

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

**September 15, 2020
7:30 PM**

**SOMERS TOWN HOUSE
MEETING ROOM**

- 1. 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.
- 2. KEVIN DUFFY AND EVAN FENYO** **2020:ZB17**
An application for the renewal of a Special Exception Use Permit as a new owner for an existing accessory apartment in the basement of an existing one family dwelling in an R-40 Residential District at **8 Cornelius Lane, Baldwin Place**. The property is shown on the Town Tax Map as **Section: 5.17, Block: 2, Lot: 5**. RE: Section Schedule 170-70.
- 3. JOHN DOUGLAS FREY, II** **2020:ZB18**
An application for the renewal of a Special Exception Use Permit for an existing accessory apartment in a detached 2-story structure of an existing one family dwelling

in an R-40 Residential District at **3 Old Croton Falls Road, Somers**. The property is shown on the Town Tax Map as **Section: 17.08, Block: 1, Lot: 7**. RE: Section Schedule 170-70.

**4. URSTADT BIDDLE
PROPERTIES, INC.**

2020:ZB19

An application for an Area Variance for a sign that is longer than permitted in a Neighborhood Shopping District at **325 Route 100, Somers**. The property is shown on the Town Tax Map as **Section: 17.15, Block: 1, Lot: 13**. RE: Section Schedule 170-125.

**5. CROSSROADS AT
BALDWIN PLACE**

2020:ZB20

An application for an Area Variance for additional signs that are not permitted in a Neighborhood Shopping District at **57 Route 6, Baldwin Place**. The property is shown on the Town Tax Map as **Section: 4.120 Block: 1, Lot: 3.1-01**. RE: Section Schedule 170-125.

**6. DYKEER WATER
COMPANY, INC.**

2020:ZB21

An application for three Area Variances in MFR-H District at **0 Krystal Drive, Somers**. The property is shown on the Town Tax Map as **Section: 16.16, Block: 3, Lot: 1**. RE: Section Schedule 170-13.

7. OTHER BUSINESS

Approval of July 21, 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
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-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. 01SC5298242
Qualified in Dutchess County
NOTARY SIGNATURE Expires March 10, 2022

Ronald D'Alessandro
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
Kevin Duffy and
Evan Fenyo

B Z NUMBER 2020:ZB17
DATE: 8/23/2020

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

1. Kevin Duffy and Evan Fenyo
(Name of appellant)

whose post office address is 8 Cornelius Lane, Baldwin Place, NY 10505
(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
in the basement of 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

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

Town Tax Map as Section: 5.17 Block: 2 Lot: 5

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

8 Cornelius Lane

(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 as per the Code of the Town of Somers

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 23rd DAY August 20 2020

Denise Schirmer NOTARY SIGNATURE

OWNER SIGNATURE

DENISE SCHIRMER Notary Public State of New York No. 01506298242 Dutchess County Commission Expires March 10, 2020 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
John Douglas Frey, II

B Z NUMBER 2020:2B18
DATE: 8/23/2020

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

1. John Douglas Frey, II
(Name of appellant)

whose post office address is 3 Old Croton Falls Road, 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 _____
(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 for an accessory apartment that is existing to an existing one family dwelling in an R-40 Residential Zone. The accessory apartment is a 2-story structure (cottage) with 2 bedrooms.

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

3 Old Croton Falls Road 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: 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

3 Old Croton Falls Road

(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 to have an accessory apartment as per the Code of the Town of Somers

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 23rd DAY August 20 20

Denise Schirmer NOTARY SIGNATURE

John Douglas Fry II OWNER SIGNATURE

DENISE SCHIRMER Notary Public State of New York No. 0156798242 Expires March 10, 2022 NOTARY SIGNATURE

John Douglas Fry II 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
Urstadt Biddle Properties, Inc.

B Z NUMBER 2020: ZB19
DATE: 8/23/2020

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

1. Urstadt Biddle Properties, Inc.

(Name of appellant)

whose post office address is 321 Railroad Avenue, Greenwich, CT 06830

(Post office address)

through Maggie McKeon, Office Manager - Audiology Associates

(Name of attorney or representative if any)

whose post office address is 785 Manaroveck Avenue, Building 4,

(Post office address)

White Plains, NY 10605

does hereby appeal to the Zoning Board of Appeals at the Town of Somers.

2. Such appeal is taken from a ruling of Architectural Review

(Name of officer)

Board

(Office held)

made on July 23, 2020

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

(Give summary of ruling)

The wall sign proposed cannot exceed 3'
in length. The proposal is for a sign that
is 96" in length. This property is in
a Neighborhood Shopping zone.

