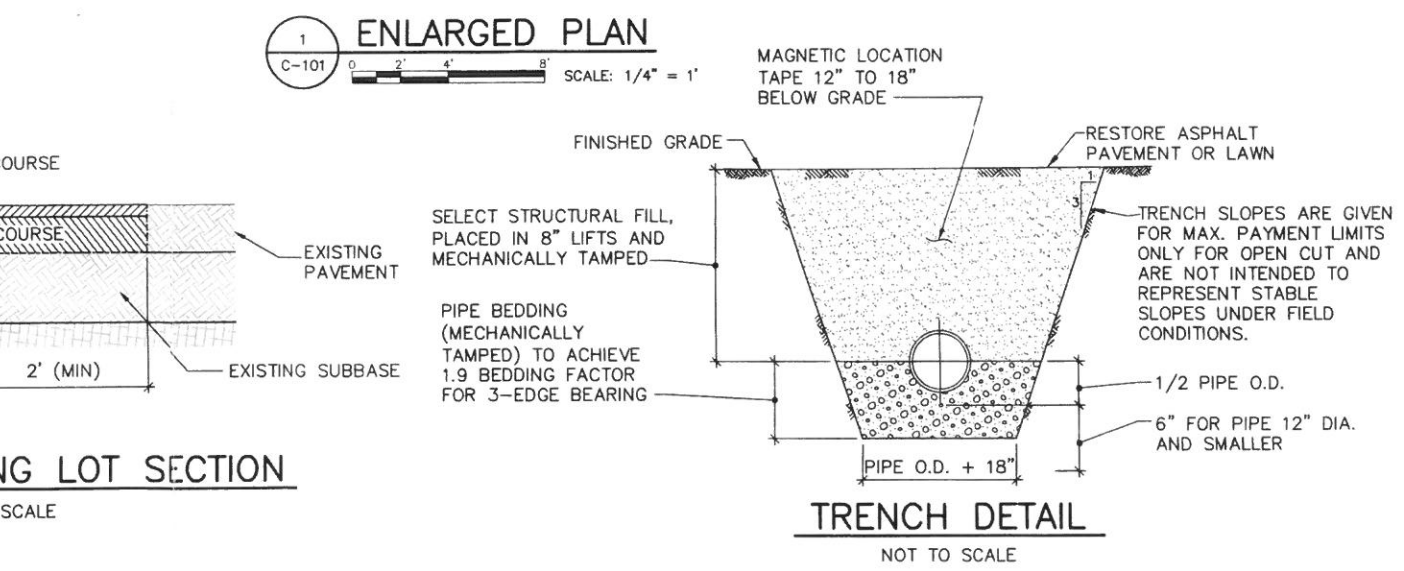
User: LFLANIGAN, Spec: AUS-HCS0003, File: G:\PROJECTS\DEC STANDBY\DOBBSBASA\DEC PROJECTS\WAL4 - STATEWIDE PROJECTS\NON-PETROLEUM\SM\02-MAHOPAC\NP0110\CAD\C-101.DWG, Scale: 1:1, SavedDate: 6/10/2022, Time: 11:43, Plot Date: Electronic, Lrk, 6/13/2022, 09:02, Layout: 2



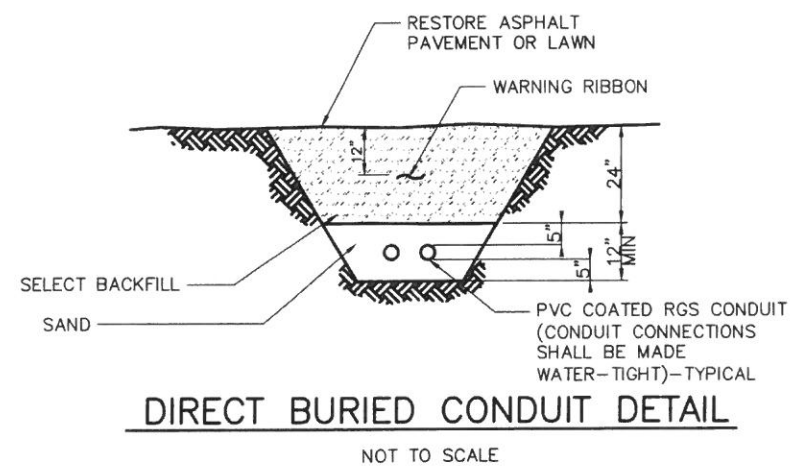
7 BROTHERS PLAZA SITE PLAN
 SCALE: 1/16" = 1'



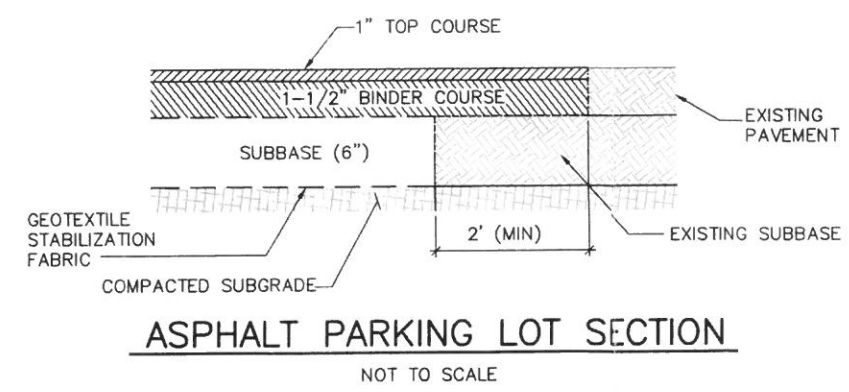
ENLARGED PLAN
 SCALE: 1/4" = 1'



TRENCH DETAIL
 NOT TO SCALE



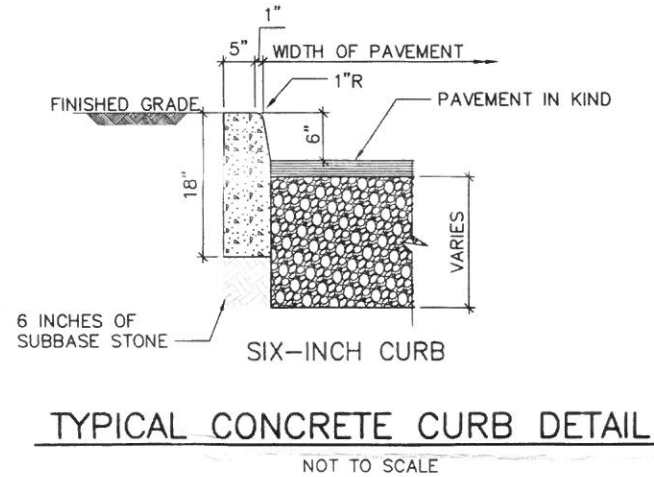
DIRECT BURIED CONDUIT DETAIL
 NOT TO SCALE



ASPHALT PARKING LOT SECTION
 NOT TO SCALE

NOTES:

