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ZONING BOARD OF APPEALS

Town of Somers

WESTCHESTER COUNTY, N.Y.

TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

Victor Cannistra
Chairman



Meeting Minutes
April 21, 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 Board did not meet on March 17th due to the corona virus.

The meeting was held remotely via Zoom.

APPLICANTS

SOMERS LAND TRUST – 2020:ZB07 – 17.08-10-15

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.

Michael Barnhart, President of the Somers Land Trust addressed the Board. They want to put a sign up at the entrance of their newly developed Rhinoceros Creek Reservation. The sign is double sided and 8 square feet. It was reviewed and supported in writing by the Architectural Review Board, but couldn't be approved because it is larger than the 150 square inch sign permitted in an R-40 Residential District. The overall concern of the Zoning Board was the placement of the sign so it wouldn't impact visibility of traffic. Mr. Barnhart said it will be placed beyond the stone wall at the entrance.

Mr. Carpaneto 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

Ms. D’Ippolito made a motion to approve the 8 square foot double sided sign with the stipulation that it will be placed behind the existing stone wall at the entrance. 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.

ALAN COHEN AND CORINNE LAPIN – 2020:ZB08 – 59.05-1-2

An application to renew a Special Exception Use Permit for an existing accessory apartment on the 2nd floor of a detached garage to 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.

Alan Cohen addressed the Board. The apartment is vacant. 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 February 2018 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. 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 on the 2nd floor of a detached accessory structure of an existing one family dwelling. 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.

ALBERT AND ANN MARIE GOJCAJ – 2020:ZB09 – 4.19-2-1

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 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.

ADIS AND KRISTA RAMOS – 2020:ZB10 – 4.19-214

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.

Adis Ramos addressed the Board. The apartment is occupied by a couple and their two young children. 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 December 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. 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 attached to an existing one family dwelling. Mr. Guyot 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.

JOHN AND NORA MACKEY – 2020:ZB11 – 28.05-1-47

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.

Nora Mackey addressed the Board. She would like to build a new deck on some of the existing patio, but is in need of a 7' rear yard setback area variance. The nearest neighbor has no issues or concerns. Approval has been given by the homeowner's association, and no permits are needed from Planning and Engineering. They have a community well as well as septic and are cluster zoned houses. Currently there are steps from a side door that lead down to the patio. The plan is to install a sliding glass door that would lead right out onto the deck and there would be steps from the deck going down to the patio. A lot of screening and shrubs exist. Mrs. Mackey doesn't want

to reduce the size of the deck to avoid a variance as there is a wall around the patio which would interfere.

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 7' rear yard setback area variance to construct a new deck to an existing one family dwelling. Mr. Guyot 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.

CHRISTOPHER COLUMBUS SOCIETY OF YORKTOWN, INC. – 2019:ZB33 – 26.08-2-16 (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.

At the January meeting, Architect Willie Besharat addressed the Board. When the owners of the property were approached by the Town regarding a shed complaint, it was determined that the existing deck and wood steps with a platform to the building were in violation as Building Permits were never secured. In addition, a rear yard Area Variance of 41.2' is needed for the deck that is 10' by 12', as well as a side yard Area Variance of 24.8'; and a front yard Area Variance of 15' is being sought for the wood steps with a platform that is 3' by 3'. The deck is the main entrance to the building and

the wood steps with a platform, the only other egress. There are steel doors for entering and exiting. Both the deck as well as the wood steps with a platform are in good condition and have been in existence since the late 50's, early 60's. The railings and steps to the deck are in decent shape and should be code compliant. If the variances are approved, the structures will have to be legalized with the issuance of Building Permits and inspected for code compliance. Upgrades will not need to be made to legalize the structures unless they are found to be unsafe. The deck is about 24" off the ground.

Public comment was heard from two of the Christopher Columbus Society members, a neighbor, as well as another neighbor and her mother's attorney. The one neighbor in particular had numerous concerns that were reiterated by their attorney.

After hearing comments from the public and dialoguing amongst themselves, all the Board members were conflicted and wanted verification somehow, from the Building Inspector, as to whether or not the deck was extended.

The applicant returned this evening. Since the January meeting, Building Inspector Tom Tooma met with Mr. Besharat at the site. He was unable to see the underside of the deck as it is practically resting on the ground and some portions (support girder) are actually partially below grade. Therefore, he was unable to verify its structural integrity or age. Mr. Besharat and Mr. Tooma discussed the legalization process. Mr. Tooma explained that many deck boards would need to be removed in order to observe the sub structure and it would also involve regrading, verifying footings, bringing the steps to code, etc. They also discussed installing a patio of some sort and Mr. Tooma advised that a building permit would not be required for a patio. Mr. Besharat said he would consult the applicant as to how they wish to proceed. Mr. Tooma also researched Westchester GIS (historical maps) in an effort to age the deck yet no clear images were found. In addition, the Tax Assessor Teresa Stegner provided a memo and a copy of the property card of the findings in her office.

Mr. Besharat addressed the Board. The applicant is willing to remove the deck. The double door, which is the main entrance, leading down to the existing deck is 14" off the ground. The new plan is to have steps from the door that lead to a pressure treated wood platform that is 6' by 8' with steps down to the patio. The wood steps and platform at the side door will be made smaller to only allow for one person to enter and exit. All were pleased with this new proposal. Mr. Besharat will return at the June meeting with updated plans for all to review and act on. In closing, Mr. Guyot asked that the gutter lying in the parking lot in the front of the building be taken care of.

OTHER BUSINESS:

Cell Tower Renewal Applications Discussion - A discussion ensued regarding a memo received from the Planning Board regarding cell tower and co-locator's application review. Based on the legislation encompassed within Article XXIIA. Wireless Telecommunications Facilities of the Zoning Ordinance, added in October

2002, the Zoning Board of Appeals unanimously agreed that the jurisdiction for all such applications lies with the Planning Board even if they received original approval or renewals from the Zoning Board of Appeals.

Minutes – The minutes of the February 18, 2020 meeting were approved as submitted.

The next monthly meeting of the Zoning Board of Appeals will be held on May 19, 2020 at 7:30 p.m. There being no further business, the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Denise Schirmer, Secretary
Zoning Board of Appeals

cc: Town Board
Town Clerk
Planning and Engineering
Planning Board