

APPROVED

JOHN MAXWELL
Chairman

PHILIP AGLIETTI
Vice-Chairman

TOWN OF CARMEL ZONING BOARD OF APPEALS



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MICHAEL CARNAZZA
*Director of Code
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BOARD MEMBERS

ROSE FABIANO
SILVIO BALZANO
WILLIAM ROSSITER
MARC DITOMASO
JOHN STARACE

ZONING BOARD OF APPEALS MINUTES

JULY 25, 2019

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

ABSENT: JOHN STARACE

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Catherine Veschi	75.20-1-47	1 – 2	Requested Variance Granted
Kenneth Kraemer	54.14-1-31	2 – 3	Requested Variance Granted
Guiseppe Giammo	77.13-2-12	3 – 4	Requested Variance Granted
WillowWood Country Club, Inc.	87.7-1-6, 7 & 11	4 – 17	D'way Access: Variance Granted Prkg space size: Variance Granted Gravel parking: Variance Granted No. Prkg Spaces: Variance Denied

MINUTES:

June 27, 2019	17	Approved as Written
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The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Dawn M. Andren

NEW APPLICATIONS

1. Application of **CATHERINE VESCHI** for a Variation of Section 156.15 seeking permission to retain existing shed. The property is located at 62 Buckshollow Road, Mahopac NY 10541 and is known by Tax Map 75.20-1-47.

Code Requires/Allows	Provided	Variance Required
10' - Side	4 ft.	6 ft.

➤ Mr. Joseph Rizzo of 70 Buckshollow Road representing the applicant was sworn in.

Mr. Rizzo said her shed has been there for like 50 years. Supposedly it's 4' from the property line and we need 10'. She's asking for a variance for that 6'.

Chairman Maxwell asked did she not know she needed a permit for this.

Mr. Rizzo replied I believe she filed all the paperwork that she needed to. She just asked me to step in today.

Chairman Maxwell interjected I mean when she purchased it.

Mr. Rizzo said I've been living at 70 Buckshollow Road for 20 years and that shed has been there prior to me so I have no idea.

Mr. Carnazza interjected she's selling the house; when we did the municipal search, this came up. We checked the date.

Chairman Maxwell said it's in good shape; it's pretty meticulous and well-kept and screened pretty well from the

Mr. Balzano interjected it actually looks like a little dollhouse and, obviously, we have a neighbor that's in favor of it.

Chairman Maxwell asked you're the next-door neighbor.

Mr. Rizzo replied yes.

Chairman Maxwell asked the Board Members for any input/questions.

Mrs. Fabiano asked are you the most directly affected by this.

Mr. Rizzo replied no; not really. It's on the opposite side of my property.

Mrs. Fabiano asked do you know if the other neighbor is in agreement.

Mr. Rizzo said her property is pristine so both my property and the other property look like dumps compared to hers.

Chairman Maxwell asked if there were any input/concerns from the public on this application of which there was none.

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

Decision of the Board:

Mr. DiTomaso moved to grant the requested variance; seconded by Mrs. Fabiano with all in favor.

2. Application of **KENNETH KRAEMER** for a Variation of Section 156.15 seeking permission to construct second floor addition to existing dwelling. The property is located at 22 Fini Drive, Carmel NY 10512 and is known by Tax Map 54.14-1-31.

Code Requires/Allows	Provided	Variance Required
30' - Rear	8.2 ft.	21.8 ft.

- Mr. Tom Nugent of 79 Austin Road, Mahopac NY representing the Kraemers was sworn in.

Mr. Nugent stated this application was before this Board before for a variance in 2008 and they received a variance back then but it expired. So, they want to renew it. The variance for the rear yard - the rear yard is only 8' but there are acres of trees behind the house. I think that's probably why they granted the variance but I don't know and I wasn't there. That's it. They want to renew it.

Chairman Maxwell said so you're basically going up on the same footprint?

Mr. Nugent replied same footprint; same architectural plan as before.

Chairman Maxwell said so basically the front, the left side and the garage is remaining the same; you're just putting a new roof on it according to the architectural?

Mr. Nugent replied yes; just an attic – a new steeper roof over the garage.

Chairman Maxwell said it's pretty well screened in the back; did they speak with their neighbors?

Mr. Nugent replied they have.

Chairman Maxwell said no issues or concerns?

Mr. Nugent replied no problems.

Chairman Maxwell said and there's no other property that they can buy to bring it into conformance?

Mr. Nugent responded right.

Chairman Maxwell said okay so you're just going straight up.

Mr. Nugent replied exactly.

Chairman Maxwell asked the Board Members for any input on the application.

Mr. DiTomaso said it looks like our predecessors already had approved this in the past?

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Mr. Rizzo replied yes; it expired after two years since they didn't do anything with it.

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

Mr. Balzano 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; seconded by Mr. Balzano with all in favor.

3. Application of **GUISEPPE GIAMMO** for a Variation of Section 156.15 seeking permission to retain existing shed closer than allowed to side yard. The property is located at 11 Timber Trail, Carmel NY 10512 and is known by Tax Map 77.13-2-12.