- CONTRACTOR SHALL MINIMIZE THE REMOVAL OF ASPHALT AND CONCRETE WHILE INSTALLING BURIED CONDUIT.
- CONTRACTOR SHALL NOT LEAVE OPEN EXCAVATIONS UNATTENDED. PROVIDE TRAFFIC CONTROLS TO PREVENT VEHICLE OR PEDESTRIAN TRAFFIC FROM ENTERING THE WORK AREA. BACKFILL OPEN EXCAVATIONS EACH NIGHT AND TEMPORARILY RESTORE FOR TRAFFIC. COORDINATE PARKING RESTRICTIONS WITH NYSDEC AND SITE OWNER.
- CONTRACTOR SHALL LOCATE EXISTING WELL DISCHARGE PIPE AND EXCAVATE AROUND WELL HEAD IN ORDER TO CONNECT NEW PIPING TO WELL DISCHARGE PIPE. CONNECT WELL DISCHARGE TO NEW 1-1/2" TYPE K COPPER PIPE UPSTREAM OF NEW POET SYSTEM. SEE SPECIFICATION SECTION 33 05 05, BURIED PIPING INSTALLATION. ROUTE NEWLY CONNECTED 1-1/2" TYPE K COPPER PIPE INTO SHED THROUGH SHED FLOOR. DOWNSTREAM OF POET SYSTEM, ROUTE PIPE BACK THROUGH FLOOR OF SHED AND RECONNECT TO EXISTING WELL DISCHARGE PIPE TO PLAZA. DEMOLISH DISCONNECTED SEGMENT OF WELL DISCHARGE PIPE.
- PROVIDE AT LEAST 4' OF COVER OVER NEW PIPE. INSTALL IDENTIFICATION TAPE APPROXIMATELY 12" BELOW GRADE OVER NEW PIPING. BED NEW PIPING WITH 6" BELOW AND 12" ABOVE OF COMPACTED SELECT EXCAVATED MATERIAL WITH NO STONES LARGER THAN 2".
- COMPLETE ALL WORK IN SHED AND NEW PIPING PRIOR TO CONNECTING NEW PIPE TO WELL DISCHARGE SO AS TO MINIMIZE THE INTERRUPTION OF SERVICE TO THE PLAZA.
- SEE SHEET M-101 FOR PROPOSED SHED LAYOUT AND M-102 FOR PROPOSED POET SYSTEM SCHEMATIC.
- SEE SHEET S-101 FOR SHED FOUNDATION DETAILS.
- CONTRACTOR SHALL LOCATE EXISTING SPARE CIRCUIT FROM EXISTING LIGHTING PANEL IN THE EXISTING BUILDING. PROVIDE 1-POLE 50A FEEDER CIRCUIT BREAKER TO FEED SUBPANEL LP-1 LOCATED IN THE SHED.
- DEACTIVATE WELL PRIOR TO DISCONNECTING WELL DISCHARGE PIPING.
- PIPING CONNECTION SHALL BE DONE AS A WATER LINE UNDER REPAIR. CONTRACTOR SHALL MINIMIZE THE TIME BETWEEN CUTTING THE EXISTING WELL DISCHARGE PIPE AND CONNECTING IT TO THE NEW PIPING. FITTINGS AND PIPE ENDS SHALL BE SWABBED WITH A CHLORINE SOLUTION PER AWWA STANDARDS. REFER TO SPECIFICATIONS FOR TESTING REQUIREMENTS FOLLOWING CONNECTION OF THE NEW PIPING.
- FIELD DETERMINE LOCATION TO PENETRATE EXISTING ELECTRICAL ROOM TO ROUTE CONDUIT TO EXTERIOR. PENETRATE WALL AND STUB DOWN INTO EXCAVATION USED FOR WELL DISCHARGE PIPE. AVOID INTERFERENCE AND CONFLICTS WITH EXISTING ELECTRICAL AND OTHER UTILITIES AND OPERATIONS. PROVIDE WATERTIGHT CONDUIT SEAL FOR ANY PENETRATIONS INTO STRUCTURES.



TYPICAL CONCRETE CURB DETAIL
 NOT TO SCALE



LEGAL ENTITY:
 ARCADIS OF NEW YORK, INC.

CONSULTANTS

ARCADIS OF NEW YORK, INC.

855 ROUTE 146
 SUITE 210
 CLIFTON PARK, NY 12065



POET SYSTEM FOR NP0110, 565 US ROUTE 6 MAHOPAC, NY

PWSID: NY3922023

HAZARDOUS WASTE SITE:
 MAHOPAC BUSINESS DISTRICT, #340013

ARCADIS PROJ. NO. 30052424

NO.	DATE	ISSUED FOR	BY

COPYRIGHT: ARCADIS OF NEW YORK, INC. 2020

DATE: JUNE 2022
 PROJECT NO.: 30052424
 FILE NAME: C-101
 DESIGNED BY: D. BRYANT
 DRAWN BY: E. CONSOLATI
 CHECKED BY: R. OSTAPCZUK

SHEET TITLE

CIVIL

SITE PLAN & DETAILS

SCALE: AS NOTED

C-101

SHEET 2 OF 5



ZONING BOARD OF APPEALS
TOWN OF CARMEL
PUTNAM COUNTY

Town Hall, Town of Carmel
60 McAlpin Ave.
Mahopac, N.Y. 10541
(845)628-1500

ME

IN THE MATTER OF THE APPEAL
OF

Lucio & Cynthia Rocco

TO THE ZONING BOARD OF APPEALS
OF THE TOWN OF CARMEL

Application Date: 12/6, 20 22

Application For (circle applicable): Area Variance (156, 15) Use Variance Interpretation 280A
 Name of Property Owner: Lucio & Cynthia Rocco Address: 56 Ernhofers Dr., Carmel, NY
 Mailing Address: 56 Ernhofers Dr., Carmel, NY Phone Number(s) _____
 Zoning District: Residential Tax Map: 77.13 - 2 - 37
 Applicant is: (circle one) (Owner) (Lessee) (Contract Vendee) [Attach deed, contract of sale or lease agreement]
 E-Mail Address: waslaw@shillinglegal.com

Previous Appeals regarding the subject premises:

DATE	REQUEST	RESULTS
	N/A	

List all improvements (1 family dwelling, pool, etc.) 2 story residence, 3 sheds, metal carport, flagstone patio

The owner shall submit with this application supporting materials including plans, elevations, landscaping diagrams, traffic circulation diagrams, neighborhood land use maps, property survey, photographs of property and any other materials that will assist the Board to understand the request. List attachments here: survey, Memorandum of Law

Is any portion of the property within 500 ft. of any state or county highway, town boundary, parkway or public lands? YES/NO
 Explain: Ernhofers Dr.

