

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
JOHN STARACE
JULIE MCKEON

ZONING BOARD OF APPEALS MINUTES

MARCH 24, 2022

PRESENT: CHAIRMAN JOHN MAXWELL;
SILVIO BALZANO, JULIE MCKEON, WILLIAM ROSSITER & JOHN STARACE

ABSENT: VICE-CHAIRMAN PHIL AGLIETTI & ROSE FABIANO

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Nicolas Sanchez	63.82-1-46	1 – 2	Granted requested variance
Mehra Real Estate LLC	75.16-1-27	2 – 7	Interpretation - Approved
John Regan	55.6-1-24	7	Hold Over
Brian Jelenek	75.8-2-5	7 – 8	Granted requested variance
Priscilla Esfandiary	74.26-1-3	8 – 10	Granted requested variance
Dustin Tomeo	76.13-2-83	10	Granted requested variance
Orrin Feingold	64.15-1-23	11-14	Interpretation - Application Withdrawn due to earlier approved Interpretation
Putnam Service Dogs		14-20	Interpretation - Denied

The meeting was adjourned at 8:42 p.m. 20

Respectfully submitted,
Dawn M. Andren

NEW APPLICATIONS:

1. Application of **NICOLAS E SANCHEZ** for a Variation of Section 156-15 seeking an Area Variance for permission to rebuild existing damaged deck with stairs. The property is located at 221 Elm Road, Mahopac NY and is known as Tax Map #63.82-1-46.

Code Requires/Allows	Provided	Variance Required
Front Yard: 25'	4.58' to deck stairs	20.42'
Rear: 15'	4.98'	10.02'
Rear: 15'	14'	1'

- Mr. Nicolas Sanchez of 221 Elm Road was sworn in.
- Mr. Nick Sanchez (son) of 221 Elm Road was sworn in. (Mr. Sanchez was helping his father with any language difficulties.)

Mr. Sanchez (son) said we're looking to fix our damaged deck. We got ~~an area variance~~ [violation] that the stairs in the front of the deck were built after the deck was built so we just wanted to get that all clarified.

Chairman Maxwell said you're not increasing the size. You're just rebuilding it in its same footprint?

Mr. Sanchez said yes; it will be the same size.

Chairman Maxwell said and it never had a permit before.

Mr. Sanchez said as far as the stairs – the inspector told me the front steps wasn't permitted. That's why he asked me to do the variance for the front steps.

Mr. Carnazza said the steps that were there were much smaller so when they expanded them out, it was not was permitted and they are in the setback.

Chairman Maxwell said so you're not going out with the deck itself, just the stairs are going to be an increase to what's existing. Your neighbors are on board with this?

Mr. Sanchez (son) said yes.

Chairman Maxwell said there's no other property that you can purchase to make this comply; you're land-locked there – correct?

Mr. Sanchez (son) said correct.

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.

Decision of the Board:

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

2. Application of **MEHRA REAL ESTATE LLC** for an Interpretation, or in lieu, a Use Variance seeking permission to retain solar panels on the ground. The property is located at 10 Veschi Lane South, Mahopac NY and is known as Tax Map #75.16-1-27.

Code Requires/Allows	Provided	Variance Required
Solar Panels are not a permitted use on the ground in a C-zone	Solar Panels on the ground	Interpretation, or in lieu, a Use Variance

➤ Mr. Joel Greenberg, Architectural Visions – 2 Muscoot Road North was sworn in.

Mr. Greenberg said I think pictures were submitted to you with the site plan which shows the location on this property where the solar panels are. Instead of on the roof, they're on the ground. If you look through the various uses permitted or accessory uses that are permitted, the word solar panel is not mentioned. A lot of people have them on their houses. This particular situation worked out best to put them on the ground. Again; if you look through a lot of accessory uses like patios and arbors and things like that, which are not mentioned as accessory uses, but they are built and as long as they meet the criteria, they are allowed to be built. What we're saying basically is that solar panels have come into use and especially now with electric prices almost doubled. Solar panels are very popular. We feel an interpretation that this is something that is used as part of the system for the house itself, even though it's not on the roof, [is warranted]. The solar panels are reducing the electric use of the house. It is something that is part of our culture now. It's more and more popular and more and more houses are using them including commercial structures using solar panels. I think that an Interpretation that it is something that is an accessory use to the house [is warranted]. The use of the solar panels itself is part of the mechanical use and required electric usage for the house.

Chairman Maxwell said I can understand that but our Code allows for this on roof structures. Unfortunately, our Code doesn't.....

Mr. Carnazza said I was thinking a lot about this; like generators – if you put out a generator, we call it an appliance; pool heater and pump/filter – they're all part of something else that's permitted. I don't have an objection to this; I just didn't want to be the one that allows it and all of a sudden we get them everywhere and on everybody's yard and it becomes an issue. So, I was trying to think of a way to make it permissible; have to meet the setbacks - That's why I kept it with accessory; at least keep it setback as required but I don't know what to do with it. It's not a normal.....

Mr. Greenberg said you make a very good point which I hadn't thought about. If you think about it, we have generators on the ground and you look through the Code here and there's no place where it says a generator is allowed. That's part of the mechanical system of the house. You have all different types of equipment that are part of but not attached to the house but the usage is part of [the house.] There's electrical, there's the generator, the HVAC system of the house and yet it's not in the Code but we allow it, and it's permitted. I think this is one of those situations where the solar

panels are basically the same and Mr. Carnazza has the answer there. It's part of the equipment that's used for the house just as a generator and air conditioning equipment is used.