Code Requires/Allows	Provided	Variance Required
10' - Side	1.5'	8.5'

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

Mr. Besharat stated this house has been sold because the family is downsizing and has already moved to an apartment in NYC. As a result of selling the house, a few issues came up and one of them was the shed on the property that exists too close to the property line. It's a small shed – under 100 square feet – about 80 square feet. It's tucked in the corner of the property and does not create an impact on anybody else. If members of the Board went to the property, you can see it's beyond immaculately landscaped. Where the shed is located is a proper location for it. Again; it really doesn't impact any of the neighbors. There is no property available to relocate the shed that does not need a variance. Relocating the shed on the property itself would create a negative impact on the house & neighborhood. Again; it's heavily wooded and screened all around it.

Chairman Maxwell said it's wooded in the back.

Mr. Besharat continued yes; you really barely see it when you're in the back yard.

Chairman Maxwell said neighbors on both sides have no issues?

Mr. Besharat replied not that we know of. They have been notified and I think Mr. Giammo spoke with one of them that he knows. He said he has no issue.

Chairman Maxwell asked there's no property that they can buy to bring it into conformance.

Mr. Besharat responded no; nothing – houses on all sides.

Chairman Maxwell said it's the most interesting shed I've ever seen and then asked the Board members for any questions, comments or concerns.

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Chairman Maxwell then opened up this application to the public for input of which there was none.

Mr. Balzano 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 requested variance; seconded by Mr. Rossiter with all in favor.

4. Application of **WILLOW WOOD COUNTRY CLUB, INC.** for a Variation of Section 156-24.D, 156-42.A(1), 156-42.D, & 156-42.A(3) seeking permission to obtain a variance from the below parking/access drive dimensions/requirements for the existing parking lot in association with an amended site application pending before the Planning Board. The property is located at 551 Union Valley Road, Carmel NY 10512 and is known by Tax Map 87.7-1-6, 7, 11.

Code Requires/Allows	Provided	Variance Required
502 Parking Spaces	80 Parking Spaces	422 Parking Spaces
10'(w) x 20'(l) min per space	9'(w) x 18'(l) per space	1'(w) x 2'(l) per space
24'(w) min. access drive	20'(w) access drive	4'(w) access drive
Off-street parking permanently improved	Gravel off-street parking area	Off-street parking w/o permanent improvement

- Mr. George Calcaganini, Esq., Secretary of Willow Wood Gun Club, member of the Board of Directors & Chairman, Sporting Operations at Willow Wood appeared before the Board.
- Ms. Dawn McKenzie of Insite Engineering, Project Engineers representing applicant was sworn in.

Mr. Calcaganini said we filed an application for an amendment of our site plan to improve the park path for the sporting clays course. In connection with that, the Building Inspector raised an issue about parking. Because we are considered a country club, the rules applicable to country clubs in terms of parking and because we're a membership corporation operating the facility, and have been operating there since 1955 as a gun club, we currently have 200 members and increasing that to 250 so the Code requires two for each family membership – that would be 500 and one for each of the employees which would put us at 502, so we need a variance. The parking plan that has been submitted shows 80 spaces including handicapped spaces which is more than adequate for our needs. While we've been doing this, we prepared a parking study and had our employee, when we're open, go out on the hourly basis counting the number of cars that are parked in our lot. I have the raw data for that if you would like that but because there's a sheet for everyday and we've grabbed it since February 14th through June 28th. What we have here is the number of parking spaces and we've never had more than 36 cars in the parking lot since we've been doing this parking study.

Chairman Maxwell interjected is that mostly on the weekends when that occurs?

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Mr. Calcaganini responded we are open Thursday, Friday, Saturday & Sunday each week. The dates that we're open are going across the bottom and the red line here shows the lowest number of cars on a daily basis. The blue line is the maximum number of cars that are parked in the lot during that period of time. We were operating the sporting clays for roughly half that period of time. You can see that during the period of time that we did the study, we never had more than 36 cars in the parking lot at any one time.

Chairman Maxwell asked and what time of year was that?

Mr. Calcaganini replied it runs from February 14th through June 28th. This graph shows the 80 parking spaces we show on our plan is way more than we actually need.

Chairman Maxwell said this study was done by who?

Mr. Calcaganini responded we had our grounds employee go out every hour and prepare the raw data. I have the data here. Each hour, he would go out and count the number of cars in the lot. For each day, the lowest number and the highest number. The lowest is graphed on the red line and the blue line is the highest number.

Mr. Carnazza asked did you have any events during that time.

Mr. Calcaganini replied yes; the peak would be during an event.

Mr. Balzano asked do you see more usage during the summer.

Mr. Calcaganini replied our club is probably unlike most of the other clubs. Our club caters to the competition shooter. During the best weather, our shooters are away at events almost every weekend. In fact, myself and most of our members are heading to an event in Rochester this weekend. We really are practicing the most during the off season. Hence, the February time period where there really aren't the registered events.

