

APPROVED

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Chairman

PHILIP AGLIETTI
Vice-Chairman

TOWN OF CARMEL ZONING BOARD OF APPEALS



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ZONING BOARD OF APPEALS MINUTES

FEBRUARY 24, 2022

PRESENT: CHAIRMAN: JOHN MAXWELL; VICE-CHAIRMAN: PHIL AGILETTI
SILVIO BALZANO, ROSE FABIANO, JULIE MCKEON, WILLIAM ROSSITER & JOHN
STARACE

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Joseph Hadden	55.7-1-18	1 – 2	Granted Requested Variance
New York City DEP	54.-1-29	2 – 4	Granted 5-year extension
Red Mills Realty LLC	75.6-1-69	4 – 7	Granted Variance as Amended
Lake Plaza Shopping Ctr -Dollar Tree	65.10-1-45	7 – 11	Granted Variance as Amended
Suez Water New York -Geymer Wells 1 & 2	75.13-1-6	11 – 15	Granted Requested Variance
Suez Water New York -London Br.Wells 1 & 2	64.7-1-10	15 – 17	Granted Requested Variance
Frank Fumusa	65.15-1-55	17 – 18	Granted Requested Variance
Minutes:	January 27, 2022	19	Approved as Written

The meeting was adjourned at 8:38 p.m.

Respectfully submitted,
Dawn Andren

NEW APPLICATIONS:

1. Application of **JOSEPH HADDEN** for a Variation of Section 156-15 seeking permission to legalize shed. The property is located at 60 Everett Road, Carmel NY and is known as Tax Map #55.7-1-18.

Code Requires/Allows	Provided	Variance Required
10' Rear	4'	6'

➤ Mr. Joseph Hadden of 60 Everett Road, Carmel was sworn in.

Chairman Maxwell said your situation is that you have a shed that's been there quite a while. Mr. Starace and I were out there yesterday and met with you. It looks like you're back toward the woods so you're not encumbering anybody. Your neighbors on either side don't have an issue?

Mr. Hadden submitted a letter to Board Members for the record and Mr. Starace reviewed.

Mr. Starace said this is a letter from Mr. & Mrs. Casella (58 Everett Rd.) and Mr. & Mrs. Kamalsky (62 Everett Rd.). "With regard to the shed located on the property of 60 Everett Road, Carmel NY, we have no objection to its aesthetics or location."

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

Mr. Hadden said no.

Chairman Maxwell said and the shed has been there how long?

Mr. Hadden said 2007.

Chairman Maxwell said you didn't realize that you needed a permit?

Mr. Hadden said I didn't think so.

Chairman Maxwell said it's in good shape. It's complimentary to the property.

Mrs. Fabiano said it's in a good spot and well screened. Why is this coming up now? Did you just get a letter from Town?

Mr. Hadden said yes.

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 Mrs. Fabiano with all in favor.

Decision of the Board:

Mr. Balzano moved to grant the requested variance; seconded by Mr. Starace with all in favor.

2. Application of **NEW YORK CITY DEP** for a Variation of Section 156-15 seeking permission to extend temporary trailer variance which expires 2022. The property is located at 1286 Route 6 Carmel, NY and is known as Tax Map #54.-1-29.

➤ Mr. James Keesler of Pawling NY representing NYC DEP for 1286 Route 6 was sworn in.

Chairman Maxwell said you're looking for an extension. I think we've granted 3 extensions at this point. Give us the reason why this needs to be extended.

Mr. Keesler stated we currently have 17 staff located at the trailers. We have been pursuing construction of a new facility for quite some time. The last time I was here requesting this, I really thought we'd be farther along at this point.

Chairman Maxwell said and that's at that site location?

Mr. Keesler said no; somewhere else-preferably in Carmel. A site has not been picked yet. Covid created severe delays with everything down in the City. The consultants that were working with all have slowed down. My understanding now is that they're in the middle of a market survey to see if there is something that we can purchase. If not, we will probably pursue construction.

Chairman Maxwell said there's no room at that site to do that – right?

Mr. Keesler said no.

Chairman Maxwell said it would be falling within the watershed itself?

Mr. Keesler said yes.

Chairman Maxwell said I don't see a problem extending this since you guys need a little more time for research, design and development but that's my opinion.

Mr. Balzano said how long is this extension for?

Chairman Maxwell said I think it's 5 years.

Mr. Carnazza said you can do whatever you feel comfortable with.

Mr. Keesler said I believe we requested another 5 years.

Mrs. Fabiano said we have a letter of objection from a Peter Gebhardt who talks about the Belden House.

Chairman Maxwell said I believe he's here; we'll give him a chance to talk.

Mr. Carnazza said he's not here. I don't see him.

Mrs. Fabiano said is there a reason why they didn't move it to the Belden House or was it supposed to be at the Belden House?