Chairman Maxwell said I can agree with that in concept but when you think of the scale of a pool pump, a generator for a house, they're going to be no bigger than 4' x 5' or an area of 6' x 6'. When you have a solar panel, it's large. It's got to be large to make it work and do the job it's doing for itself and the homeowner.

Mr. Carnazza said it can be very large but it also could be something that you would consider as long as it's for the use of that house and not something where they're selling back to the grid. That's something that you may want to think about because what's the difference if it's on the roof of a shed or a garage or a house as opposed to on the ground.

Chairman Maxwell said unfortunately our Code doesn't cover this. We'll have to make sure this gets into the new Master Plan that's coming.

Mr. Greenberg said Mr. Carnazza's point is very well taken because they're not selling it to NYSEG or any other electric companies.

Chairman Maxwell said if we do approve this, I would suggest to whomever makes the motion to add that as a restriction. My thought on this too was, and hopefully this will be picked up if they discuss this in the new Code that's forthcoming, that it's based on the size of the property. This is kind of borderline. You have houses on either side if I recall.

Mr. Greenberg said on one side you have the Binns project which you just approved a few months ago. That's a rather large storage building for vehicles. You have the bike path on the southerly side of the property. Then you have Battista Drive which goes up toward Route 6. If you had looked at the property, there's no residences that are basically affected by this. I think, as you review it, think about how to approve it maybe with conditions in this particular case.....

Chairman Maxwell said unfortunately, I didn't get a chance to look at any of these as I got back late from vacation and didn't have my packet. Also, looking at the pictures, this is pretty much well screened with the fences here too. If we had something like this in say a neighborhood, like Secor, it's going to be based on its own.....

Mr. Greenberg said no; you wouldn't find enough property to put them on anyway but you're right. This is not exposed to residential properties. As I'd said, the bike path is to the south and Binns' commercial property is to the west.

Chairman Maxwell said I must, just because it's a Use Variance, and all of these have to be proven.

Mr. Carnazza said we'd prefer it to be an Interpretation if possible.

Chairman Maxwell said oh; that's right.

Mr. Balzano said the Use Variance was the safety net which isn't much of a safety net. Let's do an Interpretation.

Mr. Carnazza said yes; we don't like doing that.

Mr. Starace asked is that within a setback. It looks like it's about 20' x 15'.

Mr. Carnazza said the site plan that I saw - they were outside the setback for accessory structures meaning far enough away.

Mr. Starace said I'm looking at this commercial building; what was really the reason of not putting it on the roof there. It's a lot of southern exposure on the roof; higher to capture the sun.

Chairman Maxwell said if you look at the pictures, it's a gable roof and the gables are going the opposite way.

Mr. Greenberg said the gables are going the wrong way.

Board Members spoke among themselves while looking at photos and discussing maximizing sun exposure with regard to roof.

Mr. Starace said did they look at installing these on the roof?

Mr. Greenberg said as Chairman Maxwell just said: the orientation wasn't right. The whole idea of using solar panels is to get the most out of the sun. In this particular case, the roof didn't work out.

Mr. Starace said (to Mr. Carnazza) you were out there - right?

Mr. Carnazza said a while ago but yes.

Mr. Starace said they look shaded to me. There's a lot of trees around.

Mr. Carnazza said and this is the winter but if they work, that's the.....

Mr. Balzano said how long have they been there?

Mr. Greenberg said I'm guessing it's probably a couple years. Mike (Carnazza), what would you say?

Mr. Carnazza said at least. It's been a while.

Mr. Balzano said so they've been getting some type of (inaudible).

Mr. Carnazza said that's correct. Now, they're doing a site plan to finish up some work that's there and they never completed the site plan. This came up on inspection.

Mr. Greenberg said just to give you a background, this project goes back 8 or 9 years ago and it got approved. For some reason or other, it was never finalized and the map was never signed. So, the owner hired me to finalize the site plan. We've gone through the Planning Board. We've gotten our final approval and, basically, it's subject to the rectification of the solar panels.

Mr. Starace said do the owners know the wattage or kilowatts it's producing? Do you know how much it produces?

Mr. Greenberg said I don't but they've indicated it's going down as far as the electrical bill is concerned. That's the most important thing. It's reduced their electric bills by probably more than 60%.

Mr. Starace said would there be some type of calculation for the maximum square footage you can have on the ground?

Mr. Carnazza said lot coverage; that would not be a patio or a driveway or a sidewalk so it would count in your lot coverage.

Mr. Balzano said if we treat it as an accessory.

Mr. Carnazza said correct and they can't put it on their septic.

Mr. Balzano said and the setbacks kick in.

Mr. Carnazza said and the setbacks; that's why I thought accessory would be better which means it doesn't go right to the property line where the kids' baseball may come over and break it.

Mr. Balzano said that's the other side of (inaudible).

Mr. Carnazza said correct.

Mr. Balzano said it's passive otherwise. It doesn't make any noise. It's not, necessarily, visually appealing.

Mr. Carnazza said a little heat in the summer; that's it.

