

Telephone
(914) 277-5582

ZONING BOARD OF APPEALS

TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.



AGENDA

May 17, 2022
7:30 PM

1. **BODO AND HELEN FISCHER**
2022:ZB11
An application to renew a Special Exception Use Permit as a new owner for an existing accessory apartment in a detached accessory (cottage) to an existing one family dwelling in an R-80 Residential District at **3 North Lane, Katonah**. The property is shown on the Town Tax Map as **Section: 48.13, Block: 1, Lot: 11**. RE: Section Schedule: 170-70.

2. **ISMAEL AND LISA RODRIGUEZ**
2022:ZB12
An application to renew a Special Exception Use Permit as a new owner for an existing accessory apartment in the basement of an existing one family dwelling in an R-40 Residential District at **13 Walker Drive, Yorktown Heights**. The property is shown on the Town Tax Map as **Section: 16.09, Block: 2, Lot: 8**. RE: Section Schedule: 170-70.

3. **JOHN AND JANINE CRECCO**
2022:ZB13
An application for a rehearing of a decision made by the Zoning Board of Appeals on January 16, 2001 and on October 21, 2003 that the driveway is to be gravel in perpetuity in an R-40 Residential District at

12 Mountain View Drive, Somers. The property is shown on the Town Tax Map as **Section: 17.09, Block: 2, Lot: 37.** RE: Section Schedule: 148-9.

4. **RICHARD AND NINA
IAMMATTEO**

2022:ZB14

An application for a rehearing of a decision made by the Zoning Board of Appeals on March 21, 2006 to deny a 100% variance of the 75' road frontage for the property that the driveway is to be gravel in perpetuity in an R-10 Residential District at **29**

Woodcrest Terrace, Amawalk. The property is shown on the Town Tax Map as **Section: 36.08, Block: 1, Lot: 26.** RE: Section Schedule: 148-9.

5. **OTHER BUSINESS**

April 19, 2022 Meeting Minutes

Next Meeting – June 21, 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

Bodo and Helen Fischer

B Z NUMBER 2622 ZB10

DATE: 4/4/20

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

1. Helen Fischer

(Name of appellant)

whose post office address is 3 North Lane, 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

(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 to renew a Special
Exception Use Permit for an existing
accessory apartment in a
detached accessory (cottage)

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

3 North Lane

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

Town Tax Map as Section: 48.13, Block: 1, Lot: 11

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

3 North Lane - R-80 Residential Zone

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

a Special Exemption Use Permit is required in order 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 4th DAY April 20 22

Denise Schirmer NOTARY SIGNATURE

John Kischer OWNER SIGNATURE

DENISE SCHIRMER Notary Public State of New York No. 0156298242 Notary in Dutchess County Commission Expires March 10, 2026 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
Ismael + Lisa Rodriguez

B Z NUMBER 2022 ZB17
DATE: 3/17/22

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

1. Ismael + Lisa Rodriguez
(Name of appellant)

whose post office address is 13 Waller Drive, Yorktown Heights NY
(Post office address) 10598

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 to renew a Special
Exception Use Permit as a new owner
for an accessory apartment in the
basement of an existing one family
dwelling in an R-40 zone

3. The property which is the subject of the appeal is located at or known as
13 Waller Drive and is shown on the
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: 16.09 Block: 2 Lot: 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

13 Walker Drive

(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 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)

PETER J. CHO
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01CH6308766
QUALIFIED IN WESTCHESTER COUNTY
MY COMMISSION EXPIRES JULY 28, 2022

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 17 DAY March 20 22

NOTARY SIGNATURE

OWNER SIGNATURE

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
John and Janine Crecco

B Z NUMBER 2022: ZB13
DATE: 3/30/22

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

1. John Crecco
(Name of appellant)

whose post office address is 12 Mountain View Drive,
(Post office address)

through Somers, NY 10589
(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 a rehearing of a
decision made by the Zoning Board of
Appeals on January 16, 2001 and on
October 21, 2003 that the driveway
is to be gravel in perpetuity
R-40 Residential District

3. The property which is the subject of the appeal is located at or known as
12 Mountain View Drive, and is shown on the
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: 17.09, Block: 2, Lot: 37

