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ZONING BOARD OF APPEALS

Town of Somers

WESTCHESTER COUNTY, N.Y.

TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589



AGENDA

May 15, 2018
7:30 PM

SOMERS TOWN HOUSE MEETING ROOM

- 1. WILDERNESS CROSSING, LLC**

BZ13/18

An application for an Area Variance to allow propane tanks, as well as to place them underground, located in an MFR-D District at **266 Route 202, Somers**. The property is shown on the Town Tax Map as **Section: 17.15, Block: 1, Lot: 15.12**. RE: Section Schedule 170-32.7 H.
- 2. NICHOLAS AND JILL MARIE PIRROTTA**

BZ14/18

An application for a 15' Area Variance for less than the required rear yard setback for a deck and kitchen alteration, located in an R-10 Residence District at **2 Valley Drive West, Yorktown Heights**. The property is shown on the Town Tax Map as **Section: 16.05, Block: 3, Lot: 52**. RE: 170:A1 of the Zoning Schedule.
- 3. ANTHONY & CATHERINE PORCO**

BZ01/18 (CARRYOVER)

An application for an interpretation under the Town Code of the Town of Somers pertaining to a nonconforming commercial use in a single family, residential district located in an R-80 Residence District at **1**

Route 6, Yorktown Heights. The property is shown on the Town Tax Map as **Section: 4.18, Block: 1, Lot: 1.** RE: Section Schedule 170-112.

4. OTHER BUSINESS

Approval of April 17, 2018 Meeting Minutes.



ZONING BOARD OF APPEALS

Town of Somers

WESTCHESTER COUNTY, N. Y.

TOWN HOUSE
SOMERS, NEW YORK 10589

(914) 277-5582

IN THE MATTER OF THE APPEAL
OF

Wilderness Crossing, LLC

B Z NUMBER B713/2018
DATE: 3/26/18

TO THE ZONING BOARD OF APPEALS
OF THE TOWN OF SOMERS, N. Y.:

1. John De Cicco, Jr.

(Name of appellant)

whose post office address is 43 Fifth Avenue, Pelham, NY 10803

(Post office address)

through
(Name of attorney or representative if any)

whose post office address is
(Post office address)

does hereby appeal to the Zoning Board of Appeals at the Town of Somers.

2. Such appeal is taken from a ruling of Planning Board

(Name of officer)

made on April 11, 2018

(Office held)

which ruling was filed on and notice of such ruling was
first received by appellant on; such ruling

(Give summary of ruling)

An application for an Area Variance for propane tanks, as well as placing them underground. Property is located in an MFR-D zone.

3. The property which is the subject of the appeal is located at or known as

266 Route 202

(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: 17.15, Block: 1, Lot: 15.12

The interest of the appellant is that of owner
(Owner, tenant, etc.)

4. The appeal is taken (on the ground that the ruling or decision was erroneous) to obtain variance, permit or special permit. (Strike out wording not applicable.)

(OVER)

5.

(Fill out (a) or (b) or both if applicable)

(a) The property which is the subject of the appeal is located at or known as

266 Route 202

(b) A variance, permit or special permit is sought because of practical difficulties or unnecessary hardship to the property as indicated below:

The storage of hydrocarbon products except those used (propane tanks) as prohibited in the district under 170-32.7H. They are needed for gas stoves.

and such may be granted pursuant to.....

170-32.7H

(Refer to applicable Provisions of the Zoning Ordinance of the Town of Somers)

Both applicant and owner must sign if they are different persons.

I Hereby Dispose And Say That All The Above Statements And The Statements Contained In The Papers Submitted Herewith Are True.

SWORN TO ME BEFORE THIS

26th

DAY

March 20 18

NOTARY SIGNATURE

Denise Schumacher
Notary Public State of New York
No. 01SC6258242

Qualified in Dutchess County
Commission Expires March 10, 2022

OWNER SIGNATURE

NOTARY SIGNATURE

APPLICANT SIGNATURE



ZONING BOARD OF APPEALS

Town of Somers

WESTCHESTER COUNTY, N. Y.

