

**APPROVED**

**JOHN MAXWELL**  
*Chairman*

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

**MICHAEL CARNAZZA**  
*Director of Code  
Enforcement*

**PHILIP AGLIETTI**  
*Vice-Chairman*



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**ROSE FABIANO**  
**SILVIO BALZANO**  
**WILLIAM ROSSITER**  
**JOHN STARACE**  
**JULIE MCKEON**

**ZONING BOARD OF APPEALS MINUTES**

**JUNE 23, 2022**

**PRESENT:**     **CHAIRMAN JOHN MAXWELL; VICE-CHAIRMAN PHIL AGLIETTI**  
**SILVIO BALZANO, JULIE MCKEON & BILL ROSSITER**

**ABSENT:**     **ROSE FABIANO & JOHN STARACE**

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<b><u>APPLICANT</u></b>	<b><u>TAX MAP #</u></b>	<b><u>PAGE</u></b>	<b><u>ACTION OF THE BOARD</u></b>
Manuel & Melissa Fernandez	65.-1-30	1 – 3	Requested Variance Granted w/cond.
Bohumil Filip	75.16-1-28	3	Hold Over
Anthony Scarnati	65.18-1-6	4 – 5	Requested Variance Granted
Suez Water New York Chateau Wells 1, 2 & 3	75.20-1-16	5 – 15	Requested Variance Granted

<b><u>MINUTES:</u></b>	May 26, 2022	15	Approved as Written
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The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Dawn M. Andren

# **NEW APPLICATIONS:**

1. Application of **MANUEL & MELISSA FERNANDEZ** for a Variation of Section 156-45.2(B)(1) seeking an Interpretation that an apartment can be added to garage built after 1998. If not, variance from that Section. The property is located at 4 Timber Ridge Court, Carmel NY and is known as Tax Map #65.-1-30.

Code Requires/Allows	Provided	Variance Required
Accessory Apt. in house on "existing" accessory structure (always used 1998 as date Code went into effect.)	Proposed Apt. in garage built after 1998.	To allow Accessory Apt. in detached garage.

- Mrs. Melissa Fernandez of 4 Timber Ridge Court, Carmel NY was sworn in.

Mrs. Fernandez said we bought the house as a foreclosure and the owners that owned it before us had built a second garage and above it was an illegal apartment that before we bought was ripped down because there was a lien on the house. It's been empty for 12-13 years.

Chairman Maxwell said it was gutted but there's rough-in for plumbing and electrical.

Mrs. Fernandez said all that is there. Unfortunately, they did things very illegally. They made an illegal septic, so that all had to be filled. For 12 years it's been empty. Recently, my father got sick and he's passed but now I'm doing this for my mom. We wanted to have her come and live with us. We wanted to make it into an in-law suite but unfortunately, the requirements for that are way more stringent than this so we wouldn't be able to get an in-law suite. Mr. Carnazza suggested that we go for an accessory apartment. Our house was built in 1999. So, we are here asking for a year reprieve.

Mr. Carnazza said the mother/daughter law requires that it be attached and free access between the two units without going outside. There you would have to go outside.

Mrs. Fernandez said yes. There's a driveway between us.

Mr. Carnazza said would you be willing to do it as a mother/daughter or do you want the accessory?

Mrs. Fernandez said we would rather do it as a mother/daughter. We really aren't here trying to get an accessory apartment. The only reason that we are going for that is because of the requirements are easier for us to do than a mother/daughter. We really wanted this to be a mother/daughter kind of situation. I'm not looking for a rental property. It's for my mom. It will only be for family members.

Chairman Maxwell said to make it a mother/daughter, what would they have to do physically? They have to be connected?

Mr. Carnazza said or get a variance from that section as well which you can do. Or; you can grant it as an accessory as requested but the condition that it be used for family members only. Therefore, you have control. If they decide, down the road, they want to make it into an accessory [apartment],

all they would have to do is come back to the Board and say whatever happened in the future and now, we want to be able to rent this. Then you can decide, at that time, if you want to allow them to rent it. Or; if the law changes, maybe they'll be allowed to do it at that point.