Mr. Greenberg said as Mr. Carnazza has said, if it's interpreted as an accessory use, it would have to meet the accessory use setbacks and it meets lot coverage requirements. If you do interpret it to add as an accessory use, I think those conditions would certainly make sure it didn't cover the whole back yard or front yard with the panels. It basically has to stay within the maximum percentage use of the property – lot coverage I mean.

Mr. Balzano said (to Mr. Carnazza) if we go down 'accessory use' route, which I'm okay with that. It's two sets of solar panels. Is that two accessory buildings or how are we treating.....

Mr. Carnazza said there's no limit. You can have more than one garage as long as you meet the lot coverage. You can have more than one shed, you can have everything but the house.

Mr. Balzano said I think that solution makes a lot of sense.

Mr. Carnazza said it does. I just can't put it on me to make that decision myself.

Mr. Rossiter said were there any inspections done on this?

Mr. Carnazza said (to Mr. Greenberg) did they do electrical?

Chairman Maxwell said they would have had to have electrical done.

Mr. Carnazza said electrical would be the only one. I did not do mine because they didn't get a permit yet. We can't issue a permit until/if they get the variance.

Again; Board Members spoke amongst themselves regarding electrical.

Chairman Maxwell said there's obviously some underground. Is that under your prevue or underwriters?

Mr. Carnazza said underwriters.

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

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

Decision of the Board:

Mr. Balzano said I think that solar panels here should be interpreted as an accessory structure on the property and as such, meets all the criteria of setbacks, etc.

Mr. Folchetti said (mic not on so inaudible) improvements on that particular property.

Mr. Balzano said I'm a little hesitant about the sell-back from this standpoint. It's nitpicking maybe but there may be days where, if you're not using electricity in the house, you're going to sell it back. Your meter is going to go the opposite way.

Mr. Carnazza said it's a good thing for everybody if it does sell back.

Mr. Balzano said right; So, I don't want that as part of where I was going with the Interpretation.

Mr. Carnazza said so, service to the principal use, and must meet lot coverage and setbacks or meets all zoning requirements.

Mr. Balzano said I'm okay with that. That's the Interpretation that I'm putting on the floor.

Mr. Starace seconded.

Mr. Rossiter said if you limit it to the lot.....

Mr. Folchetti said all zoning requirements: property, setbacks, everything.

Mr. Rossiter said tree cutting.

Mr. Carnazza said you're allowed to cut trees.

Mr. Rossiter said up to 10 – right?

Mr. Carnazza said with a Building Permit, you're allowed to cut more. If you're within "x" amount of feet of a wetland, they need an ECB Permit. With a Building Permit, you can go ahead and cut trees for the area needed.

Mr. Rossiter said so it's limited to what is needed just to put.....

Mr. Carnazza said what is needed to let this operate correctly.

Chairman Maxwell said you'll have to bring this forth to the Consultants on our next go round of the Master Plan.

Chairman Maxwell called for a roll call vote:

Mr. Balzano **for the Interpretation**
Mr. Rossiter **for the Interpretation**
Mr. Starace **for the Interpretation**
Ms. McKeon **for the Interpretation**
Chairman Maxwell **for the Interpretation**

Chairman Maxwell said it passes.

Mr. Carnazza said (to the other solar panel applicant) it's an Interpretation; it's Code and you meet the setbacks so you're fine. You don't have to stay.

3. Application of **JOHN REGAN** for a Variation of Section 156-15 seeking a Use Variance for permission to legalize existing third apartment. The property is located at 1751 Route 6, Carmel NY and is known as Tax Map #55.6-1-24.

Code Requires/Allows	Provided	Variance Required
No Mixed Use – Variance granted to allow 2 families w/office below 6/19/98	2 apts. approved; request permission to expand non-conforming use to a 3rd apartment.	Applicant seeks to expand existing 2 family w/office, approved by ZBA in 1998, by adding a 3 rd studio apt from existing empty space which has been residentially occupied for over 10 years. Applicant will, in turn, waive the previous ZBA approval to add a garage.

Chairman Maxwell indicated that the application requested a holdover.

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

4. Application of **BRIAN JELENEK** for a Variation of Section 156-15 seeking an Area Variance for permission to add a 14' x 32' storage shed in the back of the property. The property is located at 5 Tamarack Road, Mahopac NY and is known as Tax Map #75.8-2-5.

Code Requires/Allows	Provided	Variance Required
20' from property line	5' (East)	15'
20' from property line	10' (North)	10'
20' from property line	12' (South)	8'

➤ Mr. Brian Jelenek of 5 – 9 Tamarack Road was sworn in.

Mr. Carnazza said just for the record, this is going to be billed out as a garage because of the size.

Chairman Maxwell said I was going to ask that question.

Mr. Carnazza said it's still a shed. We know you're using it as a shed but because of the size.....

Mr. Balzano said the Code drives it to a garage.

Mr. Jelenek said the variance is actually off of 'the great wall of Mahopac' that's behind Cacciatores and such. It's just a big concrete wall that you can't see over.

Chairman Maxwell said this was Mark Greenberg's.

Mr. Jelenek said that's right.

Chairman Maxwell said what's the reason for the shed? What use is it?

Mr. Jelenek said bicycles, kids' toys, some pool equipment for the winter, garden tools and just to reduce the clutter in the house.

Chairman Maxwell said you said you're placing it behind that 'great wall of Mahopac'?

