

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

December 19, 2023
MEETING AT 7:30 PM

1. **ELTON AND JENNIFER PAUL** **2023:ZB26**
An application to renew a Special Exception Use Permit as a new owner for an existing accessory apartment attached to an existing one family dwelling in an R-40 Residential District at **8 Old Croton Falls Road, Somers**. The property is shown on the Town Tax Map as **Section: 17.08, Block: 2, Lot: 1**. RE: Section Schedule: 170-70.

2. **PERI NACAJ** **2023:ZB27**
An application for a Variance for an existing roof over a front porch to an existing one family dwelling in an R-10 Residential District at **16 Wright Road, Yorktown Heights**. The property is shown on the Town Tax Map as **Section: 16.14, Block: 3, Lot: 15**. RE: Section Schedule: 170:A1 Zoning Schedule Part 1.

3. **THOMAS AND VANESSA JANEK** **2023:ZB28**
An application for a Variance and a Special Exception Use Permit to construct an accessory apartment in a new accessory structure built prior to April 1, 1992 to an existing dwelling in an R-40 Residential District at **51 Raemont Road, Granite Springs**. The property is shown on the Town Tax Map as **Section: 27.13, Block:1,**

Lot: 13. RE: Section Schedule: 170-70 and 170-70 (B).

4. RUDOLPH TEN-POW

2023:ZB29

An application for a Special Exception Use Permit to construct an accessory apartment in and existing carriage house to an existing dwelling in an R-80 Residential District at **2546 Mohansic Creek Road, Amawalk.** The property is shown on the Town Tax Map as **Section: 36.12, Block: 3, Lot: 11.** RE: Section Schedule: 170-70.

5. RUDOLPH TEN-POW

2023:ZB30

An application for a Variance to construct a deck to an existing carriage house to an existing dwelling in an R-80 Residential District at **2546 Mohansic Creek Road, Amawalk.** The property is shown on the Town Tax Map as **Section: 36.12, Block: 3, Lot: 11.** RE: Section Schedule: 170:A1 Zoning Schedule Part 1.

6. RUDOLPH TEN-POW

2023:ZB31

An application for a Variance to construct a garage addition to an existing carriage house to an existing dwelling in an R-80 Residential District at **2546 Mohansic Creek Road, Amawalk.** The property is shown on the Town Tax Map as **Section: 36.12, Block: 3, Lot: 11.** RE: Section Schedule: 170:A1 Zoning Schedule Part 1.

7. RUDOLPH TEN-POW

2023:ZB32

An application for a Variance to construct an addition to an existing house to an existing dwelling in an R-80 Residential District at **2546 Mohansic Creek Road, Amawalk.** The property is shown on the Town Tax Map as **Section: 36.12, Block: 3, Lot: 11.** RE: Section Schedule: 170:A1 Zoning Schedule Part 1.

8. OTHER BUSINESS

October 17, 2023 Meeting Minutes

Next Meeting – January 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
Elton + Jennifer Paul

B Z NUMBER: *2023: ZB26*
DATE: *11/8/23*

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

1. *Elton and Jennifer Paul*

(Name of appellant)

whose post office address is *8 Old Croton Falls Road, 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
(Office held)

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

.....
(Give summary of ruling)

*A Special Exception Use Permit for an accessory
apartment attached to an existing one
family dwelling as a new owner
in an R-40 District - Renewal*

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

8 Old Croton Falls Road and is shown on the
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: *17.08* Block: *2* Lot: *1*

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

8 Old Custom Falls Road

(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, the Special Exception Use Permit for an existing apartment must be renewed within 6 months of purchasing the property

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 8th DAY November 20 23

Denise Schirmer
NOTARY SIGNATURE

[Signature]
OWNER SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 01SC6298242
Qualified in Dutchess County
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
Peri Nacaj

B Z NUMBER: *2023: ZB27*
DATE: *11/8/23*

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

1. *Peri Nacaj*
(Name of appellant)

whose post office address is *16 Wright Road, Yorktown Heights, NY 10598*
(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 *September 12, 2023*
(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 a covered front porch in an R-10 District

