

Telephone
(914) 277-5582

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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

September 21, 2021
7:30 PM

1. **CHRISTINE
CRUISIUS-SMITH**

2021:ZB07 (CARRYOVER)

An application for an Area Variance for lot coverage for both the principal building additions and accessory improvements to an existing one family dwelling in an R-40 Residential District at **21 Lynway Lane, Somers**. The property is shown on the Town Tax Map as **Section: 17.10, Block: 1, Lot: 64**. RE: Section Schedule: 170-40A.

2. **LAWTON ADAMS, JR.**

2021:ZB13

An application for a Special Exception Use Permit to build an accessory apartment above an existing garage attached to an existing one family dwelling in an R-40 Residential District at **21 Route 116, Purdys**. The property is shown on the Town Tax Map as **Section: 17.12, Block: 2, Lot: 44**. RE: Section Schedule 170-70.

3. **OTHER BUSINESS**

July 20, 2021 Meeting
Minutes

Next Meeting, October 19, 2021



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

Christine Cruisius-Smith

B Z NUMBER

DATE:

2019: ZB19

5/31/19

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

1. Christine Cruisius-Smith

(Name of appellant)

whose post office address is 21 Lynway Lane, Somers, NY 10589

(Post office address)

through David Tetro, Architect

(Name of attorney or representative if any)

whose post office address is 302 Lewis Avenue, Yorktown Heights, NY 10578

(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. Toomey, Jr.

(Name of officer)

Building Inspector, made on April 24, 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 Area Variance for improvements to the
applicant's property as indicated on a
plan prepared by David A. Tetro dated
May 1, 2019 for lot coverage for both
principal building additions (1,689 sq. ft.)
and accessory improvements as well (1,313 sq. ft.)
in an R-40 Residential District

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

21 Lynway Lane

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

Town Tax Map as Section: 17.10, Block: 1, Lot: 64

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

21 Lynway Lane
.....
.....
.....
.....

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

For the principal - 2,531 sq. ft. is allowed
and 4,220 sq. ft. is being proposed
For the accessory - 1,265 sq. ft.
is allowed and 2,578 sq. ft. being
proposed

and such may be granted pursuant to 170-40A

(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 3rd DAY May 2019
Denise Schirmer
NOTARY SIGNATURE
OWNER SIGNATURE

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

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

Lawton Jr. + Deborah Adams

B Z NUMBER

2021-2B13

DATE:

August 12, 2021

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

1. Lawton Adams Jr.

(Name of appellant)

whose post office address is

21 Route 116, Purdys, NY 10578

(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. Toome, Jr.

(Name of officer)

Building Inspector

(Office held)

made on August 9, 2021

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 Special Exception
Use Permit to build an accessory apartment
above an existing garage attached
to an existing one family dwelling
the property is located in an R-40
District

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

21 Route 116

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

Town Tax Map as Section: 17.12, Block: 2, Lot: 44

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

21 Route 116

(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

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 12th DAY August 20 21

Denise Schirmer
NOTARY SIGNATURE

Scotto Agha
OWNER SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 01SC6298242
Qualified in Dutchess County
Commission Expires March 10, 20 22

NOTARY SIGNATURE

APPLICANT SIGNATURE

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ZONING BOARD OF APPEALS

Town of Somers

WESTCHESTER COUNTY, N.Y.

TOWN HOUSE
ANNEX
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SOMERS, NY 10589

Victor Cannistra
Chairman



Meeting Minutes

July 20, 2021

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.

Chairman Cannistra was present via Zoom from South Carolina.

Building Inspector Tom Tooma and interested residents were also present.

APPLICANTS

CHRISTINE CRUISIUS-SMITH – 2021:ZB07 – 17.10-1-64 (CARRYOVER)

An application for an Area Variance for lot coverage for both the principal buildings additions and accessory improvements to an existing one family dwelling in an R-40 Residential District at 21 Lynway Lane, Somers. The property is shown on the Town Tax Map as Section: 17.10, Block: 1, Lot: 64. RE: Section Schedule 170-40A.

No one was in attendance to present the application.

