

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**

**September 20, 2022  
7:30 PM**

1. **NOAH CLARK AND  
KASSANDRA SHERWOOD**      **2022:ZB24**  
An application to renew a Special Exception Use Permit as new owners of an existing accessory apartment in the basement of an existing one family dwelling in an R-80 Residential District at **2529 Route 35, Amawalk**. The property is shown on the Town Tax Map as **Section: 36.12, Block: 2, Lot: 8**. RE: Section Schedule: 170-70.
  
2. **LISA MUIR**      **2022:ZB25**  
An application for a variance for a side yard setback for an existing one-story sunroom to an existing one family dwelling in an R-80 Residential District at **25 Sun Hill Road, Katonah**. The property is shown on the Town Tax Map as **Section: 47.12, Block: 1, Lot: 6**. RE: Section Schedule 170: A1 Zoning Schedule Part 1.
  
3. **1 PRIMROSE ESTATES**      **2022:ZB26**  
An application for less than the required separation distance between a new dwelling and an existing shed in an R-80 Residential District at **126 Route 139, Somers**. The property is shown on the Town Tax Map as **Section: 27.08, Block: 2, Lot: 1.2**. RE:

Section Schedule 170: A1 Zoning Schedule Part 1, Note 2.

4. **ANTHONY PIRCIO AND  
ADRIANA DUQUEZ**

**2022:ZB27**

An application for a rear yard variance to expand an existing deck to an existing one family dwelling in an R-10 Residential District at **22 Lakeview Terrace, Amawalk**. The property is shown on the Town Tax Map as **Section: 36.07, Block: 1, Lot: 30**. RE: Section Schedule 170: A1 Zoning Schedule Part 1.

5. **KATHLEEN FURMAN**

**2022:ZB28**

An application for an area variance for the distance between an existing inground swimming pool and a proposed pavilion to an existing one family dwelling in an R-40 Residential District at **17 Country Hollow Drive, Amawalk**. The property is shown on the Town Tax Map as **Section: 26.16, Block: 1, Lot: 13**. RE: Section Schedule 170: A1 Zoning Schedule Part 1.

6. **UB SOMERS, INC.**

**2022:ZB29**

An application for a height variance for a fence for a proposed garden center for a proposed Tractor Supply retail store in a shopping center 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: 11.6**. RE: Section Schedule 170-49.

7. **OTHER BUSINESS**

July 19, 2022 Meeting Minutes

Next Meeting – October 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  
Noah Clark and  
Kassandra Sherwood  
TO THE ZONING BOARD OF APPEALS  
OF THE TOWN OF SOMERS, N. Y.:

B Z NUMBER 2022: ZB04  
DATE: 7/15/22

1. Noah Clark and Kassandra Sherwood  
(Name of appellant)  
whose post office address is 2529 Route 35, Amawalk, NY 10501  
(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 as a new owner for an  
existing accessory apartment in the  
basement of an existing one family  
dwelling in an R-80 district

3. The property which is the subject of the appeal is located at or known as .....  
2529 Route 35 ..... and is shown on the  
(Street and number or distance from and names of nearest intersecting streets)  
Town Tax Map as Section: 36.12, 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.)

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 .....

2529 Route 35

(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 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 15th DAY July 20 22
Denise Schirmer NOTARY SIGNATURE
Owner Signature OWNER SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 01SC6298242
Qualified in Dutchess County
Commission Expires March 10, 20

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  
Lisa Muir

B Z NUMBER 2022:2B25  
DATE: 7/20/22

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

1. Lisa Muir  
(Name of appellant)

whose post office address is 25 Sun Hill Road, Katonah, NY  
(Post office address) 10536

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. Toome, Jr.  
(Name of officer)  
Building Inspector, made on July 14, 2022  
(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 4' side yard area  
variance for an existing one story  
sunroom in an R-80 District

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

Town Tax Map as Section: 47.12, Block: 1, Lot: 6

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 .....