Chairman Maxwell said was that one of the topics on the new Master?

Mr. Carnazza said I didn't notice it.

Chairman Maxwell said it could be something that a new Town Board does down the road.

Mr. Carnazza said correct.

Vice-Chairman Aglietti said but if we do mother/daughter, they would have to start from scratch?

Mr. Carnazza said no. You would approve this, if you choose to approve it, as applied for with the condition that it be used for family members only as if it was a mother/daughter.

Mr. Balzano said but what happens if we turn around and say we can approve this as a variance to the mother/daughter or we can't because it's too.....

Mr. Carnazza said you can but then I would have to go through the list; only one heating system - they would, obviously, have two separate heating systems; one front door, they have two. We went through it and tried.

Mrs. Fernandez said yes. It would be way more difficult to meet those requirements. There were more of them that I didn't fit into than the accessory apartment. The accessory apartment is just because it can't go past 1998.

Mr. Balzano said what are you talking about putting in here. You're just talking about a bedroom, a kitchen and a bathroom?

Mrs. Fernandez said yes and a sitting area. I've already gone to Board of Health and we got the approval to expand our septic and add a bedroom. So, we're all set with that. I really crossed my 't's and dotted my 'i's before I came to Mr. Carnazza and I got hit with your house was built in 1999. That was my wrinkle.

Chairman Maxwell said so you're tying into your existing septic for the main house.

Mrs. Fernandez said correct. We have engineering plans. I have them here if you'd like to look at them. The Board of Health gave us an approval letter so we are set to go. I have a contractor who is actually one of my neighbors and is set to jump in and do this whenever we can start. My mom is in the process of selling her house now in Mahopac so we wanted to try and get this up and ready for her.

Chairman Maxwell said are the walls existing?

Mrs. Fernandez said the walls are existing but it's down to studs and sub-floor. The contractor said we would need to update it because the electrical is not up to Code. So, we need to bring all of that up to Code which we are definitely going to do.

Vice-Chairman Aglietti said and you have no objection to the condition that this be a family member.

Mrs. Fernandez said not at all. I own a rental property so there's a reason I don't want one on my personal property.

Chairman Maxwell polled the Board Members for questions and then the public if there was 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 grant the requested variance with the condition that the accessory apartment shall only be occupied by a family member of the main house or the resident house; seconded by Mr. Balzano.***

***Mr. Balzano said is family member defined in our Code? I actually think it is; isn't it?***

***Mr. Carnazza said it's not defined in our definitions; family is but you can't do that anymore.***

***Mr. Balzano said fair enough.***

***Mr. Carnazza said would you like them to sign a mother/daughter affidavit and we'll cross out the portions that don't apply or just leave it as family member only; we'll make it a condition and I'll put it on the C.O. that way?***

***Chairman Maxwell said make that condition; any discussion?***

***Chairman Maxwell said all in favor of the motion?***

***All members said aye.***

2. Application of **BOHUMIL FILIP** for a Variation of Section 156-15 seeking an Area Variance for permission to retain shed. The property is located at 5 Battista Drive, Mahopac NY and is known as Tax Map #75.16-1-28.

Code Requires/Allows	Provided	Variance Required
10' Rear	1'	9'
10' Side	4'	6'

Chairman Maxwell stated that this account will be held over tonight due to applicant request.

3. Application of **ANTHONY SCARNATI** for a Variation of Section 156-15 seeking a Variance for permission to retain existing shed and canopy. The property is located at 22 Overlook Drive, Mahopac NY and is known as Tax Map #65.18-1-6.

Code Requires/Allows	Provided	Variance Required
Rear; Shed w/overhang; 15'	Shed; 2.3'	12.7'
Rear; 10'	Shed; 2.5'	7.5'
Rear; 15'	Gazebo; 9'	6'
Rear; 30'	Trellis; 25'	5'

- Mr. Willy Besharat of Rayex Design, 266 Shear Hill Road (architect for the applicant) was sworn in.