I, the applicant, am seeking permission to: retain 2 sheds and metal carport

CODE REQUIRES / ALLOWS	PROVIDED	VARIANCE REQUIRED
westerly shed 40'	5'8"	34'4"
easterly shed 40'	12'7"	27'5"
metal carport 40'	6"	39'6"

State of New York)

ss:

County of Putnam)

The undersigned petitioner, being duly sworn, deposes and says that (he) (she) has read the foregoing petition and knows the content thereof, and that the same is true to (his) (her) knowledge except as to the matters therein stated to be on information and belief, and as to those matters (he) (she) believes to be true.

Sworn to before me this 21 day of Nov 20 22

[Signature]
Notary Public

WILLIAM A. SHILLING JR.
Notary Public, State of New York
Reg. No. 02SH4703423
Qualified in Putnam County
Commission Expires 07/31/20 26

Petitioner *[Signature]* Date _____



ZONING BOARD OF APPEALS
TOWN OF CARMEL
PUTNAM COUNTY

Town Hall, Town of Carmel
60 McAlpin Ave.
Mahopac, N.Y. 10541
(845)628-1500

IN THE MATTER OF THE APPEAL
OF
Kiwi Country Day Camp
TO THE ZONING BOARD OF APPEALS
OF THE TOWN OF CARMEL

Application Date: 12/7, 20 22

Application For (circle applicable): Area Variance (156.10A) Use Variance Interpretation 280A
Name of Property Owner: Kiwi Country Day Camp Address: 825 Union Valley Road, Mahopac, NY
Mailing Address: 825 Union Valley Road, Mahopac, NY Phone Number(s): _____
Zoning District: Residential Tax Map: 77.17 - 1 - 31&32
Applicant is: (circle one) Owner (Lessee) (Contract Vendee) [Attach deed, contract of sale or lease agreement]

E-Mail Address: _____

Previous Appeals regarding the subject premises:

DATE	REQUEST	RESULTS
7/2005	Use variance to allow continued use of camp apt.	granted
	Use variance to use detached groundskeeper apt. over garage	
	Area variance for camp building & garage	
	See Schedule "A" attached	

List all improvements (1 family dwelling, pool, etc.) See Schedule "B" attached

The owner shall submit with this application supporting materials including plans, elevations, landscaping diagrams, traffic circulation diagrams, neighborhood land use maps, property survey, photographs of property and any other materials that will assist the Board to understand the request. List attachments here: site plan proposal, survey, affidavit of applicant, memo of law

Is any portion of the property within 500 ft. of any state or county highway, town boundary, parkway or public lands? YES NO
Explain: Union Valley Road

I, the applicant, am seeking permission to: _____

CODE REQUIRES / ALLOWS	PROVIDED	VARIANCE REQUIRED
One main building and 1 accessory building on one lot	Expand day camp onto adjacent residential lot already occupied as a one family dwelling	Permit two principal uses on one lot

State of New York)
 ss:
County of Putnam)
The undersigned petitioner, being duly sworn, deposes and says that (he) (she) has read the foregoing petition and knows the content thereof, and that the same is true to (his) (her) knowledge except as to the matters therein stated to be on information and belief, and as to those matters (he) (she) believes to be true.

Sworn to before me this 5th day of December, 2022

Margaret Ferreri Buechel
Notary Public

MARGARET FERRERI BUECHEL
Notary Public, State of New York
No. 4919619
Qualified in Dutchess County
Commission Expires February 8, 20__

Petitioner: [Signature] Date 12/5/2022

Atta. 2

4) THE VARIANCE, IF GRANTED, WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL AND ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD.

5) THE DIFFICULTY, CREATED BY THE APPLICANT, DOES NOT PRECLUDE THE GRANTING OF THE VARIANCE.

THIS ACTIVITY IS A TYPE II ACTION REQUIRING NO DETERMINATIONS AS SET FORTH AT 6 N.Y.C.R.R. 617.13 (s)(8) (S.E.Q.R.)

DECISION

THE FOLLOWING VARIANCES ARE HEREBY GRANTED:

A USE VARIANCE FROM SECTION 63-10(J) TO ALLOW THE CONTINUED USE OF AN ON SITE CAMP DIRECTOR'S APARTMENT.

A USE VARIANCE TO ALLOW CONTINUED USE OF A PRE-EXISTING, DETACHED GROUNDSKEEPER APARTMENT LOCATED OVER AN EXISTING GARAGE.

A VARIATION OF SECTION 63.9 FOR AN AREA VARIANCE FROM THE 40 FOOT FRONT YARD CODE REQUIREMENT FOR THE EXISTING CAMP OFFICE BUILDING AND EXISTING GARAGE, 27 FEET WILL EXIST; VARIANCE OF 13 FEET IS HEREBY GRANTED.

THE VARIANCES ARE SUBJECT TO THE FOLLOWING CONDITIONS:

WHEN THE TENANT IN THE GARAGE APARTMENT VACATES THE PREMISES, IT SHALL ONLY BE USED BY A GROUNDSKEEPER AND THE SECOND APARTMENT SHALL ALSO BE USED BY A CAMP EMPLOYEE.

IF A BUILDING PERMIT IS NOT ISSUED WITHIN TWO YEARS OF THE DATE OF THIS DECISION AND ORDER, THE VARIANCE SHALL BE NULL AND VOID.

DATED, MAHOPAC, N.Y.

ON July 7, 2005


FILED IN THE OFFICE OF THE TOWN CLERK

MAHOPAC, N.Y. ON July 7, 2005

SUBMITTED TO PUTNAM COUNTY DIVISION OF PLANNING (NOT REQUIRED)

APPROVED BY PUTNAM COUNTY DIVISION PLANNING (NOT REQUIRED)


MARK FRASER, CHAIRMAN


MARGARET MOORE, CLERK

DECISION AND ORDER

NAME OF PETITIONER: CAMP KIWI, INC.
ADDRESS: PO BOX 435, MAHOPAC, NY 10541
LOCATION OF PROPERTY: UNION VALLEY ROAD, MAHOPAC, NY 10541
TAX MAP NUMBER: 77.17-1-32, 77.13-1-41, 77.13-1-6, 77.13-2-16
NATURE OF PETITION: VARIATION OF SECTION 63.9, 63.10, 63.11
PRESENT AT THE MEETING: CHAIRMAN, MARK FRASER, RICHARD FAVICCHIA, ROSE FABIANO, LORRAINE MARIANI, JOHN MAXWELL, JOSEPH DIVESTEVA, JAMES FERRICK.

