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ZONING BOARD OF APPEALS

TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.



AGENDA

December 15, 2020
7:30 PM

1. **FRANK AND DORELLA
CAPORALE** **2020:ZB27**
An application for an Area Variance to keep 6 existing chickens in an R-10 Residence District at **6 Wright Road, Yorktown Heights**. The property is shown on the Town Tax Map as **Section: 16.14, Block: 3, Lot: 10**. RE: Section Schedule 170-11.

2. **265 ROUTE 202, LLC** **2020:ZB28**
An application for an Area Variance to bypass the required pre-application conferences with a technical committee for a temporary medical office use for COVID testing in the Business Historic Preservation District at **265 Route 202, Somers**. The property is shown on the Town Tax Map as **Section: 17-11, Block: 1, Lot: 21**. RE: Section Schedule 170-18.2.

3. **OTHER BUSINESS** Approval of November 17, 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
Frank and Dorella Caporale

B Z NUMBER *2020:ZB27*
DATE: *11/22/2020*

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

1. *Frank and Dorella Caporale*

(Name of appellant)

whose post office address is *6 Wright Road, Yorktown Heights, NY 10598*
(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)
*An Area Variance to Keep 6 Chickens
in an R-10 Residential Zone*

3. The property which is the subject of the appeal is located at or known as
6 Wright Road
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: *16.14* Block: *3* Lot: *10*

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

LeWright Road

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

At least 40,000 square feet is required to have chickens and the applicant has just under 10,000 square feet. The chickens have been existing on the property for 5+ years

and such may be granted pursuant to 170-11-B-3-b

(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 _____ DAY _____ 20_____

NOTARY SIGNATURE

OWNER SIGNATURE

NOTARY SIGNATURE

APPLICANT SIGNATURE



ZONING BOARD OF APPEALS
Town of Somers
WESTCHESTER COUNTY, N. Y.

TOWN OFFICE
SOMERS, NEW YORK 10589
914-377-9589

D # NUMBER _____
DATE _____

IN THE MATTER OF THE APPEAL

of
Frank and Dorella Caporale

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

1. **Frank and Dorella Caporale**
(Name of appellant)
whose post office address is **6 Wright Road, Yorkton Heights, NY 10588**
(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 _____
which ruling was filed on _____ and notice of such ruling was
first received by appellant on _____; such ruling

(One summary of ruling)
**An Area Variance To Keep Chickens
in an R-10 Residential Zone**

3. The property which is the subject of the appeal is located at or known as _____
6 Wright Road, and is shown on the
Street and number of distance from and names of nearest intersecting streets

Town Tax Map as Section: **1.6114**, Block: **3**, Lot: **10**

The interest of the appellant is that of _____
(Owner, tenant, etc.)

4. The appeal is taken from 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 for use by applicant)

(a) The property which is the subject of the appeal is located at or between and

Leavright Road

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

At least 40,000 square feet is required to have chickens and the applicant has just under 10,000 square feet. The chickens have been existing on the property for 5+ years

and such may be granted pursuant to 170-11-B-3-b

Ordinance applicable to the Zoning Ordinance of the Town of Bannock

Both applicant and owner must sign if they are different persons.

I Herby Dispose And Say That All The Above Statements And The Statements Contained In The Papers Submitted Herewith Are True.

SWORN TO ME BEFORE THIS

21st DAY November 2020

Mary Ann Potelli
NOTARY SIGNATURE

Dorella Caporale
OWNER SIGNATURE

Mary Ann Potelli
NOTARY SIGNATURE

Dorella Caporale
OWNER SIGNATURE

MARY ANN PORTELLI
Notary Public, State of New York
No. 01PO4976351
Qualified in Putnam County
Commission Expires Jan. 14 2023

MARY ANN PORTELLI
Notary Public, State of New York
No. 01PO4976351
Qualified in Putnam County
Commission Expires Jan. 14 2023



IN THE MATTER OF THE APPEAL
OF
265 Route 202, LLC

B Z NUMBER 2620; 2B28
DATE 11/24/2020

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

1. Donato Settanni
(Name of appellant)

whose post office address is PO Box 41, 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. Tooma, Jr.
(Name of officer)

Building Inspector, made on November 24, 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 temporary medical office use for Covid testing in the Business Historic Preservation District for which a variance is needed from going through the required pre-application conferences with a technical committee

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

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

Town Tax Map as Section: 17.11, Block: 1, Lot: 21

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.)

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

265 Route 202

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

relief is being requested from not having to have a preapplication conference with a technical committee consisting of the Town Board, Landmarks Committee, Architectural Review Board and Open Space Committee

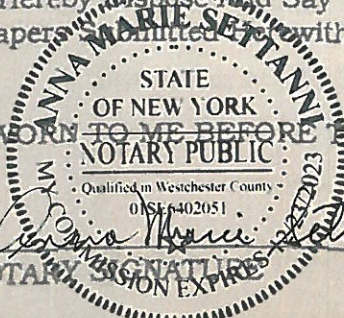
and such may be granted pursuant to 170-18.2-A, B, C, D, E and F

(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 24th DAY November 20 20



Anna Marie Seppanni

Tom Seppi

OWNER 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
November 17, 2020

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

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

Mr. Carpaneto and Ms. D'ippolito were absent.

Building Inspector Tom Tooma and interested residents were also present.

The meeting was held remotely via Zoom.

APPLICANTS

JOEL HOFFMAN – 2020:ZB25 – 48.09-1-8

An application for a side yard Area Variance for the placement of a generator and gas tank in an R-80 Residential District at 15 Wood Street, Katonah. The property is shown on the Town Tax Map as Section: 48.09, Block: 1, Lot: 8. RE: Section Schedule 170:A1 Zoning Schedule Part 1.