Mr. Jelenek said that's right. Mr. Greenberg no longer owns that property that's vacant back there. We tried to purchase it but Mahopac Point wouldn't let us. So, we've now closed it off. It's going to be a fence on three sides and just fits neatly in that back corner.

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

Mr. Jelenek said we tried.

Chairman Maxwell polled the Board for any questions or comments of which there were none.

Mr. Jelenek said I've got letters from both Bart Lansky and the folks that have all of the adjoining properties that said they're fine with it.

Chairman Maxwell said do you have them with you?

Mr. Jelenek said I do.

Chairman Maxwell said I'm not going to read them but it's two letters of support and I'll put them in the record.

Mr. Balzano said Bart Lansky is in favor.

Mr. Jelenek said and Mr. Lansky has two of the sides.

Mr. Balzano said and then Salim's got the other side and is also in favor.

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

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

5. Application of **PRISCILLA ESFANDIARY** for a Variation of Section 156-15 seeking an Area Variance for permission to add front porch. The property is located at 150 Topland Avenue, Mahopac NY and is known as Tax Map #74.26-1-3.

Code Requires/Allows	Provided	Variance Required
Front: 25'	19'	6'

- Ms. Priscilla Esfandiary of 150 Topland Road, Mahopac was sworn in.
- Mr. Jacob Solomon, architect of 1425 Plaza Rd., Fairlawn NJ was sworn in.

Mr. Solomon said this application is to add a level and a front porch. We're seeking 2 variances: an existing side yard, non-conforming and the front porch.

Chairman Maxwell said you're going up with a second story.

Mr. Solomon said that's correct. The second-floor will be on the existing print of the house. We're not cantilevering or extending anything.

Chairman Maxwell said you're just coming forward with the porch.

Mr. Solomon said correct. We're proposing a 6' wide covered front porch with a non-conforming setback of 19.4' where 40' is required. There's quite a few steps up to the dwelling from the driveway. We'd like to have a porch – at least a covered landing – to catch your breath coming up the steps and open the door. Also; a front porch to sit out; for the neighborhood and so forth. It'll be an open porch on columns; just one story. We're proposing sonnet 2 footings so a minimum disturbance to the ground. This would be an asset to the residents of the home and also would be aesthetically appealing to the neighborhood. A lot of other homes on the block also have covered porches. Other houses are closer to the street than this particular dwelling so it'd be in conformance with the vernacular neighborhood. It would be an improvement.

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

Mr. Solomon said that is correct.

Chairman Maxwell said your neighbors are okay with it?

Ms. Esfandiary said we've chatted with our neighbors next door and they don't have an issue with it. Our neighbors in the front have no issues with this. Most of the houses in the neighborhood go very close to road and we're actually much further setback. Other houses with the same are about 10' to 15' from the road.

Chairman Maxwell asked if the Board Members had any input, comments or concerns of which there were none. He then asked if there was any input from the public on this application – also of which there were none.

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

6. Application of **DUSTIN TOMEO** for a Variation of Section 156-15 seeking an Area Variance for permission to install pool. The property is located at 38 North Ridge Road, Mahopac NY and is known as Tax Map #76.13-2-83.

Code Requires/Allows	Provided	Variance Required
Front: 25'	12'	13'

- Mr. Chris Munch of 490 Union Valley Rd. was sworn in.
- Mr. Dustin Tomeo of 38 North Ridge Rd. was sworn in.

Chairman Maxwell said you guys were here before but you've changed the location now.

Mr. Munch said correct. We were approved back in August 2021 (no mic so inaudible) for an inground pool. We have since changed due to some more therapeutic use. He has acquired a therapeutic slim spa. It happens to be smaller – 8' x 20'. We want to tuck it in around the corner; a little closer to the house; a little lower in the grade. The original variance that was granted was 9' and now we just need 12'.

Chairman Maxwell said again; you're still dealing with a corner lot so you've got two rears and two front setbacks. What's to the right of the lot?

Mr. Munch said (at map w/o mic)purple; that's the property line.....that's an easement.

Chairman Maxwell said but it's inground now – not above ground?

Mr. Munch said correct.

Chairman Maxwell said you're going to need fencing and all of that stuff.

Mr. Munch said correct.

Chairman Maxwell polled Board Members for any questions or input for which there was none and then asked the same of the public for 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:

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

7. Application of **ORRIN FEINGOLD** for a Variation of Section 156-15 seeking an Area Variance for permission to install a ground mounted solar system; 12.08kW Solar System using a dual access tracker. The property is located at 15 Tennis Court Road, Mahopac NY and is known as Tax Map #64.15-1-23.

Code Requires/Allows	Provided	Variance Required
Allows Roof Top Solar (on Principal)	Ground Mounted Solar	To allow Ground Mounted Solar (accessory)

- Mr. Jim Goff with Hudson River Solar and of 51 Thomas Road, Craryville NY representing the applicant was sworn in.