Chairman Maxwell asked on that same note, do you ever host your own competition where you would have more than 80 cars.

Mr. Calcaganini responded I don't envision us having more than that but if we did, we would have our members double up in the parking space. There's plenty of width in the space. I have some photographs that will actually show, and you can tell by the plans that our members would double up. When we have interclub shoots, they would park in the normal spaces and we would double up.

Chairman Maxwell asked how many members would be at that event typically.

Mr. Calcaganini replied it's hard to say but I can't imagine us needing anymore than 80 parking spaces in the lot at any one time. You're not going to run two events at the same time. If you're having a registered event, you wouldn't be doing two different disciplines at the same time. We also are seeking a variance for the width of the driveway in. We have an access road in that's 20 feet wide. I believe the Code requires 24 feet wide so we're seeking a variance for that. Again; we've been in existence since 1955 and we've never had the slightest bit of problem with access in and out of the driveway. We're also seeking a variance for the width and the length of the parking spaces. Code requires 20 feet by 10 feet. We're asking for 18 feet by 9 feet. The

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engineers tell us that is perfectly adequate for that. We also are asking that we not have to permanently improve (pave) the parking spaces and the parking lot. This is a rural environment; this is a gun club and it would be out of character to have to pave all of that and it's a very large area to pave. Again; we've been there since 1955 and it's a gravel surface.

Mrs. Fabiano asked how many people will be at the event that you're going to in Rochester.

Mr. Calcaganini replied that's a very big event. That's the NYS Championship and that's a vastly larger club. Our club could never hope to entertain an event of that size. There's probably going to be 500 shooters at that event. Rochester Brooks Gun Club is a very, very large facility.

Mrs. Fabiano asked what do you envision the maximum would ever be.

Mr. Calcaganini responded I can't imagine us ever having more than 80 shooters.

Mrs. Fabiano said I don't know a lot about shooting so please forgive any silly questions. You did a study between February 14th and June 28th. Hunting season is in October and November; is there any hunting going on there.

Mr. Calcaganini replied no; we do not hunt on our property. There are two neighbors that have 50 acres adjacent to us and we allow them to hunt on our property for community relations purposes. We allow them to bow hunt on our property but our members do not hunt on the property. There's no program for hunting on the property. We're not a hunting club. We're a shotgun sports club so we have Trap, 5 Stand and we have sport.

Mrs. Fabiano asked clay ducks too.

Mr. Calcaganini said yes; we have clay targets that are launched by machines. Trap is a discipline where the targets come out in a narrow range, approximately a 30-degree angle, rising away. Those are shot from a stationary position. There are 5 positions on each Trap Field. We have 6 Trap Fields but two of those are really overlaid on the 5 Stand. Then you get into sporting clays which is where the targets can come from basically any direction, doing anything. There's a variety of different sizes and shapes of targets. Some of the targets are made to roll across the ground; we have 110-millimeter targets, 90- & 70-millimeter targets; some are very flat and they perform differently and fly at different speeds. The machines on sporting clays are fully adjustable so that you can tilt them one way or the other, back or forward. You can make them perform in curving lines, straight lines, dropping lines, climbing lines all to make the shooter learn to diagnose the leads and techniques. Trap uses, more or less, one technique.

Mrs. Fabiano said I have a question for Mr. Folchetti. This is advertised as a "Country Club". Initially I thought it was a golf country club. If they ever changed to a golf country club, would they have to come back for a Use Variance?

Mr. Folchetti responded their permitted use now is Country Club pursuant to a site plan from 50-60 some odd years ago.

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Mr. Carnazza said I don't remember when the previous site plan was. Were you here at the time (to Mr. Calcaganini)?

Mr. Calcaganini replied that predates me by a long time.

Mr. Carnazza said I know that there was a "middle one" in the 80s or 90s.

Mr. Folchetti said in the 80s.

Mrs. Fabiano said you wouldn't need to come back here for a Country Club?

Mr. Carnazza responded they would have to come back for a "golf" Country Club. They would have to come back to the Planning Board to lay out the holes, the golf and everything else.

Mrs. Fabiano continued if we approve this for the 500 spots, this variance remains in effect forever. So; they won't need their 500 spots if it becomes a golf club.

Mr. Folchetti said whatever variance you grant runs with the land but if they come back with a different use that has different parking requirements, they'll have to meet the parking requirements in connection with that use or come back here for a variance from those requirements.

Mr. Calcaganini interjected this property is, not at all, suitable for a golf course.

Mrs. Fabiano asked even for a 9 hole.

Mr. Balzano said the topography wouldn't support it.

Mr. Calcaganini said there's 220 feet of elevation difference from the parking lot up to the top. I can't imagine any golf course could operate in a facility like that.

Mrs. Fabiano said I saw the valley so I wasn't sure if golfing could fit in the valley.

Mr. Calcaganini replied but the valley floor is very narrow and then goes up steeply along the sides.

