

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

SEPTEMBER 22, 2022

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

ABSENT: BILL ROSSITER

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Dynamite Properties Corp.	44.14-1-39	1 – 5	Granted Requested Variance
Raymond Madeya	75.12-1-40	5 – 6	Held Over
Susan McHenry	86.39-1-36	6 – 7	Granted Requested Variance
Carl & Joann Perna	64.5-1-58	7 – 9	Granted Requested Variance
Liberty Utilities (New York Water) Corp.	54.20-1-42	9 – 13	Granted Requested Variance
Anthony Bilancia	87.6-1-81	13 - 14	Granted Requested Variance
James & Regina Pfeifer	65.12-1-26	14 – 15	Granted Requested Variance
Minutes: July 28, 2022		15	Approved as Amended
Minutes: August 25, 2022		15	Approved as Written

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

Respectfully submitted,

Dawn M. Andren

HOLD OVER APPLICATIONS:

1. Application of **DYNAMITE PROPERTIES CORP.** for a Variation of Section 156-15 seeking an Area & Use Variance to permit mixed use structure in a commercial zone. The property is located at 70 Gleneida Ave., Carmel NY and is known as Tax Map #44.14-1-39.

Code Requires/Allows	Provided	Variance Required
Lot Area: 40,000 s.f.	2,640 s.f.	37,360 s.f.
Lot Width: 200 feet	32.96 feet	167.04 feet
Lot Depth: 200 feet	80.02 feet	119.98 feet
Front Yard: 40 feet	7.4 feet	32.6 feet
Side Yard: 25 feet	1.0 foot	24 feet
Side Yard: 25 feet	1.3 feet	23.7 feet
Rear Yard: 30 feet	29.6 feet proposed	0.4 feet
Minimum Floor Area: 5,000 s.f.	1,830 s.f. proposed	3,170 s.f.
Permitted Coverage: 30%	37.68% proposed	7.68%
Parking: 9 spaces	0 spaces	9 spaces
Loading: 1 space	0 spaces	1 space

- Mr. Frank J. Smith, III, Esquire of Shilling Law representing the applicant appeared before the Board.
- Mr. Tom Racek of 56 Papania Drive, Mahopac was sworn in.

Mr. Smith stated the property is located at 70 Gleneida Avenue, Carmel. It is known as tax map number 44.14-1-39. The property currently consists of two office spaces and is located in the Town's commercial zoning district. The relief sought this evening is a number of dimensional variances to clean up the property and also a Use Variance to permit mixed-use in a commercial zone. In support of our application, we submitted two client affidavits, proposed floor plans and a memorandum of law. The applicants purchased the property in October 2019. The property consists of two office spaces; one upstairs and one downstairs. The downstairs space is occupied by an accountant who has been there approximately fifteen years. The downstairs space remains occupied because the monthly rental is far below market value. The upstairs space is vacant and has been vacant since the time of purchase. As attested to in Amanda Racek's affidavit, the upstairs space has been marketed since the time of purchase, and there have been no prospective occupants. Since there is no market for commercial space, we are seeking a variance to permit a mixed-use, commercial and residential, in the Town's commercial zoning district. I think it's important to note that the Town Code does allow for existing mixed-use structures at the time the Code was adopted. In this case, the proposed mixed-use is not inconsistent with the neighborhood nor the Town Code. As previously stated, we are looking for a number of dimensional variances. This structure, like every other structure on Gleneida Avenue, is situated on a sub-standard lot and has been in existence for decades. The Building Department would require these variances whether or not we

