

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

May 21, 2019  
7:30 PM

SOMERS TOWN HOUSE  
MEETING ROOM

1. MICHELINA MONTANA      2019:ZB15  
A renewal of an application for a Special Exception Use Permit for an existing accessory apartment on the 2<sup>nd</sup> floor of an existing one family dwelling, located in an R-40 Residential District at **451 Route 202, Somers**. The property is shown on the Town Tax Map as **Section: 6.16, Block: 2, Lot: 12**. RE: Section Schedule 170-70.
  
2. BERNADETTE CARNOW      2019:ZB16  
DENNIS AND KATHLEEN  
HALLIGAN  
An application to amend a Special Exception Use Permit of moving the existing 2-bedroom accessory apartment from the 2<sup>nd</sup> floor to the basement, as well as an Area Variance because the apartment exceeds the 800 square foot limitation, located in an R-80 Residential District at **149 Route 100, Katonah**. The property is shown on the Town Tax Map as **Section: 38.09, Block: 1, Lot: 6**. RE: Section Schedule 170-70.

**3. RODDY IACOVINO AND  
DAWN HENZE**

**2019:ZB17**

An application for a side yard Area Variance of 3' for a sunroom alteration, as well as a side yard Area Variance of 5" for an existing principal dwelling as a recent survey reveals, to an existing one family dwelling, located in an R-40 Residential District at **39 David Road, Somers**. The property is shown on the Town Tax Map as **Section: 16.08, Block: 1, Lot: 16**. RE: Section Schedule 170:A1 of the Zoning Schedule.

**4. OTHER BUSINESS**

Approval of April 16, 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  
*Michelixa Montana*

B Z NUMBER *ZB15*  
DATE: *2/19/19*

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

1. *Michelixa Montana*  
(Name of appellant)

whose post office address is *PO Box 394, Croton Falls, NY 10519*  
(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)

*An application for the renewal of a Special  
Exception Use Permit for an accessory  
apartment on the 2nd floor 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 .....

*451 Route 202*  
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: *6.116*, Block: *2* Lot: *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 .....

451 Route 202

(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 to 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 19th DAY February 20 19

Denise Schirmer
NOTARY SIGNATURE

Stephania Antonina
OWNER SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 0150676842
NOTARY SIGNATURE
Commission Expires March 10, 2012

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  
*Bernadette Carnow*  
*Dennis + Kathleen Halligan*

B Z NUMBER *ZB 16*  
DATE: *3/29/19*

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

1. *Bernadette Carnow*  
(Name of appellant)

whose post office address is *149 Route 100, Katonah, 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 *Thomas J. Tooma, Jr.*  
(Name of officer)

*Building Inspector* made on *March 29, 2019*  
(Office held)

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

(Give summary of ruling)  
*An amendment of a Special Exception Use Permit of moving the existing 2 bedroom accessory apartment from the 2nd floor to the basement, as well as an Area Variance because the apartment exceeds the 800 square foot limitation in an R-80 Residence District*

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

Town Tax Map as Section: *38.09*, Block: *1* Lot: *6*

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 .....

149 Route 100

(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 which cannot exceed 800 square feet as per the Code

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 April 20 19

Denise Schirmer
NOTARY SIGNATURE

Benadette Cannon
OWNER SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 01SC6298242
NOTARY SIGNATURE
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

Roddy Iacovino and  
Dawn Henze

B Z NUMBER 2B17

DATE: 4/8/19

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

1. Dawn Henze  
(Name of appellant)

whose post office address is 39 David Road, Somers, NY 10589  
(Post office address)

through Robert Eberts, Architect  
(Name of attorney or representative if any)

whose post office address is P.O. Box 384, Cross River, NY 10518  
(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 April 8, 2019  
(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 side yard  
Area Variance in the amount  
of 3' for a sunroom alteration  
in an R-40 Residential District,  
as well as a 5" side yard Area Variance  
for an existing principal dwelling as a recent survey  
reveals.

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

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

Town Tax Map as Section: 116.08, Block: 1, Lot: 16

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 .....

39 David Road

(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 and ~~27'~~ 27' proposed. Therefore a 3' side yard Area Variance is required. A recent survey revealed the existing principal \*

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)

\* dwelling encroaches 5" to the same side yard requiring a 5" side yard Area Variance

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 11<sup>th</sup> DAY April 20 19

NOTARY SIGNATURE

OWNER SIGNATURE

NOTARY SIGNATURE

APPLICANT SIGNATURE

DENISE SCHIRMER  
Notary Public State of New York  
No. 015C6238242

Qualified in Dutchess County  
Commission Expires March 10, 2022



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ZONING BOARD OF APPEALS

TOWN HOUSE  
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*Town of Somers*

WESTCHESTER COUNTY, N.Y.



