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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

November 19, 2019
7:30 PM

SOMERS TOWN HOUSE
MEETING ROOM

1. **NORINE MC ARDLE AND
MICHAEL
SCHWARZCHILD** **2019:ZB30**
An application for a front yard Area Variance of 11.8' for a two car garage addition and 4.3' for a covered porch to a pre-existing non-conforming one family dwelling in an R-10 Residential District at **69 Lovell Street, Mahopac**. The property is shown on the Town Tax Map as **Section: 5.19, Block: 3, Lot: 9**. RE: Section Schedule 170:A1 Zoning Schedule Part 1.

2. **OTHER BUSINESS** Approval of September 17, 2019 Meeting Minutes.



ZONING BOARD OF APPEALS

Town of Somers

WESTCHESTER COUNTY, N. Y.

TOWN HOUSE
SOMERS, NEW YORK 10589

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IN THE MATTER OF THE APPEAL
OF
Norine McArdle and
Michael Schwarzchild

B Z NUMBER 2019 ZB 30
DATE: 10/19/19

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

1. Norine McArdle and Michael Schwarzchild
(Name of appellant)

whose post office address is 69 Lovell Street, Mahopac, NY 10541
(Post office address)

through Stephanie Fox - Architect
(Name of attorney or representative if any)

whose post office address is 11 Rose Lane, Brewster, NY 10509
(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 October 22, 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)
A Front Yard Area Variance of 11.8' for a
2 car ^{garage} addition and 4.3' for a covered porch.
to a pre-existing non-conforming one family
dwelling. Planning Board approval is a
condition after Zoning Board review. The
dwelling is in an R-10 Residential District.

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

69 Lovell Street
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: 5.19, Block: 3, 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

69 Lovell Street

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

25' is need - the application is for an 11.8' front yard variance for a 2 car ^{garage} addition and 4.3' for a covered porch

and such may be granted pursuant to 170.11 Zoning Schedule Part 1

(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 October 20 19

Denise Schirmer NOTARY SIGNATURE

OWNER SIGNATURE

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

NOTARY SIGNATURE

Stephanie E. Fay APPLICANT SIGNATURE

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Meeting Minutes

September 17, 2019

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

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 and welcomed new member Bart Lansky.

APPLICANTS

PAUL AND JENNIE ANTONIUK – 2019:ZB25 – 38.06-1-10

An application to renew a Special Exception Use Permit for an existing accessory apartment in a detached garage in an R-80 Residential District at 20 Elmer Galloway Road, Katonah. The property is shown on the Town Tax Map as Section: 38.06, Block: 1, Lot: 10. RE: Section Schedule 170-70.

Paul Antoniuk addressed the Board. His mother-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 tank was cleaned in April 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. Harden	Aye
Mr. Lansky	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

Ms. D'Ippolito made a motion to grant the Special Exception Use Permit for an existing accessory apartment in a detached garage of an existing one family dwelling. 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. Lansky	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

The Special Exemption Use Permit was approved.

CLAUDIO AND GABRIELA CONTI – 2019:ZB26 – 16.09-1-15

An application to renew a Special Exception Use Permit for an existing accessory apartment in a detached cottage in an R-40 Residential District at 193 Route 118, Yorktown Heights. The property is shown on the Town Tax Map as Section: 16.09, Block: 1, Lot: 15. RE: Section Schedule 170-70.

Claudio Conti addressed the Board. A couple and their son 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 tank was cleaned in May 2016 and a copy of the receipt was given to Mrs. Schirmer.

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. Harden	Aye
Mr. Lansky	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

Mr. Harden made a motion to grant the Special Exception Use Permit for an existing accessory apartment in a detached cottage of an existing one family dwelling. 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. Lansky	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

The Special Exemption Use Permit was approved.

CHRISTINE GUERCI AND ZORAN MILOJEVIC – 2019:ZB27 – 26.20-2-8

An application to renew a Special Exception Use Permit for an existing accessory apartment in the basement of a one family dwelling in an R-40 Residential District at 4 Elisha Purdy Road, Amawalk. The property is shown on the Town Tax Map as Section: 26.20, Block: 2, Lot: 8. RE: Section Schedule 170-70.

Christine Guerci addressed the Board. The apartment is currently vacant. 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 tank was cleaned in September 2018 and a copy of the receipt was given to Mrs. Schirmer.

Mr. Harden 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. Lansky	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

Mr. Newman made a motion to grant the Special Exception Use Permit for an existing accessory apartment in the basement 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. Harden	Aye
Mr. Lansky	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

The Special Exemption Use Permit was approved.

ROBERT AND ELLEN HANSEN – 2019:ZB28 – 27.05-2-25

An application to renew a Special Exception Use Permit for an existing accessory apartment in the basement of a one family dwelling in an R-40 Residential District at 3 Gwynne Drive, Yorktown Heights. The property is shown on the Town Tax Map as Section: 27.05, Block: 2, Lot: 25. RE: Section Schedule 170-70.

Robert Hansen addressed the Board. The apartment is currently vacant. 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 tank was cleaned in June 2019 and a copy of the receipt was given to Mrs. Schirmer.

Mr. Harden 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. Lansky	Aye
Mr. Newman	Aye

Chairman Cannistra Aye

Mr. Harden made a motion to grant the Special Exception Use Permit for an existing accessory apartment in the basement of an existing one family dwelling. 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. Lansky	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

The Special Exemption Use Permit was approved.

ROBERT AND BARBARA ANN WADE & JOHN AND LOUISE JACOB – 2019:ZB29 – 16.12-1-38

An application to renew a Special Exception Use Permit for an existing accessory apartment in a detached barn of a one family dwelling in an R-40 Residential District at 10 Lovell Street, Somers. The property is shown on the Town Tax Map as Section: 16.12, Block: 1, Lot: 38. RE: Section Schedule 170-70.

Louise Jacob addressed the Board. She and her husband as well as their two children 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 tank was cleaned in April 2016 and a copy of the receipt was given to Mrs. Schirmer.

Mr. Harden 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. Lansky	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

Mr. Guyot made a motion to grant the Special Exception Use Permit for an existing accessory apartment in a detached barn of an existing one family dwelling. 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. Harden	Aye
Mr. Lansky	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

The Special Exemption Use Permit was approved.

OTHER BUSINESS:

Chairman Cannistra had a change to the minutes of the July 16th meeting. On page 4, at the end of the 2nd sentence of the 1st paragraph, it should read 12,000 square feet, not 13,000. The minutes of the July 16, 2019 meeting were approved as corrected. Mr. Lansky abstained.

The next monthly meeting of the Zoning Board of Appeals will be held on October 15, 2019 at 7:30 p.m. There being no further business, the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Denise Schirmer, Secretary
Zoning Board of Appeals

cc: Town Board
Town Clerk
Planning and Engineering
Planning Board