

**APPROVED**

**JOHN MAXWELL**  
*Chairman*

**PHILIP AGLIETTI**  
*Vice-Chairman*

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



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*Director of Code  
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**WILLIAM ROSSITER**  
**JOHN STARACE**  
**JULIE MCKEON**

**ZONING BOARD OF APPEALS MINUTES**

**DECEMBER 22, 2022**

**PRESENT:**    **CHAIRMAN JOHN MAXWELL; VICE-CHAIRMAN PHIL AGLIETTI**  
**SILVIO BALZANO, ROSE FABIANO, JULIE MCKEON, BILL ROSSITER & 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>
Alex & Kimberly Redmond	65.11-2-46	1 – 2	Granted Requested Variance
Anthony & Dawn Lanza	43.17-1-13	2 – 3	Granted Requested Variance
Mark Maliszewski	65.14-2-48	3 – 5	Granted Requested Variance
565 Route 6 Partners LLC	75.12-2-25	5 – 7	Granted Requested Variance
Lucio & Cynthia Rocca	77.13-2-37	7	Held Over
Kiwi Country Day Camp	77.17-1-31 & 32	7	Held Over
Minutes	November 17th	7	Approved as Written

The meeting was adjourned at 7:49 p.m.

Respectfully submitted,

Dawn M. Andren

# **NEW APPLICATIONS:**

1. Application of **ALEX & KIMBERLY REDMOND** for a Variation of Section 156-15 seeking a Variance for permission to retain existing gazebo. The property is located at 25 Lacona Road, Mahopac NY and is known as Tax Map #65.11-2-46.

<b>Code Requires/Allows</b>	<b>Provided</b>	<b>Variance Required</b>
40'	24.6'	15.4'

- Mr. Alex Redmond of 25 Lacona Road, Mahopac NY was sworn in.
- Mrs. Kimberly Redmond of 25 Lacona Road, Mahopac NY was sworn in.

Mrs. Redmond said we closed on the house in June of 2021. The gazebo was pre-existing at the time of purchase. We were not aware how it was set up and that there wasn't proper permitting in place.

Chairman Maxwell said so it's been existing. How long do you think it's been there for?

Mrs. Redmond said I actually lived in the house across the street. I'm 32 years old and that gazebo has been there as long as I can remember.

Chairman Maxwell said so I guess the title search didn't pick it up?

Mrs. Redmond said it did not.

Chairman Maxwell said I was out there the other night. It doesn't look bad at all. We usually shy away from items like this in the front yard because sometimes it's a shed but this is something a little classier. It's usable and is a nice seating area.

Mr. Starace said that's been out there a long time. How is the condition of it?

Mrs. Redmond said it's the previous owners. I knew them very well. I know every year they would treat the wood on there; paint it. This summer, we put seats in there and sat in there so it's structurally sound and upkept very nicely.

Mr. Starace said so it's useful.

Mrs. Redmond said it is.

Chairman Maxwell said it's usable and very pretty actually. There's no other property that you can purchase to bring this into conformance? You're land-locked on either side?

Mr. Redmond said yes.

Mr. Starace said is there electric to it?

Mrs. Redmond said there was at one point but I know the previous owner disabled that electric. There is an outlet but it doesn't work.

Mrs. Fabiano said it's very attractive and there is a substantial amount of property there. You're looking for a smaller variance than we see so I have no problem with it.

Mr. Balzano said (to Chairman Maxwell) do we have to condition this just to be the gazebo because we want to make sure nothing else shows up there?

Vice-Chairman Aglietti said the application says "I, the applicant, am seeking permission to retain existing gazebo".

Mr. Balzano said so I think we're okay. It was just more of a procedural question than anything else.

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 Mr. Balzano with all in favor.***

2. Application of **ANTHONY & DAWN LANZA** for a Variation of Section 156-15 seeking a Variance for permission to retain two sheds. The property is located at 14 Upper Lake Road, Mahopac NY and is known as Tax Map #43.17-1-13.

Code Requires/Allows	Provided	Variance Required
(10'x12') 10' Side - Shed	5'	5'
(6'x6') 10' Side - Shed	5'	5'

- Ms. Dawn Lanza of 14 Upper Lake Road, Mahopac NY was sworn in.

Chairman Maxwell said how long have the sheds been there?

Ms. Lanza said my daughter is 23 so the smaller shed [dollhouse] has been there about 20 years and the larger one - probably almost the same amount.

Chairman Maxwell said did you guys install them?

Ms. Lanza said yes.