TOWN HOUSE
SOMERS, NEW YORK 10589

(914) 277-5582

IN THE MATTER OF THE APPEAL
OF

Nicholas + Jill Marie Pivrotta

B Z NUMBER

BZ14/18

DATE:

4/12/18

TO THE ZONING BOARD OF APPEALS
OF THE TOWN OF SOMERS, N. Y.:

1. Nicholas + Jill Marie Pivrotta

(Name of appellant)

whose post office address is

2 Valley Drive West, Yorktown Heights, NY 10598

(Post office address)

through

Joel Greenberg

(Name of attorney or representative if any)

whose post office address is

2 Muscoot Road North, Mahopac, NY 10541

(Post office address)

does hereby appeal to the Zoning Board of Appeals at the Town of Somers.

2. Such appeal is taken from a ruling of

Efreem Citarella

(Name of officer)

Building Inspector

made on

April 12, 2018

(Office held)

which ruling was filed on

and notice of such ruling was

first received by appellant on

; such ruling

(Give summary of ruling)

An application for a 15' Area Variance for less than the required rear yard setback, located in an R-10 Residence district. for a deck and kitchen alteration.

3. The property which is the subject of the appeal is located at or known as

2 Valley Drive West

(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section:

16.05

Block:

3

Lot:

52

The interest of the appellant is that of

owner

(Owner, tenant, etc.)

4. The appeal is taken (on the ground that the ruling or decision was erroneous) to obtain variance, permit or special permit. (Strike out wording not applicable.)

(OVER)

5.

(Fill out (a) or (b) or both if applicable)

(a) The property which is the subject of the appeal is located at or known as

2 Valley Drive West

(b) A variance, permit or special permit is sought because of practical difficulties or unnecessary hardship to the property as indicated below:

The amount of the Area Variance being requested is 15'

and such may be granted pursuant to 170: A1 of the Zoning Schedule

(Refer to applicable Provisions of the Zoning Ordinance of the Town of Somers)

Both applicant and owner must sign if they are different persons.

I Hereby Dispose And Say That All The Above Statements And The Statements Contained In The Papers Submitted Herewith Are True.

SWORN TO ME BEFORE THIS 12th DAY April 2018

NOTARY SIGNATURE

Denise Schirmer

NOTARY SIGNATURE
DENISE SCHIRMER
Notary Public State of New York
No. 01SC6298242
Qualified in Dutchess County
Commission Expires March 10, 2022

OWNER SIGNATURE

Joe Greenberg

APPLICANT SIGNATURE

(914)-277-5582
Telephone
(914)-277-3790
Facsimile

ZONING BOARD OF APPEALS

TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.



Meeting Minutes

April 17, 2018

The members present were: Chairman Cannistra, Mr. Carpaneto, Ms. D'Ippolito, Mr. Guyot, Mr. Harden, Mr. Newman and Mr. Santaroni.

Building Inspector Efrem Citarella and interested residents were also present.

Chairman Cannistra opened the meeting at 7:30 p.m. with the Pledge of Allegiance.

APPLICANTS

Chairman Cannistra announced that the application for Anthony and Catherine Porco, item number 6 on the agenda, has been adjourned until the May 15, 2018 meeting at the request of their attorney.

JAMIE KLEIN – BZ08/18 – 36.20-1-53

An application for a 10' Area Variance for less than the required front yard setback, located in an R-80 Residence District at 10 Greenlawn Road, Katonah. The property is shown on the Town Tax Map as Section: 36.20, Block: 1, Lot: 53. RE: 170:A1 of the Zoning Schedule.

Architect Mary Scott addressed the Board. Her client Jamie Klein is in need of a 10' Area Variance in order to add a second garage bay to an existing one car garage. The pitched roof line will remain the same and there have been no objections from her neighbors.

Mr. Guyot made a motion for a Type II action. Mr. Harden seconded the motion.

A vote was then taken by the Board as follows...

POLL OF THE BOARD

Mr. Carpaneto	Aye
Ms. D'Ippolito	Aye
Mr. Guyot	Aye
Mr. Harden	Aye
Mr. Newman	Aye
Mr. Santaroni	Aye
Chairman Cannistra	Aye

Mr. Guyot made a motion to approve a 10' Area Variance for less than the required front yard setback. Mr. Santaroni seconded the motion. A vote was then taken by the Board as follows...

POLL OF THE BOARD

Mr. Carpaneto	Aye
Ms. D'Ippolito	Aye
Mr. Guyot	Aye
Mr. Harden	Aye
Mr. Newman	Aye
Mr. Santaroni	Aye
Chairman Cannistra	Aye

The Area Variance was approved.