Mr. Besharat said this house is extremely well-kept and well-maintained.

Chairman Maxwell said beautiful stonework.

Mr. Besharat said there were some issues of work being done without permits. One of them is the shed. If you went to the property and you went to the back, you saw the shed.....

Chairman Maxwell said so this was built before the Scarnati's purchased it?

Mr. Besharat said correct.

Chairman Maxwell said it never got picked up on a title search.

Mr. Balzano said I'm very familiar with that. It's near where I live and a lot of work was done on that house before it was sold; a ton of work.

Mr. Besharat said it's done beautifully. The house is really magnificent.

Chairman Maxwell said I was going to ask you if this had to be relocated, give us a cost or value? That's on a beautiful stone foundation I think. I've never seen a shed so well built as that.

Mr. Besharat said I would say every bit of \$30,000-\$40,000 to relocate it. So, it's an expensive hardship. If you notice, the property doesn't have the easiest topography on it. It pitches and slopes. It's almost impossible to relocate it. Also, they have another negative against this property. It's a corner lot. So, regardless where you choose to locate it, it will need another variance. It's a normal lot for the neighborhood; mostly .50 acre to .75 acre lots there. There is no other property available to make it conform. The property as is, is really a welcome addition to the neighborhood. It does not create an eyesore or a hardship to anyone. It blends in very nicely. It doesn't stand out. It has the Health Department signed off on it. Everything from the Health Department point of view has been legalized.

Chairman Maxwell said the neighbors on the left-hand side, which this effects mostly, have any issues?

Mr. Besharat said not that I know of. I spoke with the owner and he said they're such great people and nobody had issues. It's really separated because there is a buffer of a fence & some trees between the two properties.

Chairman Maxwell polled the Board Members for any questions and then asked the public if there was 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:**

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

4. Application of **SUEZ WATER NEW YORK – CHATEAU WELLS 1 , 2 & 3** for a Variation of Section 156-15 seeking a Variance for permission to upgrade the existing Chateau Wells 1, 2 & 3 site. The property is located at 59 McNair Drive, Mahopac NY and is known as Tax Map #75.20-1-16.

Code Requires/Allows	Provided	Variance Required
<u>Min. Lot Area:</u> 120,000 S.F.	47,745 S.F.	72,255 S.F.
<u>Min. Lot Width:</u> 200 feet	117 feet	83 feet
Min. Street Frontage (on <u>Cul-de-Sac:</u> 50 feet	46.4 feet	3.6 feet
<u>Min. Side Yard:</u> 25 feet	18 feet	7 feet

- Mr. John Kirkpatrick, Esq. of 120 Bloomingdale Road, White Plains NY appeared before the Board.
- Ms. Ramya Ramanathan, Planning Analyst with Atzl, Nasher & Ziegler of New York City, NY was sworn in.
- Mr. Steve Garabed, Manager of Engineering for Suez of 162 Old Mill Road, West Nyack, NY was sworn in.

Mr. Kirkpatrick stated this is one of the several water systems that Suez, which is now called Veolia, owns in the Town of Carmel. They were originally water systems established by a company called Forest Park many years ago. The Forest Park Water Company ran into some financial difficulties. The State Health Department asked Suez/Veolia to take over and they did. So, this is something that they've inherited. It's not a very big lot. It's quite small which is why we need so many variances in order to put in this water filtration system. That is what this is all about. It's also an order from the State Health Department that we add filtration for

something called PFAS. You might have been reading about it. It has to be done so we have to put in this building with these filters. If you know what a Brita Filter is, these are huge “Brita Filters” – carbon filters.

Chairman Maxwell said so this is the same that you came through with a couple months back.

Mr. Kirkpatrick said exactly. So, if you remember us, I can skip all of that. Let me ask Ramya to go through this particular site plan.

