Telephone (914) 277-5582

TOWN HOUSE ANNEX 337 ROUTE 202 **SOMERS, NY 10589**

Town of Somers

WESTCHESTER COUNTY, N.Y.



AGENDA

July 19, 2022 7:30 PM

1. BAMBINA MEYERS

2022:ZB18

An application to renew a Special Exception Use Permit for an existing accessory apartment on the 1st floor of an existing one family dwelling in an R-40 Residential District at 5 St. Leonard Avenue, Granite **Springs.** The property is shown on the Town Tax Map as Section: 26.08, Block: 2. Lot: 19. RE: Section Schedule: 170-70.

2. ZION CALIFORNIA

2022:ZB19

An application to renew a Special Exception Use Permit for two existing accessory apartments on the 2nd floor of an existing detached garage to an existing one family dwelling in an R-80 Residential District at 218 Mahopac Avenue, Yorktown Heights. The property is shown on the Town Tax Map as Section: 15.08, Block: 1, Lot: 5. RE: Section Schedule: 170-70.

3. CLAUDIA COELLO

2022:ZB20

An application for a variance for a side yard setback for an addition to an existing one family dwelling in an R-10 Residential District at 10 Shenorock Drive, Yorktown Heights. The property is shown on the

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



Town of Somers

WESTCHESTER COUNTY, N. Y.

TOWN HOUSE SOMERS, NEW YORK 10589

(914) 277-5582

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| IN THE MATTER OF THE APPEAL | 202 |
| OF | BZNUMBER 200 |
| Danbixa Heyers | DATE: 5/18/3 |
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| THE ZONING BOARD OF ADDRAG |) |

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| TO THE ZONING BOARD OF APPEALS OF THE TOWN OF SOMERS, N. Y.: | |
| 1. Bankbilla Mellers (Name of appellant) | |
| whose post office address is 5 St. New York Avenue Grante & Speciality (Post office address) | ryp, ny |
| through | 1057 |
| whose post office address is | |
| does hereby appeal to the Zoning Board of Appeals at the Town of Somers. | |
| 2. Such appeal is taken from a ruling of | |
| (Offic. held) | (L) |
| which ruling was filed on and notice of such ruling was | |
| first received by appellant on; such ruling | |
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| An application to Vendu a Special | |
| Exception Use Pernut for as | |
| an existing our front | |
| in an R-40 District - aparting | |
| 15 or 1st floor of the dwelling | |
| 3. The property which is the subject of the appeal is located at or known as | |
| (Street and number or distance from and names of nearest intersecting streets) | |
| Town Tax Map as Section: 2 (6.08 Block: 2 Lot: 9 | |
| The interest of the appellant is that of | |
| (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.) | |

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(OVER)

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| Both appli | leant and owner must sign |
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| r apers our | omitted Herewith Are True. |
| CINODA mo | 19th |
| SWORN IC | O ME BEFORE THIS / 8 Ph DAY May 2027 |
| 100 | ME BEFORE THIS 8 PM DAY MAY 2022 CHATHER SOME DOMBUS MULLING |
| NOTARY ST | CNATURE Dambus MULLIN |
| ,, 0114(1 01 | OWNER SIGNATURE |
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| | DENISE SCHIRMER |
| | Notary Public State of New York |
| NOTARY SIG | Thotally Public State of New York DIAT HELLISCO 298242 APPLICANT SIGNATURE Minission Expires March 10, 20 24 |
| CO | numission Expires March 10, 20 24 |



Town of Somers

WESTCHESTER COUNTY, N. Y.

TOWN HOUSE SOMERS, NEW YORK 10589

(914) 277-5582

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF SOMERS, N. Y.: (Name of appellant) (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) 3. The property which is the subject of the appeal is located at or known as..... The interest of the appellant is that of 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) |
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| (8 | The property which is the subject of the appeal is located at or known as |
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| | (Refer to applicable Provisions of the Zoning Ordinance of the Town of Somers) |
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| NOTARY SIG | Notary Public, State of New York APPLICANT SIGNATURE |
| | Reg. No. 02ZI5080661 Qualified in New York County |
| С | ommission Expires June 16, 2023 |



Town of Somers

WESTCHESTER COUNTY, N. Y.

TOWN HOUSE SOMERS, HEW YORK 10589

(914) 277-5582

(OVER)

IN THE MATTER OF THE APPEAL TO THE ZONING BOARD OF APPEALS OF THE TOWN OF SOMERS, N. Y.: whose post office address is...! (Post office address) (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 the It 2 (Offic. beld) first received by appellant on; such ruling (Give summary of ruling) 3. The property which is the subject of the appeal is located at or known as..... (Street and number or distince from and names of nearest intersecting streets) Town Tax Map as Section: Block: 9 The interest of the appellant is that of (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.]

