

**APPROVED**

JOHN MAXWELL  
*Chairman*

PHILIP AGLIETTI  
*Vice-Chairman*

**TOWN OF CARMEL**  
**ZONING BOARD OF APPEALS**



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*Director of Code  
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**BOARD MEMBERS**

ROSE FABIANO  
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WILLIAM ROSSITER  
JOHN STARACE  
JULIE MCKEON

**ZONING BOARD OF APPEALS MINUTES**

**AUGUST 27, 2020**

**PRESENT:**    **CHAIRMAN: JOHN MAXWELL, VICE-CHAIRMAN: PHILIP AGLIETTI**  
**JOHN STARACE, SILVIO BALZANO, ROSE FABIANO, JULIE MCKEON & WILLIAM**  
**ROSSITER**

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<b><u>APPLICANT</u></b>	<b><u>TAX MAP #</u></b>	<b><u>PAGE</u></b>	<b><u>ACTION OF THE BOARD</u></b>
Travis Healey	75.7-1-5	1 – 2	Requested Variances Granted
Mark & Lisa Morrison	74.26-2-1	2 – 4	Requested Variances Granted
Vincent Grasso	86.55-1-20	4 – 5	Requested Variance Granted
Carmel Fire Department	44.14-1-24	6 – 10	Requested Variances Granted
Charles Melchner, Jr.	66.-2-37	10 – 14	Requested Variances Granted
Minutes:	07/23/20	15	Approved as Written

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Dawn Andren

## **NEW APPLICATIONS**

1. Application of **TRAVIS HEALEY** for a Variation of Section 156-15 seeking permission to add a bedroom, bathroom and porch to an already existing house. The property is located at 11 West Lake Blvd., Mahopac NY and is known as Tax Map #75.7-1-5.

Code Requires/Allows	Provided	Variance Required
40' Front (porch)	31.9'	8.1'
40' Front (addition)	39.1'	.9'

- Mr. Travis Healey of 11 West Lake Blvd. was sworn in.

Mr. Healey said we're looking to add a bedroom and a bathroom onto our house. We have 3 beautiful girls, and we're running out of space in that cape code style house. We're also looking to add a porch.

Chairman Maxwell said you're going up on the same footprint? You're not taking additional land clearing or anything? I know there's a stream and wooded area on the left side. You're not coming out in the front any further than exists now?

Mr. Healey said no.

Chairman Maxwell said there's no other property you can purchase to bring it into conformance? You're pretty much landlocked there?

Mr. Healey said I am landlocked.

Chairman Maxwell asked have you spoken with your neighbors.

Mr. Healey said yes. I actually brought one of my neighbors, Peter Tenzer, here and I have a bunch of signed letters.

Chairman Maxwell said yes. We saw there were 6 or 7 support letters in the file so I don't know that there is any opposition to this. With that being said, I'll open it up to the Board Members for questions or concerns.

Mr. Starace said nice design; no questions.

Mrs. Fabiano said no questions; the variances aren't very big.

Vice-Chairman Aglietti said no questions; I mean .9 variance is....

Other Members had no questions as well.

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

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

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**Decision of the Board:**

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

2. Application of **MARK & LISA MORRISON** for a Variation of Section 156-15 seeking permission to add a garage as a separate structure to property. The property is located at 125 Orchard Road, Mahopac NY and is known as Tax Map #74.26-2-1.

Code Requires/Allows	Provided	Variance Required
25' Front (Forest Rd)	9'	16'
10' Rear	2'	8'

- Mrs. Lisa Morrison and Mr. Mark Morrison of 125 Orchard Road, Mahopac were sworn in.

Chairman Maxwell asked how long has the garage been there.

Mrs. Morrison said it's a cover that's there now.

Mr. Morrison said it's a CoverIT right now. It's been there about 19 years.

Chairman Maxwell asked why is this coming up now?

Mr. Morrison said it came up as a legal notice and requires a building permit for it. I was told by the Building Department that I needed architectural drawings on this tent. I cannot get them. So, I decided to get a pre-made garage and put it in that spot.

Chairman Maxwell said so you're going to do away with this existing structure?

Mr. Morrison said yes and a brand-new wooden structure...