Ms. McKenzie (not at mic & inaudible) over here to the west side and then from the east side of the driveway (inaudible).

Vice-Chairman Aglietti asked ever use for a biathlon.

Mr. Calcaganini replied biathlon involves rifle.

Vice-Chairman Aglietti said this isn't a rifle club also?

Mr. Calcaganini replied there is a rifle range there but it hasn't been used in a number of years. Again; we try and be good neighbors and rifles make significantly more noise than a shotgun. We have not shot rifles in many, many years there.

Mrs. Fabiano asked do you use silencers or anything to reduce the noise.

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Mr. Calcaganini replied if you got caught in NYS using a suppressor, you'd be facing a very stiff jail sentence. The answer is no. It's highly illegal in NYS.

Mrs. Fabiano said so there's nothing to suppress noise?

Mr. Calcaganini responded this goes to an issue that's before the Planning Board (moved away from mic). Some of the stations up here on the edge of the ridge line (station 14), above the valley, there's a sound barrier here and at station 13 there's no sound barrier. At the suggestion of the Planning Board, we are proposing to *enhance it*. The sound barrier at present is a solid, flat wall measuring 10' high and 12' wide and stayed with 2"x6" and we're going to extend that with wings on 13 and 14 and also put a roof over it up here at station 12, add an "L" shape but without a roof. That will mitigate the noise. We have addressed sound issues.

Mrs. Fabiano asked why is this coming up now if you've been doing this for years.

Mr. Calcaganini replied Mr. Carnazza came in and said you need to have a site plan amended and site plan approval. We were shooting and now we've stopped at the direction of Mr. Carnazza. We've presented our amended site plan and done all of the engineering work for that but the Planning Board indicated that we needed certain variances and that's why we are here this evening.

Mr. Carnazza said to Mrs. Fabiano to answer your question from before, you need 75 acres for 9 holes.

Mr. Calcaganini said we do have 75 acres.

Chairman Maxwell said but a portion of that is DEC.

Mrs. Fabiano said but the topography doesn't work for a potential 9 hole.

Mr. Calcaganini said regarding the width of the driveway going in, it would almost be impossible to expand the additional 4' because on the right side, there is steep terrain with rock ledge and on the other side, you're in the wetlands buffer.

Chairman Maxwell said so it'd be costly to bring in machines and blast, etc.

Mr. Calcaganini you'd still be in the buffer.

Chairman Maxwell said and you guys were in before that became wetlands?

Mr. Calcaganini replied yes; this has been in operation since 1955.

Chairman Maxwell said so it predates our zoning anyhow.

Mrs. Fabiano said so they still had to come in?

Mr. Carnazza said they changed it. They put the path up at the top of the hill with the sporting clay.

Mrs. Fabiano said so that's why; because you're expanding the use.

Mr. Carnazza said correct.

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Mr. DiTomaso said I don't know if there are variances for it but it reminds me of the Mahopac Golf Club. That driveway coming in and out,, you can't fit two cars on it. It's too narrow and it leads up to a second larger parking lot that they just put gravel on. It's a huge space for overflow.

Mr. Calcaganini said in our driveway, you can easily fit two vehicles coming through and we routinely have semis coming in for delivery of clay targets so there's no issue getting big vehicles in there.

Mrs. Fabiano asked why did you expand the use.

Mr. Calcaganini replied sporting clays is a very popular shooting sport these days. There used to be a terrific facility up in Dover that closed down and it left a void that we are filling here. There's no place for the serious competitor to practice in this area. This is the only facility really geared toward a tournament shooter; a high-level competition shooter. It's a great asset to the community and we train young people to shoot at a high level. In fact, one of our young shooters received a scholarship for shooting to go to school. We have a youth team and coach that teaches that as well as some 'not so young' shooters like myself who actively compete all around the country and the world.

Mrs. Fabiano said so you're really hoping that you get more business.

Mr. Calcaganini responded we're not open to the public. We're a private club and we're never going to go beyond 250 people because we don't want a guy who is a serious competitor having to stand in line and wait.

Chairman Maxwell asked where is the membership based? All Westchester, Putnam, Dutchess?

Mr. Calcaganini said it's basically Westchester and Putnam. We have a few over the line into Connecticut. This general area.

Mrs. Fabiano said so you gave us the figures through June 28th. What does June 29th through February 13th look like? What does September, October and November look like.

Mr. Calcaganini said it's going to look exactly like that. I stopped because I had to prepare the graph.

Mrs. Fabiano said so in June, there's the same amount of business as in October and November.

Chairman Maxwell then opened this application up to the public for input, questions and comments.

- Mrs. Patricia Perez of 507 Union Valley Road, Mahopac NY was sworn in.

Mrs. Perez stated I'm here representing my husband, Robert Federico and myself. We've been neighbors with the Gun Club for about 30 years. I want to make you aware of a couple of things. Obviously, this request for a variance is related to the Amended Site Plan in front of the Planning Board. A group of about 60 neighbors got together

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and signed a petition with a letter to the Chairman of the Planning Board. May I give you a copy of the letter?

