

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

November 16, 2021
7:30 PM

1. MICHELE FASONE

2021:ZB15

An application for a covered front porch replacement requiring a front yard setback and a lot coverage variance to an existing one family dwelling in an R-40 Residential District at **1 Lynway Lane, Somers**. The property is shown on the Town Tax Map as **Section: 17.10, Block: 1, Lot: 54**. RE: Section Schedule: 170:A1 Zoning Schedule Part 1.

**2. HERITAGE HILLS
SOCIETY**

2021:ZB16

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

3. UB SOMERS, INC.

2021:ZB17

An application for two variances, one on the height of a new business sign and the other on the length of that sign, in a Neighborhood Shopping District at **80 Route 6, Baldwin Place**. The property is shown on the Town Tax Map as **Section: 4.20, Block: 1, Lot: 11.7**. RE: Section Schedule: 170-25.

4. OTHER BUSINESS

October 19, 2021 Meeting
Minutes

Next Meeting, December 21, 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
Michele Fasone, 1 Lynway Lane, Somers, NY

B Z NUMBER 2021:ZB15
DATE: 10/27/2021

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

1. Michele Fasone
(Name of appellant)

whose post office address is 1 Lynway Ln, Somers, NY 10589
(Post office address)

through Bob Eberts of Cross River Architects, LLC
(Name of attorney or representative if any)

whose post office address is PO Box 384, Cross River, NY 10518
(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 Tom Tooma
(Name of officer)

Building Inspector and Zoning Officer, made on 10/28/21
(Office held)

which ruling was filed on 10/28/21, and notice of such ruling was

first received by appellant on 10/28/21; such ruling

Application to replace existing porch on a single family residence in an
(Give summary of ruling)

R40 Zone with new covered porch. This will result in a front yard setback of
where 40' is required, requiring a variance of 6.4' and a % of Lot to be
occupied by principal building of 7.85% where 6% is permitted,
requiring a 1.85% variance.

3. The property which is the subject of the appeal is located at or known as 1 Lynway Ln
Somers, NY
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: 17.10, Block: 1, Lot: 54

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
1 Lynway Ln, Somers, NY

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

EXISTING FRONTYARD SETBACK IS 43.3', REQ'D IS 40.0'. PROPOSED
FRONT YARD SETBACK IS 33.6'. VARIANCE REQ'D IS 6.4'

THE EXISTING % OF LOT TO BE OCCUPIED BY A PRINCIPAL BLDG IS 7.71%
PERMITTED IS 6%. PROPOSED IS 7.85%. VARIANCE REQ'D
IS 1.85%.

and such may be granted pursuant to SECTION SCHEDULE 170:41
ZONING SCHEDULE PART 1

(Refer to applicable Provisions of the Zoning Ordinance of the Town of Somers)

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

Michele Fasone (Michele Fasone)

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

PETER W. ...
Notary Public - State of New York
NO. 01EP876632
Qualified in Westchester
My Commission Expires

SWORN TO ME BEFORE THIS

27 DAY October 2021

Peter W. ...
NOTARY SIGNATURE

Michele Fasone
OWNER SIGNATURE

Peter W. ...
NOTARY SIGNATURE

Michele Fasone
APPLICANT SIGNATURE

Qualified in Westchester
My Commission Expires 5/13/2025



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
Heritage Hills Society

B Z NUMBER *2021: ZB16*
DATE: *10/28/2021*

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

1. *John Milligan*

(Name of appellant)

whose post office address is *8 Heritage Hills Drive, 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 *Thomas J. Toona, Jr.*
(Name of officer)

Building Inspector made on *October 28, 2021*
(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 an Area Variance
for propane tanks, as well as placing
them underground in a DED District*

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

8 Heritage Hills Drive and is shown on the
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: *17.16* Block: *10* Lot: *16*

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 Idendale Hills Drive

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

The storage of hydro carbon products, except those used (propane tanks) are prohibited in the DED District

and such may be granted pursuant to 170-32.7H

(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 28th DAY October 20 21

Denise Schirmer
NOTARY SIGNATURE

OWNER SIGNATURE

[Handwritten signature]

DENISE SCHIRMER
Notary Public State of New York
No. 0156298242
Qualified in Dutchess County
Commission Expires March 13, 20
NOTARY SIGNATURE

APPLICANT SIGNATURE

[Handwritten 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
U.B. Somers, Inc.