Chairman Maxwell said on the same footprint that's there now?

Mr. Morrison said yes; basically 14' x 28' in the same place.

Chairman Maxwell said I know Secor is pretty tight with the lots but have you talked with your neighbors on the right-hand side?

- ***Video tape hangs up*** and Mrs. Morrison ends with "then what's there now".

Chairman Maxwell said I see the renderings. I know there is some screening on that side so have you spoken to that neighbor on that side? Any issues?

Mrs. Morrison asked on which side?

Chairman Maxwell said on the right side of the garage structure.

Mr. Morrison said we have but we've had no complaints in all the years.

Mrs. Morrison said we're friends with the Nagels for years.

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Chairman Maxwell said there's no other property you can purchase to bring it into conformance?

Mr. Morrison said no. We have a house on this side, a house on this side and streets on both sides.

Chairman Maxwell said I know that you're landlocked there.

Mr. Morrison said yes. We're landlocked.

Chairman Maxwell said alright. I'd be interested to see if there are any neighbors here that might be in opposition but [I'll ask the Board Members for their input].

Mrs. Fabiano said I am so happy you're taking that other structure down; thank you. I was a little concerned that you were looking for a variance for that. There are things in between the house and the structure that exists now. I don't know if it's a snow-blower.....

Mr. Morrison said yes. It's a snow-blower.

Mrs. Morrison said hopefully, we'll be able to fit everything right inside.

Mr. Morrison said it's going to come over another couple of feet into that space.

Mrs. Morrison said so it'll be a little wider than the tent.

Mr. Morrison said the tent is 28' x 12'. This will be 28' x 14' so it'll give me a little more space than the tent.

Mrs. Fabiano said excellent.

Mr. Starace said I'm sorry – the new structure is going to be 10' x 12'?

Mr. Morrison said no; it's going to be 28' x 14'.

Mr. Starace said okay. I'm looking at the Dutch Barn Garage – the model.

Mr. Morrison said yes. That's the backside of it. They give you a structural end piece. If you put a slab in, they want you to have a 10" slab and a 12" slab.

Mr. Starace said yes. It looks good but this says it's only 10' wide.

Mr. Morrison said it's 10' high.

Mr. Starace said it says you can go 10' to 13.5' so you're going to go 13.5'?

Mr. Morrison said yes.

Mr. Starace said do you think you'd put a car in here?

Mr. Morrison said I have a car in a 12' wide now. I've got a 1970 Chevelle in there.

Mr. Starace asked are you going to run any electric to that.

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Mr. Morrison said I might try to bring a separate service into the garage; get an electrical permit and put a meter on it.

Chairman Maxwell said Mrs. Fabiano brings up a good point. There is room between the garage and the house. I don't know what that footage is going to be. Obviously, you need enough for egress and ingress but is there any way you can bring this closer?

Mrs. Morrison said it's going to go over 2' more. That's our basement and our furnace is down there so we can't get any closer to the house.

Chairman Maxwell said but you're not going to go any further toward the neighboring lot?

Mr. Morrison said no; closer to our house.

Chairman Maxwell asked if there was any input from the public on this application of which there was 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 Mrs. Fabiano with all in favor.***

3. Application of **VINCENT GRASSO** for a Variation of Section 156-15 seeking permission to add front porch to align with existing house. The property is located at 87 Kennard Road, Mahopac, NY and is known as Tax Map #86.55-1-20.

Code Requires/Allows	Provided	Variance Required
40'	26.1'	13.9'

- Mr. Joel Greenberg of Architectural Visions, 2 Muscote Road North, Mahopac representing the applicant was sworn in.

Mr. Greenberg said as you can see on the lower right-hand corner of the board and the pictures that we sent with the application, this is an existing house with a deck in the front that has been there for many, many years. The previous owner had given me a picture of the house which was built in the 1950s. Mr. Carnazza - I don't think, back in the 50s, we had that rule where a corner lot had two fronts and two rears?

Mr. Carnazza said I only know it from me and Cosmo (previous Building Inspector). They [historically] used where your front door was where your front yard was as long as it faced toward the road.

Chairman Maxwell said this is a corner lot here – correct?

Mr. Carnazza said that's correct. That's what we do because it says in the Code, each road is a front itself.

