

Telephone
(914) 277-5582

FAX
(914) 277-3790

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
Bruce Prince
Umberto Santaroni



AGENDA

April 21, 2015

7:30 PM

SOMERS TOWN HOUSE

1. **PEGOLI LIVING TRUST** **BZ02/15**
A renewal application for a Special Exception Use Permit for an accessory apartment, located in an R-40 Residential Zoning District at **8 Crane Road, Somers**. The property is shown on the Town Tax Map as **Section: 17.10, Block: 1, Lot: 17**. RE: Section Schedule 170-70.

2. **ALBERT AND ANN CUSANO** **BZ03/15**
A renewal application for a Special Exception Use Permit for an accessory apartment, located in an R-40 Residential Zoning District at **18 Watergate Drive, Amawalk**. The property is shown on the Town Tax Map as **Section: 26.20, Block: 2, Lot: 52**. RE: Section Schedule 170-70.

3. **ZION CALIFORNIA PARTNERSHIP CORP.** **BZ04/15**
A renewal application for a Special Exception Use Permit for two accessory apartments, located in an R-80 Residential Zoning District at **218 Mahopac Avenue, Yorktown Heights**. The property is shown on the Town Tax Map as **Section: 15.08, Block: 1, Lot: 5**. RE: Section Schedule 170-70.

4. ANNMARIE LORD

BZ05/15

An application for Area Variances for a detached garage; to build a detached garage in the front yard; and a front yard variance, located in an R-80 Residential Zoning District at **7 South Lane, Katonah**. The property is shown on the Town Tax Map as **Section: 48.17, Block: 1, Lot: 5**. RE: Section Schedule 170:A1 – Note 2; 170:A1; and 170-11A.

3. OTHER BUSINESS

Approval of March 17, 2015 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
Pegoli Living Trust
John P. Pegoli

B Z NUMBER *BZ02/15*
DATE: *3/16/15*

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

1. *John P. Pegoli*
(Name of appellant)

whose post office address is *8 Crane Road, Somers*
(Post office address)

through
(Name of attorney or representative if any)

whose post office address is *8 Crane Road, Somers*
(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
(Name of officer)

made on
(Office held)

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

applicant is seeking renewal of a
(Give summary of ruling)
Special Exception Use Permit for
an existing accessory apartment
within a single family dwelling
located in an R- Residential
Zone

Re: Section Schedule 170-70

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

8 Crane Road, Somers
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: *17.10* Block: *1* Lot: *17*

The interest of the appellant is that of *the 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

8 Crane Road, Somers

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

Renewal of Special Exception Use Permit

and such may be granted pursuant to..... Section 17c-7c

(Refer to applicable Provisions of the Zoning Ordinance of the Town of Somers)

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

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 16th DAY March 20 15

Denise E. Schirmer
NOTARY SIGNATURE

John Paul Pegoli
OWNER SIGNATURE

Denise E. Schirmer
NOTARY SIGNATURE

John Paul Pegoli
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

Albert + Ann Cusano

B Z NUMBER

B203/15

DATE:

3/18/15

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

1. Albert Cusano

(Name of appellant)

whose post office address is 18 Watergate Drive, Armonk, NY 10501

(Post office address)

through

(Name of attorney or representative if any)

whose post office address is 18 Watergate Drive, Armonk, NY 10501

(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 Renewal

(Name of officer)

made on

(Office held)

which ruling was filed on and notice of such ruling was

first received by appellant on; such ruling

applicant is seeking renewal of a

(Give summary of ruling)

Special Exception Use Permit for an existing accessory apartment within a single family dwelling located in an R- Residential Zone

Re: Section Schedule 17c-7c

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

18 Watergate Drive, Armonk and is shown on the

(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: 26.20 Block: 2 Lot: 52

The interest of the appellant is that of the 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.....