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

12 Mountain View Drive -
.....
.....
.....

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

.....
.....
.....
.....

and such may be granted pursuant to 148-9

(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 30th DAY March 20 22

Denise Schirmer
NOTARY SIGNATURE

[Signature]
OWNER SIGNATURE

NOTARY SIGNATURE
DENISE SCHIRMER
Notary Public State of New York
No. 298222
in Dutchess County
Commission Expires March 26, 20 26

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
Filomena Iammateo
Trust

B Z NUMBER 0822: ZB1#
DATE: 3-29-22

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

1. Nina Iammateo
Richard Iammateo (Name of appellant)
whose post office address is 1907 Edgemaster St., Yorktown Heights, NY 10598
1874 Highbrook St., (Post office address) Yorktown Heights, NY 10598
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)
(Offic. held), made on
which ruling was filed on and notice of such ruling was
first received by appellant on; such ruling
(Give summary of ruling)

a application for a rehearing of a
decision made by the Zoning Board of
Appeals on March 21, 2006 to deny
a 100% variance of the 75' road
frontage for the property

3. The property which is the subject of the appeal is located at or known as 29 Woodcrest Terrace
(Street and number or distance from and names of nearest intersecting streets)
Town Tax Map as Section: 36.08 Block: 1 Lot: 26
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.....

29 Woodcrest Terrace in an R-10 residential zone

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

and such may be granted pursuant to 148-9

(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 March DAY 29 2022
Deborah Broderick
NOTARY SIGNATURE

Mrs. [Signature]
OWNER SIGNATURE

DEBORAH BRODERICK
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01BR6253104
Qualified in PUTNAM County
Commission Expires 12/19/2023

NOTARY SIGNATURE

APPLICANT SIGNATURE

(914) 277-5582

ZONING BOARD OF APPEALS

TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

Victor Cannistra
Chairman

Town of Somers

WESTCHESTER COUNTY, N.Y.



Meeting Minutes

April 19, 2022

The meeting was called to order by Chairman Cannistra 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, Mr. Newman and Mr. Padovani.

Building Inspector Tom Tooma and interested residents were also present.

APPLICANT

HERITAGE HILLS SOCIETY, LTD – 2022:ZB10 – 6.17-20-21 and 23

An application to appeal the determination made by the Building Inspector that a miniature golf course is a permitted use in a Designed Residential Development (DRD) at 1000 West Hill Drive, Somers. The property is on the Town Tax Map as Section: 6.17, Block: 20, Lot: 21 and 23. RE: Section Schedule 170-12, 170-64 and 170-130.

Chairman Cannistra announced that earlier today, the Heritage Hills Society's attorney informed Mrs. Schirmer that they were withdrawing their application and will be submitting an amended application to the Planning Board.

GERARD GALLAGHER – 2022:ZB06 – 27.08-2-3

An application for the renewal of a Special Exception Use Permit as the new owner of an existing accessory apartment in a detached accessory to an existing one family dwelling in an R-80 Residential District at 122 Route 139, Somers. The property is on the Town Tax Map as Section: 27.08, Block: 2, Lot: 3. RE: Section Schedule 170-70.

Gerard Gallagher addressed the Board. He became the new owner in 2021. The

accessory apartment is vacant. Building Inspector Tom Tooma inspected the apartment on March 15th, no changes have been made, it is identical to when it was previously approved and is compliant. There have been no complaints or issues.

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
Mr. Padovani	Aye
Chairman Cannistra	Aye

Ms. D'Ippolito made a motion to approve the Special Exception Use Permit for an accessory apartment in a detached accessory of an existing one family dwelling for the next 7 years. 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
Mr. Padovani	Aye
Chairman Cannistra	Aye

The Special Exception Use Permit was approved.

MAGDY AND KATHIE MAHMOUD – 2022:ZB07 – 38.13-2-25

An application for the renewal of a Special Exception Use Permit of an existing accessory apartment in a detached accessory (cottage) to an existing one family dwelling in an R-80 Residential District at 17 Frances Drive, Katonah. The property is on the Town Tax Map as Section: 38.13, Block: 2, Lot: 25. RE: Section Schedule 170-70.