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Mr. Greenberg said this is the survey. The main road and the entrance to the house is off Kennard. As Mr. Carnazza has said, back in those days, that was the front yard. It was a corner lot but under the new regulations, you have a front, a front, a rear and a rear. All that we are basically doing is this front deck is becoming a porch. We're not going anywhere near the property line. We're lining up with the existing building. You can see the elevations. You can see the floor plans. Again, we're maintaining the 26.1 feet that the existing house is. The porch will maintain the 26.1 feet.

Chairman Maxwell asked is the whole house being renovated as well?

Mr. Greenberg said yes. They're going to be gutting the house and this "x" over here is the addition. They had an existing second floor but there, again, modernizing.

Chairman Maxwell said it's not too disproportionate, lot wise, from what I could tell. There's no other property they can purchase to bring themselves into conformance?

Mr. Greenberg answered no.

Chairman Maxwell asked is there any effect on septic or is it sewer?

Mr. Greenberg said the well is in the back and the septic front.

Mr. Carnazza said they're not in "Baldwin Water"?

Mr. Greenberg said maybe you're right.

Mr. Carnazza said the tank is right next to them. I would think maybe.

Mr. Greenberg said then only septic. I apologize. So, Baldwin Water and septic.

Chairman Maxwell polled both the Board Members and the public for any comments and concerns on this application of which there were 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:**

***Vice-Chairman Aglietti moved to grant the requested variance; seconded by Mrs. Fabiano with all in favor.***

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4. Application of **CARMEL FIRE DEPARTMENT, INC.** for a Variation of Section 156-42(d) seeking permission to change a lot line and allow two-way traffic from the MSB Hudson United Bank Parcel. The property is located at 94 Gleneida Avenue, Carmel NY and is known as Tax Map #44.14-1-24.

Code Requires/Allows	Provided	Variance Required
Lot Increase/Decrease by 20%	53.3% (MSB Parcel)/40.9% (Carmel FD)	33.3%
Lot Increase/Decrease by 20,000 sf	27,530 sf	Allow greater than 20,000 sf
Minimum Lot Area of 40,000 sf	24,035 sf (MSB Parcel)	15,965 sf
24' Wide Driveway for two-way traffic	20' Wide Driveway for two-way traffic	4' Driveway Width

- Mr. Michael Liquori, Esq. from Hogan & Rossi, Brewster NY representing the Carmel Fire Department appeared before the Board.
- Ms. Kathleen Gallagher of Insite Engineering; managing the design professionals for the proposed expansion of the Carmel Fire House was sworn in.
- Mr. Mike Hengel, Board of Directors of the Carmel Fire Department was sworn in.

Mr. Liquori said I'll try to keep this as simple as I can with what is going on between the two parcels. We have the Carmel Fire Department parcel which is right here and the TD Bank [parcel] which is referred to as MSB Hudson United Bank. That's the entity that has title to it but it's occupied by TD Bank. These parcels are right next to each other and the proposal is to do a lot line adjustment where we would take this part of the TD Bank parcel and attach it to the Carmel Fire Department parcel. That would allow us to expand the Firehouse, construct an access across the Carmel Volunteer Ambulance Corps parcel. It would allow us to take our apparatus from Vink to Garrett Place and drive through our proposed expansion.

Chairman Maxwell asked do you guys have to obtain an easement from them.

Mr. Liquori what we've done is circulated an easement to the Volunteer Ambulance Corps and to TD Bank and a Letter of Intent. We've all signed the Letter of Intent to facilitate that easement.

Chairman Maxwell said so that's in a positive direction?

Mr. Liquori said yes. We wouldn't have started the process without having that Letter of Intent in place. So, the Carmel Fire Department parcel is burdened by an access easement that is located here. What that does is allows the traffic from TD Bank to enter and exit across the Carmel Fire Department's parking lot. What I did is went out to the site, took some pictures from Garrett. This is where the access would be located. The new curb cut would come across the Volunteer Ambulance Corps' parcel and come here. I just walked around and took some snap shots so you could see pulling in. This is the actual location of that easement that takes you to the mouth of the driveway. As you make the left-hand turn, this is the driveway that goes to the Bank. Here's the Bank building itself. As you come around the drive-through, the front and back through the driveway back out.