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

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

Town Tax Map as Section: *16.14* Block: *3* Lot: *15*

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

16 Wright Road

(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 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 8th DAY November 20 23

Denise Schirmer
NOTARY SIGNATURE

[Signature]
OWNER SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 01SC6208242
Qualified in Dutchess County
Commission Expires March 10, 20 24
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
Thomas and Vanessa Janec

B Z NUMBER *2023 ZB28*
DATE: *11-1-23*

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

1. *Thomas and Vanessa Janec*
.....
(Name of appellant)

whose post office address is *51 Raenout Road, 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 *Thomas J. Toona, Jr.*
.....
(Name of officer)

Building Inspector, made on *October 26, 2023*
.....
(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 variance to build an
accessory apartment in a new accessory
structure and a Special Exception Use
Permit to have an accessory apartment
in an R-40 District*

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

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

Town Tax Map as Section: *27.13* 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

owner
.....
.....
.....
.....

(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 the structure that it is in must have been built prior to April 1, 1992 and such may be granted pursuant to 170-70 and 170-70(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 1st DAY November 20 23

Denise Schirmer
NOTARY SIGNATURE

JWJ
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

RUDOLPH TEN-POW

B Z NUMBER 2023:EB 29
DATE: 11-15-23

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

1. RUDOLPH TEN-POW
(Name of appellant)

whose post office address is 2546 MOHANSIC CREEK RD., AMAWALK, N.Y. 10501
(Post office address)

through JONATHAN HODOSH - GEORGE HODOSH ASSOCIATES
(Name of attorney or representative if any)

whose post office address is 120 NORTH MAIN ST. SUITE 501, NEW CITY, N.Y. 10956
(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 MR. TOM TOOMA
(Name of officer)

BUILDING INSPECTOR, made on OCTOBER 4, 2023
(Office held)

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

such ruling is that the requested use in accessory structure does
not meet the standard of the following town
zoning code section as they apply for an
accessory apartment in accessory structure -
Article XII, Chapter 170, Section 170-70. Relief
must be sought from the Zoning Board of Appeals.

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

2546 MOHANSIC CREEK ROAD
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: 36.12, Block: 3, Lot: 1

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

~~various other special permits~~ (Strike out wording not applicable.)

special permit.

(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

2546 MOHANSIC CREEK ROAD

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

The applicant is seeking to construct an accessory apartment in the existing carriage house. The purpose of this apartment is to accommodate visiting family members and occasional guests, as well as potential rental to qualified tenants. and such may be granted pursuant to Article XII, Chapter 17, Section 170-10

(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 NOVEMBER 2023

NOTARY SIGNATURE

A. Lupachino

NOTARY SIGNATURE

OWNER SIGNATURE

J

APPLICANT SIGNATURE

Audrey M. Lupachino
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01LU6417665
Qualified in Rockland County
Commission Expires May 17, 2025



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
RUDOLPH TEN-POW

B Z NUMBER 2023 ZB 30
DATE: 11-15-23

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

1. RUDOLPH TEN-POW
(Name of appellant)

whose post office address is 2546 MOHANSIC CREEK RD., AMAWALK, N.Y. 10501
(Post office address)

through JONATHAN HODOSH - GEORGE HODOSH ASSOCIATES
(Name of attorney or representative if any)

whose post office address is 120 NORTH MAIN ST. SUITE 501, NEW CITY, N.Y. 10956
(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 MR. TOM TOOMA
(Name of officer)

BUILDING INSPECTOR, made on OCTOBER 4, 2023
(Office held)

which ruling was filed on and notice of such ruling was

first received by appellant on; such ruling is that the requested area variances do not meet the standards of the following town zoning code sections as they apply in Article 11, Chapter 170, Section 170-7, Part 1 Column 7: Maximum Percentage of Lot to be Occupied - Site Coverage (17.9% where 15% is required); Front Yard variance - Article 11, Chapter 170, Section 170-7 Part 1 Column 8: Minimum Size of Yards in Feet From Principal Building to Lot Lines - Front Yard (23.6' where 40' is required); One side yard variance - Article 11, Chapter 170, Section 170-7, Part 1 Column 13: Minimum distance in Feet from Accessory Use if Not Within or Attached to Principal Building to Side Lot Line (12' where 15' is required).

