

Telephone
(914) 277-5582

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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

February 19, 2019
7:30 PM

SOMERS TOWN HOUSE MEETING ROOM

1. **MICHAEL AND JOSEPHINE 2019:ZB03
KIMPEL**
A renewal of an application for a Special Exception Use Permit for an existing accessory apartment in the basement of an existing one family dwelling, located in an R-40 Residential District at **12 Stone House Road, Somers**. The property is shown on the Town Tax Map as **Section: 7.17, Block: 1, Lot: 10**. RE: Section Schedule 170-70.

2. **SOMERS CROSSING, LLC 2019:ZB04**
An application for an Area Variance for propane tanks, as well as placing them underground, located in an MFR-DH at **307 Route 100, Somers**. The property is shown on the Town Tax Map as **Section: 17.15, Block: 1, Lot: 15.11**. RE: Section Schedule 170-32.7H.

3. **REGIS AND JAN MARINIER 2019:ZB05**
An application for a 13' side yard Area Variance for a side porch addition, located in an R-80 Residential District at **11 Autumn Ridge Court, Katonah**. The property is shown on the Town Tax Map as

Section: 58.08, Block: 1, Lot: 18. RE:
Section 170:A1 of the Zoning Schedule.

- 4. PATRICK AND PATRICIA FORDE** **2019:ZB06**
An application for a 12' side yard Area Variance for an addition to the living and dining rooms, located in an R-40 Residential District at **9 Little Bear Drive, Yorktown Heights.** The property is shown on the Town Tax Map as **Section: 16.13, Block: 1, Lot: 20.** RE: Section 170:A1 of the Zoning Schedule.
- 5. KAELA CHOQUETTE AND DAVID POTTER** **2019:ZB07**
An application for a 10.5' side yard Area Variance for a new deck/ramp, as well as a 3.5' side yard Area Variance for an existing 2nd story addition to an existing one family dwelling, located in an R-80 Residential District at **6 Annarock Drive, Somers.** The property is shown on the Town Tax Map as **Section: 28.06, Block: 1, Lot: 5.** RE: Section 170:A1 of the Zoning Schedule.
- 6. OTHER BUSINESS** Approval of January 15, 2019 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
Michael + Josephine Kimpel

B Z NUMBER *2019: BZ03*
DATE: *1/11/19*

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

1. *Michael Kimpel*
(Name of appellant)

whose post office address is *12 Stone House Road, Somers*
(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)

*A renewal of an application for a Special
Exception Use Permit for an existing
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

12 Stone House Road and is shown on the
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: *7.17*, Block: *1*, Lot: *10*

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

12 Stone House Road

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

a Special Exception Use Permit is required for an accessory apartment and must be renewed every 7 years.

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 January 20 19

Denise Schirmer NOTARY SIGNATURE

Michael Kumpf OWNER SIGNATURE

DENISE SCHIRMER Notary Public State of New York No. 01SC6230742

NOTARY SIGNATURE In Dutchess County Commission Expires March 10, 2022

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
Somers Crossing, LLC

B Z NUMBER *2019: EB04*
DATE: *2/1/19*

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

1. *Gus Boniello*
(Name of appellant)

whose post office address is *165 Warrabuc Avenue, Goldens Bridge, 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 *Planning Board*
(Name of officer)

..... made on *February 2017*
(Office held)

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

.....
(Give summary of ruling)

*An application for an Area Variance
for propane tanks, as well as placing
them underground in an
MFR-DH zone.*

3. The property which is the subject of the appeal is located at or known as
307 Route 100
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: *17.15*, Block: *1* Lot: *15.11*

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

307 Route 100

(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 hydro carbon products, except those used (propane tanks) are prohibited in the district.

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 February DAY 1 20 19

Denise Schirmer
NOTARY SIGNATURE

[Signature]
OWNER SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 01SC6236242
Qualified in Dutchess County
Commission Expires March 10, 2022

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
Regis and Jan Marinier

B Z NUMBER: *2019: ZB05*
DATE: *12/18*

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

1. *Regis Marinier*
(Name of appellant)

whose post office address is *11 Autumn Ridge Court, Katonah, NY 10536*
(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 *Thomas J. Toome, Jr.*
(Name of officer)

Building Inspector made on *December 12, 2018*
(Office held)

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

.....
(Give summary of ruling)

*An application for a 13' side yard
Area Variance for a side
porch addition in an R-80
Residential District.*

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

11 Autumn Ridge Court, and is shown on the
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: *58.08*, Block: *1*, Lot: *18*

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

11 Autumn Ridge Court

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

40' is required, 27' is being proposed therefore a 13' variance is needed

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

December 20 18

Denise Schirmer

NOTARY SIGNATURE

[Signature]

OWNER SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 01SC2298232
Qualified in Dutchess County
Commission Expires March 10, 2022

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
Patrick and Patricia Forde

B Z NUMBER *2019:ZB06*
DATE: *1/19/19*

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

1. *Patricia Forde*

(Name of appellant)

whose post office address is *9 Little Bear Drive, Yorktown Heights, NY*
(Post office address) *10598*

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 *Thomas J. Toona, Jr.*
(Name of officer)

Building Inspector made on *December 21, 2018*
(Office held)

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

(Give summary of ruling)

An application for a 10' side yard Area Variance for an addition to the living and dining rooms in an R-40 Residential District.

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

9 Little Bear Drive and is shown on the
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: *116.13*, Block: *1* 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.....