Chairman Maxwell said that's basically the same shots in our package?

Mr. Liquori said similar; I just took a couple pictures myself to show the Board that driveway - what that looks like. This is the design that is in front of the Planning Board which shows the proposed

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expansion to the Firehouse. The building is going to cover that access easement and the proposal is to take the driveway and have it run straight to Garret.....

Mr. Balzano said so then the Bank and the Firehouse would share.....well, they do anyway.

Mr. Liquori said right; we would continue to share that access point.

Mr. Balzano said and then you're just moving the access point from Vink a little bit further.

Mr. Liquori added to Garrett Place. The variances before the Board are to facilitate the lot line adjustment; three of the variances relate to that. So, what we're asking the Board is to vary the Code to allow us to create a sub-standard parcel. Your Zoning Code requires that each parcel be 1 acre in size. When we're done, provided the variances are granted, the TD Bank parcel would be approximately half the size that it was before and the Fire Department parcel would be, obviously, increased by the exact square footage of that carve-off. The two other variances that are required are based on sections of the Code that preclude you from adjusting by lot line by more than 20,000 square feet. So, you can't make a parcel larger or smaller by that size. Because of our proposal and the size of the piece to be adjusted, we need to have a variance of that section. I'm not quite sure what the intent of that particular section of the Code is but it's in the Code so, therefore, we've requested to have a variance of that section and our other variance.....

Ms. Gallagher said it's 20,000 square feet or 20%. So, we're asking for a variance for both. What we refer to as parcel "x" on the drawing, which is this area, is 23,000 +/- approximately that much square footage; that's the 20,000 square feet. It also is more than 20% of the existing lot. I think for one it's 53% and the other one is 49%.

Chairman Maxwell said when I was out the other night, I failed to look at what's on that property now.

Ms. Gallagher said the property now is currently a wooded area with a grassy area in the middle. It's not being utilized by the Bank. It is often utilized by the Fire Department for some of their training and they're currently the ones that are maintaining that portion of the property.

Chairman Maxwell said so 'no harm, no foul' to the Bank.

Ms. Gallagher said correct. If the property is conveyed, the Bank will be able to function as it currently exists.

Chairman Maxwell said and I read that they're donating that property – correct?

Mr. Hengel said that's correct. They're donating it to us. We just have to pay the legal fees and the survey. I just wanted to note to the Board that originally that was part of our lot. In the 1970s, when the Fire Department bought the Grand Union supermarket that used to be there. They needed money at the time so we sub-divided that and sold that plot off. It was a different bank at the time but it was originally part of the Fire Department lot. So, the right of way that goes through it was part of the deed when we sold it to them. They got the right of way. In return, we got use of the property.

Chairman Maxwell said so it's a good relationship.

Mr. Hengel said yes.

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Mr. Carnazza said and it's much better for pulling out and making a left at the light.

Chairman Maxwell said as far as the 20' wide driveway, a standard driveway could be 10' – right?

Mr. Carnazza said this is two-way aisle in a parking area so it's 24'.

Chairman Maxwell said this is more of the Planning Board's prevue but would they put speed bumps or something just to keep the speed down since you have such a .....

Mr. Hengel said with the driveway that's there now – it's presently two-way traffic and it's been 20' since it was installed 20+ years ago.

Mr. Liquori said if I could just speak to that... there are a few reasons for us requesting to keep it at 20'. One is to not have to widen it. It comes down to costs.

Chairman Maxwell said understood; if it's used now at that same width, it's not a problem.

Mr. Liquori said as far as the two-way traffic goes, we were caught in an interesting situation in that when we first came to the Planning Board, we had it remaining as two-way but in discussions with the Planning Board, they asked us to analyze it as one way. We went back to the Bank and the Bank didn't want to relinquish control of the two-way traffic at this point. Basically, they said we want to ~~maintain~~ [retain] 4that two-way traffic.

Mr. Carnazza said they also discussed the possibility of putting in a light or warning signal for trucks coming in; somebody coming through would know the bay [doors] were open or whatever would trigger it. They don't know yet but they were discussing that.

