

(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
December 19, 2023

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

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

Mr. Guyot, Mr. Lansky and Mr. Padovani were absent.

Interested residents and Building Inspector Tom Tooma were also present.

APPLICANTS

ELTON AND JENNIFER PAUL - 2023:ZB26 – 17.08-2-1

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 on the Town Tax Map as Section: 17.08, Block: 2, Lot: 1. RE: Section Schedule 170-70.

No one was in attendance to present the application. The Board will hear the application at their January 16, 2024 meeting.

PERI NACAJ - 2023:ZB27 – 16.14-3-15

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

The applicant informed the Secretary prior to the meeting that he had a conflict and would not be able to attend. The Board will hear the application at their February 20, 2024 meeting.

THOMAS AND VANESSA JANEC - 2023:ZB28 – 27.13-1-13

An application for a Variance and a Special Exception Use Permit to construct an accessory apartment in a new accessory structure to an existing one family dwelling in an R-40 Residential District at 51 Raemont Road, Granite Springs. The property is on the Town Tax Map as Section: 27.13, Block: 1, Lot: 13. RE: Section Schedule 170-70 and 170-70 (B).

Mr. Janec addressed the Board. He would like to construct a new accessory structure about 15' from his existing dwelling to create an accessory apartment for his mother-in-law. It was noted that the Code requires that the accessory structure be built prior to April 1, 1992. Although adding an addition to the dwelling as it was built in 1974 would be the preference of the Board, Mr. Janec explained that it would be less costly to build a new structure because so many changes would need to be done to the existing infrastructure to add on to the dwelling. Since the existing dwelling is so close to the proposed accessory structure, a discussion ensued about connecting the two with a breezeway. The overall concern of the Board is setting a precedence to allow the construction of a new structure to accommodate an accessory apartment. If Mr. Janec is permitted to do so, and some of his neighbors requested the same, it would change the character of the neighborhood. The recommendation is to return with a new application to locate the accessory apartment inside the existing dwelling or in an addition attached to 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. Newman	Aye
Chairman Cannistra	Aye

Mr. Newman made a motion to deny the Variance to construct a new accessory structure to accommodate an accessory apartment. 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. Newman	Aye
Chairman Cannistra	Aye

The Variance was denied therefore there was no motion made regarding the Special Exception Use Permit.

RUDOLPH TEN-POW - 2023:ZB29 – 36.12-3-11

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

Architect Jonathan Hodosh addressed the Board. The applicant would like to create an accessory apartment on the 2nd floor of an existing carriage house. The apartment will not exceed 800 square feet and will have one bedroom. It will currently be used for guests, but may be rented out at some point in the future.

Charlie Locurto of 2540 Mohansic Creek Road addressed the Board. The roadway through the easement that he needs to drive on to get to his house is very narrow. If the applicant rents out the apartment Mr. Locurto is concerned about difficulty in getting through due to the number of cars that might be parked there. It was pointed out that the tenants could park in the existing garage below the proposed apartment and the Code does allow for an accessory apartment to be rented out.

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. Newman	Aye
Chairman Cannistra	Aye

Mr. Newman made a motion to approve the request for a Special Exception Use Permit for an accessory apartment for 7 years provided that the apartment does not exceed 800 square feet and only has one bedroom. Additionally, all relevant codes pertaining to accessory apartments must be adhered to. 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. Newman	Aye
Chairman Cannistra	Aye

The Special Exception Use Permit for an accessory apartment was approved for 7 years.

RUDOLPH TEN-POW - 2023:ZB30 – 36.12-3-11

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

Architect Jonathan Hodosh addressed the Board. The applicant would like to construct a deck off the existing carriage house for exclusive use of those occupying the accessory apartment.

Although the Board can appreciate accommodating the occupants of the apartment, two variances, front and side yard, would be needed, as well as site coverage and the deck would end up being almost on the property line. As it is always the intent of the Board to grant the most minimum variance as possible, they felt the applicant should consider alternative options.

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. Newman	Aye
Chairman Cannistra	Aye

Ms. D’Ippolito made a motion to deny the application to add a deck to the existing carriage house due to its excessiveness of the variance and recommends that alternative options be considered. 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. Newman	Aye
Chairman Cannistra	Aye

The Variance was denied.

RUDOLPH TEN-POW - 2023:ZB31 – 36.12-3-11

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

Architect Jonathan Hodosh addressed the Board. The applicant would like to add a garage addition off the existing carriage house as the spaces in the one existing are very narrow and can only accommodate a very small car.

Although the Board can appreciate the request, two variances, front and side yard, would be needed, as well as site coverage and the garage addition would end up being almost on the property line. As it is always the intent of the Board to grant the most minimum variance as possible, they felt the applicant should consider alternative options.

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. Newman	Aye
Chairman Cannistra	Aye

Mr. Newman made a motion to deny the application to add a garage to the existing carriage house due to the excessiveness of the variance and recommends that alternative options be considered. 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. Newman	Aye
Chairman Cannistra	Aye

The Variance was denied.

RUDOLPH TEN-POW - 2023:ZB32 – 36.12-3-11

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

Architect Jonathan Hodosh addressed the Board. The applicant would like to add an addition off the existing one family dwelling to house a bathroom and sauna.

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. Newman	Aye

Mr. Harden made a motion to approve the application as submitted for an addition to the existing one family dwelling to house a bathroom and sauna. 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. Newman	Aye
Chairman Cannistra	Aye

The Variance was approved.

Motion for Gleneida Realty Inc. – A question came up as to the clarity of the motion made at the October 17, 2023 meeting for the Gleneida Realty Inc. application. A discussion ensued and all agreed that since the applicant and his attorney already have a copy of the resolution and they have had no issues with the way in which it was recorded it was satisfactory.

Applications to Construct New Accessory Apartments – Moving forward, the Board would like an application to construct a new accessory apartment to include a floor plan with dimensions.

Minutes – The minutes of the October 17, 2023 meeting were approved as submitted.

The next monthly meeting of the Zoning Board of Appeals will be held on January 16, 2024 at 7:30 p.m. With there being no further business, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Denise Schirmer, Secretary
Zoning Board of Appeals

cc: Town Board
Town Clerk
Planning and Engineering
Planning Board