THE ABOVE REFERRED TO PETITION, HAVING BEEN DULY ADVERTISED FOR A PUBLIC HEARING IN THE PUTNAM COURIER TRADER, THE OFFICIAL PAPER OF THE TOWN OF CARMEL, IN THE ISSUE PUBLISHED ON MAY 12, 2005 AND THE PRESS, THE OTHER OFFICIAL PAPER OF THE TOWN OF CARMEL IN THE ISSUE PUBLISHED ON MAY 11, 2005, THE MATTER HAVING DULY COME ON TO BE HEARD BEFORE A DULY CONVENED MEETING OF THE BOARD AT THE TOWN HALL, MAHOPAC, NEW YORK ON MAY 26, 2005, AND ALL THE FACTS AND EVIDENCE PRODUCED BY THE PETITIONER, BY THE ADMINISTRATIVE OFFICIAL CONCERNED, AND BY INTERESTED PARTIES HAVING BEEN DULY HEARD, RECEIVED AND CONSIDERED, AND DUE DELIBERATION HAVING BEEN HAD, THE FOLLOWING DECISION IS HEREBY MADE:

FINDING OF FACT

APPLICATION CONCERNS A DAY CAMP, SCHOOL AND RECREATION CENTER ACCORDING TO ITS LETTERHEAD. APPLICANT SEEKS A USE VARIANCE TO CONTINUE THE USE OF AN ON SITE CAMP DIRECTOR'S APARTMENT IN A BUILDING WHICH ALSO HOUSES A MOM/POP SHOW FOR THE CAMPERS, A WELCOME/RECEPTION AREA AND OFFICES. APPLICANT ALSO REQUESTS A VARIANCE TO CONTINUE THE PRE-EXISTING, DETACHED GROUNDSKEEPER APARTMENT OVER AN EXISTING GARAGE. APPLICANT ALSO REQUESTED ESTABLISHMENT OF A PARKING FACILITY ON AN ADJACENT LOT AND A REQUEST FOR GRAVEL PARKING ON THAT LOT. THESE LAST TWO REQUESTS CONCERNING PARKING WERE WITHDRAWN AT THE MAY 26, 2005 MEETING.

MARCH 24, 2005

APPLICANTS APPEARED BEFORE THE BOARD WITH THEIR ATTORNEY, THOMAS JACOBELLIS, AND THEIR ENGINEER, PETER KARIS.

AFTER A LENGTHY DISCUSSION THE BOARD MOVED TO HOLD THE MATTER OVER TO GIVE MR. JACOBELLIS AN OPPORTUNITY TO AMEND THE APPLICANT'S LEASE ON ADJACENT PROPERTY TO A PERPETUAL LEASE AND NOT A LEASE WITH MULTIPLE OPTIONS TO RENEW AND AN OPTION TO PURCHASE.

APRIL 28, 2005

APPLICANT'S ATTORNEY, MR. JACOBELLIS, APPEARED BEFORE THE BOARD AND ASKED THAT THIS MATTER BE HELD OVER ONCE MORE SO THAT HE MAY CONSULT WITH THE TOWN ATTORNEY CONCERNING THE 2002 BOARD DECISION AND WHETHER OR NOT IT SHOULD BE NULLIFIED AS HE DID NOT FEEL HIS CLIENT HAD STANDING BEFORE THE BOARD AT THAT TIME AS HE DID NOT HAVE A PERPETUAL LEASE OR FEE OWNERSHIP OF THE OFF SITE PARCEL.

AS MR. JACOBELLI ASKED, THE BOARD MOVED TO HOLD THE MATTER OVER.

MAY 26, 2005

MR. IVAN BELLOTTO, MR. LOU BELOTTO, THE APPLICANTS, AND THEIR ATTORNEY, THOMAS J. JACOBELLIS, ALL APPEARED BEFORE THE BOARD.

SINCE THERE WAS A QUESTION WHETHER OR NOT THIS APPLICANT IS BEFORE THE BOARD REQUESTING A REHEARING OR A NEW APPLICATION, THE BOARD HAD OBTAINED AN OPINION FROM THE TOWN ATTORNEY AND MR. FRASER SAID IT WAS HIS OPINION THAT THIS MATTER SHOULD FALL UNDER THE REHEARING STANDARDS.

MR. JACOBELLI ASKED TO AMEND HIS APPLICATION WITHDRAWING THAT PORTION OF HIS APPLICATION FOR PARKING ON THE RESIDENTIAL PIECE AND MOVE FORWARD WITH THE BALANCE OF THE APPLICATION, A USE VARIANCE FOR THE CONTINUATION OF THE CAMP DIRECTOR'S APARTMENT AND GROUNDSKEEPER APARTMENT. THE TENANT IN THE GARAGE APARTMENT HAS BEEN THERE FOR 25 YEARS AND WILL BE ALLOWED TO STAY BUT WHEN HE VACATES THE APARTMENT IT WILL BE LIMITED TO USE BY A CAMP EMPLOYEE WHICH HE STATES IS NEEDED FOR SECURITY REASONS. MR. JACOBELLIS SAID IF THE BOARD GRANTS THE USE VARIANCE, MINOR AREA VARIANCES WILL ALSO BE REQUIRED.

PURCHASE OF ADDITIONAL LAND IN ORDER TO CONFORM TO CODE IS NOT AN OPTION.

THERE WAS NO PUBLIC OPPOSITION TO THE GRANTING OF THE VARIANCE.

CONCLUSION

THE BOARD CONSIDERED THE CRITERIA FOR A USE VARIANCE AS FOLLOWS:

THERE CAN BE NO REASONABLE RETURN FOR ALL USES IN ZONING DISTRICT AND APPLICANT MUST SHOW FINANCIAL HARDSHIP.

THE HARDSHIP IS UNIQUE TO THIS LOT. IT IS THE ONLY CAMP IN THE AREA.

THERE WILL BE NO ALTERATION TO THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD.

THE HARDSHIP IS NOT SELF-CREATED.

MEMBERS OF THE BOARD ARE FAMILIAR WITH THE SUBJECT PREMISES AND THE CONDITIONS IN THE IMMEDIATE NEIGHBORHOOD. THE BOARD HAS TAKEN INTO CONSIDERATION THE BENEFIT TO THE APPLICANT IF THE VARIANCE IS GRANTED AS WEIGHED AGAINST THE DETRIMENT TO THE HEALTH, SAFETY AND WELFARE OF THE NEIGHBORHOOD AND COMMUNITY.