Chairman Maxwell said you can finish your story for the benefit of the public that’s here.

Mr. Kirkpatrick said sure. We have to put in this filtration system, and we’re on-going with that. We’re under a deadline from the State Health Department to get it done. We’ve been before the Planning Board and the Environmental Conservation Board which sent us back to the Planning Board. We went to the Planning Board again and they finally said okay; we could come before your Board to see if you would grant the necessary variances. That’s why we’re here tonight with this.

Ms. Ramanathan said as you noted, we need four variances. The site is 1.4 acres but if you look at the site plan, much of the site is encompassed by wetlands and we’ve tried not to disturb that. The site we have to work with is pretty limited which is why our building is located close to the cul-de-sac and that’s why our variance for the driveway distance comes into play.

Chairman Maxwell said that’s where the existing pump is as well.

Ms. Ramanathan said you are correct; yes. This is the existing pump. That’s where we are proposing the PFAS but there’s really not much room for us to play with so we’re having to be close to the cul-de-sac and the access road.

Chairman Maxwell said how far back from the existing structure do the wetlands start?

Ms. Ramanathan said I’d say about 15’.

Chairman Maxwell said it’s kind of an odd-shaped lot as well.

Ms. Ramanathan said yes. That’s one of the variances we’re asking for – from the cul-de-sac. The next would be the lot area and lot width. That’s something we really are not able to help at this moment. The fourth one being total side yard. This is the property line and this is where the building is coming out. So, we’re about 18’ away. We don’t have much room to play there. That’s where the access road is going to go through for the PFAS. That’s where the filtration trucks are going to come in to change the carbon. If we moved it a little bit there, we wouldn’t be able to fit in the drainage so we’re kind of land-locked in that area. This is why the site plan worked out the way it did.

Chairman Maxwell said I was there the other night. It seems like the houses that are on either side are set back and far enough away from the property lines where I don’t think you’d be affecting them too much.

Ms. Ramanathan said yes; the only concern from the visuals was from the neighbor over here and we’ve provided as much landscaping as possible.

Chairman Maxwell said I was just going to ask that. You're providing screening?

Ms. Ramanathan said yes we are; as much as possible. We're providing skyrocketers on this side because there it's very thin between the property line and the driveway. That was the only tree we could think of which doesn't take too much space but does grow tall. Those would be juniper skyrocketers.

Mr. Carnazza said how many times a week or a month do they come to change the filters?

Mr. Garabed said we would not be coming frequently to change out the pre-filters. There are pre-filters and then there are the carbon filters.

Mr. Carnazza said the carbon one is the "Brita" one that we're talking about.

Mr. Garabed said correct. There's a pre-filter. It's a bag filter. It's in a small cylinder. The operator would come in and open the top, pull the bags out, put them in a garbage bag and put in new bags and close everything back up. That would be whenever the head loss across that filter reached 12 psi, he would change them out. So,.....

Mr. Balzano said it's based on usage.

Mr. Garabed said exactly.

Mr. Carnazza said that's the same as what you're doing now though.

Mr. Garabed said I don't think there's any filtration at that site right now.

Mr. Balzano said really; straight up from the ground?

Mr. Garabed said yes. It goes into the storage tanks and gets chlorinated.

Mr. Carnazza said I thought there was something. I didn't realize there was nothing.

Mr. Garabed said on prior sites, during the summer and during peak pumping, maybe you're changing those bag filters out once a month. The carbon filters – again, it's all a matter of usage. We're expecting it's going to be anywhere from a year to every 2 years that we would have to change the carbon out.

Chairman Maxwell said so there's a storage tank then that doesn't affect the water when you shut down to change the filters – right? There's always pressure and it's full?

Mr. Garabed said they're not the biggest in the world but there is water storage on site.

Chairman Maxwell said people aren't going to lose water when that happens or do they?

