

(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 21<sup>st</sup> 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