Relief must be sought from the Zoning Board of Appeals.

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

2546 MOHANSIC CREEK ROAD, 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: 3 Lot: 1

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, ~~permitted special use~~ (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

2546 MOHANSIC CREEK ROAD

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

The applicant is seeking to construct a deck onto the existing carriage house. The purpose of this deck addition is to provide outdoor space for the occupant of the accessory apartment and to take advantage of the rural setting and aesthetic of the property.

and such may be granted pursuant to Article II, Chapter 170, Section 170-70, Part 1

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

- column 7: Maximum Percentage of Lot to be occupied - Site Coverage (17.9% where 15% is required)
- column 8: Minimum Size of Yards in Feet From Principal Building to Lot Lines - Front Yard (23.6' where 40' is required)
- column 13: Minimum Distance in Feet From Accessory Use if Not Within or Attached to Principal Building Side Lot Line (12' where 15' is required).

Relief must be sought from the Zoning Board of Appeals.

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 NOVEMBER 20 23

NOTARY SIGNATURE

A. Lupachino

NOTARY SIGNATURE

Audrey M. Lupachino
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01LU6417665
Qualified in Rockland County
Commission Expires May 17, 2025

OWNER SIGNATURE

APPLICANT SIGNATURE

[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
RUDOLPH TEN-POW

B Z NUMBER **202312B31**
DATE: **11-15-23**

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

1. **RUDOLPH TEN-POW**
(Name of appellant)

whose post office address is **2546 MOHANSIC CREEK RD., AMAWALK, N.Y. 10501**
(Post office address)

through **JONATHAN HODOSH - GEORGE HODOSH ASSOCIATES**
(Name of attorney or representative if any)

whose post office address is **120 NORTH MAIN ST., SUITE 501, NEW CITY, N.Y. 10956**
(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 **MR. TOM TOOMA**
(Name of officer)

BUILDING INSPECTOR, made on **OCTOBER 4, 2023**
(Office held)

which ruling was filed on and notice of such ruling was

first received by appellant on; such ruling is that the requested area variances do not meet the standards of the following town zoning code sections as they apply in Article II, Chapter 170, Section 170-7, Part I, Column 7: Maximum Percentage of Lot to be occupied - Site Coverage (18.95% where 15% is required); Front Yard variance - Article II, Chapter 170, Section 170-7, Part I, Column 8: Minimum size of yards in Feet from Principal Building to Lot Lines - Front Yard (38.8 where 40' is required); one side yard variance - Article II, Chapter 170, Section 170-7, Part I, Column 13: Minimum Distance in Feet from Accessory Use if not within or Attached to Principal Building - to side Lot Line (0.9' where 15' is required).

Relief must be sought from the Zoning Board of Appeals.

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

2546 MOHANSIC CREEK ROAD, 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: **3** Lot: **1**

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~~ 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

2546 MOHANSIC CREEK ROAD

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

The applicant is seeking to construct a garage addition to the existing carriage house to accommodate two cars. The purpose of this addition is to accommodate interior parking for the occupants of the accessory apartment and miscellaneous storage. and such may be granted pursuant to Article II Chapter 170, Section 170-7 Part 1

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

- column 7: Maximum Percentage of Lot to be occupied - Site Coverage (18.95% where 15% is required).
- column 8: Minimum Size of Yards in Feet From Principal Building to Lot Lines - Front Yard (38.8' where 40' is required).
- column 13: Minimum Distance in Feet From Accessory Use if Not Within or Attached to Principal Building - To Side Lot Line (0.9' where 15' is required).

