

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

October 18, 2022

7:30 PM

1. **STEPHEN WILKINSON
AND BRENDA JONES** **2022:ZB30**
An application to renew a Special Exception Use Permit for an existing accessory apartment in a detached structure (cottage) of an existing one family dwelling in an R-80 Residential District at **16 Annarock Drive, Somers**. The property is shown on the Town Tax Map as **Section: 28.05, Block: 1, Lot: 7**. RE: Section Schedule: 170-70.

2. **OTHER BUSINESS** September 20, 2022 Meeting Minutes

Next Meeting – November 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
Stephen Wilkinson and
Brenda Jones

B Z NUMBER 2022:ZB 30
DATE: 9/14/22

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

1. Stephen Wilkinson and Brenda Jones
(Name of appellant)

whose post office address is 16 Annarock Drive, 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 _____
(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 an existing
accessory apartment in a detached
accessory building (cottage) to an
existing the family dwelling

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

16 Annarock Drive - R-80DZ tract
(Street and number or distance from and names of nearest intersecting streets) and is shown on the

Town Tax Map as Section: 28.05 Block: 1 Lot: 7

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

16 Annarock Drive

(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 per the code of the Town of Somers 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 14th DAY September 20 22

Denise Schirmer
NOTARY SIGNATURE

[Signature]
OWNER SIGNATURE
and applicant

DENISE SCHIRMER
Notary Public State of New York
No. 01SC6298242

NOTARY SIGNATURE
Qualified in Dutchess County
Commission Expires March 10, 2023

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
September 20, 2022

The meeting was called to order by Chairman Cannistra at 7:30 p.m. with the Pledge of Allegiance.

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

Mr. Guyot was absent.

Building Inspector Tom Tooma and interested residents were also present.

APPLICANTS

NOAH CLARK AND KASSANDRA SHERWOOD - 2022:ZB24 – 36.12-2-8

An application as new owners for the renewal of a Special Exception Use Permit for 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 on the Town Tax Map as Section: 36.12, Block: 2, Lot: 8. RE: Section Schedule 170-70.

Kassandra Sherwood addressed the Board. Their friend is living in the accessory apartment. Building Inspector Tom Tooma inspected the apartment on August 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. Harden 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. 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 the basement 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. Harden	Aye
Mr. Lansky	Aye
Mr. Newman	Aye
Mr. Padovani	Aye
Chairman Cannistra	Aye

The Special Exception Use Permit was approved.

LISA MUIR - 2022:ZB25 – 47.12-1-6

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 on the Town Tax Map as Section: 47.12, Block: 1, Lot: 6. RE: Section Schedule 170:A1 Zoning Schedule Part 1.

Lisa Muir addressed the Board. The sun room was added to the house a very long time ago by her grandfather. Most recently her parents occupied the house. They have passed and she now needs to legalize the sunroom so she can put the house on the market, but in order to do so, needs a 4' side yard area variance. The house on that side of the property is about 50' away.

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. Harden	Aye

Mr. Lansky	Aye
Mr. Newman	Aye
Mr. Padovani	Aye
Chairman Cannistra	Aye

Ms. D’Ippolito made a motion to approve a 4’ side yard variance for an existing sunroom. Mr. Harden seconded the motion.

A vote was then taken by the Board as follows...

POLL OF THE BOARD

Ms. D’Ippolito	Aye
Mr. Harden	Aye
Mr. Lansky	Aye
Mr. Newman	Aye
Mr. Padovani	Aye
Chairman Cannistra	Aye

The area variance was approved.

1 PRIMROSE ESTATES - 2022:ZB26 – 27.08-2-1.2

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 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.

Frank DiSiena addressed the Board. He is building a new house for his daughter that is 5,200 square feet. When his property was subdivided into four lots, the existing shed ended up on this property, is too close to the house and needs a variance for a separation distance. 13’ 6”, half the height of the adjacent building is required, 4’ 9” is existing so a variance in the amount of 8’ 9” is being requested. Although the hardship can be viewed as self-imposed, the shed is in excellent shape and built on a concrete foundation. His daughter would like to use it for lawn equipment, as well as storage. It would be very difficult and costly to move and she does not want to demolish it. Although the shed has a garage door on it, it will definitely not be used as a garage as the house has a three-car garage. The interior of the shed is unfinished, but has electric and the exterior will be finished to match the house (metal roof and siding). Mr. Tooma was asked if similar applications existed in the past. They have and the Town code is more restrictive than that of the State code. Since the shed is so close to the house, Mr. DiSiena is willing to use fire retardant materials on the interior.

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

Mr. Harden made a motion to approve the 8' 9" separation distance variance for the shed with the understanding that fire retardant materials (sheetrock, insulation) be used, as well as cement board. Mr. Padovani seconded the motion.

A vote was then taken by the Board as follows...

POLL OF THE BOARD

Ms. D'Ippolito	Aye
Mr. Harden	Aye
Mr. Lansky	Aye
Mr. Newman	Aye
Mr. Padovani	Aye
Chairman Cannistra	Aye

The separation distance variance was approved.

