

(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

January 16, 2024

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.

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.

Owner Elton Paul addressed the Board. He and his wife recently purchased their home and his parent's will live in the apartment. Building Inspector Mr. Tooma inspected the apartment on November 8, 2023, no changes have been made and it is identical to the plan on file. There have been no complaints or issues.

Mr. Newman 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
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 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 for 7 years.

ALEXEI PERZOW AND KATE ANN GONTA - 2024:ZB01 – 5.17-2-5

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 8 Cornelius Lane, Baldwin Place. The property is on the Town Tax Map as Section: 5.17, Block: 2, Lot: 5. RE: Section Schedule 170-70.

Owner Alexei Perzow addressed the Board. He and his wife recently purchased their home and his parent's will live in the apartment. Building Inspector Mr. Tooma inspected the apartment on January 5, 2024, no changes have been made and it is identical to the plan on file. There have been no complaints or issues.

Mr. Newman 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
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 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 for 7 years.

NORTH COUNTY HOMES - 2024:ZB02 – 16.17-2-7

An application for two Variances. One for driveway slope and another for the grade in front of the garage to an existing one family dwelling in an R-40 Residential District at 5 Cardinal Way, Yorktown Heights. The property is on the Town Tax Map as Section: 16.17, Block: 2, Lot: 7. RE: Section Schedule 170-36 E (1) (a) and E (1) (c).

Engineer John Karell addressed the Board. His client built a new home and it was determined that the driveway slope is slightly off, as well as the grade in front of the garage doors.

The variances being requested are minor compared to other Town requirements. As evident by Google maps of July 2023, the driveway doesn’t appear to be that steep and there is no drop off on either side of the driveway. The driveway was built safely. This application was referred by the Planning and Engineering Department and, in their opinion, the variances requested were minor in nature.

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

Mr. Lansky made a motion to approve the driveway slope and grade in front of the garage as stated on the slope table provided on drawing AS1 provided. 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 two variances were approved.

Floor Area Definition for Accessory Apartments – Currently the Town Code specifies a maximum “floor area” (800 square feet) for accessory apartments. However, the Town Code does not provide a definition of “floor area” (it does provide definitions of “gross floor area” and “livable floor area”). Mr. Newman would like the Board to consider a way in which to resolve this by giving consideration to:

- Adding the definition of “floor area” to the Town Code
- Changing the Town Code to use either of the existing definitions (“gross floor area” or “livable floor area”)
- Changing the Town Code to use the NYS Code definition of “habitable space”
- Use some combination of the above

All agreed to research this further to see what neighboring Towns use as their definition. This item will be added to the agenda of the February meeting. Mr. Newman will provide a draft of a proposal to everyone prior to that meeting.

Minutes – The minutes of the December 19, 2023 meeting were approved as submitted.

The next monthly meeting of the Zoning Board of Appeals will be held on February 20, 2024 at 7:30 p.m. With there being no further business, the meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Denise Schirmer, Secretary
Zoning Board of Appeals

cc: Town Board
Town Clerk
Planning and Engineering
Planning Board