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

Ms. Lanza said my husband built the larger shed himself and we never thought about it until [now]. We'd like to put the house up for sale. So, the realtor brought it to our [attention]. She said for the

smaller one, you might as well just do it; maybe the new owners would like to use the doll house for storage. Maybe they don't have children and don't want a dollhouse. It's a playhouse.

Chairman Maxwell said you've checked with your neighbors; no issues or concerns otherwise they would be here I would think?

Ms. Lanza said I would hope so.

Chairman Maxwell said there's no property you can buy?

Ms. Lanza said no. There's nothing on either side of us. That's right.

Chairman Maxwell said and you have a fence. I was out there the other night. There's a fence that goes along the whole side of the adjacent property. There are some decent trees and growth so it kind of shields it.

Ms. Lanza said yes; we're there 25 years so there's a lot of mature trees. My husband is a landscaper so he put everything in. There are some original trees in the back. It does look nice. We keep it painted. It's not a sore thumb or anything like that. All of my neighbors are the original neighbors and nobody has ever had a problem.

Mr. Balzano said it looks like there's electrical in the bigger shed?

Ms. Lanza said there was. I don't believe that it's working at this time. We don't use it anymore. The kids are grown.

Mr. Balzano said it's just the larger shed that had the electrical?

Ms. Lanza said that's correct.

Mr. Balzano said Mike [Carnazza] will look at it with the C.O.

Mrs. Fabiano said did you have a sign at one point? I didn't see it.

Ms. Lanza said yes and I sent the picture to Dawn [Andren]. She should have it on record. She sent me an email that she did get the proof.

Mrs. Fabiano said it must have blown away?

Ms. Lanza said it's not out there now?

Mrs. Fabiano said I didn't see it but it was out at one time?

Ms. Lanza said yes.

Mrs. Fabiano said it's very well screened and fenced in so I have no problem with it.

Mr. Starace said your husband's not here; how is he going to part with this? He made the dollhouse?

Ms. Lanza said no; he made the shed. The dollhouse - we bought her. It's tough but we had a good time.

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

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

**Decision of the Board:**

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

3. Application of **MARK MALISZEWSKI** for a Variation of Section 156-15 seeking a Variance for permission to retain already existing shed. The property is located at 2 Sun Street, Mahopac NY and is known as Tax Map #65.14-2-48.

Code Requires/Allows	Provided	Variance Required
10' Rear Yard	.7'	9.3'

- Mr. Mark Maliszewski of 2 Sun Street, Mahopac was sworn in.

Chairman Maxwell said how long has the shed been there?

Mr. Maliszewski said that shed has been there since 2016 but there's a shed there, that you'll see on the site plan that I submitted, that was submitted during the building permit application for my addition, since 2004. So, there's been a shed there for quite some time.

Chairman Maxwell said so you've replaced one that was there. You didn't know that you needed a permit or variance?

Mr. Maliszewski said I didn't build anything; it's a pre-fabricated structure.

Chairman Maxwell said either way, you still need a permit.

Mr. Maliszewski said yes; I wasn't aware of that.

Chairman Maxwell said you've talked with your neighbors? There are no concerns?

Mr. Maliszewski said you'll see I have a notarized letter from my adjacent neighbor on the right. If you notice, in the pictures, we put the good side – the windows on his side so that it looks decent.

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

Mr. Maliszewski said correct.

Chairman Maxwell said it's in good shape. I saw you out there the other night. It's well crafted, looks good and matches the house.

Mr. Maliszewski said yes. It's aesthetically pleasing in the location that it's at by the end of the driveway.

Chairman Maxwell asked if there were any questions from the Board Members and/or the public 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 Ms. McKeon with all in favor.***

4. Application of **565 ROUTE 6 PARTNERS LLC** for a Variation of Section 156-15 seeking a Variance for permission to construct a shed containing an Alternate Water Supply within the setback distance from the property lines. The property is located at 565 Route 6, Mahopac NY and is known as Tax Map #75.12-2-25.

Code Requires/Allows	Provided	Variance Required
25' side	5'	20'
30' rear	4'	26'

- Mr. Dana Bryant, Arcadis [engineer designing the water system] 855 Route 146 Clifton Park, NY representing DEC who is representing owner in this submission was sworn in.

Chairman Maxwell said I was out there the other night. There's an existing well. That's basically what you're capping?

Mr. Bryant said no. The well is going to stay where it is. The shed will go on that little grassy plot behind the well.

Chairman Maxwell said what's the need for the shed?