**Meeting Minutes**

April 16, 2019

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

Mr. Harden and Mr. Santaroni were 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.

**APPLICANTS**

**GEORGE AND KATHLEEN PICCORELLI – 2019:ZB12 – 37.14-1-4**

A renewal of an application for a Special Exception Use Permit for an existing accessory apartment in a detached structure to an existing one family dwelling, located in an R-120 Residential District at 4 Orchard Hill Road, Katonah. The property is shown on the Town Tax Map as Section: 37.14, Block: 21 Lot: 4. RE: Section Schedule 170-70.

Mr. Piccorelli addressed the Board. His daughter-in-law and her daughter live 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 January 2017 and a copy of the receipt was given to Mrs. Schirmer.

Mr. Guyot 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. Newman	Aye
Chairman Cannistra	Aye

Mr. Carpaneto made a motion to grant the Special Exception Use Permit for the accessory apartment for 7 years. 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. Newman	Aye
Chairman Cannistra	Aye

The Special Exception Use Permit was approved.

**STEVEN AND ANNUNZIATA D'AMBROSIO – 2019:ZB13 – 27.11-2-31**

An application for an Area Variance of 3' for the height of a detached garage accessory under construction to an existing one family dwelling, located in an R-80 Residential District at 16 Edgewood Drive, Katonah. The property is shown on the Town Tax Map as Section: 27.11, Block: 2, Lot: 31. RE: Section Schedule 170:A1 of the Zoning Schedule.

Gerry Thorpe of Bayhorse Gazebos & Barns in Red Hook, New York addressed the Board. He is erecting a pre-made two-car garage for the applicant. There is a staircase to the 2<sup>nd</sup> floor which will only have 30 to 40% usability for storage. It is 8' in the center and slopes quickly. There will be no electric or water. In trying to accommodate drainage with a knee wall on the back of the garage, a 3' height variance is being sought. No trees are being removed and the concrete floor has already been installed. The garage will not be visible from the street and on the side where there is a neighbor, there is substantial screening. All of its trimmings will match the existing one family dwelling exactly. Stamped plans by a NYS Certified Architect were submitted to the Building Department in order to get a Building Permit, and NYS Modular Certification is not required. The garage meets all the setbacks.

Mr. Guyot made a motion for a Type II action. Mr. Newman 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. Newman	Aye
Chairman Cannistra	Aye

Mr. Newman made a motion to grant the Area Variance of 3' for the height of a detached garage accessory under construction. 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. Newman	Aye
Chairman Cannistra	Aye

The Area Variance was approved.

**MASTRANTONI BROTHERS, INC. – 2019:ZB14 – 5.19-2-48**

An application for a front yard Area Variance of 9'2" for a two-story addition and a 13'6" for an entry porch, as well as a side yard Area Variance of 4" for a deck to an existing one family dwelling, located in an R-10 Residential District at 6 Orange Drive, Mahopac. The property is shown on the Town Tax Map as Section: 5.19, Block: 2, Lot: 48. RE: Section Schedule 170:A1 of the Zoning Schedule.

Paul Mastrantoni addressed the Board. Although the existing one family dwelling is not in good shape, it is structurally sound enough to be renovated. The roof will have to be replaced, but the existing foundation made of cinder block is solid. As the house is pre-existing non-conforming, three variances are being sought for the two-story addition, entry porch and deck. It will remain a three-bedroom home but will increase in size from 800 to just under 1,900 square feet. There will be 2 ½ bathrooms, and the existing one car garage will remain. An unfinished basement will be dug under the addition with some of the dirt excavated used for backfill and the remainder hauled away. If necessary, there is room to expand the septic in the back of the house. All necessary approvals from Planning and Engineering have been issued. Everyone agree that the house is an eyesore as is and the renovation will be a great improvement.

Victor Speziale of 2 Hickory Road addressed the Board. He commented that the property and house are small and is curious as to how there can be three existing bedrooms. They are very tiny.



Mr. Guyot made a motion for a Type II action. Mr. Newman 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. Newman	Aye
Chairman Cannistra	Aye

Mr. Guyot made a motion to grant the front yard Area Variance of 9'2" for a two-story addition and a 13'6" for an entry porch, as well as a side yard Area Variance of 4" for a deck. 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. Newman	Aye
Chairman Cannistra	Aye

The Area Variances were approved.

**OTHER BUSINESS:**

The minutes of the March 19, 2019 meeting were approved as submitted.

The next monthly meeting of the Zoning Board of Appeals will be held on May 21, 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