

Telephone  
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## ZONING BOARD OF APPEALS

TOWN HOUSE  
ANNEX  
337 ROUTE 202  
SOMERS, NY 10589

# Town of Somers

WESTCHESTER COUNTY, N.Y.

Victor Cannistra,  
Chairman  
Ronald Carpaneto  
Bill Harden  
Arnold Guyot  
Bruce Prince  
Umberto Santaroni  
Robert Scorrano



## AGENDA

October 18, 2016  
7:30 PM  
SOMERS TOWN HOUSE  
MEETING ROOM

**1. MARTIN AND BETH  
ZUBATKIN**

**BZ16/16 - CARRYOVER**

An application for an Area Variance for the height of a fence, located in an R-80 Zoning District at **11 Highview Terrace, Somers**. The property is shown on the Town Tax Map as **Section: 28.06, Block: 1, Lot: 21**. RE: Section 170-49.

**2. KENNETH JAGR**

**BZ17/16**

An application for an Area Variance for less than the required side yard set-back, located in an R-10 Zoning District at **72 Entrance Way, Purdys**. The property is shown on the Town Tax Map as **Section: 18.13, Block: 2, Lot: 21**. RE: Section Schedule 170:A1 of the zoning schedule.

**3. OTHER BUSINESS**

Approval of September 20, 2016 Meeting Minutes.



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  
*Martin + Beth Zubatkin*

B Z NUMBER *BZ 16/16*  
DATE: *7/15/16*

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

1. *Martin Zubatkin*  
(Name of appellant)

whose post office address is *11 Highview Terrace, Somers*  
(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 *Steven Citarella*  
(Name of officer)

*Building Inspector*, made on *July 15, 2016*  
(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 an Area Variance  
on the height of a fence in an  
R-80 Residential Zoning District*

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

*11 Highview Terrace, Somers*, and is shown on the  
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: *28.06*, Block: *1*, Lot: *21*

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 .....

11 Highview Terrace

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

an application for an Area Variance on the height of a fence in an R-80 Residential Zoning District

and such may be granted pursuant to 170-49

(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 7th DAY July 20 16

Denise Schirmer

Owner Signature

NOTARY SIGNATURE DENISE SCHIRMER Notary Public State of New York No. 01SC6298242 Qualified in Dutchess County Commission Expires March 10, 2018

OWNER SIGNATURE

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  
*Kenneth Jagr*

B Z NUMBER *BZ 17/16*  
DATE: *9/6/16*

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

1. *Kenneth Jagr*  
(Name of appellant)

whose post office address is *72 Entrance Way, Purdys, NY*  
(Post office address)

through *10578*  
(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 *Ehren Citarella*  
(Name of officer)  
*Building Inspector*, made on *9/6/16*  
(Office held)

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

(Give summary of ruling)

*5' side yard variance for an  
existing deck*

3. The property which is the subject of the appeal is located at or known as  
*72 Entrance Way*, and is shown on the  
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: *18.13*, Block: *2* Lot: *21*

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.....

72 Entrance Way

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

5' side yard variance for an existing deck

and such may be granted pursuant to.....

(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 6<sup>th</sup> DAY September 20 16
Denise Schirmer NOTARY SIGNATURE
Kenet [Signature] OWNER SIGNATURE

NOTARY SIGNATURE

APPLICANT SIGNATURE DENISE SCHIRMER
Notary Public State of New York
No. 01SC6298242
Qualified in Dutchess County
Commission Expires March 10, 20 18

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**Town of Somers**

WESTCHESTER COUNTY, N.Y.

Victor Cannistra,  
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Robert Scorrano



**Meeting Minutes**

September 20, 2016

The members present were: Chairman Cannistra, Mr. Guyot, Mr. Prince, Mr. Scorrano and Mr. Santaroni.

Mr. Carpaneto and Mr. Harden were absent.

Building Inspector Efrem Citarella, the applicants and interested residents were also present.

Chairman Cannistra opened the meeting at 7:30 p.m. with the Pledge of Allegiance.

**APPLICANTS:**

**MARTIN AND BETH ZUBATKIN – BZ16/16 – 28.06-1-21**

An application for an Area Variance for the height of a fence, located in an R-80 Residential Zoning District at **11 Highview Terrace, Somers**. The property is shown on the Town Tax Map as **Section: 28.06, Block: 1, Lot: 21**. RE: Section Schedule 170-49.

Martin Zubatkin addressed the Board. He has been a 30 year resident of Somers and is seeking an Area Variance for the height of his existing fence. On the north and south sides of his property, the height is 7' and on the east and west, 8'. The maximum allowed by the Code of the Town of Somers is 6'. When Mr. Zubatkin secured a Building Permit for an in the ground pool in 2012, a 4' high chain link fence was installed and required as part of the completion of the project. It is around the perimeter of his property and there are alarms on the back doors of the house. During that winter, deer were jumping the fence and getting into his back yard. He was not only concerned about the safety of his family, but also the deer and his property investment. Not knowing that the height of the fence couldn't exceed 6', Mr. Zubatkin added 2" by 2" mesh netting to the top of the chain link fence in 1' increments. At one point a deer jumped through the fence and broke the wire. A fence company was consulted and the

Ms. Abbate readdressed the Board. She also has concerns about the deer and would never want to see one get hurt and/or suffer. In her opinion, the higher the fence, the more likely that is to happen. Ms. Abbate also would like to know what the other neighbors in the area think about this variance application. She was reminded that without them being present or sending a correspondence, it would be difficult to know that. They were all notified. Since Ms. Abbate does not like the way the fence looks, she feels that it is bringing the value of her property down.

Mr. Santaroni suggested that the Board conduct a site visit to the property. Mr. Guyot and Mr. Scorrano agreed. Mr. Prince doesn't think that it is worthwhile, but would participate. Chairman Cannistra feels like based on what was presented this evening, the fence is well camouflaged, but would agree to visit the site. Mrs. Schirmer was asked to organize it.

The application was adjourned to next month.

**OTHER BUSINESS:**

A motion was made by the Chairman to approve the minutes of the July 18, 2016 meeting. All were in favor.

The next monthly meeting of the Zoning Board of Appeals is scheduled to be held on October 18, 2016 at 8:25 p.m. There being no further business, the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Denise Schirmer, Secretary  
Zoning Board of Appeals

cc: Town Board  
Town Clerk  
Planning and Engineering  
Planning Board