Mr. Bryant said the treatment system for the PFAS contamination, which I'm sure that you're all aware of, is just a small treatment system with a UV disinfection, and a couple of granular activated carbon tanks. Normally, those go inside in a basement. There's nowhere at this property to install that. The only utility room is full of electrical panels. So, we don't have the clearance in there. Behind the property is all utility clearance and emergency exits. The only place left to put the treatment system is in some sort of a shed or a new building.

Chairman Maxwell said did you guys talk to the neighbors on either side?

Mr. Bryant said I don't know that we have but.....

Chairman Maxwell said they were notified?

Mr. Bryant said they were notified.

Chairman Maxwell said obviously they'd be here if there was a concern. I think you're pretty well screened back there. I believe there's a fence?

Mr. Bryant said there's a fence on the back and then on the south side, there's a building right up against the property line.

Chairman Maxwell said you're pretty well sheltered. What's the nature of the shed; the height, etc.?

Mr. Bryant said it's going to be like a typical garden shed: 10' x 12' and 8' or 9' tall; something prefabbed. We're going to buy something from a Home Depot or Lowes.

Mr. Starace said just a question on the water itself. Are you familiar with the quality lab results like the parts per trillion for the PFAS in that water out of that well?

Mr. Bryant said yes. For that property, if I recall correctly, it's in the teens for both PFOA & PFOS. It's above the MCL; yes.

Mrs. Fabiano said how did this come up? I'm a little confused because usually a municipal system will test and find this out. What made them test or how did this all come about?

Mr. Bryant said this whole area is currently being tested as part of a program from the Department of Health. So, the Department of Health is working with the DEC to sample all the private wells as well as public water system as is in this case. This property has enough businesses that they're a public water system but they were part of this whole sampling program. As D.O.H. samples these wells and finds sites that needs treatment, those get passed along and recommended for treatment to DEC. DEC reaches out to them and says would you like treatment for this. If they say yes, DEC comes into their house. They put in the treatment system. So, really the same process worked for 565 Route 6. They had PFAS above the MCL. They were asked if they wanted a treatment system and they said yes. At that point, for public water systems because they require Department of Health approval, the DEC hands that to Arcadis to design and submit to the Health Department. So, this is one of a number for us; I've got about twelve systems in Mahopac.

Mrs. Fabiano said so we may be seeing you a lot more.

Mr. Bryant said well no because most of them are going in basements or inside the property. In this case, this property is divided into businesses and there's no basement or storage in the back.

Chairman Maxwell said this is a unique situation; you've got a restaurant there, Chinese food take-out and a polish deli, a diner. You've got to protect the water.

Mr. Bryant said so far this is the only one where we can't put it inside somewhere.

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:**

***Mr. Balzano moved to grant the requested variances; seconded by Mrs. Fabiano with all in favor.***

5. Application of **LUCIO & CYNTHIA ROCCA** for a Variation of Section 156-15 seeking a Variance for permission to retain 2 sheds & metal carport. The property address is 56 Ernhofer Drive, Carmel NY and is known as Tax Map #77.13-2-37.

Code Requires/Allows	Provided	Variance Required
Westerly shed: 40'	5' 8"	34' 4"
Easterly shed: 40'	12' 7"	27' 5"
Metal Carport: 40'	6"	39' 6"

Chairman Maxwell indicated that a holdover was requested by applicant.

***Mr. Balzano moved to hold over this application; seconded by Ms. McKeon with all in favor.***

6. Application of **KIWI COUNTRY DAY CAMP** for a Variation of Section 156-10A seeking a Variance for permission to expand day camp onto adjacent residential lot already occupied as a one family dwelling. The property is located at 825 Union Valley Road, Mahopac NY and is known as Tax Map #77.17-1-31 & 32.

Code Requires/Allows	Provided	Variance Required
One main building & one accessory building on one lot.	Expand day camp onto adjacent residential lot already occupied as a one family dwelling.	Permit two principal uses on one lot.

Chairman Maxwell indicated that a holdover was requested by applicant.

***Vice-Chairman Aglietti moved to hold over this application; seconded by Ms. McKeon with all in favor.***

## **MISCELLANEOUS:**

**MINUTES: November 17, 2022**



***Mr. Balzano moved to approve the minutes, as written, for November 17, 2022; seconded by Vice-Chairman Aglietti with all in favor.***

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

The Board Members wished everyone a Merry Christmas, Happy Chanukah, Happy New Year, Happy Kwanza, etc.!!

By Order of the Chairman,

John Maxwell