Chairman Maxwell replied sure.

Mrs. Perez continued I do not have a copy of the signed petition from the neighbors of Willow Wood Gun Club. I need to make you aware of what it is to have Willow Wood Gun Club as a neighbor. This part of Union Valley Road and the roads around us are pretty rural. Some of us have a number of acres. Obviously Willow Wood Gun Club has about 95 acres and I know they've been around since 1955. We're not disputing that. What we are concerned about is allowing the Gun Club to actually increase its membership. That would have a further impact on our quality of life issues for the neighbors of Willow Wood Gun Club. The noise pollution is unacceptable. They're shooting 4 days a week: Thursday, Friday, Saturday and Sunday. Saturday and Sunday are when most of the neighbors like to enjoy the outdoors. There have been some days that I've gone back inside the house and closed the windows. It's very difficult to live close to them. I'm not going to say that we're close neighbors. I have tried to open the communication with them several times since 2016 – since they had requested and were approved for the tree cutting which was pre-emptive to all these requests into this Board and the Planning Board. I want to tell you why my family and I oppose the approval of this variance. If you approve this variance, the next step would be to the expansion to the Club. That would impact our quality of life issues because of the noise pollution. Our home values have been impacted. I have spoken with a neighbor who is also in real estate and there was a buyer looking at a house on Englewood Terrace on a weekend. When he was looking outside, he asked what is that noise? It was explained that it was the Gun Club and he said I can't live here. So, they walked away. I have some concerns and I would like to ask Mr. Carnazza a question if it's appropriate: Thank you for addressing the sound issue with Willow Wood on our behalf. The existing sound barriers to help us with the sound issue. I believe I heard the secretary of the Club say that they have stopped shooting. That is not correct. There was shooting today, there was shooting yesterday and there was shooting last weekend.

Mr. Carnazza said I think what he was stating that they've stopped shooting at the top of the hill. They're still shooting at the trap area – the bottom area but they stopped using the area that we gave them the stop & decrease order on.

Mrs. Perez replied I understand. Thank you for clarifying that. I just wanted to make you aware. Why would you grant this business, in the middle of a residential area, a variance of 420 parking spaces. If it was a business anywhere else in Town that requires this number of parking spaces, I'm sure you would not grant that business the variance because the parking spaces are needed as per Code.

Chairman Maxwell interjected just keep in mind that's a different situation. That's a commercial establishment that you're speaking of and a different vein. This is a private membership.

Mrs. Perez replied it is but it's in the middle of a residential area. If you're going to grant them a variance, obviously the Gun Club is going to save a lot of money by not expanding the parking facilities or not widening the driveway. They had the chance to probably widen the driveway when they did the tree cutting but of course, it's a Gun Club and they're probably looking to save money. It's a business in the residential area. Call it commercial or call it non-commercial but they're acting like a business. They're

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selling ammunition. They're having events. They charge for the membership. To me, it is a business. That's why I'm bringing these concerns to you. Another concern that I have is that we have never measured the decibel levels of the noise when they're shooting Thursday through Sunday. I know we have a noise ordinance. I do not know what the decibel levels are but I have to tell you that although you would think by having hills and valleys, the noise would be less. Noise travels very strangely when it goes up a hill. I am not that close to the Gun Club. There is a ridge that separates us but I hear them like they're next to me. I had ducked a couple of times. They were shooting pistols about 6 months ago. I think they're since stopped doing that. The first time that I heard those pistols, I actually went to the ground in my driveway. The noise frightened me to that extent. Another thing I want to make you aware of: I used to have kind of a relationship with previous Board Members. We were always assured that there was no hunting in their property. The property, for the most part, is posted but now I hear they do allow some hunting. One person is hunting. Even if they're not members of the club, they're allowing neighbors to hunt. They're allowing hunting in their property. That concerns me tremendously as well. I don't know where they're hunting. They could be hunting right behind my property – not within the number of feet that is required by Code. I would like you to please consider all the neighbors that are submitting their signatures to the Planning Board. Please try to look at the big picture. The Club is in existence. We cannot deny that but if you approve this variance, you're basically approving an increase in membership which would affect the neighborhood directly.

Vice-Chairman Aglietti asked Mr. Carnazza what's in front of the Planning Board right now.

Mr. Carnazza responded a site plan for the expansion of the upper range.

Vice-Chairman Aglietti said and what issues does that entail; does that include sound barriers?

Mr. Carnazza responded there were a few sound barriers that they were proposing.

Vice-Chairman Aglietti said just for the upper range?

Mr. Carnazza replied yes; just for the upper range. A berm with some plantings on it was one of them. Maybe Mr. Calcaganini can explain it a little better.

Vice-Chairman Aglietti said but that's all part of what's in front of the Planning Board. Is the parking in front of the Planning Board?

Mr. Carnazza replied of course; it's all part of the plan and that's why we're here.

Mr. Balzano said but there was a stop order issued because some work was already done?