had proposed the change in use. In addition, the building has been in existence since at least 1955. While we contend for mixed-use designation by variance, we are seeking the dimensional variances to bring the property into conformity with the Town Code. As the Board is aware, when seeking a Use Variance, there are four criteria that need to be analyzed. First, and most importantly, the Board must consider whether the variances granted would change the character of the neighborhood. In this case, it would not. This area of Town is home to a number of mixed-use buildings; many, of which, have been there for decades. Second; the Board must consider whether the applicant can realize a reasonable return and the applicant's economic hardship. The property was purchased in 2019 for a sum of \$220,000. Per Mr. Racek's affidavits, submitted with our application, the building's monthly operating expenses are approximately \$1,640. The sole tenants monthly rent is \$1,500. The building is currently operating at a loss. In addition, there are a number of capital improvements that the building requires and will cost a substantial sum. After my presentation, Mr. Racek is available for any questions related to those improvements that are necessary for the property. In addition to operating at a loss, the prospect of finding a commercial tenant for the second-floor space is highly unlikely; particularly after being marketed for three years with no interest. As I'm sure the Board is aware, there is also a number of other commercial spaces along Gleneida Avenue that are vacant and have been vacant for a long time. The proposal of mixed-use is an attempt to not render the second floor as useless. Thirdly; the Board must consider uniqueness. In this case, the proposal is unique because only permission for a mixed-use would render the property financially viable. The situation is unique to the applicant and not to the general neighborhood surrounding it. In addition, the Town's comprehensive plan has targeted the need for mixed-use buildings in hamlet areas such as the Hamlet of Carmel. Lastly; the Board must consider whether the hardship was self-created. In this case, it was not. The applicant purchased the property, fully intending, to rent both commercial spaces. The existing tenant has remained and, as stated, the second floor has been vacant since the time of purchase. In conclusion, I believe that the applicant has met the four criteria of the Use Variance Analysis and I would, respectfully, request that the Board grant the relief requested this evening.

Chairman Maxwell said why don't you explain what kind of improvements the property needs.

Mr. Racek said the property needs a new heating system, a mixed amount of plumbing system repairs, the front concrete steps and landscaping. The stucco and siding needs to be repaired and painted. The rear shed is also in rough shape.

Chairman Maxwell said and these are items that you weren't aware of when you purchased the property?

Mr. Racek said they've evolved as we've owned [the property].

Chairman Maxwell said what kind of tenants have you targeted for the second floor?

Mr. Racek said my wife was unable to be here today but she was reaching out to other architects, small lawyers, small accountants.....

Chairman Maxwell said so small commercial offices?

Mr. Racek said correct.

Chairman Maxwell said we are aware of the change that's coming with the Master Plan's implementation that they're looking to do especially for zones like this. That's to be considered and I'm just reminding the Board Members of that. I was actually part of that consultation. I'll open it up to the Board at this point.

Mrs. Fabiano said what happened to the tenants that were on the second floor before you purchased it? What kind of business was it and why did they.....

Mr. Racek said one was an appraiser. He left but I'm not 100% sure why. There was actually two up there sharing an office. The other one left too but I'm not sure why. It was all within the closing time of me.

Mrs. Fabiano said have there been any changes to the structure at all?

Mr. Racek said not since I'm there.

Mrs. Fabiano said do you have any proof of the marketing that was done to try and rent it?

Mr. Racek said my wife could probably get proof. My wife is a real estate agent and could probably get the commercial proof.

Mrs. Fabiano said yes there's an affidavit but is there a multiple listing for commercial properties?

Mr. Racek said probably. My wife wasn't able to be here so I can't tell you, but we could provide something I'm sure.

Mrs. Fabiano said question for Mike [Carnazza]: what is the parking needed for a commercial spot and a residential. What would it be if it was commercial, and what would it be if it was mixed-use?

Mr. Balzano said does it change the equation?

Mr. Carnazza said it does. It's one [space] for every 200 square feet of commercial. So, he's got 1,800 square feet.

Mr. Racek said I believe we lower it if we're going residential?

Mr. Balzano said right.

Mr. Carnazza said it's two parking spots per unit for residential.

Mr. Balzano said regardless of square footage?

Mr. Carnazza said correct.

Mrs. Fabiano said so it would be two for the residential and the bottom would be commercial.

Several voices spoke about square footage.

Mr. Smith said 9 spots would be required. There are 0 spaces provided for. We do have a commitment from the property owner of the Plaza who has a large parking space behind the structure. It has ninety spots and we have two dedicated spots that we're currently renting. The only point that I would make, as it relates to parking, is that you can think of a furniture store, an Italian restaurant and a music store, and I'm curious how they provide for those parking spaces as well.

Mr. Carnazza said you said they have a commitment? Does that mean they have an easement or just a commitment?

Mr. Smith said no. It was submitted with our application. It was a written agreement between us and.....