TERESA CASOLA – BZ09/18 – 48.09-1-19

An application for a Special Exception Use Permit for an accessory apartment; an Area Variance because the dwelling was built after 1992; and an Area Variance because the accessory apartment is 64 square feet over what is permissible, located in an R-80 Residence District at 12 Hageman Court, Katonah. The property is shown on the Town Tax Map as Section: 48.09, Block: 1, Lot: 19. RE: Section Schedule 170-70.

Mrs. Casola addressed the Board. She is requesting a Special Exception Use Permit for an accessory apartment on the main floor of her existing one family dwelling. The bedroom, family room and bathroom exist. Only a kitchen would be added. It can only be accessed from inside the house, to the right of the front door. Her mother and father would reside in the apartment. In addition, two Area Variances are being requested, one since the dwelling was built after 1992, and the other because the accessory apartment will be 64 square feet over the 800 square feet that is allowable. The dwelling sits in the middle of 8 acres and is one building lot on a cul-de-sac. It cannot be subdivided and behind it is 80 acres of undeveloped land. The house across the street is on a 9-acre lot.

Mr. Santaroni made a motion for a Type II action. Mr. Guyot seconded the motion.

A vote was then taken by the Board as follows...

POLL OF THE BOARD

Mr. Carpaneto	Aye
Ms. D'Ippolito	Aye
Mr. Guyot	Aye
Mr. Harden	Aye
Mr. Newman	Aye
Mr. Santaroni	Aye
Chairman Cannistra	Aye

Mr. Harden made a motion to approve an Area Variance for exceeding the 64 square feet permissible limit for an accessory apartment. Mr. Guyot seconded the motion. A vote was then taken by the Board as follows...

POLL OF THE BOARD

Mr. Carpaneto	Aye
Ms. D'Ippolito	Aye
Mr. Guyot	Aye
Mr. Harden	Aye
Mr. Newman	Aye
Mr. Santaroni	Aye
Chairman Cannistra	Aye

The Area Variance was approved.

Mr. Guyot made a motion to approve an Area Variance for the dwelling being built after 1992. Mr. Santaroni seconded the motion. A vote was then taken by the Board as follows...

POLL OF THE BOARD

Mr. Carpaneto	Aye
Ms. D'Ippolito	Aye
Mr. Guyot	Aye
Mr. Harden	Aye
Mr. Newman	Aye
Mr. Santaroni	Aye
Chairman Cannistra	Aye

The Area Variance was approved.

Mr. Carpaneto made a motion to grant the Special Exception Use Permit for the accessory apartment for 7 years. Mr. Santaroni seconded the motion. A vote was then taken by the Board as follows...

POLL OF THE BOARD

Mr. Carpaneto	Aye
Ms. D'Ippolito	Aye
Mr. Guyot	Aye
Mr. Harden	Aye
Mr. Newman	Aye
Mr. Santaroni	Aye
Chairman Cannistra	Aye

The Special Exception Use Permit was approved.

NEW CINGULAR WIRELESS, PCS, LLC (AT&T) – BZ10/18 – 38.17-1-5

A renewal of a Special Exception Use Permit for a cell tower, located in an R-80 Residence District at 121 Route 100, Katonah. The property is shown on the Town Tax Map as Section: 38.17, Block: 1, Lot: 85. RE: Section Schedule 170-7129.6 (G).

Daniel Laub of Cuddy and Feder, LLP addressed the Board. There are no plans for the carrier to make any changes in the near future. There have been no maintenance or compliance issues. The site has battery back-up and portable generators in case of power outages. The Engineering and Structural Report was submitted to the Town in 2016. The site is checked monthly and monitored remotely 24 hours a day, 7 days a week.

Mr. Santaroni made a motion for a Type II action. Mr. Guyot seconded the motion. A vote was then taken by the Board as follows...

POLL OF THE BOARD

Mr. Carpaneto	Aye
Ms. D'Ippolito	Aye
Mr. Guyot	Aye
Mr. Harden	Aye
Mr. Newman	Aye
Mr. Santaroni	Aye
Chairman Cannistra	Aye

Mr. Guyot made a motion to grant the Special Exception Use Permit for the cell tower for 5 years. Mr. Santaroni seconded the motion. A vote was then taken by the Board as follows...

