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ZONING BOARD OF APPEALS

*Town of Somers*

WESTCHESTER COUNTY, N.Y.

TOWN HOUSE  
ANNEX  
337 ROUTE 202  
SOMERS, NY 10589



**Meeting Minutes**  
May 21, 2019

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

Mr. Harden 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.

**APPLICANTS**

**MICHELINA MONTANA – 2019:ZB15 – 6.16-2-12**

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.

Ms. Montana's sister Maria LaFuente addressed the Board. There is a single person living 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 March 2019 and a copy of the receipt was given to Mrs. Schirmer.

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. Newman	Aye
Mr. Santaroni	Aye
Chairman Cannistra	Aye

Mr. Guyot made a motion to grant the Special Exception Use Permit for an existing accessory apartment on the 2<sup>nd</sup> floor of an existing one family dwelling. 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
Mr. Santaroni	Aye
Chairman Cannistra	Aye

The Special Exception Use Permit was approved.

**BERNADETTE CARNOW, DENNIS AND KATHLEEN HALLIGAN – 2019:ZB16 – 38.09-1-6**

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 in an existing one family dwelling, 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.

Mrs. Carnow's husband Ian Carnow addressed the Board. His in-laws, also the co-owners of the property, Dennis and Kathleen Halligan live in the two-bedroom accessory apartment which is on the 2<sup>nd</sup> floor of the existing dwelling. In an effort to maintain the space they currently have and to eliminate walking the stairs, they would like to relocate the accessory apartment to the basement. The dwelling will remain a 5-bedroom home. A one car garage would be eliminated and there are no plans to replace it. A lengthy discussion ensued. The members were concerned about the amount of the Area Variance, 1,183 square feet, which is slightly larger than the existing accessory apartment. In addition, the proposed basement plan includes a study which could potentially be used as another bedroom. The Board asked that the applicant

obtain Westchester County Department of Health approval before appearing before them again.

The application was adjourned.

**RODDY IACOVINO AND DAWN HENZE – 2019:ZB17 – 16.08-1-16**

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 of 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.

Architect Bob Eberts addressed the Board. The house was built in the 70’s and a recent survey determined it was 5” too close to the property line. In addition, an Area Variance is being sought for a sunroom alteration in the amount of 3’. The only neighbor that would be affected by this application, 41 David Road, sent a letter in support to the Board Secretary. Their house is about 30’ away.

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. Newman	Aye
Mr. Santaroni	Aye
Chairman Cannistra	Aye

Ms. D’Ippolito made a motion to grant 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. 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. Newman	Aye
Mr. Santaroni	Aye
Chairman Cannistra	Aye

The Area Variances were approved.

**OTHER BUSINESS:**

The minutes of the April 16, 2019 meeting were approved as submitted.

The next monthly meeting of the Zoning Board of Appeals will be held on June 11, 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