Chairman Maxwell said it's in the affidavit.

Mr. Starace said he has rules written in there.

Mr. Carnazza said it is two [spaces] per dwelling unit.

Mrs. Fabiano said two per dwelling unit so upstairs you need two for the one unit and then you have commercial down below so that would be.....

Mr. Balzano said it's half now because you've lost the top floor.

Mrs. Fabiano said so that would be 4 & 2 is 6. So, you only need 6 versus 9 if it was commercial.

Mr. Carnazza said you need 9 right now.

Mrs. Fabiano said because it's two commercial?

Mr. Carnazza said right.

Mrs. Fabiano said but it's mixed-use and you have residential on top of commercial, it would be 7.

Mr. Balzano said but you're proposing two apartments up top?

Mr. Smith said yes; two apartments/units.

Mr. Balzano said so it goes to 8 anyway.

Mr. Carnazza said your application says 9 required; how many do you need?

Mr. Smith said good question. I have been under the impression that 9 are required and zero are provided. That's what I'm here to present tonight. We do have 2 spaces that we are renting in the back. So, I guess that would be that we need a variance for 7 [spaces].

Mr. Carnazza said but you don't own the two that you're renting?

Mr. Smith said we don't own the two but we have the right to [park].

Mr. Carnazza said the Code says the Board can grant a variance if you have an agreement.....

Mr. Starace said the property owner of Wenco – would he be able to lease more spaces if you need it? Would you entertain that?

Mr. Racek said I would definitely entertain that. I believe he's allowing us to use but doesn't want to stipulate a number on it. He's agreeing that we can use it but he's uncomfortable for himself.

Mr. Carnazza said yes; if he gives an easement and then decides to do an expansion, he wouldn't have those parking spots for his expansion so he doesn't want to give them out but he doesn't mind sharing.

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

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

Decision of the Board:

Vice-Chairman Aglietti moved to grant the requested variance; seconded by Mr. Balzano.

Vice-Chairman Aglietti said the legal presentation with the backing materials showed all of the Use Variance Requirements of the 4:

- ***Incapable of earning a reasonable return if used for any other allowable uses; they showed money and they showed financials.***
- ***Property is affected by unique or at least highly uncommon circumstance; I believe that fits as well.***
- ***Will not alter the essential character of the neighborhood; absolutely it does not.***
- ***It's not self-created; I would agree with that.***

I feel they met all four and it should be granted.

Mr. Balzano said I feel the same way and that's why I seconded the motion.

Chairman Maxwell asked all in favor?

All Board Members responded 'aye'. GRANTED

2. Application of **RAYMOND MADEYA** seeking an Interpretation that the structure is a legally pre-existing, non-conforming, two-family or; in the alternative, a Use Variance to permit a two-family residence in a single-family zone. The property is located at 6 Mary Avenue, Mahopac NY and is known as Tax Map #75.12-1-40.

Code Requires/Allows	Provided	Variance Required
1 family	2 family	Interpretation that the structure is a pre-existing 2-family or in the alternative a Use Variance to permit a 2-family use.

- Mr. Frank J. Smith, III, Esquire of Shilling Law representing the applicant appeared before the Board.

Mr. Smith said the property is at 6 Mary Avenue, Mahopac NY. It is an existing 2-family dwelling. The relief sought is an Interpretation that the premises was a legally pre-dating 2-family or, in the alternative, a Use Variance. As you are aware, last month, Mr. Shilling from our office, presented this matter. At the time, and [based on] the information that we had, we believed that the property was built as a 2-family prior to the existence of the Town of Carmel Code. This was supported by the assessment card, testimony from neighbors going back to the 1960s and our architect's opinion