9 Little Bear Drive

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

30' is required, 18' is being proposed therefore a 12' variance is needed

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 3rd DAY January 20 19

Denise Schirmer
NOTARY SIGNATURE

Patricia M. Forde
OWNER SIGNATURE

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

NOTARY SIGNATURE

9 Little Bear Drive
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
Kaela Choquette + David Potter

B Z NUMBER *2019:ZB07*
DATE: *1/25/19*

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

1. *Kaela Choquette*
(Name of appellant)

whose post office address is *6 Annarock Drive, Somers, NY 10589*
(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 *Thomas J. Toomey, Jr.*
(Name of officer)

Building Inspector, made on *January 22, 2019*
(Office held)

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

.....
(Give summary of ruling)

An application for a 10.5' side yard Area Variance for a new deck/ramp, as well as an application for a 3.5' side yard Area Variance for an existing 2nd story addition to an existing one family dwelling in an R-80 Residential District.

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

6 Annarock Drive, and is shown on the
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: *28.06*, Block: *1*, Lot: *5*

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

6 Annarock Drive

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

For the new deck/porch, 40' is required, 29.5' is being proposed, therefore a 10.5' variance is needed. For the existing 2nd story addition, 40' is required, 36.5' is being proposed, therefore a 3.5' variance is needed.

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 25th DAY January 20 19

Denise Schirmer NOTARY SIGNATURE

[Signature] OWNER SIGNATURE

DENISE SCHIRMER Notary Public State of New York No. 01306208242

NOTARY SIGNATURE [Signature] Commission Expires March 10, 2022

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
January 15, 2019

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

Mr. Carpaneto was absent.

Building Inspector Tom Tooma and interested residents were also present.

Chairman Cannistra opened the meeting at 7:30 p.m. with the Pledge of Allegiance led by two Boy Scouts that were in attendance.

APPLICANTS

JOHN AND DIANA RICE – 2019:ZB01 – 37.10-1-17

An application for an Area Variance for a 6' side yard set-back for a pre-existing shed that was recently added to, located in an R-80 Residential District at 21 Orchard Hill Road, Katonah. The property is shown on the Town Tax Map as Section: 37.10, Block: 1, Lot: 17. RE: Section Schedule 170:A1 of the Zoning Schedule.

Diana Rice addressed the Board. When they bought the property in 2007, a tool shed existed and it had a carport type structure over a concrete slab attached to it. Electric existed. They enclosed the structure and added about 6 feet to it not realizing a Building Permit was required. In addition, it is only 9' from the property line and should be 15'. A 6' side yard variance is being sought. The shed is used for tools and a tractor. They are moving and the situation has to be resolved. The house was built in 1939 and the shed is quite far from their neighbor's house or any other structure they have. The Building Inspector will check with the Assessor's office to see if there is a record of the shed. A Building Permit will be required, inspections, including electrical and a Certificate of Occupancy.

Nick Lupinacci addressed the Board. He used to live on Orchard Hill Drive and built the neighbor's house and confirmed there should be a problem.

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

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

Mr. Santaroni made a motion to grant the 6' side yard set-back. 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. Harden	Aye
Mr. Newman	Aye
Mr. Santaroni	Aye
Chairman Cannistra	Aye

The Area Variance was approved.

JANET LUPINACCI – 2019:ZB02 – 16.17-1-5

An application for a Special Exception Use Permit to create an accessory apartment in a detached garage; as well as an Area Variance because the accessory apartment is larger than 800 square feet, located in an R-40 Residential District at 159 Route 118, Yorktown Heights. The property is shown on the Town Tax Map as Section: 16.17, Block: 1, Lot: 5. RE: Section Schedule 170-70.

Janet and Nick Lupinacci addressed the Board. Mr. Lupinacci's grandparents bought the property in 1941. It included a house that dated back to the late 1800's and a garage that was 75% built. Upon completion, the garage was used by the Somers Youth Association. His parents inherited the property and the garage was turned into a cottage, which he would like to legalize to have some extra income to pay the taxes. The property is on the market, but if they can have the accessory apartment, they won't

have to sell it. The cottage is 1,390 square feet with the garage and has 2 bedrooms and 1 ½ baths. Mrs. Lupinacci claims to live in the house, which is a requirement, but could only produce a driver's license with a post office box, as well as bills with that same post office box.

There was concern over the size of the apartment, which cannot exceed 800 square feet. Only accessory apartments with one bedroom have ever been approved in the past. In addition, the applicant was before the Board in 2017 at which time the house was grandfathered in as a two family and Mrs. Lupinacci was living on the neighboring property, 163 Route 118 that her husband owns. Also, at that time the applicants were told the garage could not be used as an accessory apartment and the stove in the kitchen had to be removed. If the accessory apartment is approved this one family parcel would be able to accommodate three families, which is not a desired practice in the Town of Somers. As the conversation continued between the Board and the applicant, there was much confusion. It was suggested that a site visit be scheduled, but all didn't feel that was necessary.

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

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

Mr. Newman made a motion to deny the request to create an accessory apartment in the detached garage. 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. Harden	Aye
Mr. Newman	Aye
Mr. Santaroni	Abstain
Chairman Cannistra	Aye

The Special Exception Use Permit and Area Variance were denied.

OTHER BUSINESS:

The minutes of the November 20, 2018 and December 18, 2018 meetings were approved as submitted.

The next monthly meeting of the Zoning Board of Appeals will be held on February 19, 2019 at 7:30 p.m. There being no further business, the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Denise Schirmer, Secretary
Zoning Board of Appeals

cc: Town Board
Town Clerk
Planning and Engineering
Planning Board

DRAFT