18 Watergate Drive, Arawalk, NY 10501

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

Renewal of Special Exception
Use Permit

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

Section 17c-7c

(Refer to applicable Provisions of the Zoning Ordinance of the Town of Somers)

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

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 18th DAY March 2015

Denise E. Schirmer
NOTARY SIGNATURE

[Signature]
OWNER SIGNATURE

Denise E. Schirmer
NOTARY SIGNATURE

[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
Zion California Partnership Corporation

B Z NUMBER *BZ04/15*
DATE: *3/23/15*

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

1. *Abraham Zion (Mark Zion)*
[Name of appellant]

whose post office address is *225 East 57th Street, Suite 14E, NY, NY*
218 Mahopac Avenue [Post office address] *Yorktown Heights, NY 10598*
through *10022*
[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
[Name of officer]

..... made on
[Office held]

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

.....; such ruling
applicant is seeking renewal of a
[Give summary of ruling]
Special Exception Use Permit for
two existing accessory apartments
within a single family dwelling
located in an R-80 Residential
Zone

Re: Section Schedule 170-70

3. The property which is the subject of the appeal is located at or known as
218 Mahopac Avenue and is shown on the
[Street and number or distance from and names of nearest intersecting streets]

Town Tax Map as Section: *15.08* Block: *1* Lot: *5*

The interest of the appellant is that of *the 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

.....
.....
.....
.....
.....

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

Renewal of Special Exception
Use Permit

.....
.....
.....

and such may be granted pursuant to Section 17c-7c

.....
(Refer to applicable Provisions of the Zoning Ordinance of the Town of Somers)

Commission Expires March 31, 2018
Qualified in the County of Westchester
No. 018700042
Notary Public in the State of New York
DENISE SCHIRMER

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 23rd DAY March 20 15

Denise E. Schirmer
NOTARY SIGNATURE

Walter Spivey
OWNER SIGNATURE

Denise E. Schirmer
NOTARY SIGNATURE

Walter Spivey
APPLICANT SIGNATURE



**POWER OF ATTORNEY
NEW YORK STATUTORY SHORT FORM**

(a) CAUTION TO THE PRINCIPAL: Your Power of Attorney is an important document. As the “principal,” you give the person whom you choose (your “agent”) authority to spend your money and sell or dispose of your property during your lifetime without telling you. You do not lose your authority to act even though you have given your agent similar authority.

When your agent exercises this authority, he or she must act according to any instructions you have provided or, where there are no specific instructions, in your best interest. “Important Information for the Agent” at the end of this document describes your agent’s responsibilities.

Your agent can act on your behalf only after signing the Power of Attorney before a notary public.

You can request information from your agent at any time. If you are revoking a prior Power of Attorney, you should provide written notice of the revocation to your prior agent(s) and to any third parties who may have acted upon it, including the financial institutions where your accounts are located.

You can revoke or terminate your Power of Attorney at any time for any reason as long as you are of sound mind. If you are no longer of sound mind, a court can remove an agent for acting improperly.

Your agent cannot make health care decisions for you. You may execute a “Health Care Proxy” to do this.

The law governing Powers of Attorney is contained in the New York General Obligations Law, Article 5, Title 15. This law is available at a law library, or online through the New York State Senate or Assembly websites, www.senate.state.ny.us or www.assembly.state.ny.us.

If there is anything about this document that you do not understand, you should ask a lawyer of your own choosing to explain it to you.

(b) DESIGNATION OF AGENT(S):

I, ABRAHAM ZION
(name of principal)

4630 FIELDSTON ROAD, BRONX, NY 10471
(address of principal)

hereby appoint:

MARK ZION
(name of agent)

3240 HENRY HUDSON PARKWAY, BRONX, NY
(address of agent)

(name of second agent)

(address of second agent)

as my agent(s).



