

Telephone
(914) 277-5582

FAX
(914) 277-3790

ZONING BOARD OF APPEALS

TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.



AGENDA

April 21, 2020
7:30 PM

SOMERS TOWN HOUSE
MEETING ROOM

1. **SOMERS LAND TRUST** **2020:ZB07**
An application for an Area Variance for a sign in an R-40 Residential District at **401 Route 202, Somers**. The property is shown on the Town Tax Map as **Section: 17.08, Block: 10, Lot: 15**. RE: Section Schedule 170-25.

2. **ALAN COHEN AND CORINNE LAPIN** **2020:ZB08**
An application to renew a Special Exception Use Permit for an existing accessory apartment on the 2nd floor of a detached garage of an existing one family dwelling in an R-120 Residential District at **17 Old Route 100, Katonah**. The property is shown on the Town Tax Map as **Section: 59.05, Block: 1, Lot: 2**. RE: Section Schedule 170-70.

3. **ALBERT AND ANN MARIE GOJCAJ** **2020:ZB09**
An application to renew a Special Exception Use Permit as a new owner for an existing accessory apartment on the 2nd floor of a detached garage of an existing one family dwelling in an R-80 Residential District at **5**

County Line Drive, Mahopac. The property is shown on the Town Tax Map as **Section: 4.19, Block: 2, Lot: 1.** RE: Section Schedule 170-70.

4. ADIS AND KRISTA RAMOS

2020:ZB10

An application to renew a Special Exception Use Permit for an existing accessory apartment attached to an existing one family dwelling in an R-40 Residential District at **264 Mahopac Avenue, Yorktown Heights.** The property is shown on the Town Tax Map as **Section: 4.19, Block: 2, Lot: 14.** RE: Section Schedule 170-70.

5. JOHN AND NORA MACKEY

2020:ZB11

An application for an Area Variance for a new deck to an existing one family dwelling in an R-80 Residential District at **49 Hallocks Run, Somers.** The property is shown on the Town Tax Map as **Section: 28.05, Block: 1, Lot: 47.** RE: Section Schedule 170:A1 Zoning Schedule Part 1.

6. CHRISTOPHER COLUMBUS SOCIETY OF YORKTOWN, INC.

2019:ZB33 (CARRYOVER)

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.

7. OTHER BUSINESS

Cell Tower Renewal Applications Discussion
Approval of February 18, 2020 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
Somers Land Trust

B Z NUMBER *2020-2807*
DATE: *3/4/2020*

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

1. *Michael Barnhart, President*
(Name of appellant)

whose post office address is *PO Box 248, Somers, NY 10589*
(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. Toomey, Jr.*
(Name of officer)

Building Inspector, made on *January 17, 2020*
(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 variance for a sign
that is larger than what is
permissible in an R-40 Residential
Zone*

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

401 Route 202 and is shown on the
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: *17.08* Block: *10* Lot: *15*

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

401 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 sign no larger than 150 square inches is permitted in an R-40 zone and must be for a home occupation profession or business

and such may be granted pursuant to 170-25

(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 28th DAY February 20 20

Denise Schirmer
NOTARY SIGNATURE

M. B. Bach
OWNER SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 01506288242
Dutchess County
Commission Expires March 10, 20

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
Alan Cohen and Corinne Lapin

B Z NUMBER *202012B08*
DATE: *3/4/2020*

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

1. *Alan Cohen*
(Name of appellant)

whose post office address is *17 Old Route 100, Katonah, NY 10536*
(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

.....
(Give summary of ruling)

*An application for the renewal of a Special
Exception Use Permit for an existing
accessory apartment on the 2nd floor
of an existing detached garage
in an R-120 Residential District*

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

17 Old Route 100
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: *59.05*, Block: *1* Lot: *2*

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.....

17 Old Route 100

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

As per the Code of the Town of Somers a Special Exception Use Permit is required for an Accessory Apartment and must 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 13th DAY January 20 20
Denise Schirmer NOTARY SIGNATURE Alan A. Cohen OWNER SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 01SC6798242
Qualified in Dutchess County

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
Albert + Ann Marie Gojcay

B Z NUMBER *2020: ZBO9*
DATE: *3/4/2020*

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

1. *Ann Marie Kulaj - Gojcay*
(Name of appellant)

whose post office address is *5 County Line Drive, Mahopac, NY 10541*
(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)
*Renewal of a Special Exception Use Permit
as a new owner for an existing
accessory apartment on the 2nd floor
of a detached garage to an existing
one family dwelling in an R-80
Residential District*

3. The property which is the subject of the appeal is located at or known as
5 County Line Drive, and is shown on the
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: *4.19*, Block: *2*, Lot: *1*

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

5 County Lake Drive

(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

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 8th DAY January 20 20

Denise Schirmer NOTARY SIGNATURE

OWNER SIGNATURE

DENISE SCHIRMER Notary Public State of New York No. 0150628242

NOTARY SIGNATURE 22

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
Adis + Krista Raxos

B Z NUMBER *2020: ZB00*
DATE: *3/4/2020*

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

1. *Adis Raxos*
(Name of appellant)

whose post office address is *264 Mahopac Avenue, 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
(Name of officer)

..... made on
(Office held)

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

.....
(Give summary of ruling)

*An application to renew a Special Exception
Use Permit for an existing accessory
apartment attached to 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