since the structure contained no internal stairs connecting both floors. Most importantly, we spoke with Christine Powers. She is the granddaughter of the gentleman who had built the residence in the 1940s. She was adamant that the property was constructed in 1947 as a 2-family. At last month's meeting, Mr. Shilling was presented with documents from the Building Department which we did not have in our possession prior to our presentation; hence the adjournment to this month. We've spent the past month investigating this further. We spoke with Mrs. Powers again and she reached out to her mother. Her mother is in her 80s. Her mother attests that the structure was built as a single-family residence in 1947 and in the early 1960s, the second level was added. At the time the second level was added, it was never connected to the bottom. It was always a 2-family but that gets us outside of predating the Code. The second level was added to accommodate children and grandchildren. Our understanding is that they did not want a staircase between the two [dwellings] and that they intended for separate entrances. The property was never used as a single-family dwelling from the time that addition was put on in the early 1960s. There was no internal staircase. There was always separate entrances. Since the 60s, the property has been continuously used as a 2-family; never a single-family. We have support from the neighbors. There would be no change to the character of the neighborhood but as a result of this new information, we're uncomfortable proceeding under an Interpretation, and we will be proceeding under a Use Variance. I would respectfully request an adjournment so that we can submit to the Board evidence in support of our Use Variance application.

Vice-Chairman Aglietti moved to holdover this application; seconded by Mrs. Fabiano with all in favor.

NEW APPLICATIONS:

3. Application of **SUSAN McHENRY** for a Variation of Section 156-15 seeking a Variance for permission to retain two sheds. The property is located at 24 Daisy Drive, Mahopac NY and is known as Tax Map #86.39-1-36.

Code Requires/Allows	Provided	Variance Required
Side: 10' (10' x 12')	4'	6'
Side: 10' (8' x 10')	4'	6'

- Mr. Chris Munch of 490 Union Valley Road representing the applicant was sworn in.

Mr. Munch stated Ms. McHenry has had a couple of sheds on her property for about 15 years or so. They're too close to the property line. She needed to keep them at 10'. She has 4' and needs a variance of 6'. She did happen to speak to her neighbor adjacent to them, and he provided a letter. She enclosed some pictures. There's not really any place else. She's under a quarter acre. That's about it.

Chairman Maxwell said how long have they been there?

Mr. Munch said about 15 years or more.

Chairman Maxwell said no one else has complained about them?

Mr. Munch said no.

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

Mr. Munch said no.

Chairman Maxwell said if you had to relocate them to conform, what would the rough cost be?

Mr. Munch said probably about \$1,500.

Chairman Maxwell said you have just gravel foundations – right?

Mr. Munch said just gravel.

Chairman Maxwell said but you'd have to restore all of that so it'd be expensive. Any questions from the Board?

Mr. Starace said no; it looks like your neighbor, Mr. Higgins likes them. If he likes them, I like them.

Mrs. Fabiano said you were just going to say something and I don't know what you were going to say.

Mr. Munch said if we had slid them to the left to put them toward the rear yard, it actually obstructs the egress to the driveway. If you slide them forward, you'll actually put them in the front yard. The property is less, I think, than 8,000 square feet.

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. GRANTED

4. Application of **CARL & JOANN PERNA** for a Variation of Section 156-15 seeking a Variance for permission to retain already existing garage. The property is located at 18 Steiner Drive, Mahopac, NY and is known as Tax Map #64.5-1-58.

Code Requires/Allows	Provided	Variance Required
Garage - Side: 15'	4'	11'
Garage - Rear: 15'	10.2'	4.8'

➤ Mr. Carl Perna (son of Carl & Joann) of 18 Steiner Drive, Mahopac was sworn in.

Mr. Perna said the garage has been up for approximately 15 years now. There used to be a shed there and then my dad ended up expanding it and making it the footprint of what it is today.

Chairman Maxwell said so, he built it himself?

Mr. Perna said yes.

Chairman Maxwell said he didn't realize he needed a permit?

Mr. Perna said no; not at the time.

Chairman Maxwell said is there any property that your parents can purchase to bring it into conformance?

Mr. Perna said no.

Chairman Maxwell said they're landlocked there?

Mr. Perna said none.

Chairman Maxwell said I was up there. Have any of your neighbors complained about it? Obviously, they would have complained a while back. Why is this coming up now?

Mr. Perna said we got a notice in the mail.

Chairman Maxwell said any neighbors in support?

Mr. Perna said I didn't get anything in writing from anybody but no one told me, over the years, that there was an issue with it.

Chairman Maxwell said if you had to relocate it to conform, what would it cost?

Mr. Perna said it's on a concrete slab. It would be - \$15,000 or \$20,000 maybe.

Chairman Maxwell said you'd have to lift everything up and reset it. Is there electric in it?