Mr. Garabed said no; they cannot. Operationally, a lot of these sites are very challenging because if we shut down a well for maintenance, [i.e.] one of the well pumps dies and we have to replace it, sometimes we have to bring in tanker trucks to supply water. We don't have the luxury of being connected to multiple sources. This site and the Mahopac site are connected so, we can bring some water from the Mahopac system over here.

Chairman Maxwell said where is that; on the other side of the neighborhood?



Mr. Garabed said yes.

Mr. Carnazza said Coventry Circle; Hunters Run; Dahlia Drive.

Mr. Garabed said this is one of, I think, the only systems that actually has some (inaudible) connect. Again; it depends on what they're doing too. It's not like there's a lot of excess capacity in these systems. They're fairly small, and during the summer, they're operating at their peak.

Mr. Balzano said the filter system itself is not making noise – right? It's sitting there filtering the water the way it normally would. It's not going to add any ambient sounds in the neighborhood?

Mr. Garabed said correct. It runs through the bag filter; it runs through the carbon filter. The well pumps make noise but they're submersible. They're hundreds of feet down.

Mr. Balzano said but they're already making noise.

Mr. Garabed said yes. They're already existing.

Mr. Balzano said I'm just looking to see what your impacting, sound-wise, with the new stuff.

Vice-Chairman Aglietti said what kind of vehicles will be coming in?

Mr. Garabed said normally, it will be our standard operator vehicles; whether they're trucks or utility trucks. During carbon change-outs, there certainly would be more vehicles. We're going to have the carbon tanker there. That's why there's such a big driveway. We went over this with the Environmental Conservation Board because they asked us to reduce the size of the driveway which we did try to do. We thought that being in a cul-de-sac, we would have a little more flexibility, and we could have a smaller driveway. We have carbon trucks that need to get in there. We will have frac tanks to basically hold the back-wash water when we back-wash the filters. We're going to have tanker trucks with water so that we can do the back-wash. These are small wells. I don't have the capacity to do the back-washes like I have in a larger system. We basically have to bring everything on site to do the back-washes.

Chairman Maxwell said how often does that happen?

Mr. Garabed said that should be about every year to every two years.

Mr. Kirkpatrick said we're not anticipating any impact on the neighborhood except, of course, the benefit – improving the water quality for our neighbors. We really don't have any choice about this. This is pretty much what we have to do here. Although there are a lot of variances, it's a small lot so they're really not substantial. Everything is very concentrated on the lot. Of course, this is not self-created. We've been ordered to do this.

Vice-Chairman Aglietti said how many customers will this system service?

Ms. Ramanathan said Chateau services about 180 customers.

Chairman Maxwell said at this point I'll bring it up to the public. I'm just going to remind you, if you're going to speak, not to be redundant. If you have new questions, that's understood but let's try to keep it short. Also; address the Board not the applicant and write your names.

➤ Mr. Len Valvano of 60 McNair Drive, Mahopac NY was sworn in.

Mr. Valvano said first question: we'd like to see an updated rendering of the filtration building.

Vice-Chairman Aglietti said we ask that if you have a rendering that you provide it to us so we can show it.

*Several people spoke at one time so inaudible. Ms. Ramanathan did have a single, updated, small size rendering with her.*

Mr. Valvano said I'm affected the most and so are my neighbors here. This is a very tall building. This is a residential street. There are kids on the block. I understand but when you do the back-wash, you're going to have all these trucks and trailers coming down; is that correct? That's one concern. My concern is if they could dress it a little bit; cover it with trees; talk about a buffer. What can you do to make this better? That's my question.

*Mr. Valvano presented a picture (rendering) of what he had to the Board.*

Chairman Maxwell asked where did you get this rendering from?

Mr. Valvano said I took it off the website.

Vice-Chairman Aglietti said and that's your property?

Mr. Valvano said my property is right to the right.

Chairman Maxwell said this is the property that this application is on?

Mr. Balzano said did you get that off of Planning?

Mr. Valvano said yes.

Mr. Carnazza said it must be in the Planning packet.