POLL OF THE BOARD

Mr. Carpaneto	Aye
Ms. D'Ippolito	Aye
Mr. Guyot	Aye
Mr. Harden	Aye
Mr. Newman	Aye
Mr. Santaroni	Aye
Chairman Cannistra	Aye

The Special Exception Use Permit was approved.

NEW CINGULAR WIRELESS, PCS, LLC (AT&T) – BZ11/18 – 28.10-1-6.1

A renewal of a Special Exception Use Permit for a cell tower, located in an OLI District at 243 Route 100, Somers. The property is shown on the Town Tax Map as Section: 28.10, Block: 1, Lot: 6.1. RE: Section Schedule 170-7129.6 (G).

Daniel Laub of Cuddy and Feder, LLP addressed the Board. There are no plans for the carrier to make any changes in the near future. There have been no maintenance or compliance issues. The site has battery back-up and portable generators in case of power outages. The last Engineering and Structural Report was submitted to the Town in 2013, but generally in the 5th year they are sent to the Town. The site is checked monthly and monitored remotely 24 hours a day, 7 days a week. This tower was built close to the road and overengineered during the process to prevent any incidences.

Mr. Santaroni made a motion for a Type II action. Mr. Guyot seconded the motion. A vote was then taken by the Board as follows...

POLL OF THE BOARD

Mr. Carpaneto	Aye
Ms. D'Ippolito	Aye
Mr. Guyot	Aye
Mr. Harden	Aye
Mr. Newman	Aye
Mr. Santaroni	Aye
Chairman Cannistra	Aye

Mr. Harden made a motion to grant the Special Exception Use Permit for the cell tower for 5 years contingent upon receipt of the Engineering and Structural Report by the end of the year. Mr. Santaroni seconded the motion. A vote was then taken by the Board as follows...

POLL OF THE BOARD

Mr. Carpaneto	Aye
Ms. D'Ippolito	Aye
Mr. Guyot	Aye
Mr. Harden	Aye
Mr. Newman	Aye
Mr. Santaroni	Aye
Chairman Cannistra	Aye

The Special Exception Use Permit was approved.

NEW CINGULAR WIRELESS, PCS, LLC (AT&T) – BZ12/18 – 16.15-1-1.1

A renewal of a Special Exception Use Permit for a cell tower, located in an R-120 Residence District at 87 Route 202, Lincolndale. The property is shown on the Town Tax Map as Section: 16.15, Block: 1, Lot: 1.1. RE: Section Schedule 170-7129.6 (G).

Daniel Laub of Cuddy and Feder, LLP addressed the Board. There are no plans for the carrier to make any changes in the near future. There have been no maintenance or compliance issues. The site has battery back-up and portable generators in case of power outages. The Engineering and Structural Report was submitted to the Town in 2016. The site is checked monthly and monitored remotely 24 hours a day, 7 days a week.

Mr. Santaroni made a motion for a Type II action. Ms. D'Ippolito seconded the motion. A vote was then taken by the Board as follows...

POLL OF THE BOARD

Mr. Carpaneto	Aye
Ms. D'Ippolito	Aye
Mr. Guyot	Aye
Mr. Harden	Aye
Mr. Newman	Aye
Mr. Santaroni	Aye
Chairman Cannistra	Aye

Mr. Guyot made a motion to grant the Special Exception Use Permit for the cell tower for 5 years. Mr. Harden seconded the motion. A vote was then taken by the Board as follows...

POLL OF THE BOARD

Mr. Carpaneto	Aye
Ms. D'Ippolito	Aye

Mr. Guyot	Aye
Mr. Harden	Aye
Mr. Newman	Aye
Mr. Santaroni	Aye
Chairman Cannistra	Aye

The Special Exception Use Permit was approved.

OTHER BUSINESS:

Scotty Smith of 19 Plum Brook Road asked if there was going to be a discussion about senior citizen housing being built at Angle Fly Preserve. The Chairman responded indicating that he knew nothing about it and perhaps he should check with the Town Board.

A motion was made by the Chairman to approve the minutes of the March 20, 2018 meeting. All were in favor.

The next monthly meeting of the Zoning Board of Appeals is scheduled to be held on May 15, 2018 at 7:30 p.m. There being no further business, the meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Denise Schirmer, Secretary
Zoning Board of Appeals

cc: Town Board
Town Clerk
Planning and Engineering
Planning Board