25 Sun Hill Road

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

40' is needed  
36' exists  
4' variance requested

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 20th DAY July 2022

Denise Schirmer  
NOTARY SIGNATURE

[Signature]  
OWNER SIGNATURE

DENISE SCHIRMER  
NOTARY SIGNATURE  
Notary Public State of New York  
No. 01SC6298242  
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  
**Primrose Estates, LLC**

B Z NUMBER **2022: ZB 26**  
DATE: **8/11/22**

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

1. **Frank and Rosemarie Di Siena**  
(Name of appellant)

whose post office address is **126 Route 139, Somers, NY 10589**  
(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. Tooma, Jr.**  
(Name of officer)

**Building Inspector**, made on **July 18, 2022**  
(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 less than the  
required separation distance  
between a new dwelling and  
existing shed in an R-80 District**

3. The property which is the subject of the appeal is located at or known as .....  
**126 Route 139** ..... and is shown on the  
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: **27.08** ..... Block: **2** ..... Lot: **1.2** .....

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 .....

124 Route 139

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

A variance of 8'9" B being requested

and such may be granted pursuant to 170: A1 Zoning Schedule Part 1 - note 2

(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 11th DAY August 20 22

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  
*Anthony Pircio and  
Adriana Duque*

B Z NUMBER *2022 ZB27*  
DATE: *8-29-22*

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

1. *Anthony Pircio and Adriana Duque*  
(Name of appellant)

whose post office address is *22 Lakeview Terrace, Amawalk, NY*  
(Post office address) *10501*

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. Toma, Jr.*  
(Name of officer)

*Building Inspector*, made on *August 29, 2022*  
(Office held)

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

.....  
(Give summary of ruling)

*An application to expand an existing  
deck in an R-10 zone - a rear  
yard variance is needed*

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

*22 Lakeview Terrace* ..... and is shown on the  
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: *36.07*, Block: *1*, Lot: *30*

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 .....

22 Lakeview Terrace

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

25' is required

18.7' exists

6.3' variance being requested

and such may be granted pursuant to Section Schedule 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 29<sup>th</sup> DAY August 20 22

Denise Schirmer  
NOTARY SIGNATURE

A.E. Picco  
OWNER SIGNATURE

DENISE SCHIRMER  
Notary Public State of New York  
No. 01SC6298242  
Qualified in Dutchess County  
Commission Expires March 10, 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

Kathleen Furman

B Z NUMBER

2022:ZB28

DATE:

8-31-22

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

1. Kathleen Furman

(Name of appellant)

whose post office address is

17 Country Hollow Drive, Ariawalk, NY

(Post office address)

through

(Name of attorney or representative if any)

10501

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

August 29, 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 an area variance  
for the distance between an existing  
inground swimming pool and a proposed  
pavilion in an R-40 zone

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

17 Country Hollow Road

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

Town Tax Map as Section: 26.16

Block: 1

Lot: 13

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.....

17 Country Hollow Road

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

10' is required  
4'6" exists  
5'6" variance being requested

and such may be granted pursuant to Section Schedule 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 31<sup>st</sup> DAY August 20 22

Denise Schirmer  
NOTARY SIGNATURE

Kathleen Thurman  
OWNER SIGNATURE

DENISE SCHIRMER  
Notary Public State of New York  
No. DISC6298242  
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  
UB Somers, Lnc.

B Z NUMBER 2022: ZB29  
DATE: 8-11-22

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

1. Willing Biddle

(Name of appellant)

whose post office address is 321 Railroad Avenue, Greenwich, CT 06830  
(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 Planning Board

(Name of officer)

made on August 10, 2022  
(Date 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 height  
variance for a fence for a  
proposed garden center for a  
proposed Tractor Supply in a Neighborhood  
Shopping District

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

80 Route 6

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

Town Tax Map as Section: 4.20 Block: 1 Lot: 11.6

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 .....