Mr. Keesler said there was a movement, based on that article, to put offices in the Belden House back in 2007. We started some design work and actually had some architectural consultants come in and talk with us. They estimated a price of \$3.5 million just for the modifications to the building which was already over the \$2 million that we were thinking we were going to need. Then in 2012, the Bureau of Water Supply underwent a cost cutting exercise, and the consultants that were leading that – one of their big driving forces was getting rid of facilities that we no longer use. Unfortunately, one of them was the Belden House. That funding was taken away and that building was actually designated to be demolished.

Mrs. Fabiano said the building was designated to be demolished?

Mr. Keesler said yes.

Mrs. Fabiano said do you know when it's scheduled to be demolished?

Mr. Keesler said the money for that is in fiscal year 2024 which starts July 2023. My guess is that the work won't happen until spring of 2024.

Mrs. Fabiano said so New York City owns that property now?

Mr. Keesler said yes.

Mr. Carnazza said it's the same lot.

Mr. Keesler said it's one large lot; yes.

Mr. Carnazza said (mic not on) (inaudible) Belden House and the reservoir on this side of Rt. 301.

Mr. Keesler said yes; basically, our property line goes from essentially Drewville Road to Belden Road.

Mrs. Fabiano said so would it be subdivided?

Mr. Starace said no; it's their property.

Mr. Carnazza said (mic not on so inaudible)

Mr. Folchetti said (mic not on so inaudible).....County of Putnam so the DEP could relocate, my recollection is 80 or 90 of their employees and, some of their equipment. They were in the process of looking at it at that point. My understanding is it's still ongoing in terms of an actual facility.

Chairman Maxwell said you said 80 or 90 employees?

Mr. Folchetti said I think that was the number that was tossed around. That was June of 2017; almost 5 years ago.

Chairman Maxwell said so that house wasn't going to accommodate that anyway.

Mr. Folchetti said no. It was kind of a centralization of their facilities in the area. It wasn't a specific proposal. It was an inquiry they were making about locating a suitable site or suitable structure that could be retrofitted and renovated. That did happen back then and my understanding is it is still ongoing in other parts of the County.

Chairman Maxwell said sadly, it's a historical house but one issue is not having anything to do with the other. It's not really in our prevue to comment on that.

Chairman Maxwell then asked if anybody in the public has any input on this application of which there was none.

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

Decision of the Board:

Vice-Chairman Aglietti moved to extend [the temporary trailer variance permit] for five (5) years; seconded by Mr. Balzano with all in favor.

3. Application of **RED MILLS REALTY LLC** for a Variation of Section 156-41-C(8) seeking permission to keep 2nd freestanding sign. The property is located at 565 Route 6N, Mahopac Falls NY and is known as Tax Map #75.6-1-69.

Code Requires/Allows	Provided	Variance Required
1 Freestanding Sign	2 Freestanding Signs	1 extra sign
32 sf	228 sf	196 sf

- Ms. Dawn Pade (owner) of 16 Chestnut Drive, Mahopac was sworn in.

Ms. Pade stated that two years ago, we put up a sign for Covid to thank our first responders, the police, etc. We left it up there. Then come spring, we did another sign 'keep spring going' and we're all together as a community. We ended up leaving the sign up and now there is advertisement on that sign.

Chairman Maxwell said that's what it is currently – right?

Ms. Pade said yes.

Chairman Maxwell said I think there's only one letter of opposition from Edward C McHugh. *"I am an 81-year-old resident of Mahopac for the past 56 years residing at 51 Red Mills Road. I strongly object to any variance being granted to the above-noted applicant. I'm unable to attend the meeting as I no longer drive at night. I'm respectfully requesting that all Board Members physically come to my home at night to observe the sign I'm objecting to. Please contact me....."*. Mr. Starace and I actually went out there and we walked his property. Honestly, we could not even see the sign from the back. He's got a big berm from the back that builds up. I don't know if anyone else got a chance to get out there. I thought the sign was lit where it could be encumbering on him but it's not lit. I'll put this in the record but I don't think this has any bearing, in my opinion, on the situation. It is kind of a large sign compared to what is allowed. It's almost triple in size. Is there anything that can be done to minimize the size. It's a wood frame; you could probably take sections off to make it less sizeable on that lot. If that's something you're willing to do, I think the Board would be apt to agree.

Ms. Pade said I'm fine with that; yes.

Chairman Maxwell said with that, I'll open it to the Board Members.

Mr. Starace said it appears like it's timber made in the back. I don't know the distance between each section but maybe if a section was to come off, that would bring it to a less square footage variance. This is also not in a footing – right? It's not permanent.

Ms. Pade said no.

Mr. Starace said it's just in the ground.

Ms. Pade said exactly.

Mr. Starace said I think it's easy then to work.

Chairman Maxwell said is there any plan to make this a more permanent sign; like a back-lit sign?