260 Mahopac Avenue and is shown on the
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: *4.19* Block: *2* Lot: *14*

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

264 Mahopac Avenue

(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 in order to have an accessory apartment as per the Code of the Town of Somers and must be renewed every 7 years once granted 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 10th DAY January 20 20

Lisa Valente
NOTARY SIGNATURE

[Signature]
OWNER SIGNATURE

Lisa Valente
NOTARY SIGNATURE

[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
John and Nora Mackey

B Z NUMBER: *2020:EB10*
DATE: *3/4/2020*

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

1. *Nora Mackey*
(Name of appellant)

whose post office address is *49 Halllocks Run, Somers, NY 10589*
(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 I. Toona, Jr.*
(Name of officer)

Building Inspector, made on
(Office held)

which ruling was filed on *January 10, 2020*, and notice of such ruling was
first received by appellant on; such ruling

(Give summary of ruling)

*An application for an Area Variance
for a new deck to an existing one
family dwelling in an R-80
Residential Zone*

3. The property which is the subject of the appeal is located at or known as
49 Halllocks Run, and is shown on the
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: *28.05*, Block: *1*, Lot: *47*

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

49 Hallocks Run

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

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 13th DAY January 20 20

Denise Schirmer
NOTARY SIGNATURE

Nora Wholan-Mackey
OWNER SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 01SC6298242
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 side yard 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-A1 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. 01SC0298242
Qualified in Dutchess County
NOTARY SIGNATURE expires March 10, 2022

Ronald D'Alessandro
APPLICANT SIGNATURE
TREASURER, CCSY

(914)-277-5582
Telephone

(914)-277-3790
Facsimile

ZONING BOARD OF APPEALS

Town of Somers

WESTCHESTER COUNTY, N.Y.

TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589



Meeting Minutes
February 18, 2020

The members present were: Chairman Cannistra, Mr. Guyot, Mr. Harden, and Mr. Newman.

Mr. Carpaneto, Ms. D'Ippolito and Mr. Lansky 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

MARIANN CROSS – 2020:ZB03 – 48.06-1-6.1

An application to renew a Special Exception Use Permit for an existing accessory apartment in a detached accessory structure to an existing one family dwelling in an R-80 Residential District at 7 Seward Lane, Katonah. The property is shown on the Town Tax Map as Section: 48.06, Block: 1, Lot: 6.1. RE: Section Schedule 170-70.

Marian Cross addressed the Board. Two people live in the apartment. Assistant Building Inspector Mike Dunbar 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 March 2019 and a copy of the receipt was given to the Board Secretary.

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. Guyot	Aye
Mr. Harden	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 accessory structure of an existing one family dwelling. Mr. Guyot seconded the motion.

POLL OF THE BOARD

Mr. Guyot	Aye
Mr. Harden	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

The Special Exception Use Permit was approved.

PHILIP AND KATHLEEN GOLDSTEIN – 2020:ZB04 – 6.16-1-10

An application to renew a Special Exception Use Permit for an existing accessory apartment in the basement of an existing one family dwelling in an R-40 Residential District at 38 Butler Hill Road, Somers. The property is shown on the Town Tax Map as Section: 6.16, Block: 1, Lot: 10. RE: Section Schedule 170-70.

Kathleen Goldstein addressed the Board. The apartment is currently unoccupied. Assistant Building Inspector Rich Servello 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 November 2019 and a copy of the receipt was given to the Board Secretary.

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. Guyot	Aye
Mr. Harden	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. Mr. Guyot seconded the motion.

POLL OF THE BOARD

Mr. Guyot	Aye
Mr. Harden	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

The Special Exception Use Permit was approved.

SUSAN LOVEQUIST – 2020:ZB05 – 38.10-1-17

An application to renew a Special Exception Use Permit for an existing accessory apartment in the basement of an existing one family dwelling in an R-80 Residential District at 24 Frances Drive, Katonah. The property is shown on the Town Tax Map as Section: 38.10, Block: 1, Lot: 17. RE: Section Schedule 170-70.

Susan Lovequist addressed the Board. There are two people 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 tank was cleaned in January 2020 and a copy of the receipt was given to the Board Secretary.

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. Guyot	Aye
Mr. Harden	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.

POLL OF THE BOARD

Mr. Guyot	Aye
Mr. Harden	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

The Special Exception Use Permit was approved.

PATRICK AND DEBORAH SPATAFORE – 2020:ZB06 – 16.13-1-21

An application to renew a Special Exception Use Permit for an existing accessory apartment attached to an existing one family dwelling in an R-40 Residential District at 7 Little Bear Drive, Yorktown Heights. The property is shown on the Town Tax Map as Section: 16.13, Block: 1, Lot: 21. RE: Section Schedule 170-70.

Patrick Spatafore addressed the Board. The apartment is currently unoccupied. 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 January 2020 and a copy of the receipt was given to the Board Secretary.

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. Guyot	Aye
Mr. Harden	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

Mr. Guyot made a motion to grant the Special Exception Use Permit for an existing accessory apartment attached to an existing one family dwelling. Mr. Newman seconded the motion.

POLL OF THE BOARD

Mr. Guyot	Aye
Mr. Harden	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

The Special Exception Use Permit was approved.

OTHER BUSINESS:

The minutes of the January 21, 2020 meeting were approved as submitted.

The next monthly meeting of the Zoning Board of Appeals will be held on March 17, 2020 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

DRAFT