Mr. Carnazza replied it's there already.

Chairman Maxwell said so the improvements were done and completed?

Mr. Carnazza replied completed and using it.

➤ Mr. John Jurek of 18 Fox Hill Road, Mahopac was sworn in.

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Mr. Jurek said I've been there for over 25 years and it's all about being a good neighbor. I'm a neighbor of Willow Wood Shooting Club and a good neighbor doesn't illegally erect new shooting grounds and leave neighbors totally vulnerable to a tremendous sound increase. It's all about upper elevations where members have started shooting since they cleared close to 400 trees. Basically, they erected new shooting locations and those locations are totally unprotected from sound noise as opposed to the original locations which are somewhat protected. Thanks to our inspector, the noise level has decreased over the period of 2 or 3 months since the stop order has been issued. We are all concerned that increase in membership is going to change our lives. Our lives have been hell the last 3 years almost – since they started using the unprotected locations for their activities. The number of memberships increase from 200 to 250 is quite a significant percentage increase. This is a private club but if you read the policy of the club, every member can bring an unlimited number of guests with a nominal fee. Over the weekend, we're talking about shooting noise every few seconds – all day long – starting at 10:00 and ending at 5 or 6:00 p.m. Just to draw the picture: I'm the owner of a single-family lot; if I built another house on the lot, what would you do. Would you run a variance that I can keep that second house on my lot or would you say take it apart; take it down. This establishment pretty much multiplied their business. It's Willow Wood 1, Willow Wood 2 and probably will be a Willow Wood 3. All has been done quietly. I don't think our Building Inspector knew about it. Now they're trying to legalize everything.

Mrs. Fabiano asked are you suggesting that the noise has increased over the last 3 years because they cut down 400 trees.

Mr. Jurek responded yes; the location where they're shooting from has increased the noise level ten-fold at least. Staying outdoors is impossible and even going inside the house doesn't help much. It depends where you are. I would say there's about 200 houses effected by this. Sometimes people which are 200 feet away that are not affected as some people that are elevated but 500 feet away. There has been no study of how this is decibel wise. We have recorded over the last few years. Many of us have stopped by the Building Department and made hundreds of complaints over the last two or three years. Finally; it worked because we have a result from our complaints; activity on the unprotected location has stopped. I would say it's stopped because the lawyer advised the members not to use that location. We are looking for a positive result from the Planning Board and your Board as well. I can't use my house as I used to and I can't enjoy things I used to. I'm really nervous about that. I can't imagine what's going to happen if you approve what Willow Wood is looking for to increase the membership and their activity and how it will affect our lives. Thank you for your time.

- Ms. Eileen Martinelli of 491 Union Valley Road was sworn in.

Ms. Martinelli stated I live by the Gun Club. I've lived in that house on Union Valley Road since 1986. Until those trees were cut down, when the shooting went on, it was like an echo. It didn't stop anybody from doing anything outside. It was a noise that you got used to and it sounded like an echo. It now sounds like a war. Like the gentleman said, you absolutely cannot sit outside in your yard because the noise is that loud. Apparently, because the trees came down, I don't know if they ever got a permit to take the trees down or it was done without but the noise is unbearable. He's right; it has affected the property values for all of us.

- Mr. Zygmunt Pastuszka of 75 Englewood Terrace was sworn in.

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Mr. Pastuszka stated I want to express the same concerns as the people who spoke before me but I want to ask you do you want to really allow it; seeing such opposition from residents/taxpayers? These people are outsiders. They come here, they make noise, they have fun and they leave. They increase traffic, noise pollution and make a few hundred people unhappy. Some people are even scared. When they started shooting from this new, illegally erected installations, my daughter approached me and said what is it. I said I don't know; maybe our neighbor is shooting his gun because it sounded like two houses away. Then I called the police and complained. We found out that it was from the new installations that they had erected illegally. She asked me what if the gunman comes here and starts shooting? She was 11 back then and didn't want to go outside. It's not only a few hundred houses but there's more people living in the houses. We are residents of this Town; we pay taxes here and they are looking for expansion of the parking lot. Eventually, they are creeping to that idea of expanding the shooting installations. They erected it on top of the hills. Before it was only on the bottom and you had vegetation so it muffled the sound. Now on top, it travels across the valley. I'm begging you to let them have what they had. I've lived in this house for over 20 years. I didn't complain 5 years ago. I didn't complain 10 years ago.

Chairman Maxwell said so you feel it's gotten worse in the last 3 years.

Mr. Pastuszka said I'm closing the doors on a sunny day and turning on the tv and I hear it. Sometimes, I pretend that I have to do something in Town. I jump in the car and I leave. It's four days a week. Saturday morning, you may want to sleep a little bit longer. No; the guns wake you up.

Chairman Maxwell asked Mr. Carnazza is there a certain time restriction.

Mr. Carnazza responded I would have to check that and the site plan.

Mr. Pastuszka said 8:00 – it's like a war zone.

Chairman Maxwell said 8:00 – you hear it that early.