Mr. Hoffman addressed the Board. He has lived in his house for 12 years and has lost his power 45 times. During most of those times, he had to live in a hotel for days. When his power is out, he also has no water. A generator company was consulted and numerous locations for the placement of the generator and the above ground gas tank were explored. A final location was determined due to safety and accessibility. As a result, Mr. Hoffman is in need of a 5' side yard variance since 15' is required and only 10' exists. There was concern over a chance of a car or truck sliding into the generator and/or gas tank from the hairpin turn in the driveway, especially in snow or ice. Mr. Hoffman agreed to install a barrier in that area to be safe. The property is surrounded

by a lot of trees and brush. One neighbor had no objections and the one on the other side of his property just wanted to be sure they couldn't see the gas tank and generator. They could not.

Catherine Vaccaro of 14 Shenorock Drive was on chat and had some questions. They were answered by the Chairman as best he could.

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. Lansky	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

Mr. Newman made a motion to approve the 5' Area Variance for the placement of the generator and gas tank contingent upon the installation of an appropriate safety barrier. Mr. Harden seconded the motion.

POLL OF THE BOARD

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

The Area Variance was approved.

LAWRENCE REALTY, LLC – 2020:ZB26 – 28.10-1-7.1 and 9

An application for eight Area Variances for proposed improvements to an existing facility whose tenant is Somers Sanitation, Inc. in an Office Light Industry District at 239 and 241 Route 100, Somers. The property is shown on the Town Tax Map as Section: 28.10, Block: 1, Lot: 7.1 and 9. RE: Section Schedule 170-24.5.

Attorney Leslie Snyder addressed the Board. She is representing Somers Sanitation who are tenants of the property owned by Lawrence Realty, LLC. They have been operating a recycling facility on the two parcels for over 30 years. Improvements have to be made to comply with regulations of set forth by the New York Department of Environmental Conservation, which include enclosing the recycling center; replacing the existing scale house; installing a 50,000-gallon water tank that is 20' high by 20' wide for fire suppression, and a parking pavilion. There will be no expansions. As a result, eight

variances will be needed and at their October 14, 2020 meeting, the Planning Board sent the applicant to the Zoning Board of Appeals to apply for those variances.

Engineer Rich Calogero addressed the Board and discussed each variance as follows:

1. Site Coverage (170-24.5 (E))
 - a. Required – 60%; Proposed – 69%; Variance – 9%
2. Building Height (170.24.5 (F)) for the Transfer Station Building
 - a. Required – 30 feet; Proposed – 23 feet; Variance – 7 feet
3. Vegetative Buffer Area Adjacent to Residential Zone (170-24.5 (G))
 - a. Required – 50 feet; Proposed – 10 feet; Variance – 40 feet
4. Side Yard for the New Scale House (170-24.5 (I))
 - a. Required – 40 feet; Proposed – 24 feet; Variance – 16 feet
5. Side Yard for the Outbound Scale (170-24.5 (I))
 - a. Required – 40 feet; Proposed – 31 feet; Variance – 9 feet
6. Side Yard for the Parking Pavilion (170.24.5 (I))
 - a. Required – 40 feet; Proposed – 10 feet; Variance – 30 feet
7. Side Yard for the Water Tank (170-24.5 (I))
 - a. Required – 40 feet; Proposed – 2 feet; Variance – 38 feet*
8. Rear Yard for the Water Tank (170-24.5 (J))
 - a. Required – 40 feet; Proposed – 2 feet; Variance – 38 feet*

*The Water Tank is 2 feet from the 10-foot wide buffer instead of 40 feet from the 50 foot wide buffer.

Comments:

68% of the property is existing site coverage.

Areas that are now hard packed gravel and/or asphalt millings will be paved with blacktop.

Traffic will be alleviated as there will be two scale areas that will allow for inbound and outbound lanes.

As a result of further review of the Code, the height variance for the building has been reduced from 9' to 7'.

The two lots will be combined.

A request was made that the Residential Zone neighbor submit a letter that they have no objection to the buffer.

Improvements will be made to the drainage one being relocating the line from under the building to the perimeter.

The existing water tank will be removed and replaced with a double walled underground tank that will be monitored by the NYS Department of Environmental Conservation.

There is concern over the amount of blacktop being proposed and its impact on the reservoir. Permeable pavers will be used instead, wherever possible.

At the request of the Planning Board, there is a color-coded plan for vehicle movement.

During the construction of the project, the plant will remain open and will only be closed when absolutely necessary.

All members agreed that they understood the necessity of the eight variances.

Mr. Harden 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. Lansky	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

Mr. Lansky made a motion to approve the eight variances proposed with the understanding that the building height variance was reduced to 7'; that Mike Fiorillo of Somers Sanitation provide an Affidavit that he spoke with a representative of the owners (Samaj Investors Corp.) of 21 Annarock Drive that they reviewed the plans and had no objection to the variance being issued for the vegetative buffer; and no

additional square footage of impervious drives and parking areas. Permeable pavers will be used instead. Mr. Newman seconded the motion.

POLL OF THE BOARD

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

All eight variances were approved.

Minutes – The minutes of the October 20, 2020 meeting were approved as submitted. Mr. Guyot recused himself as he was not present.

The next monthly meeting of the Zoning Board of Appeals will be held on December 15, 2020 at 7:30 p.m. There being no further business, the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Denise Schirmer, Secretary
Zoning Board of Appeals

cc: Town Board
Town Clerk
Planning and Engineering
Planning Board