B Z NUMBER 2021: ZB17
DATE: 10/29/2021

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

1. U.B. Somers, Inc.
(Name of appellant)

whose post office address is 321 Railroad Avenue, Greenwich, CT 06830
(Post office address)

through Michael Consicenti - Wisconsin Pemas, Inc.
(Name of attorney or representative if any)

whose post office address is 1740 Internationale Parkway, Washington, IL 60517
(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 Architectural Review
(Name of officer)

Board, made on October 28, 2021
(Offic. held)

which ruling was filed on and notice of such ruling was
first received by appellant on; such ruling

(Give summary of ruling)

The wall sign proposed cannot exceed
34' in height and 15.5' in length. Since
it does not comply, two variances are
needed. This property is in a Neighborhood
Shopping District.

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

80 Route 6
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: 4.20, Block: 1, Lot: 11.7

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

80 Route 6
.....
.....
.....

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

The allowable height for the proposed sign
sign cannot exceed 24" it is 32" a variance
of 8" is needed. The allowable length of the
proposed sign cannot exceed 15.5', it is
16.9', a variance of 1.4' is needed.
and such may be granted pursuant to 170-25

(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 November 20 21

Denise Schirmer
NOTARY SIGNATURE


OWNER SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 01SC622242
NOTARY SIGNATURE in Dutchess County
Commission Expires March 10, 2022

APPLICANT SIGNATURE

(914) 277-5582
Telephone

(914) 277-3790
Facsimile

ZONING BOARD OF APPEALS

TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.

Victor Cannistra
Chairman



Meeting Minutes October 19, 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. Harden, Mr. Lansky and Mr. Newman.

Mr. Carpaneto was absent.

Building Inspector Tom Tooma and interested residents were also present.

APPLICANTS

ANDREA MATTEIS – 2021:ZB14 – 16.10-5-26

An application for a deck addition for less than the required lot size, rear yard setback and lot coverage to an existing one family dwelling in an R-10 Residential District at 18 Carpenter Place, Yorktown Heights. The property is shown on the Town Tax Map as Section: 16.10, Block: 5, Lot: 26. RE: Section Schedule 170:A1 Zoning Schedule Part 1.

Bob Eberts of Cross River Architects addressed the Board. His clients have an existing accessory above ground pool and would like to add a deck between the house and pool. Three variances are being requested, 250' for lot size; 13.53' for rear yard; and 20% for lot coverage. Mr. Tooma concurs that this improvement requires all three variances. The lot size is pre-existing non-conforming. Although the rear yard variance is substantial, it is not affecting the neighbors as there is a retaining wall with a fence on top of it and plenty of shrubbery. In addition, the proposed pervious deck is 4' lower than the existing deck that was newly built. Neighboring town codes were researched and a deck is not included under principal building, but in Somers it is. The existing permitted deck was not referred to the Zoning Board of Appeals and it will remain.

Although the lot coverage variance request is substantial, are the existing walkways, patio, front porch, driveway, house, existing deck and proposed new deck all part of the principal building? All of this totals 38% and the house alone is 22%. According to the Code of the Town of Somers, they are. It was confirmed that an interpretation of the Code is not part of this application.

It was explained to Mr. Ebert that the Zoning Board of Appeals is currently drafting a memo to the Town Board concerning this very issue. The Zoning Board has to follow the Code, even if they don't necessarily agree with it and this issue is making it difficult to make a decision as two of the three requested variances are substantial. Since it is the hope to send a memo to the Town Board by the end of the week, this application will carryover. If it appears that the Town Board is not moving quickly on making a decision to change the Code, the applicant will request an interpretation.

Edward Baldwin of 20 Carpenter Place addressed the Board. He is concerned about the retaining wall on Ms. Matteis' property as it is decaying.

Eugene Mazulli of 18 Carpenter Place addressed the Board. They are aware of the decaying retaining wall and are trying to determine the least costly way to repair it.

Mr. Eberts spoke with Ms. Matteis and she decided to carryover the application.

Proposed Zoning Code Change – Last month, a draft of a letter prepared by Mr. Lansky to the Town Board with proposed zoning code changes was reviewed and discussed. A new draft was created, circulated for comment and input requested Building Inspector Tom Tooma and Town Planner David Smith. Another discussion ensued this evening and a few more tweaks were made to the 2nd draft. Mr. Lansky will email the memo out to everyone tomorrow with the hope of it being finalized and sent to the Town Board by the end of the week.

Minutes – The minutes of the September 21, 2021 meeting were approved as submitted.

The next monthly meeting of the Zoning Board of Appeals will be held on November 16, 2021 at 7:30 p.m. With there being no further business, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Denise Schirmer, Secretary
Zoning Board of Appeals

cc: Town Board
Town Clerk

DRAFT