Mr. Pastuszka said I need to tell you one more thing. I called a well specialist because we have a little problem with water. He came, we were talking about the well and we hear the guns. He said that's pretty annoying – huh? I said yes. He then said they called me to give them an estimate on sound barriers. Sound barriers are going to do the same thing that holy water does for the dead. That's what he said and he's an expert. So, them talking about sound barriers on the installations they developed illegally in the first place..... Again; please side with us because we are residents of this Town. Thank you for your attention.

Chairman Maxwell afforded Mr. Calcaganini the opportunity to speak again.

Mr. Calcaganini said I would like to respond to some of these issues. I'll go back in reverse order on my notes as I flip through them. The gentlemen that just spoke and claimed that we shoot at 8:00 a.m. – the earliest we start during the day is 10:00 a.m. so that is just plain wrong. The issue about getting an estimate from some well driller – I can assure you I'm the one who heads the sporting clays operation and we never contacted any well driller about the sound barriers. We erected the sound barriers ourselves after consultation with engineers. Whoever told him that is just not telling him an accurate state of facts. In terms of the trees, we went to the Environmental

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Conservation Board and obtained the permit to cut all the trees that were cut. Furthermore, the trees that were cut are on the other side.....

Chairman Maxwell interjected, Mike is that true? Is there a file?

Mr. Balzano asked how many trees was it.

Mr. Calcaganini replied it was a large number of trees. Do you remember (to Mr. Carnazza)?

Mr. Carnazza responded it was upwards of 400.

Mr. Calcaganini said it was a large number but those trees were cut on the other side of the mountain. The tree cutting was done on the opposite side of the mountain from Union Valley so that's not affecting that.

Mr. Balzano interjected why did you cut them down.

Mr. Calcaganini replied A) to raise money; we harvested the wood & B) to clear the land for the shooting. That was explained to the Environmental Conservation Board at the time. By the way, Ms. Perez was there and she opposed our tree cutting application. I haven't seen the letter that she is talking about so I don't know what's in that letter that she submitted.

Mr. Balzano read from Ms. Perez's letter that was addressed to the Planning Board – not the Zoning Board of Appeals. “Dear Chairman & Board Members, we would like to bring to your attention alarming activity at Willow Wood Club. Over the course of the past few years, the frequency and intensity of the noise produced by this entity has increased several folds. Willow Wood Club illegally erected new shooting locations at its upper grounds to accommodate growing membership and guests. To make matters even worse, close to 400 trees have been cut by the club – trees which had been acting as natural sound barriers. Shooting noises from the new locations is more reminiscent of an artillery range than a sports club range. It's become unbearable for neighboring residents to the point we strongly fear and physical and mental health is heavily impacted and endangered by being exposed to this activity. Willow Wood Country Club has robbed its neighboring residents of the peace & tranquility which the community is known for. We ask this Board (PB) to immediately prevent Willow Wood Club from using new, illegally erected locations for shooting. Operations at the original location should be stopped until the effectiveness of the old sound barriers is verified and the Town of Carmel makes sure it complies with today's environmental standards. Thank you for your time and consideration. The surrounding residents of Willow Wood Country Club. See attached signatures.”

Mr. Calcaganini said I would point out that the noise issues are perfectly valid for the neighbors to raise before the Planning Board. I really don't believe that it's a proper issue for the issues that are here before this Board which are variances of parking, width of the driveway, etc. One of the people that spoke here claimed that we're shooting pistols. That is absolutely not true. If somebody was shooting pistols in that neighborhood, they were not doing it on our property. There was an incident some months back where somebody off Shindegan Hill (property to the east of us) was shooting rifles up there. It was not on our property and I believe the police responded to that. There is no rifle shooting and no pistol shooting on our property. One of the neighbors spoke and claimed that we could have widened the driveway when we

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harvested the trees. One has absolutely nothing to do with the other. The trees weren't cut anywhere near the driveway. The lumber companies cut trees; they don't dig roads and things other than to make their logging roads or skid trails. That would not have been permitted by the Environment Conservation Board in connection with any tree cutting. Where we are now, we really would not be able to widen the road because of the buffer area, the steepness of the area and the rock ledge that is throughout the area. In terms of the hunting, the gentleman that owns the 50 acres that are adjacent to us to the west, they bought that 50 acres to hunt on. They're hunting over there anyway. The fact that we allow them to come somewhat onto our property is pretty much meaningless in terms of the issues here or even before the Planning Board.

Mr. Balzano interjected you stated earlier that they were bow hunting – not gun hunting – correct?

Mr. Calcaganini replied correct. As far as I know, they are hunting purely with bows up there. By the way; the tree issue - from our station 13 & 14 all the way to the houses on Union Valley – has not been touched. That is still a heavily wooded area and that's at the highest elevation. That area is still mature woodland up there blocking sound, etc. Again, the noise is not a proper issue for this Board. That is an issue that should be for the Planning Board and we're addressing that as part of our operations to enhance the quality of the sound barriers on those stations that are closest toward Union Valley and the higher elevations.