JUDY GARRETTO – 2021:ZB08 – 16.17-2-14

An application for a 4' front yard Area Variance for the installation of a new two-car detached modular garage to an existing one family dwelling in an R-10 Residential District at 8 Horton Drive, Yorktown Heights. The property is on the Town Tax Map as Section: 16.17, Block: 2, Lot: 14. RE: Section Schedule 170: A1 Zoning Schedule Part 1.

Last month, Mrs. Garretto addressed the Board. There is currently a paved area where they park their cars and they would like to put a modular two-car garage in that area to keep the cars covered. The requirement is 25' and they only have 21' so therefore are requesting a 4' front yard variance. She went on to say that there is really no other spot for the garage as the perimeter of the property is fenced in with a wrought iron fence with a gate at the entrance and there is a very large maple tree, which they do not want to remove. The septic is behind the maple tree as well. The garage is one story with electric. There is no basement and it will not include any plumbing. The siding on the garage will match that of the house and existing shed. Mrs. Garretto spoke to the neighbor on the side of the house where the garage would be located, and he had no objections. There is also a 25' pine tree between the two properties.

The Board wanted to conduct individual site visits to address the concerns that they had. Although a 4' variance request is reasonable, most felt the garage really belonged in the back yard, not the front yard and if granted it would set a precedent as well as impact the characteristic of the neighborhood.

All visited the property since the last meeting.

Mrs. Garretto addressed the Board. After driving through the development, she noticed a garage in the front yard of 7 Fairview Drive. It was noted that garage was built into the landscape many years ago and didn't really compare to the current request.

Some commented on how immaculate Mrs. Garretto's property. There was no objection to having a detached two car garage, but its placement and how it would impact the character of the neighborhood was a concern. The garage belongs at the back of the property.

Karine Krawetz of 20 Fairview Drive addressed the Board. She is not in favor of the project. The roads in Horton Estates are small and narrow and a garage in the front of the property would mar the view and change the character of the neighborhood. Allowing the applicant to do so would also set a precedent for others to do the same. They should move their fence so the garage can be placed in the back yard where it belongs. She also noted that there was no notice sign placed in the front yard of the property.

Bill Keane of 11 Fairview Drive addressed the Board. Although he is grateful to have neighbors like the Garrettos who go above and beyond to keep their property immaculate, placing the garage in the front yard won't look right and he objects to the project.

Jill Faulkner of 11 Horton Drive addressed the Board. The neighborhood is small and charming. She enjoys the landscaping in front of the properties. The garage doesn't belong in the front yard and it will set a precedent for others to do the same.

The Zoning Board Secretary received an anonymous letter earlier today objecting the application.

Mr. Newman visited the site and doesn't think the variance should be granted. Mr. Harden did the same and feels the garage would change the image of the entire property. Ms. D'Ippolito visited the site and is opposed to the placement of the garage as it would change the character of the property. Mr. Cannistra visited the property. He is not in favor as there are alternative places for the garage and if it were placed in the front yard, it could perhaps, decrease the value of the property.

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	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

Mr. Guyot made a motion to deny the 4' front yard Area Variance for the installation of a new two-car detached modular garage. 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	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

The Area Variance was not approved.

KYLE KONZE AND JORDAN SMITH – 2021:ZB10 – 27.10-1-20.1

An application for the renewal of a Special Exception Use Permit as new owners for an existing accessory apartment attached to an existing one family dwelling in an R-80 Residential District at 82 Lake Road, Katonah. The property is on the Town Tax Map as Section: 27.10, Block: 1, Lot: 20.1. RE: Section Schedule 170-70.

Kyle Konze addressed the Board. He and his wife moved into the house in March. The tenants, a mother and her two children, have been living there for the last 6 years and will remain. The accessory apartment has two bedrooms. Building Inspector Tom Tooma inspected the apartment on June 18th, no changes have been made, it is identical to when it was previously approved and is compliant. There have been no complaints.

Rich Nash of 5 Two Penny Lane said the house was previously owned by his mother-in-law and he and his wife used to live in the apartment.