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

325 Route 100

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

and is shown on the

Town Tax Map as Section: 17.15, Block: 1 Lot: 13

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

325 Route 100

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

The allowable length of the proposed sign cannot exceed 3' based on their store front length, but 96" is being proposed

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 23rd DAY August 20 20

Denise Schirmer NOTARY SIGNATURE

OWNER SIGNATURE

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

Maggie McKern APPICANT 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

Crossroads at Baldwin Place

B Z NUMBER 2020: ZB20

DATE: 8/29/2020

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

1. Crossroads at Baldwin Place

(Name of appellant)

whose post office address is 34 Clayton Boulevard, Baldwin Place, NY

(Post office address)

through Michael Lang, President Signarana Hartsdale 10505

(Name of attorney or representative if any)

whose post office address is 28 North Central Avenue, Hartsdale, NY 10530

(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 Architectural Review

(Name of officer)

Board

(Office held)

made on July 24, 2020

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 three additional
black pin letter signs for their
supermarket that occupies three
units w the building. The property
is in a Neighborhood Shopping District

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

57 Route 6

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

and is shown on the

Town Tax Map as Section: 4.20 Block: 1 Lot: 3.1-01

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

57 Route 6

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

Only one sign is permitted per the Code. The applicant is requesting 3 additional six letter signs since they occupy three units in the building 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 29th DAY August 20 20

Denise Schirmer
NOTARY SIGNATURE

OWNER SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
Notary Signature 6298242
Qualified in Dutchess County
Commission Expires March 10, 2022
NOTARY SIGNATURE

Ch. Pang
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

Dykeer Water Co., Inc.

B Z NUMBER

2020:ZB21

DATE:

8/29/2020

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

1. Dykeer Water Co., Inc.

(Name of appellant)

whose post office address is PO Box 2738 Camden, NJ 08191

(Post office address)

through New York American Water Co., Inc.

(Name of attorney or representative if any)

whose post office address is 60 Brooklyn Avenue, Merrick NY 11556

(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 Town of Somers Planning Board

(Name of officer)

made on July 8, 2020

(Office held)

which ruling was filed on July 10, 2020

and notice of such ruling was first received by appellant on July 10, 2020

such ruling that based on the zoning requirements of the MFR-H Multifamily Hamlet District within

(Give summary of ruling)

which the subject parcel lies, will require three variances:

(1) side yard variance - 50' required; 30.3 provided; variance required - 19.7'

(2) Distance from Accessory Use if Not within or Attached to a Principal Building Variance; does not meet requirement

(3) Height - Permitted Maximum Height is 15'; proposed Height is 18'

The Planning Board directed the applicant to seek variances from the Zoning Board and voted to recommend approval of the above required variances

3. The property which is the subject of the appeal is located at or known as Dykeer Station at the SE intersection of Krystal Drive and US Route 202/Mill Road

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

Town Tax Map as Section: 16.16 Block: 3 Lot: 1

The interest of the appellant is that of Dykeer Water Co., Inc.

(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

Dykeer Station at the SE intersection of Krystal Drive and US Route 202/Mill Road

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

NYAW is currently in contract to procure a Granular Activated Carbon treatment system to be installed at Dykeer Station to address forthcoming New York State Department of Health (NYSDOH) water quality regulations (described in the attached project description). The new GAC treatment system is proposed to be installed to treat drinking water in a new masonry building at the site since the existing treatment system building does not have available space to accommodate the proposed GAC treatment system. The new facility would be sized to accommodate the GAC treatment system and provide suitable working clearances.

and such may be granted pursuant to... Zoning dimensional requirements, Part II General Legislation /

Zoning, Article III Residence Districts, Section 170-13 Multifamily Residence MFR Districts

(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

26th

DAY

August

20 20

NOTARY SIGNATURE

Sandra A. Smith
SANDRA A. SMITH
Notary Public, State of New York
01SM6223288
Qualified in Nassau County
Commission Expires June 07, 2022

OWNER SIGNATURE

[Handwritten Signature]

NOTARY SIGNATURE

APPLICANT SIGNATURE

[Handwritten Signature]

(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

Victor Cannistra
Chairman



Meeting Minutes
July 21, 2020

Chairman Cannistra opened the meeting at 7:35 p.m. with the Pledge of Allegiance.

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.

The meeting was held remotely via Zoom.

APPLICANTS

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.

Mr. Besharat was not prepared to attend the June meeting so he returned this evening. He recently learned that pictures were discovered of the existing deck that are very old and date back to when the deck was built when the Society took ownership of the building in the 50's. The most recent plan was to remove the deck and replace it with a step down to a small landing down to a patio. Either way the use would not change, which is what one of the neighbors was concerned about. Another neighbor was thought the deck was extended recently, which the photos will prove it was not, but only repaired. In Mr. Besharat's opinion, currently the deck is structurally sound, but does

need some minor repairs. Given all of these facts and that removing and replacing the deck would cause a financial hardship to this not-for-profit organization, the applicant would like to propose their original application of seeking a variance for the existing deck as well as the side staircase and platform so that a Building Permit can be secured in order to make minor repairs to insure its safety. The deck is about 15" off the ground. Mr. Tooma did visit the site, in his professional opinion the deck could use a little work, but he was unable to attest to what the condition of the underside of the deck was as it was so low to the ground. He did check the Westchester GIS for pictures of the property, but it was difficult to see that side of the building due to tree coverage. Whether the deck has been expanded or not in recent years, the Board's function is to determine the least intrusive means, which would be a smaller deck. All reiterated that the applicant wants to propose their original proposal of seeking a variance for an existing deck and wood steps, which was confirmed. Mr. Besharat will return at the September 15th meeting and provide the Board Secretary with the discovered photos which will be distributed to the Board via mail before the next meeting.

