

Telephone  
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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

April 20, 2021  
7:30 PM

1. **JOHN AND CARMEN  
CARWAY**                      **2021:ZB02 (CARRYOVER)**  
An application for the renewal of a Special Exception Use Permit for an existing accessory apartment attached to an existing one family dwelling in an R-40 Residential District at **8 Old Croton Falls Road, Somers**. The property is shown on the Town Tax Map as **Section: 17.08, Block: 2 Lot: 1**. RE: Section Schedule 170-70.
  
2. **JENNA DONNELLAN AND  
ANNMARIE MACCA**                      **2021:ZB05**  
An application for the-renewal of a Special Exception Use Permit as a new owner for an existing accessory apartment in a detached structure to an existing one family dwelling in an R-80 Residential District at **74 Moseman Avenue, Katonah**. The property is shown on the Town Tax Map as **Section: 48.13, Block: 1 Lot: 28**. RE: Section Schedule 170-70.
  
3. **OTHER BUSINESS**                      March 16, 2021 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  
John + Carmen Carway

Z Z NUMBER 2021:Z602  
DATE: 1/22/21

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

1. John and Carmen Carway  
(Name of appellant)

whose post office address is 8 Old Croton Falls Road, Somers, NY  
(Post office address) 10589

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 Application for the renewal of  
a Special Exception Use Permit for an  
existing accessory apartment  
attached to a one-family dwelling  
in R-40 Residential Zone.

3. The property which is the subject of the appeal is located at or known as  
8 Old Croton Falls Road and is shown on the  
(Street and number or list name from and names of nearest intersecting streets)

Town Tax Map as Section: 17.08 Block: 2 Lot: 1

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 Old Crown 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 for an accessory apartment

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 22nd DAY January 2021

Denise Schmitt  
NOTARY SIGNATURE

Carmen Carway  
OWNER SIGNATURE

Denise Schmitt  
Notary Public  
NOTARY SIGNATURE  
Commission Expires 12/31/22

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  
Jenna Donnellan and  
Annmarie Macca

B Z NUMBER 2021:ZB05  
DATE: 3-1-21

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

1. Jenna Donnellan  
(Name of appellant)

whose post office address is 74 Moseman Avenue, Katonah, NY  
(Post office address) 10536

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 application as a new owner to renew  
a Special Exception Use Permit for an existing  
accessory apartment in a detached structure  
There are 2 bedrooms in the accessory  
apartment to an existing one family  
dwelling in an R-80 zone

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

Town Tax Map as Section: 48.13 Block: 1 Lot: 28

The interest of the appellant is that of owners  
(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 .....

74 Moseman Avenue  
.....  
.....  
.....

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

As per the Code of the Town of Somers, a  
Special Exception Use Permit is required  
for an accessory apartment

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 1<sup>st</sup> DAY March, 2021

Marisa Warshaw  
NOTARY SIGNATURE

Jenna Donnellan  
OWNER SIGNATURE

**MARISA WARSHAW**  
Notary Public, State of New York  
No. 01WA6356332  
Qualified in Westchester County  
Commission Expires March 27, 2021

NOTARY SIGNATURE

APPLICANT SIGNATURE



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ZONING BOARD OF APPEALS

TOWN HOUSE  
ANNEX  
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**Town of Somers**

WESTCHESTER COUNTY, N.Y.

Victor Cannistra  
Chairman



**Meeting Minutes**  
March 16, 2021

Chairman Cannistra opened the meeting at 7:30 p.m. with the Pledge of Allegiance.

The members present were: Chairman Cannistra, Ms. D'Ippolito, Mr. Guyot, Mr. Lansky and Mr. Newman.

Mr. Carpaneto and Mr. Harden were absent.

Building Inspector Tom Tooma and interested residents were also present.

The meeting was held remotely via Zoom.

**APPLICANTS**

**JOHN AND CARMEN CARWAY – 2021:ZB02 – 17.08-2-1 (CARRYOVER)**

An application for the renewal of a Special Exception Use Permit for an existing accessory apartment attached to an existing one family dwelling in an R-40 Residential District at 8 Old Croton Falls Road, Somers. The property is shown on the Town Tax Map as Section: 17.08, Block: 2, Lot: 1. RE: Section Schedule 170-170.

Mr. Tooma reported that since the last meeting, a section of the archway made between the accessory apartment and existing 3 season room was removed to get a look at what was inside. He did a site visit, took some notes and thought it was structurally sound. The applicants retained an architect who will supply a letter indicating that the archway structurally exceeds what is mandated by State code. Once the letter and plans have been received, a Building Permit to legalize the work done will be issued. All members will be supplied with a copy of the letter and plans.

**DEBRA SARFATY – 2021:ZB04 – 36.08-1-44**

An application for a side yard variance as well as a maximum lot coverage variance to add a one-story addition to an existing one family dwelling in an R-10 Residential District at 7 Route 118, Yorktown Heights. The property is shown on the Town Tax Map as Section: 36.08, Block: 1, Lot: 44. RE: Section Schedule 170:A1 Schedule Part 1.

Debra Sarfaty addressed the Board. She has owned her home for 2.5 years and would like to add a 114 square foot addition over an existing patio off her kitchen to be used as a laundry room and add a bathtub to the existing half bath on the main floor. The washer and dryer are currently in the basement and the main bathroom only has a shower. There is a paper road on the proposed addition side of the house and Ms. Sarfaty's neighbor on the other side of the paper road has no objections. Her neighbor on the other side of her house had no objections as well as the one behind her house. Although in an R-10 Residential District, the property is 17,779 square feet versus the required 10,000 square feet. Board of Health approval is not needed to add a bathtub to the existing ½ bathroom, they only get involved if a bedroom is added. There is a pre-existing non-conforming garage on the property. Having a copy of a survey with the paper road on it would have been ideal. A copy of the survey with the paper road exists in the applicants building file and indicates that it is well beyond Ms. Sarfaty's property line. A pre-requisite is an environmental review. The Engineering Department did a preliminary review and had no issues. Google maps shows no infringement and there is a fair amount of room between Ms. Sarfaty's house on the side of the proposed addition and her neighbors on the other side of the paper road.

Mr. Guyot 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**

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

Ms. D'Ippolito made a motion to approve a 5.1' side yard variance and an 11.1% lot coverage variance. 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. Lansky	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

The variances were approved.

**Minutes** – The minutes of the February 16, 2021 meeting were approved as submitted.

The next monthly meeting of the Zoning Board of Appeals will be held on April 20, 2021 at 7:30 p.m. There being no further business, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Denise Schirmer, Secretary  
Zoning Board of Appeals

cc: Town Board  
Town Clerk  
Planning and Engineering  
Planning Board