Mr. Goff said this installation of solar would power about 60% of his expected electric usage from the solar panels. As the gentleman earlier said, it's because of the rising cost of electricity, this is a very essential part of powering his home. It's a fairly large home and it's going to be electrically heated. Normal ground racks are always facing exactly in one position so they only gather a certain amount of sunlight. At noon time, they gather their peak power. The rest of the day, they're only generating a fraction of their power. What we have is what's called a tracking pole system. The pole actually swivels toward the sun all day. Another advantage of that besides the fact that it generates about 50% more electricity than the fixed ground racks is that it is smaller. So, instead of it being 36 panels on a ground rack, we only need 24 panels on the pole. Another advantage in this climate is that it dumps the snow off in the winter whereas most solar panels get covered with snow and they shut off for a few weeks during the winter, this one actually tips up steeply and lets the snow slide off and then it resumes tracking the sun. It works everyday of the year. I've shown an example of one we've recently installed. You can see the scale of it. It's about 15' high during normal operation and then when it's tipping up to dump off the snow, it's about 20' high temporarily. Most of the time it's like this; about 15' high. At night, it sleeps flat which is 11' so it doesn't buck the wind at night. It's a smart device.

Chairman Maxwell said so are there sensors on the glass to pick up when it's raining or snowing?

Mr. Goff said it goes by the temperature. It assumes that if it's below 35 degrees, there's possibly snow so it'll tip up on those cold days.

Mr. Balzano said what happens on a windy day? Does it go flat?

Mr. Goff said if it detects wind over 30 mph, it will actually go into wind mode which is laying flat. After 4 hours, it'll come back up if there's no wind. It's really a smart device. Because he has limited room on the property and it's a round house so the roof is not very suitable for solar, is why we were able to put about 8 panels on the flat roof section but the rest of the power, we had to generate from this pole system. We're requesting permission to install that because there is no exact Code for that. Maybe it could be considered as an accessory structure. Mr. Feingold is

actually going to be taking down one of the accessory structures, the shed, on the property so there will be one less structure on the property.

Chairman Maxwell said I see you guys had this placed toward the front of the property.

Mr. Goff said the only suitable location was on the left side of the driveway. Everything else is heavily treed in with huge oak trees and I really didn't want to suggest cutting those beautiful trees for this project.

Mr. Carnazza said the lot has many trees on it all the way down to the Lake. I believe you can't even see the house from the road.

Mr. Goff said that's another thing. It's not really visible to the neighbors because it's on a steep hill. The way the other neighboring houses are arranged, it's going to be very hard for anyone to see this. It won't be a visual issue.

Chairman Maxwell said so in this picture where the dumpster is, that's where it would be going?

Mr. Goff said yes. You can see it's behind the dumpster on the left side.

Chairman Maxwell said it's going to be that close to the driveway?

Mr. Goff said yes. It'll be about 10' or 15' from the driveway. As you can see from this picture, people have it fairly close to where they're walking around in the yard. It moves very slowly. It's not like it's going to swing around and hit you. It's like a clock and moves very slowly.

Mr. Carnazza said what are the dimensions of the actual panel?

Mr. Goff said 21' [h] and about 20' wide.

Mr. Carnazza said so it's almost a square.

Mr. Goff said yes.

Chairman Maxwell said so you'd say this is the Ferrari of solar panels?

Mr. Goff said yes; it is.

Chairman Maxwell said there's definitely no other site or location on the site that you can.....what I was getting at before is that it depends on each site. Each site has its own parameters and specifics. This is a larger site. I thought it would be..... I didn't get a chance to get out there but you're telling me it's a fully wooded lot.

Mr. Goff said if you come and see it, you'd see that there's not much area that's exposed to the sunlight and I didn't want to cut those huge oak trees that are toward the Lake.

Chairman Maxwell polled the Board Members for questions and/or concerns.

Mr. Starace said this model: what is the lifespan of that panel and system?

Mr. Goff said the solar panel has a 30-year warranty and it's expected to last 40 years.

Mr. Starace said is there a mechanism on there where you can go from automatic operation to just do it manually?

Mr. Goff said yes. You can go into manual mode. You can push a button and have it lay flat so that you can mow the lawn under it without hitting your head on the lower edge.

Mr. Starace said this weighs a ton and a half. That's a lot of weight.

Mr. Goff said yes. It's all steel.

Mr. Starace said and you're going to move that with this electric solar panel itself.....

Mr. Goff said it's a tiny little hydraulic motor about this big (showed with hands).

Mr. Starace said is that powered from the grid here or that's coming from the house?

Mr. Goff said it's powered from the grid that's connected to the solar which is feeding the grid. It's essentially a solar powered motor but it's a small hydraulic motor that's very quiet.

Mr. Starace said it seems like a lot of energy is going to go into moving that device.

Mr. Goff said it's negligible; less than 1% of the energy.

Chairman Maxwell said it's only going to be enough consumption for this house; not selling anything back.

Mr. Goff said correct. It's only going to cover 60% of his expected bills. He'll be buying 40% of his electricity from the utility.

Mr. Starace said just out of curiosity, what was the cost of this; like construction and to purchase that; ballpark?

Mr. Goff said the tracker mechanism is around \$45K - \$50K but it replaces 36 panels on the ground which is a similar budget because this is only 24 panels.

Chairman Maxwell said you have to have a heavy-duty foundation for this thing - right?

Mr. Goff said 5' down, there's a cement circular platform with a steel pipe coming up the ground. So, we dig a 5' pit and then lower this foundation into the ground. That's rated for 120 mph winds.

Mr. Carnazza said it's like a gas station canopy.

Mr. Goff said and it's a pre-cast foundation that we level into.

