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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 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