Ms. Pade said no.

Chairman Maxwell said because I think that's where it would be a burden to the neighbors.

Ms. Pade said no; not at all.

Chairman Maxwell said I appreciate that this was a thank you to the community and you'd like to keep it that way.

Vice-Chairman Aglietti said is it your intention to change the sign up for the season for different things?

Ms. Pade said we did start out doing that. The one sign that's here now has been up for a little bit. I might, come summer, make happy summer or.....

Chairman Maxwell said seasonal

Ms. Pade said maybe three times a year; if that. I did it more in the beginning with the Covid just to try to keep morale up and support the community.

Mr. Carnazza said if they took one of the panels off, how big would that be?

Mr. Starace said that looks like it would roughly be 64 square feet.

Mr. Carnazza said it's 6' x 38' now. How many panels are there?

Mr. Balzano said it looks like there's 4. I would actually go for two panels off.

Board Members had discussions amongst themselves at this point.

Mr. Starace said we want to see it from the road. You've got 228 square feet now.

Chairman Maxwell said right now, on the application, it's 228 square feet provided.

Mr. Carnazza said which is 38' x 6'. If you made that half, it would be 19' by 6' or 114 square feet.

Mr. Starace said if you took only 1 section, that would be about 30' x 6'.

Vice-Chairman Aglietti said I'm okay with one section.

Mr. Starace said I'm okay with one section too.

Mrs. Fabiano said I'm actually concerned about precedent. So, I want to remind all of you that whatever we approve, we have to think about the future and someone else will come and say you gave this to Red Mills, I want to put a sign. Whatever we do decide, we need to be ready for this to come up again and again.

Chairman Maxwell said I can respect that too but each property has its own merits, its own conditions and we're going to condition this that it will never light up.

Mr. Starace said and it's set back on the back of the property. This is not located in frontage. You don't really see it coming down Rt. 6N until you're on it.

Chairman Maxwell said it's characteristic to this individual lot.

Mr. Starace said it's a custom set-up and you want to see it.

Mr. Balzano said I want it at least half.

Ms. McKeon said I think half is good.

Mr. Rossiter said I don't think half is unreasonable.

Chairman Maxwell said are you okay with that?

Mr. Starace said I'm for keeping with conditions. You want to see the sign.

Chairman Maxwell said (to Ms. Pade) if we went to half, you would be okay with that?

Mr. Carnazza said the only other thing you might want to add is that they maintain it because if they sell the place or somebody else owns it and knows the variance is there..... They keep it great but if somebody else is in there.....

Chairman Maxwell said I'm sure that would be a condition in a future sale; potential.

Mr. Balzano said he's saying we condition it as well; that it's maintained.

Mr. Carnazza said it just makes it easier for us if we're enforcing a variance condition.

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 Mr. Rossiter with all in favor.

Chairman Maxwell called the applicant to dais to change/update the original application to reflect 114 square feet; 19' x 6'.

Decision of the Board:

Vice-Chairman Aglietti moved to grant variance for an 82 square feet, no lighting and sign must be maintained; seconded by Mr. Balzano with all in favor.

4. Application of **LAKE PLAZA SHOPPING CENTER – DOLLAR TREE** for a Variation of Section 156-41-C(2) seeking permission to install one wall sign “Dollar Tree”. The property is located at 983 Route 6, Mahopac NY and is known as Tax Map #65.10-1-45.

Code Requires/Allows	Provided	Variance Required
40 sq. ft.	129.06 sq. ft.	89.06 sq. ft. variance

- Mr. Nick Kappatos of 296 Sunnybrook Road, Glendor NJ representing the applicant was sworn in.

Mr. Kappatos said the only thing I want to say is that our attorney for Dollar Tree was trying to call in tonight. Is there a mechanism for him to call in? He just texted me saying he's on the line and I'm not sure what that means.

Chairman Maxwell said unfortunately we do not have that technology.

Mr. Kappatos said okay; I'll say everything to the Board and we'll see if we need the attorney. Dollar Tree is taking over the second half of the old K-Mart shopping center building. On the right-hand side you have a Job Lot. They put a wall down the middle to split the two pieces of property; Job Lot on the one side and on the left-hand side will be Dollar Tree. The property wasn't cut directly in half. It seems like it was cut 100+ feet for the Job Lot and this side is about 78' for the Dollar Tree. When we were reviewing how to design the application, we do realize that we're exceeding the amount that's permitted, but we took the Job Lot sign which is a 4' high letter and we reduced the Dollar Tree sign to a 3' high letter thinking that this was proportional for this side of the building versus that side of the building. Obviously the sign is only going over the top where the door entrance is. The drawing here depicts the new look of the store, their colors and that's pretty much it. Dollar Tree is a huge company. They have attorneys and engineers. They reviewed all of this and they, obviously, try to maintain a certain look and a certain style for all of their buildings. They want everything to have a similar type of look. So, that's what we're looking for regarding this variance request. To me, this is more about the size of the letters than the square footage. Obviously, you can see it is a square footage issue with your ordinance.