Mr. Starace said so the total cost to install is roughly.....

Mr. Goff said for one tracker pole, it's around \$45K - \$50K. That includes the pole, the construction, the permitting, the inspections, everything. This site is going to have energy storage as well so there's more in the budget for the batteries that will run the home during an outage.

Mr. Balzano said where will the batteries be?

Mr. Goff said they'll be in the garage.

Mr. Rossiter asked how long are the batteries good for.

Mr. Goff said about 15 years and then they're recyclable.

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 Ms. McKeon with all in favor.

***** Chairman Maxwell said this is withdrawn due to the passing of the earlier Interpretation regarding solar panels. *****

8. Application of **PUTNAM SERVICE DOGS** for an Interpretation seeking permission to use a single-family home as a Training Center for dogs & clients in a single-family setting.

➤ Ms. Nancy Teague of 23 Birch Drive in Brewster.

Ms. Teague stated the reason that I'm appealing to you now, before we have property, is the current residential market is extremely fast and competitive. We found the perfect house for our center about a month and a half ago in Mahopac. There was actually a disabled teenager who lived in the house. We provide free service dogs for people with physical disabilities other than blindness. We will need a house that is accessible for people with physical disabilities which this house was already set up. It had a ramp. The doorways were widened. The bathroom was ADA correct. The seller wanted to sell to us but we didn't have the approval yet. So, I come empty handed because we can't look as no seller will tie up a property as long as it will take for us to get before you guys to get specific approval for that site. The market is so fast. A property hits the market, and if it's priced appropriately, and it's a nice property, it has competitive bids in 2-3 days; then it's gone. We want this residential center because we've been currently doing piece-mail work. We're 5 ½ years old now. I founded it because of the large need this type of service dog. Our waitlist is currently over 2 years long. If we had this center, we can produce more dogs. Right now, our dogs, at the last part of training which is what this center would house, live with our head trainer. So, there's an obvious limit on how many dogs he can have – especially according to his wife. We propose no more than 4 dogs and the reason that we want a home, rather than a large center like Guiding Eyes, etc., is that our recipients are quite frail. Our dogs are trained to a much different degree than Guiding Eyes because of that. Our dogs have to be impeccable in-house manners. No counter surfing, no chewing on furniture, etc. If they're kenneled, like the large schools do, the last 6-9 months of their training, they get no house training. So, we would be delivering a dog to a very frail person and they would have to deal with counter surfing, etc. We want the dogs to continue through their house training all the way to graduation. As they currently are, we would hire a care-taker. Because we're not a conventional use of a house, as Mr. Carnazza explained, we want to have our recipients stay there the week or two, and come to learn how to work with their dog. We would have 2 unrelated people living in the house. We don't charge money; everything we do is free so we're not making money on this. It's not a single-family home. We would build a 6' wood fence around the backyard as the dogs are very valuable. At this point, we've spent a lot of money and effort training them. The last thing we would want to do is lose them. (Mic went out/off.) I've worked very hard to build the brand for the last 5 ½ years. We're dependent on the community for donations. There is no government funding for our type of service dog. We would not want to annoy our neighbors with what we're doing. So, the proposed use of this house, I'm pretty much doing all those activities in my house in Brewster. I have 4 dogs and I live on a ¼ acre. We're proposing only looking at houses

that are on an acre of land and again, having a person stay with you for a week or two every other month or so, that's not going to raise any eyebrows. Basically, nothing we're asking permission for is anything that is going to annoy people.

Chairman Maxwell said I have a couple of issues with this, even though it's a not-for-profit situation, it's almost the same operation as a commercial operation in my mind. You're going to have cars coming in. Reading through your letter, it was talking about having Board Meetings and organizations and parties at this residence. This has more of a commercial feel to it in my mind.

Ms. Teague said (mic still out/off) Board meetings aren't that often. Frankly, they just want to see the house but normally they're at Clocktower Grill. That's where we've been holding our Board Meetings. Fundraisers; if we have even one a year, I would be surprised. They won't be large because there's the reality of the house. Again; we don't want to annoy our neighbors.

Chairman Maxwell said that's what we're concerned about here.

Ms. Teague said (new mic brought out) here's why I'm proposing this now. We are fierce advocates of humanness with our dogs. We train only in positive, humane methods; no corrections; no electric collars; no choke collars; no prong collars, etc. The dogs are miserable when they're kenneled in the last part of their training. If you've ever visited the kennel room at Guiding Eyes, as soon as you walk in that room, your mood immediately goes down because there's so much misery in that room. I was on the Board of Canine Companions for Independence for 3 years which also does the same type of service dogs that we do. Those dogs are turned in for training to be kept kenneled every 3 months is their cycle. For 10 days, when you come to their center, you can hear the dogs howling and whining they are so miserable. So, I've created this model where we will look to have houses around Putnam County, over time as we continue to grow, rather than a \$10,000,000 huge center like most service dog schools have and the dogs are miserable the last 6-9 months while they're in training. So, that's why I'm proposing that you consider this alternative because I will not kennel our dogs.

Chairman Maxwell said I can see that. You don't need to kennel them but could you find a commercial property that you can convert to a residential type of interior that gives you the same needs? Secondly, there's plenty of properties that are residences in the commercial zone like around Carmel-Route 52.