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| and such r | nay be granted pursuant to! 70 | : Al Zonny S | 1 he dule |
| ******************* | *********************************** | Zoning Ordinance of the Town of Some | ers) |
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| Both application if they are di | nt and owner must sign Nerent persons. | | |
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| EWORN TO M | TE BEFORE THIS 8 W | DAY JUNG | (20 22 |
| NOTARY SIGN | NATURE | OWNER SIGNATURE | |
| | DENISE SCHIRMER Notary Public State of New York No. 01SC6298242 | | ж. |
| NOTARY SIGN | A Prairies in Dutchess County mmission Expires March 10, 20 | APPLICANT SIGNATURE | |



Town of Somers

WESTCHESTER COUNTY, N. Y.

TOWN HOUSE SOMERS, NEW YORK 10589

(914) 277-5582

| IN | THE | MATTER | OF | THE | APPEAL |
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| William and Kellyshuth DATE: GILLE 133 |
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| TO THE ZONING BOARD OF APPEALS OF THE TOWN OF SOMERS, N. Y.: |
| 1 William Snith |
| whose post office address is |
| through |
| 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 Thimas J. Tooma Jr. (Name of officer) |
| Building In Spective made on (e/3/22) |
| which ruling was filed on |
| first received by appellant on; such ruling |
| (Give summary of ruling) |
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| An application for a 5' front yard Variance to a porch addition |
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| CIT WINT TO TOYCE |
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| 3. The property which is the subject of the appeal in least 1 |
| 3. The property which is the subject of the appeal is located at or known as |
| Town Tax Map as Section: 17.16, Block: 2 Lot: 42 |
| The interest of the appellant is that of OWNIN (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) |

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(OVER)

| | 5. | (Fill out (a) | or (b) or both if applicable) |
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| if they | are di | ferent persons. | |
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| | Comm | ralified in Dutchess County ssion Expires March 10, 2020 | APPLICANT SIGNATURE |



Town of Somers

WESTCHESTER COUNTY, N. Y.

TOWN HOUSE SOMERS, NEW YORK 10589

(914) 277-5582

(OVER)

| Donald Capoccia and Date: (123) 22 |
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| TO THE ZONING BOARD OF APPEALS OF THE TOWN OF SOMERS, N. Y.: |
| 1. Donald Capo cicia and Tommie Pegues (Name of appellant) |
| whose post office address is 42 Great Inces St Perthouse - NY NY 10012 |
| through Thomas Phifer Architent - Thomas Phifer Partiers (Name of attorney or representative if any) |
| whose post office address is 180 Various 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 Jv. [Name of officer] (Office held) |
| which ruling was filed on |
| first received by appellant on; such ruling |
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| An application for a Valiable for less than the veguered frontage for |
| R-80 zone family dwelling in an |
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| 3. The property which is the subject of the appeal is located at or known as |
| Town Tax Map as Section: 48,17 Block: Lot: 7 |
| The interest of the appellant is that of UN Mess |
| (Owner, lenant, 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.)

| 5. | (Fill out (a) or (b) or both if applicable) |
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| (a) | The property which is the subject of the appeal is located at or known as |
| ****** | 78 Moserran Avenue |
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| and suc | h may be granted pursuant to 170 AT Zixi Ke Schedule Part 1 |
| ********** | (Refer to applicable Provisions of the Zoning Ordinance of the Town of Somers) |
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| Both appli if they are | cant and owner must sign different persons. |
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| SWORN TO | ME BEFORE THIS 23 DAY JUNE 20 22 |
| NOTARY SI | OWNER SIGNATURE |

Qualified in New York County
My Commission Expires 12-24-2022



Town of Somers

WESTCHESTER COUNTY, N. Y.

TOWN HOUSE SOMERS, NEW YORK 10589

(914) 277-5582

(OVER)

| IN THE MATTER OF THE APPEAL | 20227823 |
|---|--|
| Donald Capo ccia and | BZNUMBER 2022: 2B 23 |
| Tommie Peques | DATE: 6 23/22 |
| TO THE ZONING BOARD OF APPEALS OF THE TOWN OF SOMERS, N. Y.: | |
| 1. Donald Cupoceia and Toinm | 11e Pegues |
| whose post office address is 42 Gylat Javaes (Post office address) | St Penthouse - MY, MY 10012 |
| through Ino mas Philes. Archident - The | nomas Philer & Partners |
| whose post office address is 180 May CK Styl | et, NY, NY 10014 |
| does hereby appeal to the Zoning Board of Appeals at the Town of | Somers. |
| 2. Such appeal is taken from a ruling of | ne of officer) |
| Divida Kg Ln Spector, made on June 5 | 10,0077 |
| which ruling was filed on | and notice of such |
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| and such | may be granted pursuant to 178: A 1 Zon xg Schedule Part 15 |
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(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 resided 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 | Ave |

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