Chairman Maxwell said I understand that corporations have to keep their sizes and they'll ask for [as much] as possible. Traditionally this Board, that I've been on for 20+ years, has always negotiated down the size. We also have some internal guidelines that we try to work to. We try to make it commensurate with the size of the tenant. So, Ocean State Job Lot we approved at 135 square feet and they're a bigger store.

Mr. Kappatos said yes; they're about 20% bigger.

Chairman Maxwell said you're asking for 129 sf which is almost around the same size.

Mr. Kappatos said I was looking at the size of the letters. Looking at the distance from the road, the building sits about 550' back from Route 6. You've got those commercial buildings in front. I don't know how visible it is in the summer time but the logic is.....

Mr. Balzano said your more important sign is the sign on the pylon.

Mr. Kappatos said the sign on the pylon is very small.

Chairman Maxwell said you have a sign going out there as well.

Mr. Kappatos said yes. I believe it's just one of the panels and a piece of plastic. The landlord is putting that in. It doesn't matter how big the store is. They all get the same size.

Chairman Maxwell said I think we're all in receipt of that letter. I don't know if it's from you.

Mr. Kappatos said no. That's from an engineering firm. I'm just the sign installer.

Chairman Maxwell said there's always a battle back and forth whether it's the sign that sells or, if it's for the community, once people hear and know about it, they know it's there. In my opinion, the size of the sign shouldn't be that large.

Mr. Kappatos said I agree. I just want the Board to consider proportionality which is what we're looking for. I think the difference between the Ocean State Job Lot sign and Dollar Tree is Dollar Tree is only two words and Ocean State Job Lot is four words. So, it's really the layout. I know you're looking at square footage and I appreciate that. I just want the Board to consider it is a smaller letter height even though we stack the letters as opposed to running them horizontally.

Chairman Maxwell said unfortunately it's taking the square of the whole.....

Mr. Kappatos said yes. That makes it difficult for you. Your ordinance does require putting a square around the.....

Chairman Maxwell said I get that you can't change your fonts or your layout for your corporate brand.

Mr. Kappatos said do you believe I should get the attorney on the line because I don't want to say anything; they represent the big dogs.

Chairman Maxwell said (to Consultants) can we hear someone through a device. Is that allowed?

Mr. Kappatos said it says they're on the call. I don't know how they did it. They just told me that through your office they were able to do it.

Chairman Maxwell said I'm not aware of the zoom set-up but if he's on the phone and wants to speak, keep the microphone.....if he wants to be part of this as long as the Town Attorney is okay with it.

Mr. Folchetti said (mic not on) attorney (inaudible)

Chairman Maxwell said before you do that, let me get to a number that I think is reasonable. Again, in proportion to what we've given before.

Mr. Kappatos said the only thing I'll say is I think they can do that with the way these letters are made. I'm a local installer. They're manufactured in a big plant and ship them here from Wisconsin. They use 36, 34, 32.....So, as long as it's a nominal size, I can make it work. I do have a couple of extra drawings that I brought with me that have different sizes in case the Board did want to go in that direction.

Chairman Maxwell said smart man; let's see what you've got. I'm assuming the attorney is aware of that as well.

Mr. Kappatos said he is. He provided me with all this stuff. I believe one of the Board Members said 108 but I have 115 and 102. Here's what it is: they manufacture a 36" high letter, a 34" high letter and 32" high letter. This is for a building that's 80' long. I'm a sign guy. Everyone wants their sign to be as big as possible. One thing I like about this building is there is not a bunch of windows. There are not a bunch of auxiliary signs or ancillary signs all over the property. I'm under the impression the Board is not in favor of all those kind of additional signs. So, this would be the only sign that the property would have other than the existing pylon sign which is very small for the size of this shopping center.

Mr. Starace said do we know the length of the "J" in that Job Lot? What is that height?

Mr. Kappatos said I drove up from Philadelphia early today and went and measured the Job Lot sign before I got here. The "L" is 48". The "J" has a curve and probably comes down an extra 3" or 4".

Mr. Starace said so 52".

Mr. Kappatos said it would be something like that. It's only because of the type of letters and the type of fonts. The other thing is that if you look at the font, the font for Job Lot is a much thicker font.

Mr. Carnazza said you're aware that there are trees along Route 6 that you're not going to see this.

Mr. Kappatos said the engineer identified that and I agree but one of the things he points out in his letter, it's also an aesthetic once you're in the parking lot once you're there. I agree that people start to get familiar with a property. But these guys are always trying to make sure stores are successful. Not that I believe a sign is the only thing that makes success, but they want their look to be consistent.