Mrs. Fabiano said you had mentioned before that another range was closed in Dover and your hope was that you would expand – somewhat – your own facility.

Mr. Calcaganini replied to have sporting clays so that those people that are competitors, but were displaced, have a place to shoot.

Mrs. Fabiano said and then you said you can only have a maximum of 250 people?

Mr. Calcaganini responded that's our self-imposed *number*.

Mrs. Fabiano continued if you have 250 people but only 80 parking spaces, you're going to run into a problem.

Mr. Calcaganini replied no; that's just not the nature of this. We rarely ever get more than a handful of people. You can see from the chart over there that the most that we've ever had in the months that we've been doing the survey is 36 parking spaces. The reality is we now have 200 members. Of those 200 members, a large majority of them come to the club maybe once a year. It's only a handful of people that are competitors and shoot all the time – 4 days a week. If you go into our club, the parking lot has very few cars and that's always been the situation and will always remain the situation because you're never going to have all members there at one time.

Mrs. Fabiano asked how long ago did Dover close?

Unknown voice replied 2 years.

Mr. Calcaganini said no; it's more than 2 years. It was probably about 2015.

Mrs. Fabiano said so about 4 years ago and you've picked up some of those Dover people already.

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Mr. Calcaganini replied a little bit.

Mrs. Fabiano said but your hope is that you're going to pick up more of them.

Mr. Calcaganini responded our hope is that we're going to expand into the neighborhood of 250.

Mr. Balzano said I know you were talking about the sound before and you were saying that's not really necessarily our prevue but one of the reasons you are here is because there was something built that shouldn't have been built and was not on your site plan – correct?

Mr. Calcaganini replied that's an issue that Mr. Carnazza and I have a disagreement on. I believe that we have a right to shoot basically anywhere on our property. Mr. Carnazza disagrees.

Mr. Balzano said but the structures used for that shooting in that top level.....

Mr. Calcaganini interjected there's no structures.

Mr. Carnazza interjected they're not structures; they're just low deck type platforms.

Mr. Calcaganini replied there's cages we shoot from for safety features and people can pick them up and move them. They're not attached.

Mr. Balzano said okay fair enough; second – regarding the sounds. The other part of this variance is the parking because now you're increasing membership by 50 and of course, the Code kicked you out again. Your original variance was for the 200 members originally back in 1983. So; with increased members, you would have more members per day there. It may be one, it may be two but you would have more – correct?

Mr. Calcaganini responded if you increase the count by 25% of 36, you're still way below the 80.

Mr. Balzano said understood but that wasn't my point. My point was that would be more people there which would then increase the sound because there would be more shooting.

Mr. Calcaganini replied it would increase the frequency of sound but not the volume of sound.

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 for the following:

- ***width & length of parking spaces.***
- ***variance of 4' for the width of the access driveway.***
- ***off-street parking without permanent improvement to the gravel parking area***
AND

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motion to deny the requested variance for:

- *422 parking spaces*

Seconded by Mrs. Fabiano & Mr. Balzano.

Discussion:

Vice-Chairman Aglietti stated the three that have been motioned to grant are ones that we've seen before; maybe not the gravel as much but the others and that's something that we do grant and there are no issues that I can see. With regard to the factors to consider for an area variance and the parking spaces (and in no particular order):

- *Is the alleged difficulty self-created? I believe that's a yes.*
- *Is the proposed variance substantial? I believe that's a resounding yes. It's actually 84%.*
- *Can any other method be used that does not require a variance but still allow for the benefit requested? The applicant really didn't speak to this and I believe it would be his burden to do so even if there's plenty of land there.*
- *Will an undesirable change in the character of the neighborhood or a detriment to nearby properties be created by granting of the variance? We're not here to discuss any noise complaints or the shooting of shotguns or any other firearms. We're here regarding the parking spaces. I don't believe that's an issue.*
- *Will the proposed variance have an adverse effect or impact on the environmental conditions in the neighborhood? I don't believe that comes into play either.*

The survey that was provided by the applicant is self-serving, I believe, and incomplete. It wasn't done by anyone with any expertise of any kind. Upon the consideration of the five factors and the findings, I believe that the substantial variance requested was self-created and there are other methods and the variance should be denied.

Chairman Maxwell requested a roll call vote:

<i>Mr. DiTomaso</i>	<i>for the motion</i>
<i>Mr. Balzano</i>	<i>for the motion</i>
<i>Mr. Rossiter</i>	<i>for the motion</i>
<i>Vice-Chairman Aglietti</i>	<i>for the motion</i>
<i>Mrs. Fabiano</i>	<i>for the motion</i>
<i>Chairman Maxwell</i>	<i>for the motion</i>

The motion carries.

MISCELLANEOUS

Minutes: June 27, 2019:

Mr. Balzano moved to accept the minutes as written; seconded by Vice-Chairman Aglietti with all in favor.

The meeting adjourned at 9:05 p.m.