Ms. Teague said we found one: Wilkinson Motorsport that we were trying to buy because that was a combination of commercial and residential but it was over \$1,000,000. That's the problem. Trust me; I look constantly at homes. What we're looking for is extremely rare if we can't just use a residential home.

Chairman Maxwell said in my mind, it's just too.....unless you had an exact property figured out, it would be based on its own merits and we'd see what the parameters are; give the neighbors an opportunity. If we go and blanket interpret this to a positive interpretation, that opens a license to put.....

Ms. Teague said I understand your position totally. So, here's what I'm asking you to consider tonight. It's quite different if we approach a seller and say look, the Zoning Board meets every month and since we've already introduced the concept to them, if you would let us just present the specific property to them if you would wait. If we can find another seller, like we had found before which is so partial to what we do and agrees with us on everything that we're proposing and the use of the site, and perhaps the market will slow down. So, I'm asking for your consideration into the

concept. It's a leading edge in the industry. I don't know any other service dog school that's doing this. They all just kennel their dogs.

Mr. Starace said just to echo the Chairman, until you have a place, and it's parlayed with all the neighbors and everyone's notified that that kind of operation may occur, it's hard to speak to it.

Ms. Teague said I understand your position. I'm just trying to avoid the heartache that we all felt because we couldn't buy the house that the seller wanted to sell to us.

Mr. Folchetti said right now you're looking at the possibility of an Interpretation. The specific property wouldn't matter. The Interpretation would be that the use is going to be permitted in a residential zone on any property in Town. Whereas if they came in with a site plan, then an application for a Use Variance for a particular setting and a particular property, that's different. You can take the dynamics of the neighboring properties and all that into consideration. If you're considering an Interpretation, that's going to be the training center would be permitted in any residential area. That's why the particular property, as the application stands right now, doesn't necessarily matter. If they find a property and they go to the Planning Board for site plan and it gets referred here, then you can consider all those factors. As an interpretation, it's much, much broader and it's applicable across the board.

Mr. Carnazza said that's what had happened. The applicant asked for a letter from me, in the beginning, trying to say it what okay. As we got deeper into it and found out what the application was, it got a little broader where it was a commercial use in my opinion. That's why I said I can't do this. You have to go to the Board and see. If you do something like this, it's not a 1-family dwelling and it's not a 2-family dwelling so you will need site plan approval regardless of where you are. That's a 3-month process at least.

Ms. Teague said yes; it is a frustrating situation. Our head trainer is getting tired of housing our dogs but we're all consistent and we don't want to kennel our dogs. It's inhumane.

Chairman Maxwell said it's a tough one for me. I've got my opinion but there's four other Board Members here.

Ms. Teague said are there any questions that I can answer?

Mr. Balzano said how are you going to do the infra-training? You've talked about that you're not going to kennel the dogs but how does the infra-training work?

Ms. Teague said the reason that I'm looking at Mahopac is that there is a nice large stock of houses in this particular town. Also; both of our trainers live in Yorktown Heights. They will come to the home everyday to train the dogs. Either they train the dogs in the house or out in the fenced yard, or he takes them to public places. We do a lot of public venue training with our dogs so that when the person goes out with him, the dog is a champ.

Mr. Balzano said do you have like a marked van?

Ms. Teague said I do. It's parked out there.

Mr. Carnazza said so where are the dogs kept right now when they're not training?

Ms. Teague said our dogs are trained for about two years. Our people are so frail. By the time our dogs are placed and they're generally 50-70-pound dogs, you can lay the leash across the top of your

fingers and the dog will walk right along with you as though they weren't even on a leash. I'm going to show you – the person has a traumatic brain injury and his whole right side is also affected by his injury. So, he walks like this (Ms. Teague shows the speed of walking.) The first time he walked with our dog, he did his walk and so did she (the dog) with a total loose leash. I raised two dogs for Guiding Eyes and they don't have to train to that degree because most of their people are blind. Our people are quite frail so our dogs live with their raisers until they're about 18 months and then they go to our head trainer and they live in his house. They're not kenneled because they're already highly trained. If you saw one of our dogs at that point, you would be impressed. He works with them another 6-9 months to bring them up to the point where they are when we place them. So, they do not need to be in a kennel. Their obedience is impeccable. We want to make sure, because of our people, they can't counter surf which is a common problem with big dogs because their noses are right at the counter height. The people need to be able to set food out and as slow as they are, not have the dog take their food. I've raised two pups for Guiding Eyes. The first pup I'd raised for them became my pet. After 5 months of being in the kennel, she developed food bowl guarding which I had never seen that behavior before I turned her in and I never saw once I got her back.

Mr. Carnazza asked where do you keep the dogs though?

Ms. Teague said they live with their raisers. We have volunteer puppy raisers just like Guiding Eyes does, for the first 18 months. Our raisers live in Putnam, Dutchess, Westchester counties and Connecticut. We also have raisers in New York City. Then they go to our head trainer to be finished. Again, what I'm proposing is taking the burden of the time he spends caring for the dogs off of him so he can just drive to the house and train the dogs and drive home. Right now, for our recipients, we have no where to put them when they come, so they stay in a hotel at their expense. We have no where to train our dogs other than we borrow places around the community. Businesses support us that way. We don't have the key areas we need to function as a service dog school. Our waitlist grows; I get 3 or 4 applications a week now.