Mrs. Fabiano said wouldn't it look funny if you have big letters and then small letters?

Chairman Maxwell said I was actually going to comment on that as well. I was thinking somewhere in between. What'd you say – 34"?

Mr. Kappatos said 34" would be a compromise that I don't think I'd even have to call the attorney.

Mrs. Fabiano said 115 square feet you said – right?

Mr. Kappatos said yes. I can submit the drawing if you'd like to see that and handed pictures to the Board Members.

Mr. Kappatos said that's another thing. Your ordinance, not to tell you how to write an ordinance, but.....

Vice-Chairman Aglietti said we didn't write it.

Mr. Kappatos said obviously the difficulty in the sign business is when you come up with a proportion and you say you're allowed 2 square feet for every so many feet of frontage, but then you limit it at 40 square feet, what you're really doing is forcing everyone to come in front of the Board, which is not a bad idea. The question is does the Board consider that when you have an 80' long building or a 200' long building; those are where your issues are. If you go out to this property, and I did look at it today, some of the smaller properties that are only 20' wide and they have 40 square feet. If you have four stores in a row: 40, 80, 120 and 160 square feet in an area that is less than what this property is.

Chairman Maxwell stood up behind dais and held the two comparisons up side by side for Board Members to review.

Mr. Kappatos said I'm with you. It's not a great difference but the lawyers would be mad at me.

Chairman Maxwell said it's our job to get the minimal.....

Mr. Kappatos said you're negotiating.

Chairman Maxwell said I think that it's a green sign too, so it's going to pop.

Mr. Kappatos said while the Board talks, can I just text them to see if they're okay with 34" high. Is that what the Board's opinion is?

Board Members simultaneously agreed that was their thinking.

Mr. Kappatos said 34" high letters.

Mr. Balzano said which would be 115 square feet.

Mr. Kappatos said yes.

Mrs. Fabiano said this isn't going to be centered on this run, is it?

Mr. Kappatos said the landlord is doing the construction and I believe the drawing have been submitted for the façade improvements?

Mr. Carnazza said yes.

Mr. Kappatos said do you know if the door is centered? I believe it's centered on the property.

Mr. Carnazza said I don't know off hand.

Mr. Kappatos said I believe it's centered because Ocean's is justified-left so I believe Dollar Tree will be centered on the property.

Mr. Carnazza said and there's one more store to the left – correct? There's another store inside what was K-Mart.

Mr. Kappatos said they're (the lawyers) are okay with 34" [letters].

Chairman Maxwell said so, originally, you were asking for a 129.06 square foot (sf) sign. It's now going to be 115.16 sf subtracting 40 sf leaves 75.16 sf variance. Just sign this [application page].

Chairman Maxwell then asked the public if there were any comments and/or input on this application of which there was none.

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

Decision of the Board:

Mr. Balzano moved to grant the variance as amended to 75.16 square feet; seconded by Ms. McKeon with all in favor.

5. Application of **SUEZ WATER NEW YORK, INC. – GEYMER WELLS 1 & 2** for a Variation of Section 156-15 seeking permission to upgrade the existing Geymer Wells 1 & 2 site. The property is located at 70 Geymer Drive, Mahopac NY and is known as Tax Map #75.13-1-6.

Code Requires/Allows	Provided	Variance Required
120,000 s.f. – Lot Area	26,030 s.f.	93,970 s.f.
200 ft.- Lot Width	179.8 ft.	20.2 ft.

Vice-Chairman Aglietti recused himself from this application.

- Mr. John Kirkpatrick, Esq. of White Plains representing Suez Water NY.

Mr. Kirkpatrick said we're here because we need necessary area variances to allow addition of required water quality treatment facilities. There are several small water systems throughout the Town that used to be the property of Forest Park Water. They apparently were all built in conjunction with residential subdivisions of various sizes. A few years ago, the State Health Department lost confidence in Forest Park and ordered Suez Water, which is a large operator in New York State, to take over the systems which they've done. They've been operating them ever since. More recently, the State Health Department has become concerned about the presence in some water systems of a chemical called PFAS. So, they have ordered many water systems, including Suez, to install [required upgrades]. These sites are all inherited. It's the way they existed when Suez took them over. Some of them are unusual shapes, unusual sizes or have a lot of wetlands which is going to be the case of the first one we're talking about tonight. What they're looking to add is a carbon filtration system; very similar to a Brita Water Filter that you might have in your home. They're just a heck of a lot bigger, and they need a building to enclose them. Locations are a little tough to come by. We're dealing with sites that are existing in size and they don't meet the area size and in some cases, we're going to need setback variances. I'd like to introduce Ms. Ramya Ramanathan from the Engineers and we also have Mr. Steve Garabed [with us].

- Ms. Ramya Ramanathan, Planning Analyst of Atzl, Nasher & Zigler PC out of New City, NY representing the applicant was sworn in.

