

Telephone
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ZONING BOARD OF APPEALS

Town of Somers

WESTCHESTER COUNTY, N.Y.

TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

Victor Cannistra,
Chairman
Ronald Carpaneto
Bill Harden
Arnold Guyot
Dennis McNamara
Bruce Prince
Umberto Santaroni



AGENDA

March 17, 2015

7:30 PM

SOMERS TOWN HOUSE

**1. JONATHAN AND MELISSA
CHIOTIS**

BZ01/15

An application for a Special Exception Use Permit for an accessory apartment, located in an R-40 Residential Zoning District at **56 Wilner Road, Somers**. The property is shown on the Town Tax Map as **Section: 17.09, Block: 2, Lot: 16**. RE: Section Schedule 170-70.

3. OTHER BUSINESS

Approval of November 18, 2014 Meeting Minutes.



ZONING BOARD OF APPEALS

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TOWN HOUSE
SOMERS, NEW YORK 10589

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IN THE MATTER OF THE APPEAL
OF

B Z NUMBER

B201/15

DATE:

2/13/15

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

1. Melissa Chiotis
(Name of appellant)

whose post office address is 56 Wilner Road, Somers, NY
(Post office address)

through Stephanie Fox - Architect
(Name of attorney or representative if any)

whose post office address is 11 Rose Lane, Brewster, NY
(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 Erven Citarella
(Name of officer)

Building Inspector, made on February 13, 2015
(Office held)

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

(Give summary of ruling)

3. The property which is the subject of the appeal is located at or known as 56 Wilner Road, Somers, New York
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: 17.09, Block: 2, Lot: 16

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 56
Wilner Road, Somers, New York

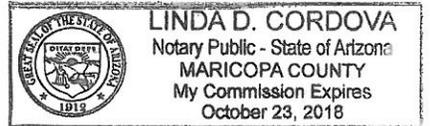
(b) A variance, permit or special permit is sought because of practical difficulties or unnecessary hardship to the property as indicated below:

A Special Exception Use Permit is being sought to create a 751 sf accessory apartment in the basement of the existing dwelling for the applicant's mother to reside and care for the applicant's child.

and such may be granted pursuant to Section 170-70-Accessory Apartments

(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 / 13th DAY February 20 15

Linda D. Cordova
NOTARY SIGNATURE

Melissa Chrotis
OWNER SIGNATURE

Denise Schirmer
DENISE SCHIRMER
Notary Public - State of New York
No. 04866298242
Qualified in Dutchess County
Commission Expires March 10, 20 18

Stephanie Fox
APPLICANT SIGNATURE

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Meeting Minutes November 18, 2014

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

The applicants and interested residents were also present.

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

APPLICANTS:

PAUL R. IACUONE, LLC – BZ11/14 – 4.20-1-5 (Carry Over)

An application for a Use Variance to permit a drive-through restaurant, located in a Neighborhood Shopping District at **63 Route 6, Baldwin Place**. The property is shown on the Town Tax Map as **Section: 4.20, Block: 1, Lot: 5**. RE: Section Schedule 170-21.2.

Robert Gaudio of Snyder & Snyder, LLP addressed the Board and reviewed what was presented at the October 21, 2014 Zoning Board of Appeals meeting.

Since the last meeting, a copy of a memo dated November 3, 2014, to the Planning Board from the Director of Planning regarding this application was received, as well as an email of November 12, 2014, noting another comment from the Director of Planning. Additionally, another memo from the Director of Planning to the Zoning Board of Appeals dated November 13, 2014 was received regarding the Planning Board's response for their input on the variance request. An email of November 17, 2014 was also received from the Town Attorney.

Copies of letters received by Mr. Iacuone from Lou Cardillo of Keller Williams Realty Partners and Anthony DiCaprio of Dakota Partners LLC, concerning interest from companies who would only lease the property if there was a drive-thru, were distributed to the members.

A picture of vandalism incurred on the building since the last meeting was sent to the Building Inspector.

Board members shared their concerns. The general overall feeling was that if the Use Variance was granted, it would set precedence for future applicants. Mr. Gaudioso reminded all members that it is highly unlikely that another applicant would meet all the criteria for a Use Variance that Mr. Iacuone's property does, especially in this part of town.

Mr. Prince made a motion to approve the Use Variance as requested. The motion was seconded by Mr. Santaroni.

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

POLL OF THE BOARD

Mr. Guyot	Aye
Mr. Harden	Aye
Mr. McNamara	Aye
Mr. Prince	Aye
Mr. Santaroni	Aye
Chairman Cannistra	Nay

The Use Variance was granted.

CHRISTOPHER AND PATRICIA BALL – BZ13/14 – 16.10-4-21

An application for an Area Variance, for less than the required rear yard set-back, located in an R-10 Residential Zoning District at **35 Tighe Road, Yorktown Heights**. The property is shown on the Town Tax Map as **Section: 16.10, Block: 4, Lot: 21**. RE: Section Schedule 170-48.

Architect, Edward Mauro addressed the Board. He is seeking an Area Variance for the applicant that is less than the required rear yard set-back. The set-back required is 25' and the variance being requested is 10' $\frac{3}{4}$ ".

Mrs. Ball told the members that there were no objections from any of her neighbors.

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

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

POLL OF THE BOARD

Mr. Guyot	Aye
Mr. Harden	Aye
Mr. McNamara	Aye
Mr. Prince	Aye
Mr. Santaroni	Aye
Chairman Cannistra	Aye

All were in favor.

Mr. McNamara then entertained a motion for the interpretation of the Zoning Variance previously granted, and made a motion to approve the Area Variance for less than the required rear yard set-back. Mr. Santaroni seconded the motion.

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

POLL OF THE BOARD

Mr. Guyot	Aye
Mr. Harden	Aye
Mr. McNamara	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 October 21, 2014 monthly meeting. All were in favor.

The next monthly meeting of the Zoning Board of Appeals is scheduled to be held on January 20, 2015. There being no further business, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Denise Schirmer, Secretary
Zoning Board of Appeals

cc: Town Board
Town Clerk
Planning and Engineering
Planning Board

DRAFT