MICHAEL AND DONNA SCORRANO – 2019:ZB15 – 38.13-2-27

An application for a side yard Area Variance for a new two-story attached garage to an existing one family dwelling in an R-80 Residential District at 16 Frances Drive, Katonah. The property is shown on the Town Tax Map as Section: 38.13, Block: 2, Lot: 27. RE: Section Schedule 170:A1 Zoning Schedule Part 1.

Mr. Scorrano addressed the Board. He has owned his house since 2002 and would like to build a two-car garage that would be attached to the right side of his house, but is in need of a 23.1' side yard variance in order to do so. Efforts are being made to architecturally blend the new garage so that it appears that it was always there. A letter was included in the Board packets from the Wrights who are the neighbors on that side of his property and they are in total support of this project. There will not be a 2nd story on the garage, but a gable roof that is open and about 12' above grade. The house has HardiePlank siding and it will be continued on the garage. Other locations on the property for the garage were explored but the proposed area made the most sense. The garage will be placed at the end of the existing driveway, which will not be made any bigger. No trees will have to be removed to build the garage and some trees as well as a post fence exist along the property line. There are no plans to add additional screening, but if the neighbor request so it will be done. Contractors will be hired to do the work and the goal is to complete the garage in a timely manner. The gutters on the roof will be directed to the back of the garage so the run off goes into Mr. Scorrano's yard, not his neighbor's. The garage will have electricity, but no heat or plumbing. It will be used to park their cars and there will be a work area at the back of it. It was clarified that the Google Earth pictures shared were outdated, and what appears to be a building in them was a canopy tent that was put up for a backyard party and the sail boat is no longer there.

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

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 23.1' side yard Area Variance for the new attached two car garage. Mr. Harden seconded the motion.

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 Variance was approved.

BART LANSKY AND JENNY OLSON-LANSKY – 2020:ZB16 – 18.17-1-7

A denied application request to legalize a pre-existing non-conforming use of an existing one family dwelling in an R-10 Residential District at 28 Ridge Way, Purdys. The property is shown on the Town Tax Map as Section: 18.17, Block: 1, Lot: 7. RE: Section Schedule 170-11.

Co-owner Bart Lansky who is a member of the Zoning Board of Appeals recused himself from this application. Jenny Olson-Lansky addressed the Board. They purchased the property in August 2018 and it consists of 4 acres, 130,000 square feet. There is a one- bedroom apartment over an existing attached garage with entrances from the inside of the house as well as the exterior that was built in the 70's, but needs to be legalized with a Special Exception Use Permit. No additional modifications will be made to the apartment. It is approximately 600 square feet and has its own parking space. Their daughter lives in the apartment and plans to remain there as she attends college over the next few years. Photos of the house and apartment were provided to the Board members via email yesterday. Smoke detectors are existing. Mr. Tooma has not inspected the apartment yet as he needs approval from the Board first, so he can issue a Building Permit and then a final inspection will be done in order to close out the Permit. The house was built as a 3-bedroom house plus the one bedroom in the accessory apartment. Department of Health approval exists for 4 bedrooms on the property. Typically, the properties in an R-10 Residential Zone are small and cannot accommodate an accessory apartment, but the Lansky's have more than enough

property. Although there are no plans to subdivide the property, which would be difficult to do because much of it is very steep, if it were as long as the property with the accessory apartment was at least 40,000 square feet, the Special Exception Use Permit for the accessory apartment could not be revoked.

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

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

Mr. Harden made a motion to grant the Special Exception Use Permit to legalize an existing one-bedroom accessory apartment on the 2nd floor of an attached garage of an existing one family dwelling for seven (7) years, subject to a Building Permit being issued for said accessory apartment and inspections conducted by the Building Department. Mr. Guyot seconded the motion.

POLL OF THE BOARD

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

The Special Exception Use Permit was approved.

Minutes – The minutes of the June 9, 2020 meeting were approved as submitted.

The next monthly meeting of the Zoning Board of Appeals will be held on September 15, 2020 at 7:30 p.m. There being no further business, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Denise Schirmer, Secretary

Zoning Board of Appeals

cc: Town Board
Town Clerk
Planning and Engineering
Planning Board

DRAFT