80 Route 6  
.....  
.....  
.....  
.....

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

The maximum height of a fence as per the Code of the Town of Somers is 15' - An 8' fence is being proposed, therefore a 2' variance is being requested and such may be granted pursuant to 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 11<sup>th</sup> DAY August 20 22

NOTARY SIGNATURE

OWNER SIGNATURE

Isabel Daly  
NOTARY SIGNATURE

Wily L. Biddle  
APPLICANT'S SIGNATURE

ISABEL DALY  
Notary Public, State of Connecticut  
My Commission Expires Apr. 30, 2025

(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**

July 19, 2022

The meeting was called to order by Acting Chairman Newman at 7:35 p.m. with the Pledge of Allegiance.

The members present were: Ms. D'Ippolito, Mr. Guyot, Mr. Lansky, Mr. Newman, and Mr. Padovani.

Mr. Cannistra and Mr. Harden were absent.

Building Inspector Tom Tooma and interested residents were also present.

**APPLICANTS**

**BAMBINA MEYERS - 2022:ZB18 – 26.08-2-19**

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

Bambina Meyers addressed the Board. The accessory apartment is vacant. Building Inspector Tom Tooma inspected the apartment on May 31<sup>st</sup>, 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. 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. Lansky	Aye
Mr. Newman	Aye
Mr. Padovani	Aye

Mr. Guyot made a motion to approve the Special Exception Use Permit for an accessory apartment on the 1<sup>st</sup> floor of an existing one family dwelling for the next 7 years. Mr. Padovani 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. Lansky	Aye
Mr. Newman	Aye
Mr. Padovani	Aye

The Special Exception Use Permit was approved.

**ZION CALIFORNIA - 2022:ZB19 – 15.08-1-5**

An application for the renewal of a Special Exception Use Permit for two existing accessory apartments on the 2<sup>nd</sup> 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 on the Town Tax Map as Section: 15.08, Block: 1, Lot: 5. RE: Section Schedule 170-70.

Josh Zion addressed the Board. The accessory apartments are vacant. Only family or caretakers are permitted to live in the apartments. Building Inspector Tom Tooma inspected the apartments on June 28<sup>th</sup>, no changes have been made, they are identical to when they were previously approved and are compliant. There have been no complaints or issues.

Marilyn Glotzer of 231 Mahopac Avenue has lived down the street for 45 years. The Zions have been great neighbors, beautifully maintain their property and she thanked them for that.

Mr. Guyot made a motion for a Type II action. Mr. Padovani 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. Lansky	Aye
Mr. Newman	Aye
Mr. Padovani	Aye

Mr. Lansky made a motion that whereas a Special Exception Use Permit was issued for a caretaker's accessory apartment in 1966 and a variance for a second accessory apartment was granted in 1987 and the two accessory apartments existed before the adoption of the Zoning Code and the two accessory apartments have been continuously renewed since 1987, be it resolved to grant two Special Exception Use Permits for two accessory apartments on the 2<sup>nd</sup> floor of an existing detached garaged to be used exclusively for caretakers and family members at 218 Mahopac Avenue, Yorktown Heights for the next seven years. 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. Lansky	Aye
Mr. Newman	Aye
Mr. Padovani	Aye

The Special Exception Use Permits were approved.

**CLAUDIA COELLO - 2022:ZB20 – 16.10-2-30**

An application for a side yard setback variance for an addition to an existing one family dwelling in an R-10 Residential District at 10 Shenorock Drive, Yorktown Heights. The property is on the Town Tax Map as Section: 16.10, Block: 2, Lot: 30. RE: Section Schedule 170:A1 Zoning Schedule Part 1.

Claudia Coello addressed the Board. The proposed addition will be at the back of the dwelling to allow for the expansion of two existing bedrooms. As a result, a 6.34' side yard variance is being requested.

Mr. Guyot made a motion for a Type II action. 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. Lansky	Aye
Mr. Newman	Aye
Mr. Padovani	Aye

Mr. Guyot made a motion to approve a 6.34' side yard variance for an addition. Mr. Padovani 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. Lansky	Aye
Mr. Newman	Aye
Mr. Padovani	Aye

The area variance was approved.

