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ZONING BOARD OF APPEALS

TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.



AGENDA

June 12, 2018
7:30 PM

SOMERS TOWN HOUSE MEETING ROOM

- 1. DENNIS PERSICO AND
CORIN MELITO**

BZ15/18
An application for the renewal of a Special Exception Use Permit for an existing accessory apartment above a detached garage, located in an R-40 Residential District at **266 Mahopac Avenue, Yorktown Heights**. The property is shown on the Town Tax Map as **Section: 4.19, Block: 2, Lot: 13**. RE: Section Schedule 170-70.
- 2. PLACIDO AND
KATHERINE SGROI**

BZ16/18
An application for the renewal of a Special Exception Use Permit for an existing accessory apartment in the basement of a one family dwelling, located in an R-40 Residential District at **19 Meadow Park Road, Baldwin Place**. The property is shown on the Town Tax Map as **Section: 5.17, Block: 1, Lot: 4**. RE: Section Schedule 170-70.
- 3. HRE PROPERTIES**

BZ17/18
An application for an Area Variance for a sign which exceeds the maximum height,

located in the Business Historic Preservation District at **249 Route 202, Somers**. The property is shown on the Town Tax Map as **Section: 17.11, Block: 10, Lot: 20**. RE: Section Schedule 170-126.

**4. 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.

5. OTHER BUSINESS

Approval of May 15, 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
*Jennis Persico and
Corin Melito*

B Z NUMBER *BZ15/18*
DATE: *5/15/18*

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

1. *Corin Melito*
(Name of appellant)

whose post office address is *216 Mahopac Avenue, Yorktown Heights,
NY 10598*
(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
(Name of officer)

..... made on
(Office held)

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

.....
(Give summary of ruling)

*renewal of a Special Exception Use
Permit for an accessory apartment
above a detached garage in
an R-40 Residential District*

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

216 Mahopac Avenue and is shown on the
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: *4.19*, Block: *2* Lot: *13*

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 Mahopac Avenue

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

Renewal of a Special Exception Use Permit for an existing accessory apartment

and such may be granted pursuant to 170-70

(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 11th DAY May 20 18

Demise Schirmer
NOTARY SIGNATURE

John Beato
OWNER SIGNATURE

DEMISE SCHIRMER
Notary Public State of New York
No. 01SC6298242
Qualified in Dutchess County
Commission Expires March 10, 20 18

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
Placido + Katherine Sgroi

B Z NUMBER *BZ16/18*
DATE: *5/15/18*

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

1. *Placido + Katherine Sgroi*

(Name of appellant)

whose post office address is *19 Meadow Park Road, Baldwin Place, NY*
(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
(Name of officer)

..... made on
(Office held)

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

.....
(Give summary of ruling)
*a renewal of a Special Exception
Use Permit for an accessory apartment
in the basement of an existing one
family dwelling in an R-40 Residential
District*

3. The property which is the subject of the appeal is located at or known as
19 Meadow Park Road and is shown on the
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: *5.17* Block: *1* Lot: *4*

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

19 Meadow Park Road

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

Special Exception Use Permit as required for an existing accessory apartment

and such may be granted pursuant to 170 - 70

(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 9th DAY May 20 18

Denise Schirmer

Kade Dow

NOTARY SIGNATURE DENISE SCHIRMER Notary Public State of New York No. 01SC6298242 Qualified in Dutchess County Commission Expires March 10, 20 22

OWNER SIGNATURE

NOTARY SIGNATURE

APPLICANT SIGNATURE



ZONING BOARD OF APPEALS

Town of Somers

WESTCHESTER COUNTY, N. Y.

