

Telephone
(914) 277-5582

FAX
(914) 277-3790

ZONING BOARD OF APPEALS

TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.



AGENDA

March 19, 2019
7:30 PM

SOMERS TOWN HOUSE MEETING ROOM

- 1. GEOFFREY AND KIRSTIN GRANT** **2019:ZB08**
A renewal of an application for a Special Exception Use Permit for an existing accessory apartment above a garage attached to an existing one family dwelling, located in an R-40 Residential District at **131 Bonnie Brae Court, Granite Springs**. The property is shown on the Town Tax Map as **Section: 26.08, Block: 2, Lot: 21**. RE: Section Schedule 170-70.
- 2. F. ROBERT MEIXNER** **2019:ZB09**
A renewal of an application for a Special Exception Use Permit for an existing accessory apartment in an addition attached to an existing one family dwelling, located in an R-80 Residential District at **2 Otha Drive, Katonah**. The property is shown on the Town Tax Map as **Section: 28.17, Block: 1, Lot: 9**. RE: Section Schedule 170-70.
- 3. PETER ZAMBORY AND BLANKA ZAMBORY** **2019:ZB10**
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-80 Residential District at **43 Bedell Road, Katonah**. The property is shown on the Town Tax Map as **Section: 37.17, Block: 1, Lot: 3**. RE: Section Schedule 170-70.

4. OTHER BUSINESS

Approval of February 19, 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
Geoffrey and Kirstin Grant

B Z NUMBER 2019 ZB08
DATE: 1/22/19

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

1. Geoffrey Grant

(Name of appellant)

whose post office address is 131 Bonnie Brae Court, Granite Springs, NY
(Post office address) 10527

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)

An application for the renewal of a Special
Exception Use Permit for an accessory
apartment above a garage attached
to 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

131 Bonnie Brae Court
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: 26.08, Block: 2, Lot: 21

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

131 Bonnie Brae Court

(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 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 22nd DAY January 20 19

Denise Schirmer NOTARY SIGNATURE

OWNER SIGNATURE

DENISE SCHIRMER Notary Public State of New York No. 016629242 Qualified in Dutchess County

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
F. Robert + Meixner

B Z NUMBER 2019-ZB09
DATE: 2/6/19

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

1. F. Robert + Meixner

(Name of appellant)

whose post office address is 207th Drive, 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
(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 an application for a
Special Exception Use Permit for an
accessory apartment in an addition
attached 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
207th Drive
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: 28.17, Block: 1, Lot: 9

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 Otha Drive

(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 6th DAY February 20 19

Denise Schirmer
NOTARY SIGNATURE

Robert Meisner
OWNER SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 01SC6298242
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
Peter Zambory
Blanka Zambory

B Z NUMBER 2019: ZB10
DATE: 2/13/19

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

1. Peter Zambory
(Name of appellant)

whose post office address is 43 Bedell Road, 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
(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)

An application for the renewal of a Special
Exception Use Permit for an accessory
apartment in the basement of 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

43 Bedell Road and is shown on the
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: 37.17, Block: 1 Lot: 3

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

43 Bedell 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 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 13th DAY February 20 19

Denise Schirmer
NOTARY SIGNATURE

Owner Signature

DENISE SCHIRMER
Notary Public State of New York
NOTARY SIGNATURE
Commission Expires March 10, 2022

APPLICANT SIGNATURE

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Telephone

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Facsimile

ZONING BOARD OF APPEALS

TOWN HOUSE
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Town of Somers

WESTCHESTER COUNTY, N.Y.



Meeting Minutes
February 19, 2019

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

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.

APPLICANTS

The Chairman announced that item number 5 on the agenda, Kaela Choquette and Davide Potter has been withdrawn by the applicant as a result of discussions earlier between him, the Town Attorney and Town Building Inspector determining that the Area Variances being requested are not needed as the two lots, 6 and 8 Annarock Drive have already been merged for zoning purposes.

MICHAEL AND JOSEPHINE KIMPEL – 2019:ZB03 – 7.17-1-10

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.

Mr. Kimpel addressed the Board. His father-in-law lives in the apartment. Building Inspector Tom Tooma inspected the apartment and there have been no changes. It meets all code requirements, and there have been no complaints or violations. The septic was cleaned in 2017 and a copy of the receipt was given to Mrs. Schirmer.

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 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.

SOMERS CROSSING, LLC – 2019:ZB04 – 17.15-1-15.11

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.

Owner of the property Gus Boniello addressed the Board. They are building a 66-unit condominium subdivision and need an Area Variance for sixty-six 550-gallon propane tanks, as well as to bury them underground since they are in the groundwater protection overlay. The tanks will be used for gas stoves and fireplaces. Individual unit owners will have an option to install generators at some point if they want. The tanks will be buried beyond the decks behind the units. Plumbing Permits will be secured from the Building Department for the installation of each tank, as well as the inside connections which include required inspections. Code restriction diagrams were provided to each member. In addition, guidelines from the Propane Education and Research Council in Washington D.C. were shared, which all appreciated as it answered some questions members had with regard to placement, containment, leakage, lifespan, size, testing

and environmental concerns. The Planning Board did not have to be involved in this approval process.

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	Abstain
Chairman Cannistra	Aye

Mr. Guyot made a motion to approve an Area Variance to allow 66 propane tanks and to place them underground. Mr. Carpaneto 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	Abstain
Chairman Cannistra	Aye

The Area Variance was approved.

REGIS AND JAN MARINIER – 2019:ZB05 – 58.08-1-18

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.

Architect William Besharat addressed the Board. His clients want to build a flagstone concrete side porch to accommodate existing French doors on the side of his house and as a result a 13' side yard Area Variance is being requested.

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. Newman made a motion to approve a 13' side yard Area Variance. 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.

PATRICK AND PATRICIA FORDE – 2019:ZB06 – 16.13-1-20

An application for a 12' side yard Area Variance for an addition to the living and dining rooms, as well as a deck, 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.

Architect William Besharat addressed the Board. The owners of the property are requesting a 12' side yard Area Variance for an addition to the living and dining rooms, as well as a deck. No windows will be added and that side of the house is very well screened with quite large bushes.

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 a 12' side yard Area Variance based on the architectural plans submitted. 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.

OTHER BUSINESS:

The minutes of the January 15, 2019 meeting were approved as submitted.

The next monthly meeting of the Zoning Board of Appeals will be held on March 19, 2019 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