Mr. Valvano said if you look, also, there are outlines. It looks like two overhead doors. I mean they're not showing it but that's what it looks like.

Chairman Maxwell said I don't think there are any overhead doors.

Mr. Valvano said I could be wrong.

Chairman Maxwell said it's more of an enclosed building. It may have some doors bigger for putting filters in/out but from the last couple of applications.....

Mr. Valvano said did you see where the foundation is open?

Chairman Maxwell said you do understand that they have to do this?

Mr. Valvano said I do understand but you really have to help us here. It's going to kill the value of our homes.

Chairman Maxwell said what's existing there now is a buried tank. It's not too.....

Mr. Valvano said the site now has been there for forty-something years; it's been fine. No one really takes care of the property. That building – that looks like it belongs in an industrial park. You can't make it look like a house like some other places? Look what the electric companies do, other water companies down in Eastchester do; not to say you have to do brick but they make it look like a cottage or a house.

Chairman Maxwell said so it's commensurate with the neighborhood. That's more for like a Planning Board question. It's already gone through the Planning Board but it has to go back to them.

Mr. Balzano said what the building looks like is a Planning issue; not a Zoning.

Mr. Carnazza said it is a Planning comment; yes.

Mr. Valvano said I understand it has to get done.

Mr. Rossiter said and they may be going back there after us.

Mr. Carnazza said they are going back to Planning. They have to go back for a public hearing.

Chairman Maxwell said those type of questions are more for the Planning Board. We can ask them about more screening if that will help the case here.

Mr. Valvano said I know it's got to get done but they've got to help us out here. If you lived on that block, with all due respect to everybody in this room, you would not want that exposed the way it is; ugly like it is. That's the cheapest building you could put up. It's all metal.

Chairman Maxwell said hopefully, you guys (applicant) are taking notes and you can respond to this when we ask you to. Does anybody else wish to be heard?

➤ Ms. Patricia Miller of 52 McNair Drive, Mahopac was sworn in.

Ms. Miller said I have a question. We have this facility down at the end of our block but there seems to be something off Buckshollow also with an entrance. If there's a problem with the zoning, is it possible to move the whole operation to the other side of Bloomer.

Chairman Maxwell said I don't think so because it's all wetlands back there. Theoretically, you can't build a roadway over wetlands for the same reason that you can't build into wetlands.

Ms. Miller said even if it's piped?

Chairman Maxwell said that is all wetlands to the back of the property?

Mr. Balzano said yes. It's marked well into the plan.

Ms. Miller said okay. The other question I have is I sent around a survey to my neighbors complaining about the original look of the building and I was wondering why the outside

cannot be sided like the one on Heather Drive, behind Maple Grove nursery, where it looks like a house. It blends right in. So, that's my request and my neighbors' request too; just make it look like a residential area.

Chairman Maxwell said unfortunately, that's for the Planning Board. We're just dealing with the variances here.

Ms. Miller said okay; so, Planning. Thank you.

Vice-Chairman Aglietti said but the applicants are hearing that.

Chairman Maxwell said (to Mr. Carnazza) we can make a recommendation to the Planning Board too?

Mr. Carnazza said you sure can. The reason they're here right now is for area variances for the existing lot. It's not the place for the conditions of a building type or a look. It's more for existing conditions. Just so everybody understands....

Mr. Balzano said right. It's the placement of the building itself on the lot. That's in our prevue.

Mr. Carnazza said the Planning Board will have a public hearing just like this.

Ms. Miller said will we get notified of that?

Mr. Carnazza said if you were notified this time, you'll be notified then as well.

➤ Mr. Eddie Giha of 40 McNair Drive, Mahopac was sworn in.

Mr. Giha stated I live about 100' from the property. One question: they mentioned that it wasn't going to be loud but I'm an engineer and I need to know sound levels. So, it's important that we get the sound readings of the equipment when it's running. I would appreciate that somebody provide that information to us before they build because you don't want to wait to before it's built and then motors are running overnight; backwash is happening and the sound level is above something that's tolerable. We would wish to get those readings ahead of time.

