

Town Tax Map as **Section: 16.10, Block: 2, Lot: 30**. RE: Section Schedule 170: A1 Zoning Schedule Part 1.

4. **WILLIAM AND KELLY SMITH**

2022:ZB21

An application for a variance for a front yard setback for a front porch addition to an existing one family dwelling in an R-10 Residential District at **22 Cross Way, Purdys**. The property is shown on the Town Tax Map as **Section: 17.16, Block: 2, Lot: 42**. RE: Section Schedule 170: A1 Zoning Schedule Part 1.

5. **DONALD CAPOCCIA AND TOMMIE PEGUES**

2022:ZB22

An application for a variance for less than the required frontage for an existing one family dwelling in an R-80 Residential District at **78 Moseman Avenue, Katonah**. The property is shown on the Town Tax Map as **Section: 48.17, Block: 1, Lot: 7**. RE: Section Schedule 170: A1 Zoning Schedule Part 1.

6. **DONALD CAPOCCIA AND TOMMIE PEGUES**

2022:ZB23

An application for a variance for less than the required frontage for a proposed accessory building; a variance for the proposed accessory building to be 2 stories; a variance for the height of the proposed accessory building to the highest point of the flat roof; and a variance as the accessory use is not incidental to the principal use to an existing one family dwelling in an R-80 Residential District at **78 Moseman Avenue, Katonah**. The property is shown on the Town Tax Map as **Section: 48.17, Block: 1, Lot: 7**. RE: Section Schedule 170: A1 Zoning Schedule Part 1, 170-11 (A), Column 2 of the Zoning Schedule and 170-11 (B).

7. **OTHER BUSINESS**

June 21, 2022 Meeting Minutes

Next Meeting – September 20, 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
Bambixa Meyers

B Z NUMBER 2022 ZB 18
DATE: 5/18/22

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

1. Bambixa Meyers

(Name of appellant)

whose post office address is 5 St. Leonard Avenue, Granite Springs, NY
(Post office address) 10527

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)

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 to
an existing one-family dwelling
in an R-40 District - apartment
is on 1st floor of the dwelling

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

5 St. Leonard Avenue

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

Town Tax Map as Section: 26.08 Block: 2 Lot: 19

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

5 St. Leonard Avenue

(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 18th DAY May 2022

Denise Schirmer
NOTARY SIGNATURE

Bamburo Meyer
OWNER SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 11SC6298242
Qualified in Dutchess County
Commission Expires March 10, 2024

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
Zion California, LLC

B Z NUMBER 2022:ZB19
DATE: 5/18/22

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

1. Adina, Joshua and Mark Zion
(Name of appellant)

whose post office address is 218 Mahopac Avenue, Yorktown Heights
(Post office address) 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)

made on
(Offic. 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 2 existing
accessory apartments above an accessory
structure to an R-80 district

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

Town Tax Map as Section: 15.08, Block: 1, Lot: 5

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

218 Mahopac Avenue

(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 for accessory apartments

and such may be granted pursuant to 17D-7D

(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 May DAY 21 2022

[Signature] NOTARY SIGNATURE

[Signature] OWNER SIGNATURE

[Signature] NOTARY SIGNATURE

[Signature] APPLICANT SIGNATURE

Adina Zion
Notary Public, State of New York
Reg. No. 02ZI5080661
Qualified in New York County
Commission Expires June 16, 2023



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
Claudia Coello

B Z NUMBER 2022: ZB 20
DATE: 6/18/22

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

1. Claudia Coello
(Name of appellant)

whose post office address is 10 Sherbrook 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 Thomas J. Tooma, Jr.
(Name of officer)

Building Inspector, made on June 17, 2022
(Offic. 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 side yard
area variance for an addition
in an R-10 zone

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

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

Town Tax Map as Section: 16.10, Block: 2, Lot: 30

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

10 Shenorock Drive

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

15' is required
has 8.66'
variance requested is 6.34'

and such may be granted pursuant to 170: A1 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 18th DAY June 2022