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
Annmarie Lord

B Z NUMBER *BZ05/15*
DATE: *3/18/15*

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

1. *Annmarie Lord*
(Name of appellant)

whose post office address is *7 South Lane, Katonah*
(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
(Name of officer)

..... made on
(Office held)

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

.....; such ruling
applicant is seeking a 3' variance for a detached garage from the existing dwelling (Zoning Schedule 170:A1 note 2); applicant is proposing to build a detached garage in the front yard (170-11A); applicant is seeking a 27' front yard variance (Zoning Schedule 170:A1)
(Give summary of ruling)

3. The property which is the subject of the appeal is located at or known as
7 South Lane, Katonah and is shown on the
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: *48.17* Block: *1* Lot: *5*

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

7 South Lane, Katonah
.....
.....
.....

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

3' variance for a detached garage from existing dwelling; build a detached garage in front yard; and ~ 7' front yard variance
.....
.....

and such may be granted pursuant to Zoning Schedule 170:A1 - noted, Zoning Schedule 170:A1 and 170-11A.

(Refer to applicable Provisions of the Zoning Ordinance of the Town of Somers)

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

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 19th DAY March 20 15

Denise E. Schirmer
NOTARY SIGNATURE

Annmarie Ford
OWNER SIGNATURE

Denise E. Schirmer
NOTARY SIGNATURE

[Signature]
APPLICANT SIGNATURE

(914)-277-5582
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Facsimile

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
Arnold Guyot
Bill Harden
Bruce Prince
Umberto Santaroni



Meeting Minutes

March 17, 2015

The members present were: Mr. Carpaneto, Mr. Guyot, Mr. Harden, Mr. Prince, and Mr. Santaroni.

Chairman Cannistra was absent.

The applicant and interested residents were also present.

Acting Chairman Carpaneto opened the meeting at 7:40 p.m. with the Pledge of Allegiance.

APPLICANT:

JONATHAN AND MELISSA CHIOTIS – BZ01/15 – 17.09-2-16

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.

Architect, Stephanie Fox addressed the Board. She is seeking a Special Exception Use Permit for a 751 square foot accessory apartment in the basement of the existing dwelling that the mother/mother-in-law of the owners will occupy as she cares for their child. The provision of the Code for an accessory apartment was read aloud. Mrs. Fox reviewed the criteria that must be met, with the justifications for each. Plans and photos provided were explained. Mr. Prince reiterated that the approved plans have to be for whoever lives in the apartment. Mr. Guyot confirmed that the smallest room in the house will be turned into an office with a 6' opening and a fourth bedroom added in the basement. If for some reason in the future, the owner decided to turn that office back

into a bedroom, the Board of Health would have either have to approve a fifth bedroom or the bedroom in the basement would have to be eliminated.

Matt Searles of 65 Wilner Road stepped up to the podium and asked if and when the mother/mother-in-law was no longer residing in the accessory apartment, could the rental to a third party be restricted as part of an approval and it cannot. In an effort to ease Mr. Searles' mind, Building Inspector Citarella stated that his office has never received a complaint or had an issue with a legal accessory apartment. The seven year renewal process on all accessory apartments is adhered to, as well as the required inspections.

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. Prince	Aye
Mr. Santaroni	Aye
Acting Chairman Carpaneto	Aye

Mr. Santaroni made a motion to grant the application of the Special Exception Use Permit for a period of seven (7) years as per the Code. Mr. Guyot seconded the motion.

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

POLL OF THE BOARD

Mr. Guyot	Aye
Mr. Harden	Aye
Mr. Prince	Aye
Mr. Santaroni	Aye
Acting Chairman Carpaneto	Aye

The Special Exception Use Permit was granted.

OTHER BUSINESS:

A motion was made by the Acting Chairman to approve the minutes of the November 18, 2014 monthly meeting. All were in favor.

The next monthly meeting of the Zoning Board of Appeals is scheduled to be held on April 21, 2015. There being no further business, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Denise Schirmer, Secretary
Zoning Board of Appeals

cc: Town Board
Town Clerk
Planning and Engineering
Planning Board

DRAFT