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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**  
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 feet 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