Denise Schirmer
NOTARY SIGNATURE


OWNER SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 01SC6298242
Qualified 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
William and Kelly Smith

B Z NUMBER 2022: ZB21
DATE: 6/16/22

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

1. William Smith
(Name of appellant)

whose post office address is 22 Cross Way, Purdy's NY
(Post office address)

through 10578
(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 made on 6/2/22
(Office held)

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

(Give summary of ruling)

An application for a 5' front yard
variance for a porch addition
in an R-10 zone

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

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

Town Tax Map as Section: 17.16, Block: 2 Lot: 42

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

22 Crossway

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

5' front yard variance

and such may be granted pursuant to 170' AI 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 16th DAY June 20 22

Denise Schirmer NOTARY SIGNATURE

William T. Sweto OWNER SIGNATURE

DENISE SCHIRMER Notary Public, State of New York No. 61586298242 Qualified in Dutchess County Commission Expires March 10, 2026

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
Donald Capoccia and
Tommie Pegues

B Z NUMBER 2022:ZB22
DATE: 6/23/22

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

1. Donald Capoccia and Tommie Pegues
(Name of appellant)
whose post office address is 42 Great Innes St - Penthouse - NY, NY 10012
(Post office address)
through Thomas Phifer, Architect - Thomas Phifer Partners
(Name of attorney or representative if any)
whose post office address is 180 Varick Street, New York, NY 10014
(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 I. Tooma, Jr.
(Name of officer)
Building Inspector, made on June 20, 2022
(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 variance for
less than the required frontage for
an existing one family dwelling in an
R-50 zone

3. The property which is the subject of the appeal is located at or known as
78 Moseman Avenue
(Street and number or distance from and names of nearest intersecting streets) and is shown on the
Town Tax Map as Section: 48.17, Block: 1, Lot: 7
The interest of the appellant is that of Owners
(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

78 Moseman Avenue

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

200' is required
93.98' exists
106.2' relief sought

and such may be granted pursuant to 170 At Zoning Schedule Part 1

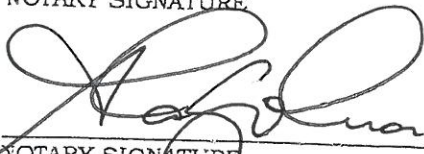
(Refer to applicable Provisions of the Zoning Ordinance of the Town of Somers)

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 23 DAY June 20 22

NOTARY SIGNATURE



NOTARY SIGNATURE

ALAN L. SOLMAN

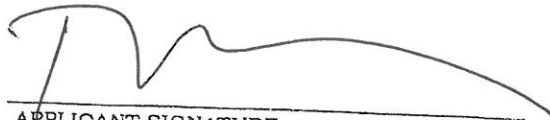
NOTARY PUBLIC-STATE OF NEW YORK

No. 01SO6385139

Qualified in New York County

My Commission Expires 12-24-2022

OWNER 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
Donald Capoccia and
Tommie Peques

B Z NUMBER 2022: ZB 23
DATE: 6/23/22

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

1. Donald Capoccia and Tommie Peques
(Name of appellant)

whose post office address is 42 Great James St - Penthouse - NY, NY 10012
(Post office address)

through Thomas Phifer Architect - Thomas Phifer Partners
(Name of attorney or representative if any)

whose post office address is 180 Warwick Street, NY, NY 10014
(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 June 20, 2022
(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 variance for less than the
required frontage for a proposed accessory building;
a variance for the proposed accessory building to be
2 stories; a variance for the height of the accessory
building to the highest point of the flat roof; and a
variance since the accessory use is not incidental
to the principal use in an R-80 zone.