Like Mr. Kirkpatrick said, we are representing Suez New York. For the first site, Geymer Wells, we basically need two variances – one being the lot size and one being the lot width. If you see, required is about 200' and we are at 179.8'. There are no impacts to the community. The use is going to be the same. It's just something that they have to do because of state mandates. They have to put a

new PFAS building in the structure inside. It's (inaudible), there's going to be no visual impact whatsoever.

Chairman Maxwell said we were out there yesterday and there's an actual gravel road that leads into it. It's surrounded by trees on either side. The nearest house on that bottom lot line is probably 60' to 100' away if not more. There's a ton of trees between. We did see the trees that are okayed for removal. I know it's not our issue but how are you dealing with the DEC with this being in the wetlands?

Ms. Ramanathan said we do have DEC & ECB wetlands on most of the sites and there are permitting processes that are going on with that. There's another company that is dealing with acquiring the permits and we also went to the ECB of your Town to get permits from them.

Mr. Carnazza said when they built these, the lot area that was required at the time would have been either a half acre, three-quarter acre or an acre and it would've met the requirements. Then, when it went to 3-acre zoning, these lots couldn't grow. The Code requires that you meet the requirements for the Code today but the lot is already there. It's kind of a catch-22 for anybody trying to do anything on these lots.

Chairman Maxwell said yes; we get that it's a requirement.

Mr. Folchetti said this is a regulatory mandate for the granulated activated carbon in terms of the treatment.

Chairman Maxwell said so there's a need here for the greater good of the communities. I don't think there's anybody here to speak against this. Otherwise, they'd be up here.

Mr. Starace said just a couple of comments on the actual architectural build of the building. There was an actual letter that I don't have with me.

Chairman Maxwell said that's for the next one.

Mr. Starace said okay but it's for the same thing. The neighbor raises the question of the height of this building which is 22' high. I understand that you're putting in charcoal filters and it's a system. That looks like a standard, butler style building, pre-fabbed. Is there any way to mitigate that – maybe make it lower? Is 22' high necessary?

➤ Mr. Steve Garabed, Project Manager with Suez Water NY in Nanuet, NY was sworn in.

Mr. Garabed said the height of the building is dictated by the height of the treatment equipment. In fact, we have very small equipment at most of these sites. There's a total of 5 sites that you will see over the course next month or so. These have small carbon systems. They are 6' in diameter, dual vessel systems. These are small. The height is needed for the equipment plus the piping on top of it and air release valves, and we need room to get up there and be able to maintain the facilities. That's what is driving the height of the buildings.

Mr. Carnazza said if they could build a smaller building, they would because it would save them money.

Mr. Starace said it's a vertical build; you can't spread it out.

Mr. Garabed said exactly. They're prefabricated structures.....

Chairman Maxwell said so you need to turn a wrench to install this equipment is what I'm getting at. If your equipment is at 18', you probably need another 4' for a body to get up there and actually fasten, etc.

Mr. Garabed said yes.

Mr. Starace said not so much at the Geymer but even at that one – you do have a rendition here. It looks like there are evergreens planted around the structure – right?

Ms. Ramanathan said for Geymer we'd requested for a landscape paper and the Planning Board agreed to give us one because it's so far into the site and it's already so densely vegetated. Yes; existing trees, for the most part, are evergreen trees. We're not proposing anything new but on site, the majority are evergreen trees.

Mr. Balzano said for clarification purposes; for Geymer, you're asking for the landscaping?

Ms. Ramanathan said yes.

Mr. Garabed said we actually have a rendering for Geymer that shows the building from the road. All you can see is the very corner of the building and the building color is green.

Mr. Carnazza said for Geymer Drive, you can't even see but maybe two feet of the building. The way it's situated, they gave us the photograph of down the driveway, it's almost invisible. That's why they didn't ask for a landscape around that but the other one that is coming....

Chairman Maxwell said you don't even see it as you're coming in because of the driveway.

Mr. Starace said another question: does the charcoal filtering system make noise when it's filtering.

Mr. Garabed said no. What makes noise are the well pumps. They're submersible. They're down in the wells a couple hundred feet below grade. That's what moves the water through the treatment system out into the.....

Chairman Maxwell said you're drilling new wells?

Mr. Garabed said no; existing wells. All we are doing is adding a new treatment building with new treatment equipment.

Chairman Maxwell said the driveway comes in and it goes that way to the old pumphouse – almost like an angle. So, where are the wells now; at that old pumphouse?

Mr. Kirkpatrick said down to the left.

Mr. Starace said so you're going to the existing wells.

Mr. Garabed said we are going to bring the water from those wells to the new building location.

Chairman Maxwell said so there's not existing piping coming there. You have to run all new pipe underground to the new system or treatment [building].

Mr. Garabed said correct. Another thing we're doing is the current pipe from the wells actually runs through the wetlands and the floodplain. We are eliminating that with this design; going out our driveway and tying it in.

