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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 21, 2021
7:30 PM

1. **SOMERS SPRINGS, LLC** **2021:ZB18**
An application for a side yard Area Variance for an existing detached garage in an R-10 Residential District at **7 Crest Drive, Yorktown Heights**. The property is shown on the Town Tax Map as **Section: 16.10, Block: 1, Lot: 50.1**. RE: Section Schedule: 170:A1 Zoning Schedule Part 1.

2. **OTHER BUSINESS** November 16, 2021 Meeting Minutes

Next Meeting – January 18, 2022



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
Somers Springs, LLC

B Z NUMBER: 2021: BZ-18
DATE: 11-16-21

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

1. Lisa + Ben Cozzi

(Name of appellant)

whose post office address is P.O. Box 1027, Jefferson Valley, NY

(Post office address)

through 10535

(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 October 7, 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
in the side yard, for an existing
detached garage

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

7 Crest Drive - R-10 District and is shown on the
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: 100.10 Block: 1 Lot: 50.1

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.....

7 Crest Drive

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

5' from the property line is required and only 2.9' exists therefore creating a 2.1' variance request

and such may be granted pursuant to 170: A.1 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.

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 29th DAY November 2021

Denise Schirmer
NOTARY SIGNATURE

Lisa Luzzi
OWNER SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
#0156728242
Qualified in Dutchess County
Commission Expires March 16, 2022

APPLICANT SIGNATURE

(914) 277-5582
Telephone

(914) 277-3790
Facsimile

ZONING BOARD OF APPEALS

Town of Somers

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TOWN HOUSE
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Victor Cannistra
Chairman



Meeting Minutes
November 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. Harden, Mr. Lansky and Mr. Newman.

Building Inspector Tom Tooma and interested residents were also present.

Chairman Cannistra announced that member of the Board Ron Carpaneto has resigned after 20+ years of volunteering to serve on the Board. Prior to his retirement, he was a Building Inspector in Mamaroneck and his input as well as his advice was very beneficial. Mr. Carpaneto's presence on the Board will truly be missed.

APPLICANTS

MICHELE FASONE – 2021:ZB15 – 17.10-1-54

An application for a covered front porch replacement requiring a front yard setback and a lot coverage 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.

Bob Eberts of Cross River Architects addressed the Board. Ms. Fasone's concrete front porch is crumbling and she would like to replace it resulting in the need for a 6.4' front yard variance. In addition, a variance for lot coverage of 1.85% is being requested. Mr. Guyot is recusing himself from the application. All agreed that the plans submitted reflects nice improvements being made to the front porch, the variances being requested are not significant, and the application is thoughtful.

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

Ms. D'Ippolito made a motion to approve the 6.4' front yard Area Variance and the 1.85% lot coverage. 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	Recused
Mr. Harden	Aye
Mr. Lansky	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

The front yard variance and lot coverage were approved.

HERITAGE HILLS SOCIETY – 2021:ZB16 – 17.06-10-16

An application for an area variance for two additional propane tanks, as well as placing them underground in a groundwater overlay protection district in an 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.

John Milligan, Property Manager for the Heritage Hills Society addressed the Board. In July 2021, he submitted an application to bury two 1,000-gallon propane tanks to accommodate a new generator being installed at the Heritage Hills Activity Center, which serves as an emergency center for the Town. After consulting with Halstead Quinn, it was determined that it made more sense to install four tanks, as it would run for 6 to 8 days before the gas tank needing to be refilled. The last time this generator was needed, it ran for 6 days. He has consulted with both the Town Building Inspector and Principal Engineering Technician and there is plenty of room for four tanks, they will be far enough away from the 100' wetland buffer, and although there are no utilities in the way, their irrigation system will have to be removed, which is not an issue. The nearest tank is about 50' away from the 12,000 square foot Activity Center. There was a question about the need for the Somers Volunteer Fire Department to approve this

application in case of a fire. They would not get involved in something like this, but Mr. Tooma will inform them and provide them with a site plan at the Bureau of Fire Prevention meeting tomorrow. Since the location of the tanks is in the ground water overlay protection district, there was a question as to whether this is a use variance instead of an area variance. Since there have been a number of these exact applications in the past that were treated as an area variance and this topic has been posed to the Town Board and on their agenda for tomorrow night's Town Board agenda, it will be left as an area variance application.

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

Ms. D'Ippolito made a motion to approve the Area Variance to allow for two additional 1,000-gallon propane tanks, totaling four and to place them underground. 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. Harden	Recused
Mr. Lansky	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

The area variance was approved.

UB SOMERS, INC. – 2021:ZB17 – 4.20-1-11.7

An application for two area variances, one for the height of a new business sign and the other for its length 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.

Mike Conoscenti of Western Remac addressed the Board. He is representing Ivy Rehab for Kids, a new tenant at 80 Route 6. Mr. Conoscenti presented the sign proposal to the Architectural Review Board at their October meeting and although they liked the sign, they couldn't approve it because it is 8" higher than what is allowable by the Code of the Town of Somers, and 1.4' longer. A memo supporting the application was received by the Architectural Review Board. Ivy Rehab for Kids has 200 locations in 10 states and the sign proposal permitted is their brand. The 8" difference in height is due to the design of the word Ivy and since there is a long overhang at the end of the store, proportionately it made sense to make the sign a bit longer.

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 approve the Area Variances for 8" in height and 1.4' in length for the new business sign. 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 variances were approved.

Proposed Zoning Code Change – A memo drafted by Mr. Lansky with proposed zoning code changes to be presented to the Town Board was approved by all and submitted. This item is on the agenda for the Town Board meeting on November 18th and Mr. Lansky intends to be present.

Minutes – The minutes of the October 19, 2021 meeting were approved as submitted.

The next monthly meeting of the Zoning Board of Appeals will be held on December 21, 2021 at 7:30 p.m. With there being no further business, the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Denise Schirmer, Secretary
Zoning Board of Appeals

cc: Town Board
Town Clerk
Planning and Engineering
Planning Board

DRAFT