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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

February 16, 2016  
7:30 PM  
SOMERS TOWN HOUSE

### 1. ALBERT TOTTEN

#### BZ02/16

An application for a Special Exception Use Permit for an accessory apartment, located in an R-40 Residential Zoning District at **47 Stonehouse Road, Somers**. The property is shown on the Town Tax Map as **Section: 7.13, Block: 1, Lot: 19**. RE: Section Schedule 170-70.

### 3. OTHER BUSINESS

Approval of January 19, 2016 Meeting Minutes.



ZONING BOARD OF APPEALS

Town of Somers

WESTCHESTER COUNTY, N. Y.

TOWN HOUSE  
SOMERS, NEW YORK 10589

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IN THE MATTER OF THE APPEAL  
OF  
*Albert Totten*

B Z NUMBER *BZ02/16*  
DATE: *1/12/16*

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

1. *Albert Totten*  
.....  
(Name of appellant)

whose post office address is *47 Stonehouse Road, 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 *Efrem Citarella*  
.....  
(Name of officer)

*Building Inspector*, made on *January 12, 2016*  
.....  
(Office held)

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

.....  
(Give summary of ruling)

*Special Exception Use Permit  
for an accessory apartment  
in an existing one family  
dwelling*

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

*47 Stonehouse Road, Somers*, and is shown on the  
.....  
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: *7.13*, Block: *1*, Lot: *19*

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 .....

47 Stonehouse Road

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

Special Exception Use Permit for an accessory apartment in an existing one family dwelling

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 13th DAY January 20 16

Denise E. Schirmer NOTARY SIGNATURE

Albert W. Totten 3rd OWNER SIGNATURE

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

NOTARY SIGNATURE

APPLICANT SIGNATURE

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Facsimile

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**Meeting Minutes**  
January 19, 2016

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

**APPLICANT:**

**PETER AND REGINA GRECO – BZ01/16 – 28.05-1-36**

An application for a side yard Area Variance, located in an R-80 Residential Zoning District at **4 Revere Court, Somers**. The property is shown on the Town Tax Map as **Section: 28.05, Block: 1, Lot: 36**. RE: Section Schedule 170:A.1 of the Zoning Schedule.

Mr. Greco addressed the Board. He is seeking a 10' side yard area variance for a custom built shed to be used to store garden supplies, shrubbery deer fencing, etc. The Homeowner's Association gave a list of specifications for the shed to which there were a few clarifications, as the Town's requirement is to build the shed according to the manufacturer's specifications. They did approve the Greco's request. The Homeowner's Association is also requiring the owner to submit a landscape plan so that the shed has minimal visibility from the street and adjoining neighbors. In this case, there is about a 40' common wooded open space area between the applicant and one neighbor's property line. The neighbor on the other side will not be able to see the shed. If any existing trees have to be removed, they will be replaced with the same size tree and if the neighbor feels additional trees need to be added, they will be. All plantings will be deer resistant. The Homeowner's Association will sign off on the final

landscape plan and the Town will conduct an inspection before a Certificate of Occupancy is issued.

Joe Ferrara of 48 Hallocks Run addressed the Board. He is in total support of the Greco's application and has been communicating that to them. Mr. Ferrara indicated that the existing common area is well screened and is not just grass.

Mike Aquilino of 5 Revere Court also addressed the Board. He asked if a survey will have to be done to determine the property lines and will the applicant be required to get an as built survey before a Certificate of Occupancy is issued. Mr. Greco addressed the Board. He already had a survey done and the property is staked. It will be resurveyed when the project is completed.

Mr. Santaroni made a motion for a Type II Action. Mr. Guyot seconded the motion.

A vote was then taken by the Board as follows...

**POLL OF THE BOARD**

|                    |     |
|--------------------|-----|
| Mr. Carpaneto      | Aye |
| Mr. Guyot          | Aye |
| Mr. Harden         | Aye |
| Mr. Prince         | Aye |
| Mr. Santaroni      | Aye |
| Chairman Cannistra | Aye |

Mr. Guyot made a motion to grant the side yard Area Variance of 10' with the stipulation that the Homeowner's Association approves the final landscape plan. Mr. Carpaneto seconded the motion.

A vote was then taken by the Board as follows...

**POLL OF THE BOARD**

|                    |     |
|--------------------|-----|
| Mr. Carpaneto      | Aye |
| Mr. Guyot          | Aye |
| Mr. Harden         | Aye |
| Mr. Prince         | Aye |
| Mr. Santaroni      | Aye |
| Chairman Cannistra | Aye |

The Area Variance was granted.

**OTHER BUSINESS:**

A motion was made by the Chairman to approve the minutes of the December 15, 2015 meeting. All were in favor.

The next monthly meeting of the Zoning Board of Appeals is scheduled to be held on February 16, 2016 at 7:30 p.m. There being no further business, the meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Denise Schirmer, Secretary  
Zoning Board of Appeals

cc: Town Board  
Town Clerk  
Planning and Engineering  
Planning Board

DRAFT