Magdy and Kathie Mahmoud addressed the Board. The accessory apartment is vacant. Building Inspector Tom Tooma inspected the apartment on March 23rd, no changes have been made, it is identical to when it was previously approved and is compliant.

There have been no complaints or issues. There are two separate septic tanks on the property, one for the main house and one for the cottage.

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
Mr. Padovani	Aye
Chairman Cannistra	Aye

Mr. Harden made a motion to approve the Special Exception Use Permit for an accessory apartment in a detached accessory (cottage) of an existing one family dwelling for the next 7 years. Ms. D'Ippolito 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
Mr. Padovani	Aye
Chairman Cannistra	Aye

The Special Exception Use Permit was approved.

ROSALIE MIGNANO – 2022:ZB08 – 6.16-2-32

An application for the renewal of a Special Exception Use Permit of an existing accessory apartment on the 2nd floor of an attached accessory to an existing one family dwelling in an R-40 Residential District at 8 Hilldale Avenue, Somers. The property is on the Town Tax Map as Section: 6.16, Block: 2, Lot: 32. RE: Section Schedule 170-70.

Rosalie Mignano addressed the Board. Her parents live in the accessory apartment. Building Inspector Tom Tooma inspected the apartment on March 23rd, no changes have been made, it is identical to when it was previously approved and is compliant.

There have been no complaints or issues. There is only one septic tank serving the house and the accessory 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
Mr. Padovani	Aye
Chairman Cannistra	Aye

Ms. D'Ippolito made a motion to approve the Special Exception Use Permit for an accessory apartment on the 2nd floor of an attached accessory of 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
Mr. Padovani	Aye
Chairman Cannistra	Aye

The Special Exception Use Permit was approved.

JOHN PEGOLI – 2022:ZB09 – 17.10-1-17

An application for the renewal of a Special Exception Use Permit of an existing accessory apartment in an attached accessory to an existing one family dwelling in an R-40 Residential District at 8 Crane Road, Somers. The property is on the Town Tax Map as Section: 17.10, Block: 1, Lot: 17. RE: Section Schedule 170-70.

John Pegoli addressed the Board. His parents live in the house and he lives in the accessory apartment. Building Inspector Tom Tooma inspected the apartment on March 16th, no changes have been made, it is identical to when it was previously approved and is compliant. There have been no complaints or issues.

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
Mr. Padovani	Aye
Chairman Cannistra	Aye

Mr. Newman made a motion to approve the Special Exception Use Permit for an 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
Mr. Padovani	Aye
Chairman Cannistra	Aye

The Special Exception Use Permit was approved.

Consultation with Town Attorney Update – It was stated in the March 15, 2022 meeting minutes, that as a result of some questions that came up at the January meeting, Mr. Cannistra spoke with Town Attorney Gerry Reilly. In Mr. Reilly's opinion, parking commercial vehicles on a residential property is not permitted, they should be parked in a garage. With regard to lot coverage, in Mr. Reilly's opinion, you only have to get a variance if the proposed project enhances the non-conformity. Mr. Tooma said he spoke with Mr. Reilly and 170-93 of the Code of the Town of Somers was researched. Mr. Tooma is under the impression that any improvements made after July 16, 1945 would require a variance. Mr. Cannistra said further clarification is needed and asked all Board members to review that section of the Code.

Mr. Lansky was not at last month's meeting but commented this evening that although he agrees with Mr. Reilly's opinion about lot coverage and a non-conformity, he doesn't necessarily agree with his opinion about parking commercial vehicles in a residential district.

Mrs. Schirmer was asked to contact Mr. Reilly about attending a 6:30 p.m. Executive Session with the Board, as well as Mr. Tooma and Mrs. Schirmer before the next meeting on May 17th.

Minutes – The minutes of the March 15, 2022 meeting were approved as submitted.

The next monthly meeting of the Zoning Board of Appeals will be held on May 17, 2022 at 7:30 p.m. With there being no further business, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Denise Schirmer, Secretary
Zoning Board of Appeals

cc: Town Board
Town Clerk
Planning and Engineering
Planning Board