Mr. Liquori said no matter what, in order to maintain safety, I think it's safe to say that we'll incorporate the necessary traffic design safety items – whether it's a light that goes on or a sign that says the apparatus bays are in use. The traffic flow that we were discussing with the Planning Board was basically one way out to Garrett.

Chairman Maxwell said lights will be on the trucks as they come out too so I don't think it will be.....

Mr. Liquori said we don't think two-way traffic is a significant concern. Right now, you have to know to drive through the Carmel Fire Department parking lot to go out to TD Bank and out to Route 52. This driveway will be obvious but with that building there, you really have to make an effort. As a regular person, I went and drove by the other day just to see for myself. If there was a building there, I would feel I was going out of my way to go behind the Carmel Fire Department building to then go through the Bank parking lot to get to Rt. 52. I think once that's built, people are just going to go straight up to the light.

Chairman Maxwell said yes; that makes sense.

Mr. Balzano said I think that driveway is more about the exit anyway. If people don't want to make the left out of TD Bank, they go off of Vink.

Mr. Liquori said exactly. So, we got caught in this timing thing. In our initial discussions with TD Bank, they had said to us that the traffic flows were okay. After reviewing it a little bit further, and we had already been at the Planning Board, they said they'd like us to get a traffic study and see some further analysis before we do anything. We have some time constraints ourselves as the Fire

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Department. Money is cheap right now and with interest rates where they are, it's critical for us to lock down our approvals and lock down our interest rate with the bank and by doing that, we're able to keep the improvement within our contractual budget with the Town which is really significant. The low interest rates allow us to do that. So, we have our foot to the gas. We're moving faster than other people are unfortunately. So, we're in that process and we are moving faster than them because we're motivated to do it because of the rates.

Chairman Maxwell said you included it in your paperwork but why don't you speak to the reasons for the expansion, etc.

Mr. Liquori said sure. What is recommended by OSHA & NFPA – we're seeing larger firehouses are because apparatus are larger. The reason apparatus is larger is the requirement for enclosed cabs for carrying firefighters. You used to have convertible cabs which were closed in the front, open in the back – those were smaller apparatus. Now apparatus is larger, taller and wider because all your firefighters are enclosed in the apparatus. So, you end up with larger vehicles and thus, a larger firehouse. The other thing that we're looking to do is: firetruck accidents typically happen when you're in reverse – even though we have back-up cameras, there are still incidences where you back up into something. So, having a drive through apparatus bay doesn't eliminate the need to go into reverse but it certainly makes it a lot easier. It's a better traffic flow for the department and the expansion assists in having wider widths between the firetrucks. You have a lot of activity that goes on in the firehouse between the trucks so that makes it safer. Those are the primary thrusts for why you would expand with a larger building for the Fire Department.

Chairman Maxwell asked are you going up a second story as well?

Mr. Hengel said no; the bays will be 14' doors. The present bay is 12'. We need to go higher. There will be a training mezzanine so there won't actually be a second floor, there's a training mezzanine along on that. We tried to do it but we didn't want to knock the whole building down. The architect said that it's got good bones; we just wanted to add the apparatus bay in the back for safety reasons.

Chairman Maxwell said that makes sense. It's a solid structure so that's fair.

Mr. Liquori said if you guys could imagine with anybody dealing with Covid-19 but particularly the Fire Department, we'll have additional room for decontamination. If you guys could think about the process of sending firefighters out to somebody's home or a nursing home or someplace where you have to deal with Covid-19, you're potentially bringing back contamination. To have ample areas where you can deal with that. You used to talk about this as if it would never happen. Here we are and we're actually dealing with it.

Chairman Maxwell asked what's a decon room; you put your equipment in and....

Mr. Liquori said after you return from a call, all of the firefighters involved in the call take off their full protective gear and undress in a place that becomes contaminated but doesn't allow for contamination to escape. A place where you can clean your equipment.

Chairman Maxwell said hepa filters, ultra-violet and all that stuff.

Mr. Liquori said I don't know if we go that far as much as.....

Mr. Hengel said there will be an area where they can shower right next to the room with the washer for the gear so everything will be in one area. They won't be taking anything home with them.

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Chairman Maxwell said yes; adapt to the times. Anything else as part of your presentation?

