

Telephone
(914) 277-5582

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(914) 277-3790

ZONING BOARD OF APPEALS

TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.



AGENDA

January 21, 2020
7:30 PM

SOMERS TOWN HOUSE MEETING ROOM

- 1. ELMER AND MARIANN
AAKJAR**

2019:ZB31
An application for an Area
Variance for a detached one-car garage to an
existing one family dwelling in an R-40
Residential District at **23 Elisha Purdy
Road, Amawalk**. The property is shown on
the Town Tax Map as **Section: 36.08,
Block: 1, Lot: 20**. RE: Section Schedule
170:A1 Zoning Schedule Part 1.
- 2. JANET STROH**

2019:ZB32
An application for an Area
Variance to replace and enlarge an existing
deck to an existing one family dwelling in
an R-40 Residential District at **6 Noel
Court, Amawalk**. The property is shown
on the Town Tax Map as **Section: 36.07,
Block: 1, Lot: 4**. RE: Section Schedule
170:A1 Zoning Schedule Part 1.
- 3. CHRISTOPHER
COLUMBUS SOCIETY OF
YORKTOWN, INC.**

2019:ZB33
An application for an Area
Variance for an existing deck and wood
steps to an existing one story frame building

in an R-40 Residential District at **118 Mahopac Avenue, Granite Springs**. The property is shown on the Town Tax Map as **Section: 26.08, Block: 2, Lot: 16**. RE: Section Schedule 170:A1 Zoning Schedule Part 1.

**4. ROBERT AND DASHA
EPSTEIN**

2020:ZB01

An application for an Area Variance for a storage addition to an existing accessory garage to an existing one family dwelling in an R-80 Residential District at **11 Wood Street, Katonah**. The property is shown on the Town Tax Map as **Section: 48.09, Block: 1, Lot: 7**. RE: Section Schedule 170:A1 Zoning Schedule Part 1.

**5. ROBERT AND DASHA
EPSTEIN**

2020:ZB02

An application for an Area Variance for a new 3 car accessory garage to an existing one family dwelling in an R-80 Residential District at **11 Wood Street, Katonah**. The property is shown on the Town Tax Map as **Section: 48.09, Block: 1, Lot: 7**. RE: Section Schedule 170:A1 Zoning Schedule Part 1.

6. OTHER BUSINESS

Approval of November 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

Elmer and Marianna Aakjar

B Z NUMBER 2019-2B31

DATE: 11/19/19

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

1. Marianna Aakjar

(Name of appellant)

whose post office address is 23 Eliska Purdy Road, Ardenwalk, NY
(Post office address) 10501

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 October 23, 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 Area Variance for a proposed
one car detached garage - side
yard - in an R-240 Residential
District

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

23 Eliska Purdy Road

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

Town Tax Map as Section: 36.08, Block: 1, Lot: 20

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

23 Elisha Purdy Road

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

15' is needed for the side yard
and only 8' exists therefore
a 7' side yard Area Variance
is being requested

and such may be granted pursuant to 170. AI 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 7th DAY November 20 19
Denise Schirmer Maryann Oakley
NOTARY SIGNATURE OWNER SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 01SC0298242
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
Christopher Columbus
Society of Yorktown, Inc.

B Z NUMBER 2019: ZB33
DATE: 11/19/19

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

1. Ron D'Alessandro - Treasurer
(Name of appellant)

whose post office address is PO Box 202, Yorktown Heights, NY
(Post office address) 10598

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 August 30, 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 an Area Variance
for an existing deck and an
Area Variance for wood steps and platform
that are existing in an R-40
Residential Zone

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

118 Mahopac Avenue
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: 26.08, Block: 2 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

118 Mahopac Avenue

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

50' in the rear yard is needed for the deck,
8.8' exists and 41.2' is the variance amount.
In addition a sideyard variance of 24.8'
is being requested. 30' is needed and 5.2' exists.
A 15' variance is being requested for the wood steps*

and such may be granted pursuant to 170-A Zoning Schedule
Part 1

(Refer to applicable Provisions of the Zoning Ordinance of the Town of Somers)

* and platform. 15' exists and 30' is
needed.

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 20th DAY November 20 19

Denise Schirmer
NOTARY SIGNATURE

OWNER SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 01SC6298242
Qualified in Dutchess County
NOTARY SIGNATURE

Ronald W. Alexander
APPLICANT SIGNATURE
TREASURER, CCSY



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

Janet Stroh

B Z NUMBER 2019:3B32

DATE: 11/18/19

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

1. Janet Stroh
(Name of appellant)

whose post office address is 6 Noel Court, Amawalk, NY
(Post office address) 10501

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 November 18, 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 Area Variance to replace an
existing deck and enlarge as well
to an existing one family
dwelling in an R-40 Residential
Zone

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

6 Noel Court
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: 36.07, Block: 1, Lot: 4

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

6 Noel Court

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

A 2.6' variance is being requested as 30' is needed and only 27.4' exists

and such may be granted pursuant to 170: A1 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 18th DAY November 20 19

Denise Schirmer
NOTARY SIGNATURE

Janet L. Hish
OWNER SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 01505208242
Qualified in Dutchess County