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

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

Town Tax Map as Section: 48.17 Block: 1 Lot: 7

The interest of the appellant is that of Owners
(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

78 Moscovian Avenue

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

frontage - 200' required, 93.98' existing, 106.2' relief sought
stories - 1 1/2 permitted - seeking 1/2 story variance
height - 12' permitted - seeking 30' - relief 18'

and such may be granted pursuant to 170-A1 Zoning Schedule Part 1;
170-11(A) and Column 2 of Zoning Schedule and 170-11(B)
(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 23 DAY June 2022

NOTARY SIGNATURE



NOTARY PUBLIC-STATE OF NEW YORK
No. 01SO6385139
Qualified in New York County
My Commission Expires 12-24-2022

OWNER 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

June 21, 2022

The Board members, Secretary Mrs. Schirmer and Building Inspector Mr. Tooma went into Executive Session at 6:30 p.m. with Town Attorney Gerry Reilly to ask some legal questions. The Executive Session ended at 7:00 p.m.

The regular monthly 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.

APPLICANTS

RICHARD NASH – 2022:ZB15 – 27.10-1-20.3

An application for the renewal of a Special Exception Use Permit for an existing accessory apartment on the 2nd floor of a detached accessory (barn) to an existing one family dwelling in an R-80 Residential District at 5 Two Penny Lane, Katonah. The property is on the Town Tax Map as Section: 27.10, Block: 1, Lot: 20.3. RE: Section Schedule 170-70.

Richard Nash addressed the Board. There is a couple living in the accessory apartment. Building Inspector Tom Tooma inspected the apartment on June 8th, 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 on the 2nd floor of a detached accessory (barn) 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.

MARTIN AND MEGAN RICHARDSON – 2022:ZB16 – 17.09-2-37

An application for two front yard setback variances for a front porch addition and 2nd story addition to an existing one family dwelling in an R-80 Residential District at 32 Frances Drive, Katonah. The property is on the Town Tax Map as Section: 38.09, Block: 2, Lot: 30. RE: Section Schedule 170:A1 Zoning Schedule Part 1.

Architect Michael Piccirillo addressed the Board. As the Richardson's family has grown, they would like to add a 2nd story addition to accommodate all the existing bedrooms. At the same time, they would like to add a front porch to the dwelling. As a result, a 9'6" variance is needed for the porch and 2nd story additions. There will be no living space over the porch addition, just two 2' dormers. In Mr. Piccirillo's opinion, these additions will be an aesthetic improvement to the house as it will not be overbuilt and it will not be a detriment to the neighborhood. After completion, the existing stucco house will be re-sided resulting in a home that looks brand new. The existing driveway will remain, but the front sidewalk will be removed.

Chairman Cannistra announced that there were two emails received from the owners of 36 and 39 Frances Drive indicating that they were in favor of the proposed additions.

Mr. Harden made a motion for a Type II action. 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 |

Ms. D'Ippolito made a motion to approve two 9'6" variances for a front porch addition and 2nd floor addition. 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 area variances were approved.

VICTOR AND DEBORAH WU – 2022:ZB17 – 17.09-2-37

An application for a side yard setback variance for an existing inground pool of an existing one family dwelling in an R-80 Residential District at 8 Silver Springs Court, Katonah. The property is on the Town Tax Map as Section: 58.12, Block: 1, Lot: 10. RE: Section Schedule 170:A1 Zoning Schedule Part 1.

Attorney Daniel Tota addressed the Board. He submitted an application on behalf of his clients in hope that the Board would approve a side yard setback variance for an existing inground pool. However, on May 23, 2022 a letter was sent to the Board by Attorney Whitney Singleton representing the owners of 4 Silver Springs Court, Panta and Amy Stanciu indicating that the Wus' appeal was significantly untimely under the controlling statute of limitations, Town Law §267-a(5)(b), which expired on January 29,

2022. The question that was brought before the Board was whether the application was properly before them. After a lengthy discussion with comment, all members of the Board agreed it was not and Mr. Tota withdrew the application. He will consult with the Building Inspector as to next steps.

Minutes – The minutes of the May 17, 2022 meeting were approved as submitted.

The next monthly meeting of the Zoning Board of Appeals will be held on July 19, 2022 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
Planning and Engineering
Planning Board