THE BOARD ALSO CONSIDERED THOSE CRITERIA FOR AN AREA VARIANCE AS SET FORTH AT TOWN LAW SECTION 267-b(3)(b) AND DETERMINED THAT:

1) AN UNDESIRABLE CHANGE WILL NOT BE PRODUCED IN THE CHARACTER OF THE NEIGHBORHOOD AND A SIGNIFICANT DETRIMENT WILL NOT RESULT TO NEARBY PROPERTIES IF THE VARIANCE IS GRANTED.

2) THE BENEFIT SOUGHT BY THE APPLICANT CANNOT BE ACHIEVED BY OTHER METHODS;

3) THE VARIANCE REQUESTS ARE NOT SUBSTANTIAL.

From: Adam Thyberg, RLA
Sent: Tuesday, November 8, 2022 11:55 AM
To: 'William A. Shilling, Jr.' <waslaw@shillinglegal.com>
Cc: Jeff Contelmo <JContelmo@insite-eng.com>
Subject: RE: Camp Kiwi

↙
↘
B

Bill,

77.17-1-31

Existing

Single family residence with drilled well, septic & driveway.
Part of a playing field within an existing easement for such use, and various camp apparatus.
(2) sheds, and a maintenance area.
A portion of the camp's gravel drive.

Proposed

(4) 30' Diameter Yurts
4' Driveway gate near frontage with Blossom Lane

77.17-1-32

Existing

A building dedicated to the camp offices.
A cafeteria building, part of which is also used for camp programming.
A building with a dwelling above a storage space.
Numerous septic systems & wells.
A gravel driveway loop.
Gravel walking trails.
Various programming buildings, apparatus & playgrounds.
Numerous storage sheds.
(4) Swimming pools
Various sports courts and fields including basketball, tennis, baseball, etc.
A stage and associated seating.
A pond with a dock and bridge.
Numerous tents, decks, and shade structures.
Numerous restroom facilities.
Refuse enclosure.

Proposed

Formalized 11 parking spaces near the entrance on Union Valley Road.

Two Sheds on 77.17-1-31

These dimensions are based on the survey, I will double check the original survey work, and maybe stop out this afternoon to confirm their size. If I stop out, I will write to confirm, and send a few pictures this afternoon or tomorrow AM.

Shed 1:

12'x12'+-; to the rear of the existing dwelling; 71'+- to the nearest side yard property line.

Shed 2

16'x10'+-; further to the rear of the existing dwelling, acting as part of the maintenance area enclosure (see plan); 44'+- from the nearest side yard property line, 153'+- to the rear property line.

Thanks

Adam Thyberg, RLA, Associate

Project Landscape Architect

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

(845) 225-9690 x147

From: William A. Shilling, Jr. <waslaw@shillinglegal.com>

Sent: Monday, November 7, 2022 4:17 PM

To: Adam Thyberg, RLA <athyberg@insite-eng.com>

Subject: Camp Kiwi

Dear Adam:

I need a list of all the improvements on the two lots (77.17-1-31 and 77.17-1-32).

I also need information on the two sheds – the size, location and distance from boundary lines, etc.

Bill



ZONING BOARD OF APPEALS
TOWN OF CARMEL
PUTNAM COUNTY

Town Hall, Town of Carmel
60 McAlpin Ave.
Mahopac, N.Y. 10541
(845)628-1500

AUTHORIZATION FORM

RE: Property of: Kiwi Country Day Camp
Located at: 825 Union Valley Road (Owner) _____, Mahopac, NY
(Address) (City, Town, Village)
Tax Map #: 77.17-1-31 & 31
In the matter of: Kiwi Country Day Camp
(Variance Request)

To whom it may concern:

This letter is to authorize Shilling & Smith, P.C.

a/an (check one) Attorney Engineer Architect Other _____

to apply for the required variance(s) on the above noted property and to sign all necessary papers and make all necessary representations on my behalf in connection with the above-mentioned matter.

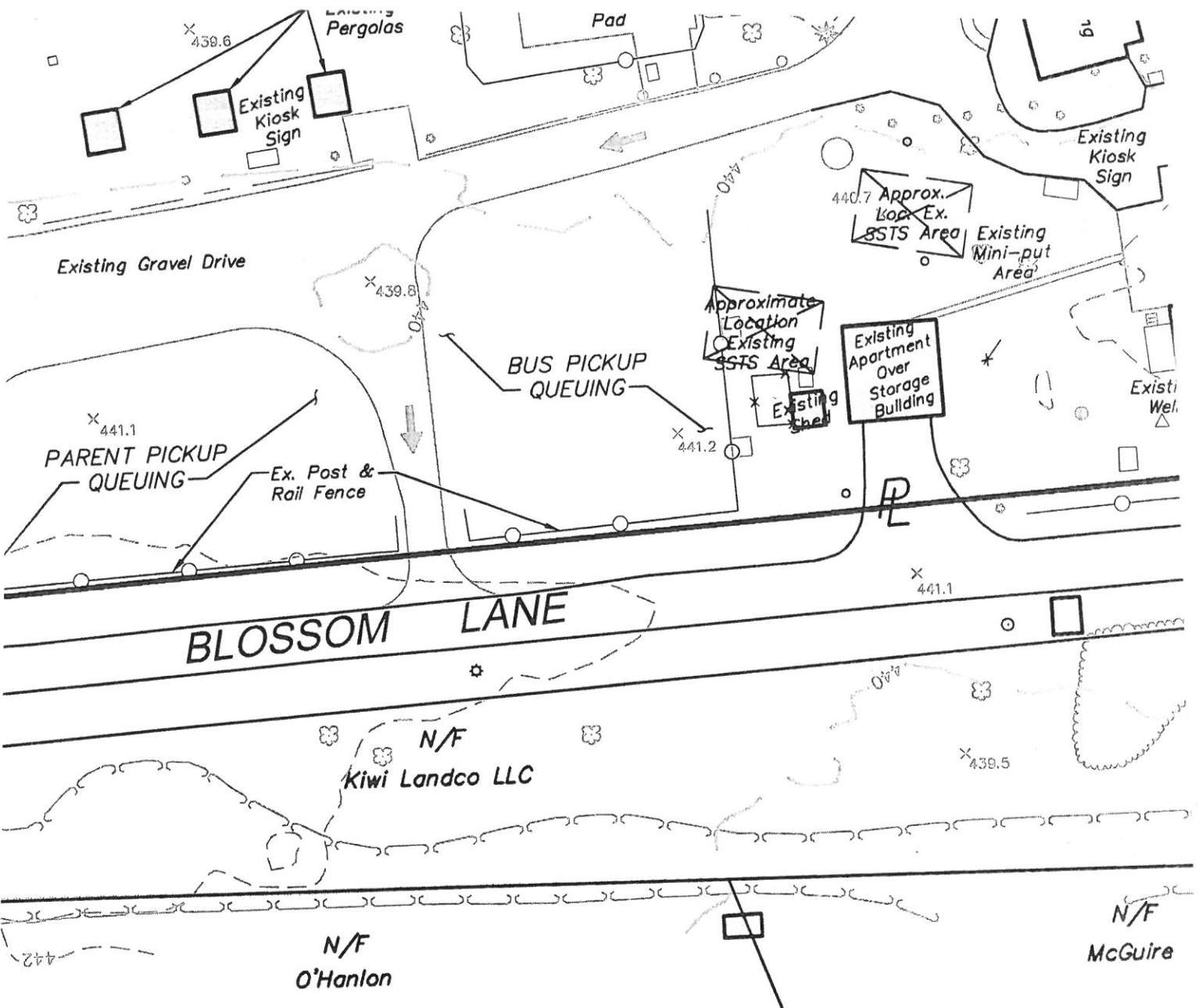
Countersigned: _____
(Representative)
William A. Shilling, Jr., Esq.
(Print Name)