Mr. Carnazza said that is a Planning Board function also.

Chairman Maxwell said but I'm going to ask you (applicant) – do you have any of that information handy tonight that you can discuss? We'll finish with the public and then we'll let them have a chance.

Mr. Carnazza said there is obviously a difference if there's an emergency and they have a generator going.

Mr. Giha said obviously; emergencies are different. We understand the importance of the project. The issue that we're facing as homeowners is the look of the project and how it affects our community. Since it's a cul-de-sac, you have kids playing in that area. There are new neighbors there with young children so if trucks are coming up and down, that's a safety hazard for our children. If they're moving in and out of there at night, they need to be well aware of that.

Chairman Maxwell said I would bring that to the Planning Board because it sounds like they made them minimize their parking area on the site which would help get trucks off the cul-de-sac. That's something I would bring up to the Planning Board when/if you get that notification.

Mr. Giha said that area isn't well taken care of right now. My question is how do they plan to maintain it going forward? If it's in bad shape now and we're concerned about how things are falling apart. There are kids that are walking around there. You know how kids can be. There's no fencing in the area right now. How do they plan to maintain that to keep the area safe and looking fairly decent?

Chairman Maxwell said I'll give you guys a chance to respond to the immediate questions.

Mr. Kirkpatrick said as some of you've said, a lot of this is really for the Planning Board and we are back to the Planning Board providing you guys are willing to grant the variances. We have had discussions with them about the appearance of the building. For instance, there's an existing building there. They've asked us to paint that existing building to match the new building so that the entire facility is more attractive than it is now. Of course, the question of sound has come up and, as has been pointed out, the sound comes from the pumps which are a couple of hundred feet underground in the wells. So, we don't anticipate any difference in the sound.

Vice-Chairman Aglietti said and the pumps are running now?

Mr. Kirkpatrick said they run all the time.

Vice-Chairman Aglietti said if there was a noise, the neighbors would've heard it.

Mr. Kirkpatrick said yes.

Chairman Maxwell said the enclosure is also insulated I'm assuming because you have to keep it from freezing?

Mr. Kirkpatrick said yes; let me ask Steve Garabed to get into the details.

Mr. Garabed said yes; the new building would be insulated. It has to [in order] to meet building code. Any noise you hear now is what you would hear. There's the existing wells and the existing booster pumps that are out there. What we're doing is putting treatment in the middle and we will upsize our well pumps so that they can push the water through the new treatment but you're not going to hear that because they're in the wells below ground. What we're adding has no new noise piece to. We're trying to use as much of the existing facility as possible to minimize costs.

Mr. Carnazza said you may want to have a decibel reading before you go to the Planning Board so that you can answer their question in decibels.

Mr. Kirkpatrick said certainly.

Chairman Maxwell said how deep are these wells?

Mr. Garabed said I know that I looked at them before; there's three on the site and I want to say that they're at 250 or so feet.

Chairman Maxwell said so they're down there. Screening – can you just reiterate? I know that you've said screening on the right-hand side. Is there any possibility to give them a little more screening along the front of this to make it look more residential?

Mr. Garabed said there is a fairly robust landscaping plan for this site.

Ms. Ramanathan said on this sheet, this is the exact width we have between the driveway and the property line. So, it's really nothing much. We've chosen screening that uses skyrockets in a line in all of these circles. We've tried our best to cover every space possible because we're cognizant that we have neighbors on the other side. Right now, there is no screening on the property. The white building with the existing pump just shows the way it is. What we will do with the property would screen the white as well as the one that is coming up now. So, we would leave the site better than you have it currently.

Chairman Maxwell said and what height are these?

Ms. Ramanathan said these are going to be Green Giants and Eastern Red Cedars. Eastern Red Cedars would be about 50-60 feet; Green Giants would be about 50 feet. The planting height would be about 8 feet and the same with the spruces; and that's for the skyrockets.