Mr. Liquori said no. I submitted a memo just to address the points. I think the most salient point to address is this is a public improvement project. We're not asking for a variance for a shed or a deck. We're here for a very important purpose.

Chairman Maxwell said we understand. Some of the variances are kind of extreme than we usually see but we have to take into consideration the benefit to the community and the life-safety....

Mr. Liquori said I think the offset of the substantial variances is our purpose.

Chairman Maxwell said right. So, we'll bear that in mind as we adjudicate but I'll open it up to the Board Members right now for any questions.

Mrs. Fabiano said I just want to thank the Carmel Fire Department for their service and their volunteerism and also the Bank for donating the property to the Fire Department.

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

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

### **Decision of the Board:**

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

5. Application of **CHARLES MELCHNER, JR.** for a Variation of Section 156-25 seeking permission to house two (2) horses. The property is located at 417 Seminary Hill Road, Carmel NY and is known as Tax Map #66.-2-37.

<b>Code Requires/Allows</b>	<b>Provided</b>	<b>Variance Required</b>
4.5 Acres for 2 Horses	2.578 Acres	1.922 Acres
200' from all property lines - MANURE	N.65' W.40'	N.135' W.160'
150' from all property lines - BARN	S.112'	S.38'
	E.102' W.80'	E.48' W.70'
150' from all property lines - PADDOCKS	N.80' S.63'	N.70' S.87'
	E.2' W.120'	E148' W.30'

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- Mr. Joel Greenberg, architect representing the applicant was sworn in.
- Mrs. Stephanie Melchner of 417 Seminary Hill Road, Carmel was sworn in.
- Mr. Charles Melchner of 417 Seminary Hill Road, Carmel was sworn in.

Mr. Greenberg said as you can see from the application package, this has been before the Planning Board several times and was tweaked to the point where they felt comfortable sending it to this Board for the various variances. Mr. Greenberg read through the Variance Table (above): Code Requires/Allowance, what his applicants are providing and each of the variances required for 2 horses and then said, if you've been to the property you'll see that it's extremely well maintained. The house is up toward Seminary Hill Road with the garage next to it. The manure itself will be place in a self-contained unit and will be taken care of every day.

Mr. Melchner said we take care of the horses all the time so they're always cleaning up.

Mr. Greenberg said so the manure will be put in that box. It's totally sealed and then they hire a company that comes and takes it away on a regular basis and provides a new container for it. The paddock is very close to the property line. That property line, on the north side, is very heavily wooded and one of the conditions of the Planning Board is that any gaps in that tree line will be filled in so you'll have a totally green area between the paddock and the neighbors to the north.

Chairman Maxwell said north is the up-hill side? I only saw one house.

Mr. Greenberg said yes. I think you'll be hearing from that neighbor, and the neighbor directly across the street has horses too.

Chairman Maxwell said it's not out of character for that neighborhood. There really is only one house that is not of the same agriculture type of business that I'm aware of.

Mr. Greenberg said in addition, there's just one house to the north and again, it's heavily wooded there. The other house is across the street and they have several horses. Everything going toward the south side is property that will never be built upon. It's owned by the DEC and the rest of the property, after the paddock, is a heavily wooded area which goes down to the next road. So, basically we've got two neighbors; one's very well screened and one's across the street.

Mr. Melchner said I only have one neighbor that my property touches: Mark Frederickson who is here. We grew up across the street from each other when I was at my father's house. They're happy we're doing it. Then, my neighbors across the street are here and they have horses and we're very friendly with them as well. Our property requires variances but I don't think we'd be affecting anybody in a negative way.

Chairman Maxwell asked the Board Members if they had any input, comments or concerns.

Mr. Starace said looking at the variance for the manure, you provide 65' and need 135' to the north. Maybe I'm not reading this right but it looks like you're 108'. Am I looking at this wrong to the north?

Mr. Greenberg said the north is 65'; add 135' and you come up to 200'. Same thing with the 40' and the 160' come up to 200'.

Mr. Starace said is the topography going downhill or uphill to the north?

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Mr. Greenberg said it's fairly level but then we have a row of trees and the house next door.....