Mr. Perna said no.

Chairman Maxwell said no running water – right?

Mr. Perna said no.

Mr. Starace asked what's the size of that garage?

Mr. Perna said about 22' x 22'. I don't know off the top of my head.

Mr. Starace said there's a garage door on it?

Mr. Perna said yes.

Mr. Starace said how high is it?

Mr. Perna said I'm going to say about 9ish feet.

Mrs. Fabiano said I didn't see a sign up. Did you post a sign?

Mr. Perna said we did. It must've fallen down.

Chairman Maxwell asked if there was anybody from the public wishing to have 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 Mrs. Fabiano with all in favor. GRANTED

5. Application of **LIBERTY UTILITIES (NEW YORK WATER) CORP.** for a Variation of Section 156-15 seeking a Variance for permission to construct a new potable water treatment facility in order to meet current drinking water standards. The property is located at 23 General MacArthur Drive, Carmel NY and is known as Tax Map #54.20-1-42.

Code Requires/Allows	Provided	Variance Required
Lot Area: 120,000 s.f.	91,945 s.f.	28,055 s.f.
Parking: 4 parking spaces	0	4 parking spaces (only 1-2 cars on site for maintenance)

- Ms. Jessica Alves, PE of H2M Engineering representing their client, Liberty Utilities for 23 General MacArthur Drive was sworn in.

Ms. Alves stated we have been referred to your Board by the Planning Board for two variances which were just listed; one being parking and the other being lot area. To give you a little bit of background, the purpose of this project is to install a new granulated, activated carbon treatment system and building to enclose it for the removal of the perfluorinated compounds from the three wells that are actually on site.

Chairman Maxwell said we're actually familiar with the process. Suez has been here two or three times with the same.

Ms. Alves said okay; I won't elaborate but the site is an existing water treatment facility. In regards to lot size, we are not looking to modify or change the lot lines at this time. In regards to parking, we are not proposing any new impervious parking. As you can see here, this is our clients' property and there is a very long private driveway on the property. Typically, during routine maintenance, one or two cars would be on site. In that case, they would either park right along the existing fence line here where it's dashed, or they could park in the existing driveway. In the event that there is an emergency or some kind of major event going on, we can have four cars on site. In that case, they would park along the private roadway or right up against the fence line that's there. The reason for

not providing parking spaces is to limit the amount of impervious area we create as far as this project.

Chairman Maxwell said that makes sense for the environment. The only concern I had is there is one neighbor on the side of the proposed building, but you have a pretty intensive screening plan so, I feel comfortable with that. Is there any reason why you're not using the same footprint? Does that have to stay in activity while you build the new one? You can't expand on the existing one though?

Ms. Alves said yes. The existing treatment building over here as well as the tank up top – everything has to stay functional during the process. There is no other water source for this community. They'd be constructing this building. There will be a short time for shut-down which we've gotten Health Department approval for just to connect this into the system.

Chairman Maxwell said how many homes does it service roughly?

Ms. Alves said I believe this is 80 homes.

Chairman Maxwell said so there's no other logical spot to put it. I was up there the other night and it seems relatively flat.

Ms. Alves said you could say relatively flat considering the entire site is very sloped. As far as the mechanics go for piping, it logistically made sense to have it in that location.

Chairman Maxwell said is the generator getting relocated or is that going to stay?

Ms. Alves said that is staying where it is.

Chairman Maxwell said you guys are going to raise the existing building?

Ms. Alves said no. Anything on this side of the property is not being modified other than some site piping. The existing building is staying as is. So is the generator and everything on that side.

Mrs. Fabiano said it's very wooded. How much are you going to be removing?

Ms. Alves said I believe we're removing 9 trees and we're proposing to plant 19 trees. We have gone before the Environmental Conservation Board and there were no comments or impacts for the environment.

Mr. Carnazza said planting may go up once they go to Planning Board as well.

Chairman Maxwell said what maturity level are the trees?

Ms. Alves said at purchase, I believe they're 6' or 7'. Once they're matured, they can be between 30' & 50" tall. There is still going to be quite a few trees left there so I imagine they're going to be fighting for space.