Mr. Balzano said all underground.

Mr. Garabed said all underground.

Mr. Starace said along those lines, the pumps and the charcoal filters need to be maintained 24/7? Is there a lot of traffic there? Do you have to remove the charcoal filters or.....how does it work?

Mr. Garabed said there will be prefilters in front of the charcoal filters. We call the prefilters: bag filters. They are about 30" tall and maybe 6" in diameter and they fit in a filter vessel and easily cleaned out. That is what we'll have to maintain more periodically; maybe every three months.

Chairman Maxwell said it's not a daily operation.

Mr. Garabed said no. The filters are going to run. We monitor them and check to make sure that they're functioning correctly.

Chairman Maxwell said do you guys have leak detection systems?

Mr. Starace said they have a SCADA system that's going to go back to a head end which is where?

Mr. Garabed said down in Rockland County. There will not be an increase in traffic.

Mr. Starace said is there lighting out there?

Mr. Garabed said there will be downward facing lighting above each of the doorways.

Mr. Carnazza said the Planning Board was on that. Everything has to be down lit; nothing coming off of the site.

Mr. Garabed said we've talked about this. The Department of Health wants us to light it up like Yankee Stadium for security reasons. We've pushed back on and all we're proposing is a downward facing light.

Mr. Starace said they've detected PFAS in the water there?

Mr. Garabed said yes.

Mr. Kirkpatrick said a tiny amount.

Mr. Starace said that's parts per trillion?

Mr. Garabed said that's correct.

Mr. Carnazza said everywhere else lets a certain amount of it, but New York State is more strict I believe.

Mr. Folchetti said New York is 70 parts per trillion (inaudible).

Mr. Garabed said they required everybody to go out and sample all of your sources. If you were above 10, then you had to come up with a plan to implement treatment. That's where we are. We need to do this by August 24th of this year. That is our mandate.

Ms. Ramanathan said I just want to correct myself; most trees on site are deciduous and not evergreen.

Chairman Maxwell said is there 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:

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

6. Application of **SUEZ WATER NEW YORK, INC. – LONDON BRIDGE WELLS 1 & 2** for a Variation of Section 156-15 seeking permission to upgrade the existing London Bridge Wells 1 & 2 site. The property is located at 39 Brook Street, Mahopac NY and is known as Tax Map #64.7-1-10.

Code Requires/Allows	Provided	Variance Required
120,000 s.f. – Lot Area	60,886 s.f.	59,114 s.f.
40 ft. – Front	33 ft.	7 ft.

{NOTE: THIS IS THE SECOND OF TWO PRESENTATIONS THIS EVENING OF SUEZ WATER NEW YORK. IT MAY BE HELPFUL TO REVIEW THE MINUTES FROM THE FIRST SUEZ APPLICATION: GEYMER WELLS TM# 75.13-1-6 FOR THE BACKGROUND AND REASON THEY WERE PRESENTED IN THAT PRESENTATION.}

Vice-Chairman Aglietti recused himself from this application.

- Mr. John Kirkpatrick, Esq. of White Plains representing Suez Water NY.

Mr. Kirkpatrick said this is a very tight site for those of you who have been out to see it. It's right off the road. In this case we will be adding landscaping. I want to ask Ramya to go through exactly what is proposed on the site.

- Ms. Ramya Ramanathan, Planning Analyst of Atzl, Nasher & Zigler PC out of New City, NY representing the applicant was sworn in.

Ms. Ramanathan said for this site, the two variances we're seeking is the lot area which is pre-existing. The other one is going to be the front yard. Required is 40' but we are proposing 33'. We would have been happy to push it back another 7' and not be here but we have wetlands on site and we're trying to stay away and not disturb it as much as possible so we're closer to Brook Street.

Chairman Maxwell said there's only one house that's in close proximity – on the right side.

Mr. Starace said yes; about 90' away.

Chairman Maxwell said I don't recall seeing a landscaping drawing.

Ms. Ramanathan said I can pull that up.

Chairman Maxwell said is there a significant screening on that side as well as the front?

Ms. Ramanathan said on the plan site we zoomed into the entrance area because that's where the concern is – off of Brook Street. As you can see, all along the road, we are proposing evergreens on either side (inaudible) trying to screen the existing pumphouse. So, it's more screening than what's there on the site right now.

Mr. Balzano said and it's all evergreen.

Ms. Ramanathan said yes. Everything that we are proposing are evergreens.

Chairman Maxwell said what height at maturity are you proposing?

Ms. Ramanathan said we're going with 6-8 feet planted height and then, I believe these trees can grow up to 30-40 feet.

Mr. Starace said what was the name of that evergreen?

Ms. Ramanathan said we're going with green giants, eastern red cedars and hollies. Shrubs for the existing pumphouse because it's a shorter building. The trees for the PFAS [building].