Mr. Melchner said it's basically flat. Where I'm going to put the fencing to keep the horses in is all very flat land. You don't want a hill. It's a big piece of flat land that's there. We're stopping it before it goes up the hill and before it goes down the hill in the back. We're making a big rectangle in that area.

Mr. Starace said so the run-off is going in which direction on your property?

Mr. Melchner said I'll be honest. I don't think there's going to be any because it's that flat. If it rains right now on my hill, it absorbs right into it. But, if anything was, it would be slight off the back of the hill. It actually comes down in the front.....

Mr. Starace said to the southwest?

Mr. Melchner said the backside toward Drewville Road. The front has a long slope and a lot of property before it even gets to where I'm going to start putting the paddock in.

Mr. Greenberg said if you look at the bottom of the survey map or the site plan map, where it says Drewville Road, you'll see the paddock is quite far from Drewville Road. If you look at the topography, you'll see that it does slope down but it's very heavily wooded. So, as Charlie said, if you have torrential rain like we had the other day, it would be absorbed into the ground and whatever else would be into the woods and it's got quite a distance before Drewville Road.

Mrs. Fabiano asked is the manure on the side of the property where the neighbor's house is?

Mr. Greenberg said no. It's between the house and the garage.

Mrs. Melchner said it's closer to our house.

Mrs. Fabiano said when I drove on Seminary, I thought that the neighbors are here (refers to map).

Mr. Greenberg said (not using mic) if you look over here, right under where it says existing garage, (inaudible).

Mrs. Fabiano asked then what is this?

Mr. Greenberg pointed out, explained and cleared up Mrs. Fabiano's concerns.

Chairman Maxwell said and they're going to be full size adult horses?

Mr. Melchner said yes; one is 5 years old and the other is 10 years old.

Chairman Maxwell said is there going to be enough room for them to get the exercise and running that they need?

Mr. Melchner said yes; we're confident with that and then we've got some great neighbors with some property across the street that we go to. We envision they come up to us and we go down to them. We do have a trailer where we expect to bring them places and do stuff with them. I wouldn't even think about it if I couldn't properly take care of them. That is a big deal.

## **APPROVED**

Mr. Greenberg said (mic not on - inaudible)

Mr. Balzano said you're looking for that too; 4.5 acres for 2 horses.

Mr. Greenberg said for 2 horses, it's 30,000 square feet. You're looking (still inaudible and then mic turned on).... The important thing is that for the horses themselves, they will have more than the code requires.

Mr. Balzano asked are there any concerns from the City?

Mr. Melchner said I've met with them before on other things on the property and they're happy that we're there.

Mr. Balzano said okay; I see them as the surrounding neighbors.

Mr. Carnazza said that will be part of the Planning Board process. There are approvals that are required there.

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

➤ Mr. Joel Shipley of 426 Seminary Hill Road, Carmel was sworn in.

Mr. Shipley said we've been neighbors for a few years and we have no problem with what they're intending to do. It's a community and we'll be interacting so it will work out.

Chairman Maxwell said it's not out of character obviously because you started that character.

Mr. Shipley said exactly; and there's nobody around. It doesn't really affect anybody.

Chairman Maxwell said yes; I was there the other night and you guys pretty much landlocked those 3 houses up going down the hill so nothing can be built around you.

Mr. Shipley said exactly; and everybody is good with the watershed. Nothing else can happen there. We're on board and we're happy about it.

➤ Mr. Mark Frederickson of 409 Seminary Hill Road, Carmel was sworn in.

Mr. Frederickson said I'm happy as long as everything that they're planning on doing is done with the boundary, the fence, the manure is on the other side but I smell the neighbors sometime anyway so there's nothing you can really do about that.

Chairman Maxwell said you're happy with the layout?

Mr. Frederickson answered yes.

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

**APPROVED**

**Decision of the Board:**

***Vice-Chairman Aglietti moved to grant the requested variance; seconded by Mrs. Fabiano with all in favor.***

**MISCELLANEOUS:**

➤ ***Minutes of July 23, 2020:***

***Mr. Balzano moved to accept the minutes as written for July 23, 2020; seconded by Mrs. Fabiano with all in favor.***

The meeting was adjourned at 8: 20 p.m.

Respectfully submitted,

Dawn Andren