

(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
June 11, 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

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 2nd 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.

Last month, 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 2nd 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.

This evening, Mr. Carnow addressed the Board. A decision has been made to reconfigure the proposal in an effort to reduce the amount of the variance. The total square footage of the accessory apartment is now 834. The garage will remain and the apartment will include one bedroom, living/dining area and kitchen. The total number of bedrooms remains at five.

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

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 amend the Special Exception Use Permit to move the existing accessory apartment from the 2nd floor of the existing one family dwelling to the basement, as well as to grant an Area Variance because the apartment exceeds the 800 square foot limitation. The accessory apartment will have one bedroom. 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

The Special Exception Use Permit and Area Variance were approved.

ROBERT AND DONNA FLES – 2019:ZB18 – 28.17-1-4

An application for an Area Variance for a portion of an existing stockade fence to exceed the height restriction by 2’ in an R-80 Residential District at 1 Otha Drive, Katonah. The property is shown on the Town Tax Map as Section: 28.17, Block: 1, Lot: 4. RE: Section Schedule 170-49.

Robert Fles addressed the Board. He raised the fence on only the south side of his property facing Plum Brook Road to 8’ in an effort to reduce the lighting from the parking lot as well as the employee’s cars and delivery trucks in the Paramount at Somers parking lot which is directly across the street, as well as to avoid seeing the overflowing dumpsters and employee smoking section. Two of his neighbors submitted letters in support of the application.

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 grant a 2’ Area Variance on the height of the existing fence along the south side of the property. If the fence needs to be replaced, it must be with a wooden stockade fence of consistent appearance. 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

The Area Variance was approved.

CHRISTINE CRUISIUS-SMITH – 2019:ZB19 – 17.10-1-64

An application for an Area Variance for lot coverage for both the principal building additions and accessory improvements in an R-40 Residential District at 21 Lynway Lane, Somers. The property is shown on the Town Tax Map as Section: 17.10, Block: 1, Lot: 64. RE: Section Schedule 170-40A.

Architect David Tetro addressed the Board. The applicants are building a three-car garage, deck and front porch and are in need of a variance for lot coverage. The existing driveway is being relocated. Although the building lot coverage is over, the impervious surface is being reduced. The existing house is a 1 story ranch style and non-conforming. A second story addition is being added to accommodate all the bedrooms, leaving the main floor for livable space only, but the footprint will not change. The applicants are in need of a garage to accommodate 3 cars because they currently have four drivers and 4 cars. There have been no objections from the neighbors and all members agreed it is an improvement from what is existing.

8:10 p.m. – Mr. Santaroni left the meeting as he was not feeling well.

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

Mr. Harden made a motion to grant an Area Variance for lot coverage for a three-car garage, deck and front porch with a condition that the existing driveway will be removed and replaced with grass and plantings. 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	Abstain
Mr. Harden	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

The Area Variance was approved.

ROBERT AND JENNIFER GAJDA – 2019:ZB20 – 5.15-3-64

An application for a rear yard Area Variance for a deck addition in an R-10 Residential District at 3 Greenwood Drive, Mahopac. The property is shown on the Town Tax Map as Section: 5.15, Block: 3, Lot: 64. RE: Section Schedule 170:A1 of the Zoning Schedule.

Robert Gajda addressed the Board. They are seeking a 5.65' rear yard Area Variance for an 8' by 13' deck addition which will be on the side of the house opposite of the septic. The deck is low to the ground and will be accessed from a glass sliding door in their kitchen with three steps leading down to it. It was noted that the walkway on that side of the house is no longer there. There is quite a distance between their house and the nearest neighbor's house. Although not part of the application, a 2nd story addition is being added to the house. No one has expressed any objections to the project.

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. Harden	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

Ms. D'Ippolito made a motion to grant a rear yard Area Variance of 5.65' for a deck addition. 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
Chairman Cannistra	Aye

The Area Variance was approved.

LORI ENSINGER AND WILLIAM KUEBLER – 2019:ZB21 – 37.10-1-13.1

An application for a Special Exception Use Permit for a perspective buyer to purchase the property as a residence and conduct a home occupation of teaching tennis lessons inside a pre-existing non-conforming recreational building that houses 2 tennis courts of which a conservation easement doesn't allow for expansion. An Area Variance is needed because of the distance of the recreational building to the property line in an R-120 Residential District at 24 Orchard Hill Road, Katonah. The property is shown on the Town Tax Map as Section: 37.10, Block: 1, Lot: 13.1. RE: Section Schedule 170-82D.

Chairman Cannistra announced that the applicant withdrew their application.

Matthew and Wen Fury of 20 Hilltop Road asked what the process was for filing a complaint, which was explained by Chairman Cannistra.

OTHER BUSINESS:

The minutes of the May 21, 2019 meeting were approved as submitted.

Chairman Cannistra regrettably reported that Umberto Santaroni is retiring after many, many years of services on the Board. He was thanked for his contributions and will be missed.

The next monthly meeting of the Zoning Board of Appeals will be held on July 16, 2019 at 7:30 p.m. There being no further business, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Denise Schirmer, Secretary
Zoning Board of Appeals

cc: Town Board
Town Clerk
Planning and Engineering
Planning Board