Signed: _____
(Owner of Property)
Will Yahr
(Print Name)

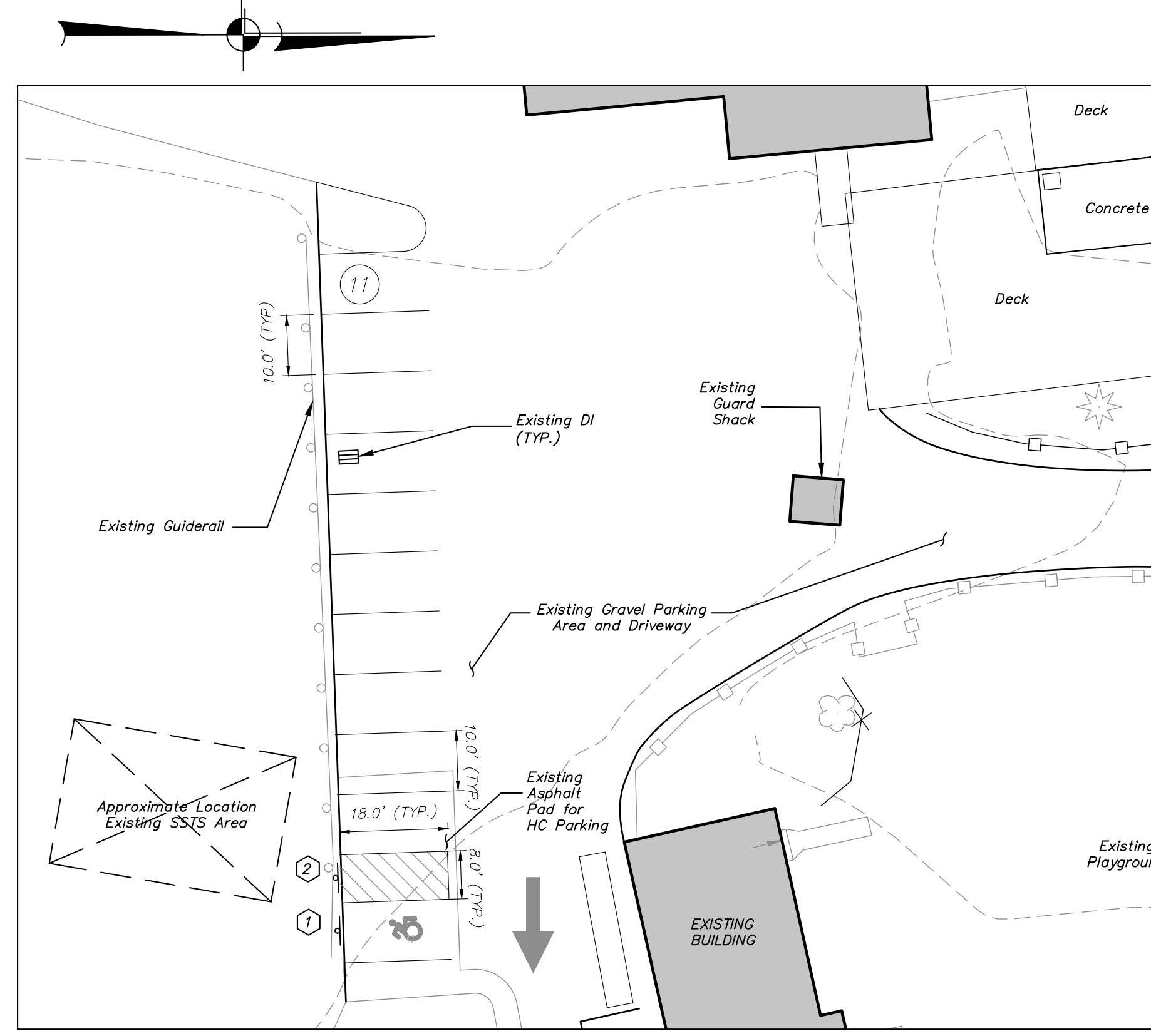
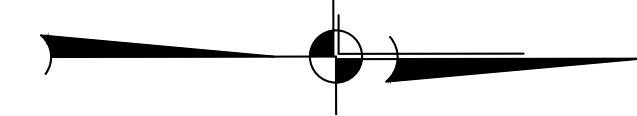
Mailing Address: Shilling & Smith, P.C.
122 Old Route 6, Carmel
State: NY Zip: _____
Telephone # 845-225-7500
Date: _____
E-mail: waslaw@shillinglegal.com

Mailing Address: 825 Union Valley Road, Mahopac
State: NY Zip: _____
Telephone # _____

NOTE: The willful submission of false or inaccurate information on this application may result in the dismissal of the application, or the revocation of any action taken on the application, or both.