NOTARY SIGNATURE 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

Robert + Dasha Epstein

B Z NUMBER 2020: EB01

DATE: 1/2/20

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

1. Robert Epstein

(Name of appellant)

whose post office address is 71 Broad Brook Rd. Bedford Hills, NY

(Post office address)

through Nelson Guerrero

(Name of attorney or representative if any)

whose post office address is 213 Route 100, Katonah, NY 10536

(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 December 6, 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 Area Variance for an addition storage
to an existing accessory garage
to an existing one family dwelling
in an R-80 Residential District
Front yard Area Variance

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

11 Wood Street

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

Town Tax Map as Section: 48.09, Block: 1, Lot: 7

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

11 Wood Street

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

102.4' is needed for the storage addition, 64.6' is existing, therefore 37.8' is being sought

and such may be granted pursuant to 170: A1 of the 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

6th

DAY

December 2019

NOTARY SIGNATURE

Denise Schirmer

OWNER SIGNATURE

[Signature]

NOTARY SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 01SC6298212
Qualified in Dutchess County
Commission Expires March 10, 2022

APPLICANT SIGNATURE

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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

Robert + Dasha Epstein

B Z NUMBER 2020: ZB02

DATE: 1/2/20

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

1. Robert Epstein
(Name of appellant)

whose post office address is 71 Broad Brook Rd, Bedford Hills, NY 10507
(Post office address)

through Nelson Guerrero
(Name of attorney or representative if any)

whose post office address is 213 Route 100, Katonah, NY 10536
(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 December 6, 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 Area Variance for a new 3-
car accessory garage to an
existing one family dwelling
in an R-80 Residential District
Front yard Area Variance

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

11 Wood Street
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: 48.09, Block: 1, Lot: 7

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

11 Wood Street

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

102.4' is needed for the 3-car garage accessory, 40.7' exists, therefore 61.7' is being sought

and such may be granted pursuant to

170: A1 of the 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

6th

DAY

September 20, 2019

NOTARY SIGNATURE

Denise Schirmer

OWNER SIGNATURE

[Signature]

NOTARY SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 01SC028242
Qualified in Dutchess County
Commission Expires March 10, 2022

APPLICANT SIGNATURE

22

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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

November 19, 2019

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

Mr. Carpaneto 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

NORINE MC ARDLE AND MICHAEL SCHWARZCHILD – 2019:ZB30 – 5.10-3-9

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.

Architect Stephanie Fox addressed the Board. She is seeking two front yard variances for her clients. One is 11.8' for a 27' by 21' two-car garage addition and the other of 4.3' for a covered porch. The garage will have electricity and an area above for storage only. Currently the driveway consists of a concrete pad with a metal hatch in the middle of it that has a concrete walkway underneath it that leads to the basement. Water is collecting in that area and rain gardens will be created in an effort to resolve. The driveway is short and abuts the road making backing out of it quite dangerous.

Mr. Guyot asked if the rain gardens will resolve the water issues. Mr. Tooma responded that the applicant has to go before the Planning Board and they will handle this situation.

Mr. Cannistra asked why the applicant went to the Zoning Board before the Planning Board. Mr. Tooma indicated that it was less of a financial burden to start the process with the Zoning Board.

Mr. Guyot questioned whether or not the Lake Lincolnale Property Owner's Association needs to get involved with this project. Mr. Tooma replied only if they want to as recipients of a Public Notice.

Mr. Lansky appreciates how well the proposed garage and covered porch tie in to the existing house.

Mr. Cannistra asked if the siding of the garage will match that of the house. Ms. Fox responded that it will match in color, but not material.

The metal hatch will be removed and concrete walkway removed, filled and waterproofed. Mr. Guyot wanted to know if soil testing will be required. Ms. Fox said it shouldn't as there is no earth. Mr. Lansky reminded him that those issues aren't under the purview of the Zoning Board, but the Planning Board.

Mr. Newman asked if the construction of the garage will eliminate the safety issue of backing out of the driveway. Ms. Fox responded by saying it will allow for a wider angle of view.

Currently there is septic on the property, which would be eliminated as part of phase 1 if sewers were installed by the Town. Mr. Newman asked if consideration was given to placing the garage in that area. Ms. Fox said there is no guarantee that will happen, how long it will take, and placing the garage in that area would result in an even larger variance.

Some retaining walls exist. Mr. Guyot asked if any new ones will be added and if hand rails will be needed. Ms. Fox responded that one that exists will be extended by about 3", not requiring hand rails.

All agreed that the location of the proposed garage is reasonable and they appreciate that the parked cars would be further from the road.

Mr. Lansky made a motion to grant a front yard Area Variance of 11.8' for a two-car garage addition and a 4.3' Area Variance for a covered porch with the condition that the Planning Board adopt themselves as environmental lead agency, the SEQRA be a Type II Action and the applicant return to the Zoning Board of Appeals when they are through with the Planning Board. Mr. Harden seconded the motion.

A vote was then taken by the Board as follows...

POLL OF THE BOARD

Ms. D'Ippolito	Aye
Mr. Guyot	Aye
Mr. Harden	Aye
Mr. Lansky	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

The Area Variances were approved.

OTHER BUSINESS:

The minutes of the September 17, 2019 meeting were approved as submitted.

The next monthly meeting of the Zoning Board of Appeals will be held on December 17, 2019 at 7:30 p.m. Chairman Cannistra wished everyone a Happy Thanksgiving. There being no further business, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Denise Schirmer, Secretary
Zoning Board of Appeals

cc: Town Board
Town Clerk
Planning and Engineering
Planning Board