Vice-Chairman Aglietti said 50-60 feet?

Ms. Ramanathan said yes; mature.

Mr. Carnazza said what are you planting though?

Mr. Balzano said 8 feet.

Chairman Maxwell said I don't remember seeing this landscaping plan but that's very thorough.

Mr. Carnazza said are any of the plants in front of the building; like breaking up that [front]?

Chairman Maxwell said did you guys have access to these plans?

Mr. Valvano said I didn't see anything.

Chairman Maxwell said maybe they could spend some time out in the hallway after we close the hearing and adjudicate. Maybe it'll lay some of your fears [aside] because this is a very thorough planting scheme here that I think is going to satisfy you.

Mr. Valvano said how tall?

Vice-Chairman Aglietti said they go in 6-8 feet.

Chairman Maxwell said but they're tending to grow 50-60 feet.

Mr. Valvano said I probably won't be around when they get to 50 feet.

Vice-Chairman Aglietti said the spruce grow fast.

Chairman Maxwell said you can't plant ultra-mature trees; they'll die quicker. They have to root to the ground they are placed in and take off from there.

Ms. Ramanathan said we understand your concern and where you're coming from. The rendering that you have on file is something that we devised back in September of 2021. Since then, we've gone back to the Planning Board multiple times and we've devised a visual that would match the foundation and the building. It's going to be dark green to blend with the landscape and the trees that are there right now. It's not going to be that garish yellow you have on the picture there. We've improved and shown material samples to the Planning Board. They've seen it; the foundation block, the building sample; every material has been shown.

Audience Member said you don't have that with you?

Ms. Ramanathan said actually that's part of the Planning Board so it's not a Zoning Board issue so it's not part of the.....

Chairman Maxwell said this is just for the variances. Just make sure you guys get to the Planning Board and you'll be notified.

Mr. Carnazza said is there a bay door facing the cul-de-sac? In the one picture that the gentleman showed me, it looks like there was a cut-out of the foundation and then a bay door facing the cul-de-sac. That was one of his questions. I can't.....

Mr. Garabed said we don't have bay doors. That is what we call a break-out panel. If I have to get that equipment out of that building, I need a panel that I can open up. That's why you see the break in the foundation. What I'm going to do is try to get graphics to go on the bottom to make it match the stone on the bottom and hopefully, from afar, it's all going to look complete. Yes; from the picture, you do see that discontinuation of the foundation.

Chairman Maxwell said would you bring some better renderings when you go to the Planning Board so it's a little more explanatory?

Mr. Garabed said yes. We have them. We have a different presentation when we go before the Planning Board with all the renderings and everything.

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

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

***Vice-Chairman Aglietti moved to grant the requested variance; seconded by Ms. McKeon.***

***Vice-Chairman Aglietti said I just want to say one thing to everyone here. This is the way it's supposed to work and I'm really happy the way it did: the applicant being prepared, presenting, people being nice, asking relevant questions, listening to the answers and the back & forth. That's the way it should be done. I just wanted to say that before we vote.***

***Mr. Balzano said and just for the prevue of what we're voting on; from the criteria standpoint. As counsel said: it's not self-created, it's not substantial, it's not a major environmental impact to the neighborhood. Just wanted to go over it to dot our 'I's and cross our 'T's?***

***Chairman Maxwell said if you guys go to the Planning Board, keep that in mind as well. Be respectful and address the Planning Board – not the applicant. Vice-versa for the applicant.***

***Chairman Maxwell said all in favor?***

***All Board Members responded with “aye”.***

## **MISCELLANEOUS:**

**MINUTES: May 26, 2022**

***Mr. Balzano moved to accept the minutes as written; seconded by Ms. McKeon with all in favor.***

Vice-Chairman Aglietti moved to adjourn the meeting and wished everyone a Happy 4<sup>th</sup> of July; seconded by Mr. Balzano with all in favor.

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

Respectfully submitted,

Dawn M. Andren