DENIED
 BY TOWN OF CARMEL
 PLANNING BOARD ON
 DATE 10/26/22
 CHAIRMAN [Signature]

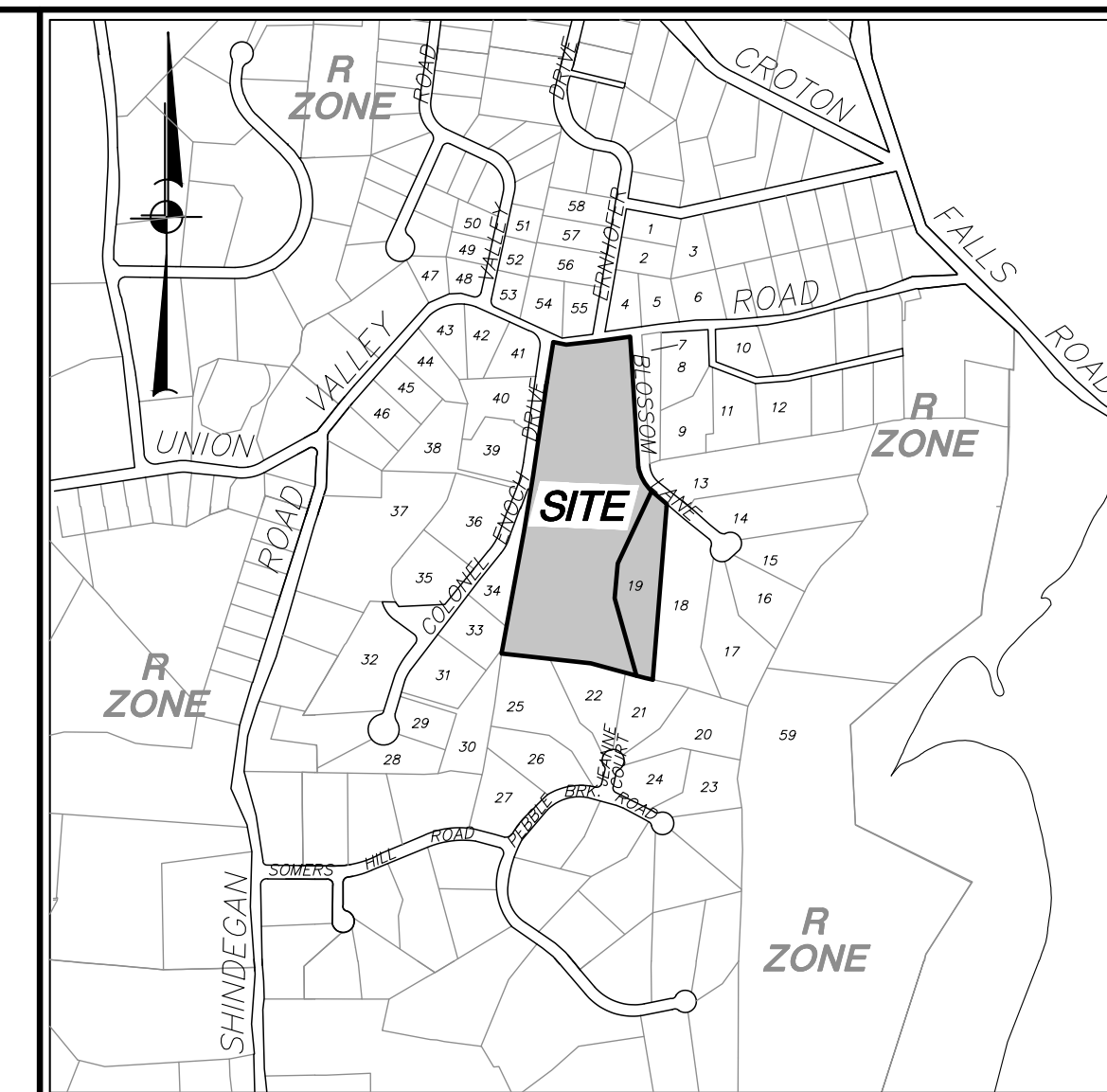


ENLARGED PLAN
1" = 20'

500' ADJOINERS:

- | | |
|--------------------------------------|---------------------------|
| 1. N/F CORRADI | 30. N/F COMMUNITY AREA |
| 2. N/F FEDERLEIN | 31. N/F BERGLUND & GUINEY |
| 3. N/F SANTORO | 32. N/F SCHERER |
| 4. N/F TRAYNOR | 33. N/F LAVIN |
| 5. N/F SHEA | 34. N/F WILLIAMS |
| 6. N/F GARY | 35. N/F MCLAUGHLIN |
| 7. N/F BELLOTTO | 36. N/F POULOS |
| 8. N/F MCGUIRE | 37. N/F FRAKE |
| 9. N/F O'HANLON | 38. N/F COMMUNITY AREA |
| 10. N/F MULLIGAN | 39. N/F MCGUCKIN |
| 11. N/F GIAMMO | 40. N/F MAHER |
| 12. N/F DAVID | 41. N/F STEIN |
| 13. N/F IANNOLLO | 42. N/F FIGUEROA |
| 14. N/F ROGLER | 43. N/F O'DONNOR |
| 15. N/F CHONG | 44. N/F ISOKANE |
| 16. N/F PARRIT & BARZUN | 45. N/F LEFTWICH & HUNTER |
| 17. N/F SORRENTINO | 46. N/F SPANO |
| 18. N/F MCINERNEY | 47. N/F ARCHER |
| 19. N/F BROWN | 48. N/F ARCHER |
| 20. N/F YAMIN | 49. N/F CATANIA |
| 21. N/F DEVINO | 50. N/F CHMELOSKI |
| 22. N/F URBAN LIVING TRUST | 51. N/F SPRANCE |
| 23. N/F YAMIN | 52. N/F MELE |
| 24. N/F ENHORN | 53. N/F PHILLIPS |
| 25. N/F UNITED CEREBRAL PALSY ASSOC. | 54. N/F MURPHY |
| 26. N/F FRANZE | 55. N/F BELLOTTO |
| 27. N/F KATZAS | 56. N/F GUERIN & KING |
| 28. N/F CHRISTOS | 57. N/F JACOBELLI & RYAN |
| 29. N/F HARKER | 58. N/F ARMSTEAD |
| | 59. N/F YAMIN |

SIGN DATA TABLE				
NO.	TEXT	M.U.T.C.D. SIZE OF SIGN (S.F.)	DESCRIPTION	
1		NY R7-B* R7-BP	12" x 18" 12" x 6"	Green on White Blue Symbol
2		R7-1	12" x 18"	Red on White



LOCATION MAP
1" = 800'

SITE DATA:
Tax Map No.: 77.17-1-32 & 77.13-1-41
Zone: R (Residential)
Lot Area: 14.7 AC ±
Use: Camp and Private School