TOWN HOUSE
SOMERS, NEW YORK 10589

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IN THE MATTER OF THE APPEAL
OF
HRE Properties

B Z NUMBER *BZ17/18*
DATE: *5/24/18*

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

1. *HRE Properties*
(Name of appellant)

whose post office address is *321 Railroad Avenue*
(Post office address) *Greenwich, CT 06830*

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 *Architectural Review*
(Name of officer)
Board made on *May 24, 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 a sign which exceeds the
maximum height, located in the
Business Historic Preservation District
at 249 Route 202 - Bobo's Cafe*

3. The property which is the subject of the appeal is located at or known as
249 Route 202 and is shown on the
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: *17.11* Block: *10* Lot: *20*

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

249 Route 202

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

6" Area Variance for Bobo's Cafe
business sign

and such may be granted pursuant to... 170-126

(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 24th DAY May 20 18

Denise Schirmer

NOTARY SIGNATURE DENISE SCHIRMER
Notary Public State of New York
No. 01SQ6298242
Qualified in Dutchess County
Commission Expires March 10, 20 22

[Signature]

OWNER SIGNATURE

Asley of SA for UB Properties Inc.

NOTARY SIGNATURE

APPLICANT SIGNATURE

[Signature]

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ZONING BOARD OF APPEALS

TOWN HOUSE
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Town of Somers

WESTCHESTER COUNTY, N.Y.



Meeting Minutes
May 15, 2018

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

Mr. Carpaneto and Mr. Harden were absent.

Building Inspector Efrem Citarella and interested residents were also present.

Chairman Cannistra opened the meeting at 7:45 p.m. with the Pledge of Allegiance.

APPLICANTS

Chairman Cannistra announced that the application for Anthony and Catherine Porco, item number 3 on the agenda, has been adjourned until at least the June 12, 2018 meeting because a Stay was issued by the NYS Supreme Court.

Chairman Cannistra temporarily adjourned the meeting to go into Executive Session to talk to legal counsel about the Porco application. They returned to the meeting at 8:45 p.m.

WILDERNESS CROSSING, LLC – BZ13/18 – 17.15-1-15.12

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.

Architect Lou DiLeo addressed the Board. He is requesting an Area Variance to bury three propane tanks that are 1,980 gallons each for the new DeCicco & Sons store that is under construction. Propane is needed for a generator, cooking and heating. The

filling caps will be above ground. The tanks are made of steel, painted with an epoxy type paint and will be anchored below the ground with concrete, sand, as well as gravel. All three tanks will be placed 90' from the back of the building near the parking lot. The Planning Board has no objections to the application but wants to be sure that there is proper drainage around the tanks and that they are maintained. They are visually inspected and pressure tested each time they are filled, generally three times per week. If there is a leak it just dissipates up into the air. Underground tanks are safer than those that are above ground. It is not anticipated that more than three tanks will be needed. The DeCiccocos have buried tanks at their other locations and have never had problems or concerns.

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

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

POLL OF THE BOARD

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

Mr. Guyot made a motion to approve an Area Variance to allow three propane tanks and to place them underground. Ms. D'Ippolito seconded the motion. A vote was then taken by the Board as follows...

POLL OF THE BOARD

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

The Area Variance was approved.

NICHOLAS AND JILL MARIE PIRROTTA – BZ14/18 – 16.05-3-52

An application for a 15' Area Variance for less than the required rear yard setback for a deck, 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.

Architect Tom McDermott addressed the Board. He is seeking a 15' rear yard Area Variance for a new deck on the back of the house. A letter in support of the project was

submitted by 1 Orchard Drive owner Pedro Morocho. Applicant Nick Pirrotta said that the new deck will not be near his septic tank or fields and he has municipal water.

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

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

Mr. Santaroni made a motion to approve a 15' Area Variance. Mr. Guyot seconded the motion. A vote was then taken by the Board as follows...

POLL OF THE BOARD

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

The Area Variance was approved.

OTHER BUSINESS:

A motion was made by the Chairman to approve the minutes of the April 17, 2018 meeting. All were in favor.

The next monthly meeting of the Zoning Board of Appeals is scheduled to be held on June 12, 2018 at 7:30 p.m. There being no further business, the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Denise Schirmer, Secretary
Zoning Board of Appeals

cc: Town Board
Town Clerk
Planning and Engineering
Planning Board