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	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

Ms. D'Ippolito made a motion to approve the Special Exception Use Permit for a two-bedroom accessory apartment attached to an existing one family dwelling for the next 7 years. 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	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

The Special Exception Use Permit was approved.

PAUL AND ELAINE GREGUS – 2021:ZB11 – 27.13-1-21.1

An application for an Area Variance for the height of an existing fence to an existing one family dwelling in an R-40 Residential District at 37 Raemont Road, Granite Springs. The property is on the Town Tax Map as Section: 27.13, Block: 1, Lot: 21.1. RE: Section Schedule 170-49.

Elaine Gregus addressed the Board. She had a deer fence for many years and as a result of storm damage, it was recently replaced with fencing that was 8'. Her gardens have been destroyed by the deer and their yard is loaded with ticks from the deer. Mrs. Gregus doesn't want to use pesticides. Research proved that the only way to keep deer out of the yard was for a fence to be 8' in height. It is not very visible, not obstructing any views and she lives on a very isolated piece of land. There are 6 to 8" various access points in the fence so that small animals can still have access to her property.

Mr. Lansky thanked Mrs. Gregus for her very thoughtful application. Ms. D'Ippolito complimented her on coming up with a workable solution for a unique situation on her property. Mr. Guyot, Mr. Harden and Mr. Newman said she did a very good job on her application.

An environmental determination will be done within the week.

Liz Wright of 35 Raemont Road addressed the Board. She said the old fence was made of netting, and not visible as it was encompassed in vegetation. The new fence was installed in April, it is made of metal and barbed wire and is only about 4' from the property line. It is very visible from her property along one side and Ms. Wright feels it will lessen her property value. She has planted two bushes at a cost of \$500 to block some of the fence, but could certainly not afford to plant bushes along the entire property line. Although the fence can be right on the property line, if it were moved back to the location of the previous one, she would not object to the height increase of two feet. When the applicant's son was installing the new fence, Ms. Wright did talk to him about her concerns.

Some suggestions were made: paint the fence black, plant some type of creeping ivy, move the fence back and add more shrubbery. As it is always the hope that the neighbors could come to a mutual agreement, the applicant and Ms. Wright moved out of the room to discuss the situation further.

Upon their return, Mrs. Gregus addressed the Board and said she is willing to move the new fence that abuts Ms. Wright's property back 10' and it would be done before the winter. Everyone was happy that the neighbors could come to this agreement.

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	Aye
Mr. Newman	Aye

Chairman Cannistra Aye

Mr. Harden made a motion to approve the 2' height variance for the fence providing it is moved back 10' on the abutting neighbors side before the winter. 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. Harden	Aye
Mr. Lansky	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

The Area Variance was approved.

HERITAGE HILLS SOCIETY, LTD. – 2021:ZB12 – 17.06-10-16

An application for an Area Variance for propane tanks, as well as placing them underground in a DRD District at 8 Heritage Hills Drive, Somers. The property is on the Town Tax Map as Section: 17.06, Block: 10 Lot: 16. RE: Section Schedule 170-32.7H.

John Milligan, Property Manager for the Heritage Hills Society addressed the Board. The standby generator at the Heritage Hills Activities Center is being replaced and they would like to bury up to two 1,000-gallon liquid propane tanks. Two tanks would allow the generator to run for 10 to 12 days. The Activities Center is used as an emergency shelter by the Town. This is the most unobtrusive way to handle the tanks, but a variance is needed to do so. Both DeCicco and Sons as well as the developers of Somers Crossing needed the same variance.

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	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

Ms. D'Ippolito made a motion to approve a variance for the placement of up to two 1,000-gallon propane tanks and to bury them underground. 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. Harden	Aye
Mr. Lansky	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

The Area Variance was approved.

Minutes – The minutes of the June 15, 2021 meeting were approved as submitted.

The Board and Mr. Tooma went into Executive Session to discuss a zoning change recommendation to the Town Board.

The next monthly meeting of the Zoning Board of Appeals will be held on September 21, 2021 at 7:30 p.m. The Board will not meet in August. With there being no further business, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Denise Schirmer, Secretary
Zoning Board of Appeals

cc: Town Board
Town Clerk
Planning and Engineering
Planning Board