OWNER/APPLICANT:
Camp Kiwi, Inc.
P.O. Box 518
Somers, NY 10589

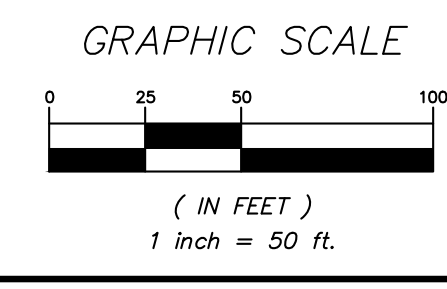
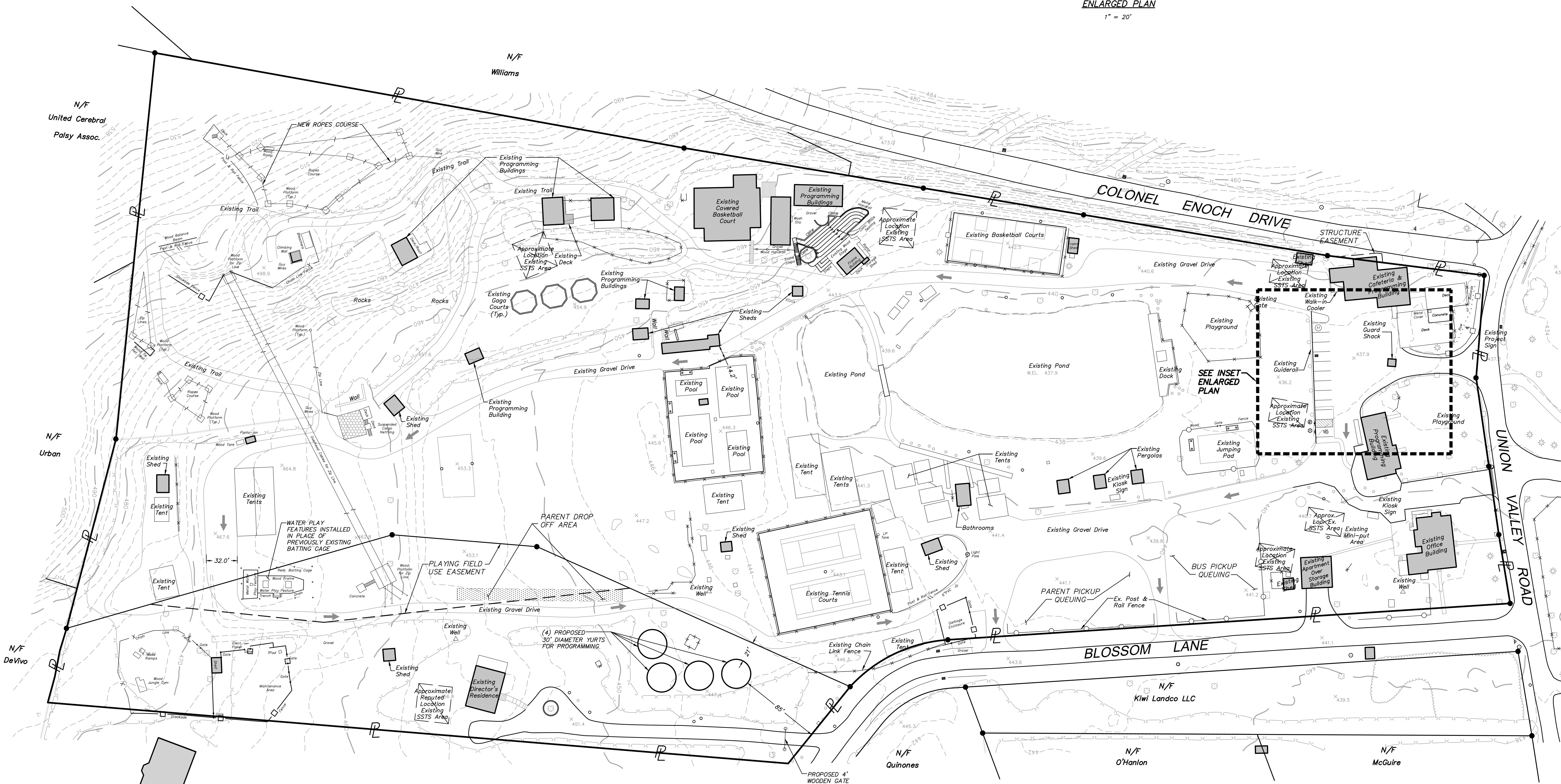
- GENERAL NOTES:**
- Property line shown hereon per final subdivision Plat prepared for Brad & Karla Brown and Camp Kiwi, Inc. by Kayler Surveying, P.C., last revised July 29, 1992. Topography as shown hereon are based upon aerial photography from 2003. The contour interval is 2.
 - Existing site features as shown hereon based on aerial photography from 2013 and with updated existing conditions per information obtained through field observation completed January 2015 by Insite Engineering, Surveying & Landscape Architecture, P.C.
 - All improvements are existing unless otherwise noted.
 - The subject property is currently used as a private school, a summer day camp and an event facility. At no time is the subject property used for more than one of the above described uses.
 - The subject property has been granted numerous variances by the Town of Carmel ZBA in May 1992, April 1994 and October 1994. These variances apply to structures and uses located on Parcel 1 (Tax Map No. 77.17-1-32).
 - The location and sizes of existing temporary tents and gazebos provided by owner and based on field observations and are shown as approximate.

R ZONE REQUIREMENTS:

	Required	Existing	Lot 77.17-1-32	Lot 77.17-1-31
Min. Lot Area:	120,000 sq ft	640,129 sq ft	122,123 sq ft	780 sq ft
Min. Lot Depth:	200'	1,165' ±	780' ±	202' ±
Min. Lot Width:	200'	407' ±	202' ±	202' ±
Min. Yards:				
Front:	40'	27' ±	306' ±	
Side:	20'	< 25'	27'	
Rear:	40'	< 40'	420'	
Max. Building Height:	35'	< 35'	< 35'	
Max. Bluff Coverage:	15%	1,956' ±	1,568' ±	

* The setbacks shown are for the Camp Office building, garage and shed located in the northeastern corner of the property. All other setbacks conform or have been granted the necessary variances by the Zoning Board of Appeals.

** Variance granted by Town of Carmel ZBA on May 26, 2005.



2	10-17-22	REVISED FOR PLANNING BOARD COMMENTS	DSW
1	9-19-22	REVISED FOR PLANNING BOARD COMMENTS	DSW
NO.	DATE	REVISION	BY

INSITE
ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.
3 Garrett Place
Carmel, NY 10512
(845) 225-9690
(845) 225-9717 fax
www.insite-eng.com

PROJECT:
**CAMP KIWI
CAMP & PRIVATE SCHOOL**

UNION VALLEY ROAD, TOWN OF CARMEL, PUTNAM COUNTY, NEW YORK

DRAWING:
**AMENDED SITE PLAN -
OVERALL PLAN**

PROJECT NUMBER: 21258.100
DATE: 9-19-22
SCALE: 1" = 50'

PROJECT MANAGER: J.J.C.
DRAWN BY: D.S.W.
CHECKED BY: A.D.T.

DRAWING NO.: **OP-1**
SHEET: 1/2

ALTERATION OF THIS DOCUMENT, UNLESS UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, IS A VIOLATION OF SECTION 2209 OF ARTICLE 145 OF THE EDUCATION LAW.