ANTHONY PIRCIO AND ADRIANA DUQUEZ - 2022:ZB27 – 36.07-1-30

An application for a variance for a rear yard setback 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 on the Town Tax Map as Section: 36.07, Block: 1, Lot: 30. RE: Section Schedule 170:A1 Zoning Schedule Part 1.

Anthony Pircio addressed the Board. They became the owners of the house in July 2020 and a 1975 property survey shows the existing deck. Their architect confirmed that it is original construction, and it sits 4 to 5' off the ground. They would like to extend the existing deck and in order to do so, are requesting a 6' 3" rear yard variance. Their neighbors to the side and rear are on a hill and their houses sit back 50 to 60' from the deck. Mr. Pircio spoke to his immediate neighbors about his plan to extend his deck and there were no objections. In addition, there is some screening of trees at the rear of his property.

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

Mr. Newman made a motion to approve a 6' 3" rear yard variance to expand an existing deck. Mr. Harden seconded the motion.

A vote was then taken by the Board as follows...

POLL OF THE BOARD

Ms. D'Ippolito	Aye
Mr. Harden	Aye
Mr. Lansky	Aye
Mr. Newman	Aye
Mr. Padovani	Aye
Chairman Cannistra	Aye

The area variance was approved.

KATHLEEN FURMAN - 2022:ZB28 – 26.16-1-13

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 on the Town Tax Map as Section: 26.16, Block: 1, Lot: 13. RE: Section Schedule 170:A1 Zoning Schedule Part 1.

Kevin Walter addressed the Board. He has been secured to build the pavilion. Ms. Furman's property has no trees or other type of shading and it gets very buggy, especially in the evening. The proposed pavilion is 12' by 20' and 8' 3" high. The distance between the swimming pool and pavilion should be 10', 4' 6" exists and a 5' 6" variance is being requested. There is really no other place on the property to build the pavilion other than the location that is being proposed.

Ms. D'Ippolito 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
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Mr. Harden	Aye
Mr. Lansky	Aye
Mr. Newman	Aye
Mr. Padovani	Aye
Chairman Cannistra	Aye

Ms. D'Ippolito made a motion to approve a 5' 6" variance for the distance between an existing inground swimming pool and a proposed pavilion. Mr. Harden seconded the motion.

A vote was then taken by the Board as follows...

POLL OF THE BOARD

Ms. D'Ippolito	Aye
Mr. Harden	Aye
Mr. Lansky	Aye
Mr. Newman	Aye
Mr. Padovani	Aye
Chairman Cannistra	Aye

The area variance was approved.

UB SOMERS, INC. - 2022:ZB29 – 4.20-1-11.6

An application for a height variance for a fence for a proposed garden center for a proposed Tractor Supply retail store in an existing shopping center in a Neighborhood Shopping District at 80 Route 6, Baldwin Place. The property is on the Town Tax Map as Section: 4.20, Block: 1, Lot: 11.6. RE: Section Schedule 170-49.

Willing Biddle, President of UB Somers, Inc. addressed the Board. An application for Tractor Supply is currently in front of the Planning Board. They would like to rent 27,300 square feet of a vacant store that once housed Home Goods that is 30,000 square feet. The remaining square footage would house a small store. As part of the Planning Board application, there is a proposed 3,500 square feet garden center and an outdoor display area totaling 12,000 square feet. The section that will be fenced in will house mowers, tractors and other equipment, which for security purposes needs a higher fence than the allowable 6' as per the code. A height variance of 2' is being requested.

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

Mr. Harden made a motion to approve a 2' height variance for a fence for a proposed garden center at a proposed Tractor Supply. Mr. Padovani seconded the motion.

A vote was then taken by the Board as follows...

POLL OF THE BOARD

Ms. D'Ippolito	Aye
Mr. Harden	Aye
Mr. Lansky	Aye
Mr. Newman	Aye
Mr. Padovani	Aye
Chairman Cannistra	Aye

The area variance was approved.

Crecco – 12 Mountain View Drive

At the May 17, 2022 Zoning Board of Appeals meeting, John and Janine Crecco submitted an application for a rehearing of a decision made by the Zoning Board of Appeals on January 16, 2001 and October 21, 2003 that the driveway is to be gravel in perpetuity.

The Crecco's application was approved as follows: "Ms. D'Ippolito made a motion to grant the application, upon rehearing of the 9/16/2001 Zoning Board of Appeals Findings and Determination, to allow the applicant to pave the existing driveway, subject to the approval of the Engineering Department and conditioned upon the applicant providing proof of compliance of all requirements set forth by the Engineering Department to the Zoning Board of Appeals before any paving of the driveway is initiated. Mr. Harden seconded the motion."

On September 15, 2022, all members received via email a copy of the Somers Planning and Engineering Department's Wetland and Watercourse Protection Permit, as well as Bibbo Associates, LLP's Engineer's Drainage Calculations and Driveway Improvements Plans prepared for Mr. and Mrs. Crecco.

Minutes – The minutes of the July 19, 2022 meeting were approved as submitted.

The next monthly meeting of the Zoning Board of Appeals will be held on October 18, 2022 at 7:30 p.m. With there being no further business, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Denise Schirmer, Secretary
Zoning Board of Appeals

cc: Town Board
Town Clerk
Planning and Engineering
Planning Board

DRAFT