

Telephone
(914) 277-5582

FAX
(914) 277-3790

ZONING BOARD OF APPEALS

TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.



AGENDA

**January 18, 2022
7:30 PM**

- 1. JOSEPH AND TRISHIA SPALLINA** **2022:ZB01**
An application for less than the required lot size and a variance for a section of the height of a fence in an R-120 Residential District at **2565 Route 35, Katonah**. The property is shown on the Town Tax Map as **Section: 37.13, Block: 3, Lot: 1**. RE: Section Schedule: 170:A1 Zoning Schedule Part 1 and 170-49.
- 2. PATRICIA BERG** **2022:ZB02**
An application to appeal the determination made by the Code Enforcement Officer in an R-10 Residential District at **4 and 6 Crest Way, Purdys**. The properties are shown on the Town Tax Map as **Section: 17.20, Block: 1, Lot: 7 and 8**. RE: Section Schedule: 170-110.
- 3. OTHER BUSINESS** December 21, 2021 Meeting Minutes

Next Meeting – February 15, 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
Joseph & Trishia Spallina

B Z NUMBER 2022: BZ01
DATE: 12/31/2021

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

1. Joseph Spallina
(Name of appellant)

whose post office address is 2565 Amawalk Rd., Katonah, NY 10536
(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. Toona, Jr.
(Name of officer)

Building Inspector, made on November 22, 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)

The property is now an R-120, formerly an R-80. An application is being submitted for less than the required lot size.

Additionally a request is being made to install an 8' fence on a small section

3. The property which is the subject of the appeal is located at or known as of the property.
2565 Amawalk Road
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: 37.13 Block: 3 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

2565 Amawalk Road

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

Lot size - 120,000 square feet is required, 56,122 square feet exists, relief sought is 13,63,878 square feet.

Height of fence - 6' max, asking for 8' for a small and such may be granted pursuant to 170: A1 Zoning Schedule section Part 1 and 170-49

(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 December 20 21

Denise Schirmer NOTARY SIGNATURE

OWNER SIGNATURE

DENISE SCHIRMER Notary Public State of New York No. 156629242 Qualified in Dutchess County Commission Expires March 10, 2022 NOTARY SIGNATURE

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
PATRICIA BERG and
STEPHEN GALANTE.

2022 BZ02
B Z NUMBER
DATE: 12/20/2021

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

1. Patricia Berg
(Name of appellant)
4 Crest Way Purdy's, New York 10578
whose post office address is.....
(Post office address)
through Andrew D. Brodnick, Esq.
(Name of attorney or representative if any)
whose post office address is..... 800 Westchester Ave, S608, Rye Brook, NY 10573
(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 Robert Russell Code Enforcement
(Name of officer)
Officer
(Office held), made on November 27, 2021
November 27, 2021
which ruling was filed on and notice of such ruling was
first received by appellant on November 27, 2021; such ruling

(Give summary of ruling)
having held that the parking of commercial trucks, storage
of commercial equipment, material, and other items in a
residential district did not violate the Zoning Code of the
Town of Somers. In addition, the Building Inspector by
letter dated August 11, 2021, failed to take action regarding
a fence which exceeds the maximum height allowed under
the Code.

3. The property which is the subject of the appeal is located at or known as 4 and 6
Crest Way, Purdy's, New York
(Street and number or distance from and names of nearest intersecting streets)
Town Tax Map as Section: 17.20, Block: 1, Lot: 7 and 8
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
4 and 6 Crest Way, Purdy's, New York

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

N/A

and such may be granted pursuant to.....

(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 Patricia DAY December 14 2021

Randy
NOTARY SIGNATURE

Patricia Berg
OWNER SIGNATURE
PATRICIA BERG

Randy
NOTARY SIGNATURE

Patricia Berg
APPLICANT SIGNATURE

RANDY L JACKSON
NOTARY PUBLIC STATE OF NEW YORK
PUTNAM
LIC. #01JA6377198
COMM. EXP. 06/25/2022

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Facsimile

ZONING BOARD OF APPEALS

Town of Somers

WESTCHESTER COUNTY, N.Y.

TOWN HOUSE
ANNEX
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Victor Cannistra
Chairman



Meeting Minutes
December 21, 2021

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

The members present were: Chairman Cannistra, Mr. Guyot, Mr. Harden, Mr. Lansky and Mr. Newman.

Ms. D'Ippolito was absent.

Building Inspector Tom Tooma and interested residents were also present.

APPLICANT

SOMERS SPRINGS, LLC – 2021:ZB18 – 16.10-1-50.1

An application for a side yard Area Variance for an existing detached garage to an existing one family dwelling 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.

Engineer Jack Karell addressed the Board. The applicant bought the house a few weeks ago and the survey done indicated that the one car existing garage is 2.9' from the property line and should be 5'. A side yard area variance of 2.1' is being sought. The garage is quite a distance from the neighbor's property line and the existing overhang on the garage was removed at the direction of the Building Inspector. The garage is on a slab and there is no electric or plumbing. The permit for the garage was never closed so it will have to be renewed, a final inspection done by the Building Department and as long as it passes a Certificate of Occupancy issued. If there are any concerns at the time of the inspection, they will have to be resolved before the Certificate of Occupancy is issued.

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

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

Mr. Guyot made a motion to approve the side yard Area Variance of 2.1'. Mr. Harden 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

The area variance was approved.

Proposed Zoning Code Change – At their November 18th meeting, the Town Board set a public hearing for the proposed zoning code change recommended by the Zoning Board of Appeals.

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

The next monthly meeting of the Zoning Board of Appeals will be held on January 18, 2022 at 7:30 p.m. With there being no further business, the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Denise Schirmer, Secretary
Zoning Board of Appeals

cc: Town Board

Town Clerk
Planning and Engineering
Planning Board

DRAFT