Mr. Balzano said I still have a disconnect. The dogs now would stay at this house instead of the trainers' houses. Who is watching them while they're at the house?

Ms. Teague said we would hire a caretaker and train him or her on how to care for our dogs and how to do basic training so they don't circumvent what we've worked so hard already on the dogs. I will have a caretaker. I've prepared a budget and the Board has approved it. We have the funds. We just have to bring this into reality. It's a different model. It's a cutting-edge model for the service dog industry, and I hope to God, other schools follow our model. Remember when it was okay to chain your dog out all day and leave him in the dog house. We're evolving in our humanity and this is the next step in the industry I think.

Chairman Maxwell said we can appreciate and respect the duty that you guys are doing but not knowing where this would go but Mr. Folchetti mentioned it's an Interpretation for now.

Ms. Teague thanked the Board for their time.

Chairman Maxwell asked if there was anymore input from the Board or 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. Starace with all in favor.

Decision of the Board:

Mr. Rossiter said as you've said, I don't think we can make it open for a resident. If somebody was looking for a variance.....

Mr. Carnazza said so what you're saying is you're feeling is that this does not fall under the permitted uses in a residential zone I think?

Mr. Balzano said I feel that way.

Mr. Rossiter said otherwise, everybody could put whatever they want in a residential area. If it were a specific site that she was looking for, I can understand but for a blanket [Interpretation] for everybody.....

Mr. Carnazza said that's what I'm saying. So, your opinion is that the use that she's writing isn't consistent with the permitted uses in a residential zone.

Mr. Rossiter said correct.

Mr. Balzano said so are you offering that as an Interpretation or just.....

Mr. Folchetti said there's an application to interpret a certain way – correct?

Mr. Carnazza read from the application; “an Interpretation seeking permission to use a single-family home as a training center for dogs and clients in a single-family setting.”

Chairman Maxwell and that's in a residential setting or zone?

Mr. Balzano said single-family would be residential.

Mr. Carnazza said if there's a single-family home that happens to be in a commercial zone, an applicant could go to the Planning Board to get site plan approval for that and they wouldn't have to come here at all. The problem is that the upgraded houses that the applicant is looking at, happen to be newer houses and they're in residential subdivisions that are smaller lots. That's why, when it came to me, we started talking and the one-family dwelling is great; up to 5 unrelated adults is still a one-family dwelling. But; now you have dog training, now you have meetings, now you have a few other things and that's when I started to pull back and say this has to go beyond me for this.

Chairman Maxwell said (to Mr. Rossiter) so, is that what you're interpreting?

Mr. Rossiter said the training center, as Mike (Carnazza) said, yes; not in a residential area.

Mr. Starace said in a single-family setting; no.

Mr. Rossiter said if it were a two-family, three-family or other obstacles to go through also; correct?

Mr. Carnazza said I can't talk for you but I can tell you what I think you're trying to say. That's why I'm trying to make sure I'm careful with what I'm doing here. There was a requested Interpretation. So, if you say it's our opinion that yes; this or no; this isn't, that

would be a good way to go. Just use the words that are on the thing but that's what you guys have to tell me.

Chairman Maxwell said so, Bill [Rossiter] the application is for Putnam Service Dogs for an Interpretation seeking permission to use a single-family home as a training center for dogs and clients in a single-family setting.

Mr. Rossiter said it's not a permissible use in] a single-family home to use as a training center; seconded by Mr. Starace.

Mr. Carnazza said can you tell me what that motion was? For use as a training center for dogs and clients in a single-family dwelling is not permitted.

Mr. Balzano said in a residential zone. You have to call the zone out because we could have that happen in a commercial zone so I think you want to be careful there?

Mr. Starace said are we allowed to add that in?

Mr. Folchetti said it's your Interpretation.

Mr. Balzano said I think it's a permitted use in a commercial zone. It's not a permitted use in a residential zone. That's the way I would go.

Mr. Carnazza said so by right. I just have to tell Dawn [Andren] tomorrow. That's why I'm trying to keep it clear.

Mr. Folchetti said you want to have them hear it out and have them adopt it for purposes of votes.

Chairman Maxwell said please – Mike –

Mr. Carnazza said if you interpret that the training center for dogs and clients in a residential zone is not permitted by right.

Mr. Folchetti said you can adopt that motion and get a second if that's what you mean to interpret.

Mr. Balzano said I would be okay with that because it calls residential and leaves all the other ones out for now.

Mr. Carnazza said they wouldn't be here if it were a commercial zone because I'm the one reviewing the site plan and I say it is permitted in commercial so they wouldn't be here for that.

Chairman Maxwell said so Bill [Rossiter] you're affirming that's how you want your Interpretation?

Mr. Rossiter said yes; that's fine.

Mr. Starace said seconded.

Chairman Maxwell asked if there was any further discussion of which there was none. Roll Call Vote for the Interpretation as Mr. Rossiter stated through Mr. Carnazza:

Ms. McKeon against the Interpretation
Mr. Starace for the Interpretation
Mr. Rossiter for the Interpretation
Mr. Balzano for the Interpretation
Chairman Maxwell for the Interpretation

The Interpretation carries 4 to 1.

Mr. Balzano moved to adjourn the meeting; seconded by Mr. Starace with all in favor.

The meeting was adjourned at 8:42 p.m.

Respectfully submitted,

Dawn M. Andren