Mr. Starace said when they were doing the testing of the groundwater, what was the concentration of PFAS (*Per and Polyfluoroalkyl Substances*)? Do you know that?

Ms. Alves said for PFOA (*perfluorooctanoic acid*), I don't know the most recent results but the wells that were over 10 parts per million have been taken out of service. Currently, of the three wells, there is only one running because that's the only one under the MCL (*maximum contaminant level*)

and they do have an onsite tanker truck to blend the water because that one well is not able to provide enough water.

Mr. Starace said so it's 10 parts per trillion or better?

Ms. Alves said the New York State MCL is if you're over 10 parts per trillion, you get a violation. In order to eliminate that and, obviously, for public safety, they elected to take the two wells up here that were in exceedance. So, they're no longer being used but for Well #1, which is right by the existing building, levels have been rising so this is a priority for this client. Otherwise they'll have to be dependent on tanker trucks for water supply to the community.

Chairman Maxwell asked if there was any input from the public on this application.

➤ Ms. Dianne Bibault of 5 White Pine Court, Carmel was sworn in.

Ms. Bibault stated I am just concerned about my own well because I live just above where this is taking place. I don't understand what you were saying about a thousand whatever.

Chairman Maxwell said the long and short of it is State requirements of water quality. So, they have to upgrade the pump. They're mandated by the State to do it. In order to do it, they have to come through us and make sure everything is done right from the Planning Board. From our Board, they need variances in order to [proceed].

Ms. Bibault said how do they know or how did you know, in the beginning, that the wells weren't good?

Ms. Alves said the client and the water provider does monthly, daily, etc. testing. So, they do routine testing.

Ms. Bibault said will the variance and the facility produce more noise or something that is different than from what's going on now?

Mr. Carnazza said these are all comments that should be discussed at the Planning Board but there is zero.

Ms. Alves said there is no noise as a result of these..... it's just like Mr. Carnazza says. It's like a giant Brita Filter. It filters 5,000 lbs. of carbon – each vessel – but it is enclosed in a building so you shouldn't hear any noise at all.

➤ Mr. Anthony Lumbardi of 21 General MacArthur Drive, Carmel was sworn in.

Mr. Lumbardi stated my property is right next door. The size of the structure itself?

Ms. Alves said to the top of the roof line over here will be roughly 16'. If you're familiar with the existing building that's on site, this is going to look identical.

Mr. Lumbardi said I can see it from my back yard.

Ms. Alves said this is a little grayer than the actual block but with fading, it does change colors so we're proposing to make this match the existing building that's on site. It's 300 square feet. I don't remember the exact length and width but it's 16' tall to the top of the roof.

Mr. Lumbardi said is that similar to the current one?

Ms. Alves said I think the current one is a little bit smaller.

Mr. Lumbardi said you said you're not taking down the old one and I was just wondering why?

Ms. Alves said because that is housing the chemical and electrical treatment. This is just granulated activated carbon so this is a completely different treatment system.

Mr. Balzano said if I'm reading this right, it's 20' x 14.7'.

Chairman Maxwell said it has to get larger because the amount of filters and it's really for your benefit.

Ms. Alves said and these are actually quite small vessels compared to what they can be. The building size can be like 40' tall so these are very small vessels.

Mr. Lumbardi said regarding the landscaping. Is it exactly the number of trees you guys are saying or is it up to you guys?

Ms. Alves deferred to Mr. Carnazza.

Mr. Carnazza said that's a Planning Board function. They could ask them to do more if they weren't satisfied. There will be a public hearing there and if you are not satisfied, you can ask for more.

Mr. Lumbardi said the reason I'm concerned is because over the last six months, the landscaping on the whole property has been declining.

Mr. Carnazza said everywhere because we've had no rain.

Mr. Lumbardi there's all big trees downed by utility companies. It looks terrible. I asked for a huge tree, about 10' off my property line, to be taken down in the spring and nothing.

Mr. Carnazza said who cut the trees?

Mr. Lumbardi said the utility cut the trees but I'm talking about the dead tree by my property. I'm concerned. It's poor for the neighborhood.

Mr. Carnazza said NYSEG cut them?

Mr. Lumbardi said yes. They had a company come and cut them. There were also dead trees there too.