**WILLIAM AND KELLY SMITH - 2022:ZB21 – 17.16-2-42**

An application for a front yard setback variance 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 on the Town Tax Map as Section: 17.16, Block: 2, Lot: 42. RE: Section Schedule 170:A1 Zoning Schedule Part 1.

William and Kelly Smith addressed the Board. A second story addition, which does not require a variance, will include an addition to the front porch for which a 5' front yard setback variance is being requested.

An email was received by the Board Secretary from Carin Horowitz and David Wagenheim of 18 Cross Way supporting the proposed project.

Mr. Guyot made a motion for a Type II action. 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. Lansky	Aye
Mr. Newman	Aye
Mr. Padovani	Aye

Mr. Guyot made a motion to approve a 5' front yard variance for a front porch addition. Mr. Padovani 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. Lansky	Aye
Mr. Newman	Aye
Mr. Padovani	Aye

The area variance was approved.

**DONALD CAPOCCIA AND TOMMIE PEGUES - 2022:ZB22 – 48.17-1-7**

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 on the Town Tax Map as Section: 48.17, Block: 1, Lot: 7. RE: Section Schedule 170:A1 Zoning Schedule Part 1.

Ryan Connelly, architect with Thomas Phifer and Partners addressed the Board. When his clients purchased the property, they learned that the permit for the house which was built in 1957 remained opened and in order to get a Certificate of Occupancy for the house a variance for less than the required frontage was needed. The property was surveyed and indicated that only 93.98' of the 200' required existed. In addition, Board of Health approval will be needed. The house is not occupied, but the new owners plan to renovate it and use it for their guests that visit. They own two additional properties with dwellings and use one of them for a weekend/summer home. There are no records indicating that this lot was part of a subdivision. The code from 1957 was reviewed and the property needs to have 200' of frontage.

Mr. Guyot made a motion for a Type II action. Mr. Padovani 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. Lansky	Aye
Mr. Newman	Aye
Mr. Padovani	Aye

Mr. Lansky made a motion to approve a variance for less than the required frontage as 200' is required, 93.98' exists and 106.02' is the relief sought. 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. Lansky	Aye
Mr. Newman	Aye
Mr. Padovani	Aye

The variance was approved.

### **DONALD CAPOCCIA AND TOMMIE PEGUES - 2022:ZB23 – 48.17-1-7**

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 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).

A review and discussion regarding the four requested variances took place with Mr. Connelly. The variance for less than the required frontage for a proposed accessory building is understood, however there were numerous concerns regarding the proposed accessory building to be used as an art studio/display area. Although an art studio is an acceptable home occupation as per the Code of the Town of Somers, some thought the proposed uses for this art studio as per the plans (catering kitchen, living room, bathroom, etc.) submitted took it to another level, and at that point is no longer a home occupation. The proposed accessory building is 30' high, 6,700 square feet including a basement and significantly larger than the existing dwelling, therefore not incidental to the principal use. Although the Board was told that no one will sleep in the building, it can easily be construed to be used as a guest house and this art studio/display area could potentially be used as an event venue for the charities and foundations the owners of the property support.

Vicki Nightingale of 77 Moseman Avenue addressed the Board. Although the owners of the property are very nice, and have improved their properties displaying great taste, she is concerned that the proposed accessory building doesn't follow the residential requirements of the Code. If it is intended to be a quiet working space with a few invited guests, it doesn't need to be so large. In her opinion, the uses will welcome larger volumes of people resulting in parking and traffic concerns.

In closing, the Board members were uncomfortable approving the requested variances and suggested that perhaps the application be withdrawn so the applicants can return at some point with a more favorable proposal. Mr. Connelly withdrew the application and will reviews options with the property owners.

**Minutes** – The minutes of the June 21, 2022 meeting were approved as submitted.

The next monthly meeting of the Zoning Board of Appeals will be held on September 20, 2022 at 7:30 p.m. With there being no further business, the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Denise Schirmer, Secretary  
Zoning Board of Appeals

cc: Town Board  
Town Clerk  
Planning and Engineering  
Planning Board