Chairman Maxwell said that makes me happier. We did receive one letter on this one.

Mr. Balzano said I've got it. It's from Garrett Proft [39 Nevins Road]. *He understands about the water requirements. His concern is with the height of the building; area homes mainly built in the 60s relatively small in this day and age; a 22' high commercial building in this neighborhood seems excessive. See if the building height could be reduced. Also, the engineer has shown substantial evergreen type plantings as shown in the renderings to help screen the site. This is good. Please make sure the screening measures are in the final plans. (Note: letter in file.)*

Mr. Kirkpatrick said it's the same building that we just discussed for Geymer. It's the same size building, same filters and everything.

Mr. Balzano said it has the same maintenance issues. That's why you need the height and everything else.

Chairman Maxwell said it's pre-fab or built in place?

Ms. Ramanathan said pre-fab.

Mr. Garabed said it comes in sections.

Mr. Starace said I would like to make a comment on the evergreens: 6-8 feet is very small. It's a 22' high building. You're going to see that building for a long time. I believe the planting should be higher and more mature evergreens that you put there.

Ms. Ramanathan said that came up at the Planning Board meeting.

Mr. Garabed said the problem with planting taller trees is they may not last as there is a shock to the plant when you transplant them.

Chairman Maxwell said it depends on the size of the root ball and the type of soil that's there as well.

Mr. Garabed said typically a shorter tree will do better and will actually start growing faster than if you plant a taller tree. You think you're going to get more out of the taller tree but actually the shorter tree should start growing faster.

Mr. Starace said I'm not an arborist but speaking to your point, if it's a mature, well-grown tree from a nursery, they're going to be planted by a professional and going to be guaranteed. They're going to take and provide instant screening at that space. I'm making a comment. I'm proposing a 12'-14' high tree so it starts to go.

Mr. Folchetti said (mic not on) landscaping has to have site plan approval.

Chairman Maxwell said the fact is that they're going to do screening. So, we'll let the Planning Board handle that. I just want to question the siding. You said on the last application, the siding is going to be a green to blend in with a full summertime look.

Mr. Garabed said yes.

Ms. Ramanathan said we do have a rendering if you want to see it. It's an 11" x 17" I have with me.

Chairman Maxwell said I don't need to see it. It's just for the record.

Mr. Carnazza said they recommended it but the Planning Board accepted that color.

Chairman Maxwell said I think you guys have addressed the concerns on the gentleman's letter.

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

Mrs. Fabiano moved to close the hearing on this application; seconded by Ms. McKeon with all in favor.

Decision of the Board:

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

7. Application of **FRANK FUMUSA** for a Variation of Section 156-15 seeking permission to retain pool & deck. The property is located at 11 Russ Road, Mahopac NY and is known as Tax Map #65.15-1-55.

Code Requires/Allows	Provided	Variance Required
Side Yard – 15 ft.	7ft.	8 ft.

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

Mr. Greenberg said the side yard requirement is 15 feet; we have 7 so we need an 8-foot variance. I'll hand this out to the Board; there's one neighbor who is immediately opposite where the pool is. I have a letter from them stating 'we are the neighbors directly adjacent to the pool and deck. We do not object to the granting of the variances to retain the pool and the deck.' I'll give this to the record. As you've said, there's quite a bit of growth here; trees and a couple of evergreens.

Chairman Maxwell said this would normally be 10' but is it because the deck is attached to it?

Mr. Carnazza said that's correct.

Chairman Maxwell said so there's no property that can be purchased to bring this into conformance?

Mr. Greenberg said correct.

Chairman Maxwell said and they can't relocate it because it would be costly to do so. Just give me a ballpark if you had to do that; a few thousand dollars I'm sure.

Mr. Greenberg said probably about 4-5,000 dollars.

Chairman Maxwell said they didn't realize they needed a permit or a variance?

Mr. Greenberg said that's correct. These people moved here from Brooklyn but this was put in many, many years ago. This has been there for probably 25 years.

Mrs. Fabiano asked why is it coming up now?

Mr. Greenberg said you have to actually give the owner credit. He's moving on in years and wanted to make sure that if something happened to him that his wife didn't have any problems with the Town and that's exactly why he's doing it.

Mrs. Fabiano asked and where is his septic?

Mr. Greenberg said the septic is in the front here and the well is behind the pool.

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 Ms. McKeon with all in favor.

Decision of the Board:

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

MISCELLANEOUS:

MINUTES:

- January 27, 2022

Vice-Chairman Aglietti moved to adopt the minutes of January 27, 2022; seconded by Ms. McKeon with all in favor.

Mr. Balzano moved to close the public hearing; seconded by Ms. McKeon with all in favor.

The meeting was adjourned at 8:38 p.m.

Respectfully submitted,

Dawn M. Andren