Relief must be sought from the zoning Board of Appeals.

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 NOVEMBER 2023

NOTARY SIGNATURE

OWNER SIGNATURE

A. Lupachino
NOTARY SIGNATURE

J
APPLICANT SIGNATURE

Audrey M. Lupachino
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01LU6417665
Qualified in Rockland County
Commission Expires May 17, 2025



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
RUDOLPH TEN-POW

B Z NUMBER 2023 ZB 32
DATE: 11-15-23

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

1. **RUDOLPH TEN-POW**

(Name of appellant)

whose post office address is 2546 MOHANSIC CREEK RD., AMAWALK, N.Y. 10501
(Post office address)

through JONATHAN HODOSH-GEORGE HODOSH ASSOCIATES.
(Name of attorney or representative if any)

whose post office address is 120 NORTH MAIN ST. SUITE 501, NEW CITY, N.Y. 10956
(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 MR. TOM TOOMA
(Name of officer)

BUILDING INSPECTOR, made on OCTOBER 4, 2023
(Office held)

which ruling was filed on and notice of such ruling was first received by appellant on; such ruling is that the requested area variances do not meet the standard of the following town zoning code sections as they apply in Article II, Chapter 170, Section 170-7, Part 1, Column 7: Maximum Percentage of Lot to be Occupied - Site Coverage (17.83% where 15% is required). Relief must be sought from the Zoning Board of Appeals.

3. The property which is the subject of the appeal is located at or known as 2546 MOHANSIC CREEK ROAD, 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: 3, Lot: 1

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, ~~variance 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

2546 MOHANSIC CREEK ROAD

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

The applicant is seeking to construct an addition to the existing single-family residence. The purpose of this addition is to accommodate a sauna and full bathroom, which will function in lieu of a detached poolhouse and to provide a bathroom on the lower level.

and such may be granted pursuant to Article II, Chapter 170, Section 170-7, Part 1, Column 7: Maximum Percentage of Lot to be

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

Occupied-Site Coverage (17.83% where 15% is required)

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 NOVEMBER 2023

NOTARY SIGNATURE

OWNER SIGNATURE

[Handwritten Notary Signature]

[Handwritten Applicant Signature]

NOTARY SIGNATURE

Anthony M. Lupachino
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01LU6417665
Qualified in Rockland County
Commission Expires May 17, 2025

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

October 17, 2023

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 with prior notice.

Interested residents and Building Inspector Tom Tooma were also present.

APPLICANTS

DAVID AND MAUREEN VALVANO - 2023:ZB23 – 27.05-2-25 (CARRYOVER)

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 3 Gwynne Drive, Yorktown Heights. The property is on the Town Tax Map as Section: 27.05, Block: 2, Lot: 25. RE: Section Schedule 170-70.

David Valvano addressed the Board. He and his wife recently purchased their home. The accessory apartment is currently vacant. Mr. Tooma inspected it on September 7th, no changes have been made and it is identical to the plan on file. There have been no complaints or issues.

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 Special Exception Use Permit as a new owner for an existing accessory apartment in the basement 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. Harden	Aye
Mr. Lansky	Aye
Mr. Newman	Aye
Mr. Padovani	Aye
Chairman Cannistra	Aye

The Special Exception Use Permit to be renewed in 7 years was approved.

ELIZABETH LUPPINO - 2023:ZB24 – 17.16-1-17 (CARRYOVER)

An application for two rear yard variances for an existing above ground swimming pool and existing deck to an existing one family dwelling in an R-10 Residential District at 10 Central Way, Purdys. The property is on the Town Tax Map as Section: 17.16, Block: 1, Lot: 17. RE: Section Schedule 170:A1 Zoning Schedule Part 1.

Attorney Wayne Spector addressed the Board. Many years ago, his client installed an above ground swimming pool and deck without securing a permit. In an effort to legalize the pool and deck, it was determined that two rear yard variances are needed, 4.1' for the deck and .3' for the pool. The lot is fairly private, with a considerable amount of vegetation in the rear yard. The neighboring properties would not be impacted.