Chairman Maxwell said I think it's best that you guys go to the Planning Board when it goes back. It should be advertised. They can address those concerns. We're really just here for the variances. We do appreciate your input but I'm sure you have other neighbors that also want to address those concerns with the Planning Board.

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

Decision of the Board:

Mrs. Fabiano moved to grant the requested variance; seconded by Ms. McKeon with all in favor. GRANTED

6. Application of **ANTHONY BILANCIA** for a Variation of Section 156-15 seeking a Variance for permission to retain already existing shed. The property is located at 347 Union Valley Road, Mahopac, NY and is known as Tax Map #87.6-1-81.

Code Requires/Allows	Provided	Variance Required
Side: 15'	6.5'	8.5'

- Mr. Anthony Bilancia of 347 Union Valley Road was sworn in.

Mr. Bilancia stated I purchased this home in January of this year. The shed was built by the previous owner. He did it himself and did not have a permit for it. It's probably been there for decades. The Title Search did not pick it up. One of the realtors did pick it up. So, we requested that the sellers apply for the variance, which they did. I spoke with Dawn (Andren) in the office and she confirmed they did apply for a variance. We wound up getting the clear to close and I assumed everything was okay and then I received my violation last month.

Chairman Maxwell said there's no property that you can buy, you're landlocked there. What would be the cost to relocate it if you had to.

Mr. Bilancia said I haven't looked into it precisely but it's much more than I can afford.

Chairman Maxwell said it actually looks like a garage.

Mr. Bilancia said yes. It's a pretty large shed. It's nicely done. There's electric inside; I'd have to redo the electric.

Chairman Maxwell said I see the generators behind there.

Mr. Bilancia said the generator and the propane so it would be quite an expense.

Chairman Maxwell said there's good screening. I was out there earlier. You've got a bunch of evergreens and it's pretty screened from the neighbor next door. Your septic is back there too – right?

Mr. Bilancia said if I moved it 10' feet in, I would be coming pretty close to the tank. If I went in and down, I'd probably be on top of the fields. I spoke with both of my neighbors and they don't have an issue with it.

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

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

Decision of the Board:

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

7. Application of **JAMES & REGINA PFEIFER** for a Variation of Section 156-15 seeking a Variance for permission to build a shed. The property is located at 125 Drewville Road, Carmel, NY and is known as Tax Map #65.12-1-26.

Code Requires/Allows	Provided	Variance Required
Side: 15'	10'	5'

- Mr. James Pfeifer of 125 Drewville Road, Carmel was sworn in.

Mr. Pfeifer stated I'm asking for permission before I build a 10' x 18' shed. It's going to be up against one of my neighbor's property lines – not the other neighbor.

Chairman Maxwell said is that the Baileys?

Mr. Pfeifer said yes; that's the Baileys. The other neighbor was the one who suggested to put it in that spot but I wasn't able to get a letter from him because he's out of Town. He was the one who said 'put it right there. It would be perfect.' It's actually going to be up against the Baileys property line.

Chairman Maxwell said I was actually up there the other night. It looks like the most logical and reasonable spot to put it.

Mr. Pfeifer said you saw the stakes?

Chairman Maxwell said yes. You're well screened on that side. I didn't notice how far their house was off the property line. How far is it approximately?

Mr. Pfeifer said I would say 30' or 40' away. They're on the opposite end of where our properties come up against each other.

Chairman Maxwell said where is your septic tank?

Mr. Pfeifer said the septic is on the opposite side.

Mr. Starace said it looks like a good project. Is that going to be a pre-fab?

Mr. Pfeifer said yes.

Mr. Starace said and you're going to put it on a slab?

Mr. Pfeifer said I'm going to put 6" of gravel down.

Mr. Starace said are you going to put electric too?

Mr. Pfeifer said no electric.

Chairman Maxwell asked if there was anyone from the public wishing to have input 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:

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

MISCELLANEOUS:

MINUTES:

- July 28, 2022

Vice-Chairman Aglietti moved to accept the minutes as amended; seconded by Ms. McKeon with all in favor.

- August 25, 2022

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

Vice-Chairman Aglietti moved to adjourn the meeting; seconded by Ms. McKeon with all in favor.

By Order of the Chairman,

John Maxwell