

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

June 9, 2020  
7:30 PM

SOMERS TOWN HOUSE  
MEETING ROOM

- 1. ALBERT AND ANN MARIE 2020:ZB09 (CARRYOVER)  
GOJCAJ**

An application to renew a Special Exception Use Permit as a new owner for an existing accessory apartment on the 2<sup>nd</sup> 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.
- 2. OTHER BUSINESS**

Approval of May 19, 2020 Meeting Minutes.

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Victor Cannistra  
Chairman



**Meeting Minutes**  
May 19, 2020

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 7:35 p.m. with the Pledge of Allegiance.

The meeting was held remotely via Zoom.

**APPLICANTS**

**ALBERT AND ANN MARIE GOJCAJ – 2020:ZB09 – 4.19-2-1 (CARRYOVER)**

An application to renew a Special Exception Use Permit as a new owner for an existing accessory apartment on the 2<sup>nd</sup> floor of a detached garage to 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.

No one was present at the meeting to represent the applicant.

**MARK AND ANNEMARIE AUNE – 2020:ZB13 – 16.07-1-35**

An application for an Area Variance for an existing deck of a one family dwelling in an R-40 Residential District at 5 Verona Place, Mahopac. The property is shown on the Town Tax Map as Section: 16.07, Block: 1, Lot: 35. RE: Section Schedule 170:A1 Zoning Schedule Part 1.

Mr. Aune addressed the Board. They built a new deck to replace an existing deck and in attempting to close out the permit, a new survey was done and it was determined that

the stairs leading off the deck bring it too close to the property line. Since they do not want to remove the steps, a rear yard Area Variance in the amount of 34.3' is being requested. It also appears that a variance may be needed for the house. Mr. Tooma will research their file further and make a determination as to whether or not that is the case.

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. Lansky	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

Mr. Harden made a motion to grant the 34.3' rear yard Area Variance for the existing deck. Mr. Carpaneto seconded the motion.

**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 Area Variance was approved.

**RAYMOND SIMPSON AND LINDA GAFKOWSKI – 2020:ZB12 – 28.17-1-12**

An application to renew a Special Exception Use Permit for an existing accessory apartment in a detached garage to an existing one family dwelling in an R-80 Residential District at 31 Plum Brook Road, Katonah. The property is shown on the Town Tax Map as Section: 28.17, Block: 1, Lot: 12. RE: Section Schedule 170-70.

Raymond Simpson addressed the Board. There are actually two apartments in the detached garage, one of which, a one-bedroom, is pre-existing and was built before zoning. The Special Exception Use Permit renewal is for a two-bedroom apartment that is vacant. Building Inspector Tom Tooma inspected the apartment virtually 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 2020 and a copy of the receipt was given to the Board Secretary. It was noted that a virtual inspection was done of the one-bedroom apartment as well and all was in order. There are two driveways, one off Plum Brook Road that leads to the main house and the other off Sunderland Lane that goes to the detached garage with the apartments.

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. Lansky	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

Mr. Harden made a motion to grant the Special Exception Use Permit for an existing two-bedroom accessory apartment in a detached accessory structure of an existing one family dwelling for seven (7) years. Mr. Carpaneto seconded the motion.

**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 Exception Use Permit was approved.

**BERNARD WEISER AND DOROTHY WATSON – 2020:ZB14 – 47.08-1-11**

An application for an Area Variance to expand an existing one car attached garage to a two-car attached garage of an existing one family dwelling in an R-80 Residential District at 42 Mekeel Street, Katonah. The property is shown on the Town Tax Map as Section: 47.08, Block: 1, Lot: 11. RE: Section Schedule 170:A1 Zoning Schedule Part 1.

Architect Michael Dalton addressed the Board. His clients own a 1 ½ story ranch on 3.3 acres. They would like to expand their existing one car attached garage to a two-car

garage. The closest neighbor is about 50' away and there are hemlock and fruit trees in between the properties. The garage will be 16' high and built on a concrete slab. There will be no attic or plumbing, but there will be electric for lighting and the garage door openers. Although the property slopes, the garage is at one of the highest points of the property. One 6 to 7" tree will have to be removed as well as some rhododendrons. There was concern about the water running off the roof and going into the neighbor's property. Mr. Dalton will change that on the plan so that the pitch allows it to flow in another direction that is away from the neighbor. The owners spoke to the nearest neighbor and they had no objection to the expansion.

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. Lansky	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

Mr. Harden made a motion to grant the 14' side yard setback area variance to expand a one car attached garage to a two-car attached garage to an existing one family dwelling with the stipulation that the water flow off the roof will be re-directed as to not go on the neighbor's property. Mr. Carpaneto seconded the motion.

**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 Area Variance was approved.

**OTHER BUSINESS:**

**Minutes** – The minutes of the April 21, 2020 meeting were approved as submitted.

The Board went into Executive Session to discuss a potential application with the Building Inspector. The next monthly meeting of the Zoning Board of Appeals will be held on June 9, 2020 at 7:30 p.m. There being no further business, the meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Denise Schirmer, Secretary  
Zoning Board of Appeals

cc: Town Board  
Town Clerk  
Planning and Engineering  
Planning Board

DRAFT