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 two rear yard variances, 4.1' for the deck and .3' for the above ground swimming pool, subject to all Building Department requirements. 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

The Variances were approved.

GLENEIDA REALTY, INC. - 2023:ZB25 – 28.06-1-15

An application for two side yard buffer variances for a new commercial building in an OLI District at 259 Route 100, Somers. The property is on the Town Tax Map as Section: 28.06, Block: 1, Lot: 15. RE: Section Schedule 170-25.5.

Attorney Steven Wrabel addressed the Board. The current owner had originally planned for a three-story building that would have retail on the first floor with rental apartments above. After thinking about the ultimate impact, a decision was made to build a two-story high end storage facility, which would be less impactful for the Town. The Town Board rezoned the property to Office Light Industry (OLI) to accommodate this proposal. There is currently a very old home in very bad condition on the property, which will be demolished. When building in an OLI district, there is a buffer requirement of 50', which does not exist on either side yard of this property, hence the reason for this application.

Property owner Rick DiNardo addressed the Board. Ultimately his goal is to allow for the property to have its own identity and enclosing it as best it can be, similar to the property he owns on the other side of the Somers Annex building. The building will replicate a carriage house and is 40,000 square feet. It will be climate controlled, manned and staff during operating hours, and pick up as well as delivery will be available. There will be cameras and security. A staff bathroom will be included. The bottom floor consists of garages and small customized storage areas above. There will be a 3' wide interior elevator and 16 parking spots in the lot. Mr. DiNardo wants to be good to the neighbors, especially to the two rear properties that have homes. He will

plant whatever is requested of him to make sure the buffers are densely covered with vegetation and high enough. Screening is very important to him.

Dick Guarnieri of 11 Annarock Drive addressed the Board. He has been a resident of Somers since 1978. At his request, clarification of exactly what a buffer variance is was explained. The building meets the setbacks, but the two side yard buffers do not. He questioned how well some of the plantings might do on the Highview Terrace side due to the topography. It was explained that the type of plantings is ultimately up to the Planning Board. In his opinion. A building of that size will look out of place in that location.

Dominic Veltri of 3 Annarock Drive addressed the Board. He pointed out that the address for this property listed on the agenda is incorrect. It reads 295 Route 100 and should be 259 Route 100. Mrs. Schirmer apologized for the error and will correct it. In addition, Mr. Veltri asked that the sight line for the buffer vegetation be given consideration as now it is difficult to turn out of Highview Terrace onto Route 100. Also, parking should not be permitted on the northbound side of Highview Terrace. Mr. Veltri was told these are Planning Board issues and when they hold the public hearing regarding this project, he should make the Planning Board aware of his concerns.

George Azar of 265 Route 100 addressed the Board. His driveway is on the side of this property and his house is behind it. Since 259 Route 100 is encapsulated by a residential district, he would like the buffers to be dense and planted with tall screening. Mr. Azar asked about the stone like structure in one of the buffers. In addition, he had no idea that the property had been rezoned to an OLI District. It was explained that the Town Board approved that change. In addition, he opined that the owner of the other house next to him also shares the same concerns.

Engineer Ralph Alfonzetti addressed the Board concerning the stone like structure in question. It is part of the stormwater discharge system. There is Board concern that the buffer will not be able to be planted properly with that in the way. Mr. Alfonzetti said that plans will be made to relocate it.

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. Lansky made a motion to grant a northside and southside side yard vegetative buffer variances not to exceed 40' and to follow the edge of the curb shown on the plan labeled "Site Layout" and dated 8/25/2023; so long as the vegetative buffer within the variance area is not infringed upon by the applicant's stormwater discharge system. 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 Variances were approved.

Minutes – The minutes of the August 15, 2023 meeting were approved as submitted.

The next monthly meeting of the Zoning Board of Appeals will be held on December 19, 2023 at 7:30 p.m. The Board will not meet on November 21st as there are no applicants. 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