Telephone
(914) 277-5582

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

ZONING BOARD OF APPEALS

Town of Somers

WESTCHESTER COUNTY, N.Y.

TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

AGENDA

May 17, 2016
7:30 PM
SOMERS TOWN HOUSE
MEETING ROOM

1. **JOHN & EILEEN ALLMAN**

BZ07/16
A renewal application for a Special Exception Use Permit for an existing accessory apartment in an existing one family dwelling, located in an R-80 Residential Zoning District at **28 Frances Drive, Katonah**. The property is shown on the Town Tax Map as **Section: 38.09, Block: 2, Lot: 32.** RE: Section Schedule 170-70.

2. **ANTHONY BONIELLO**

BZ08/16
An Area Variance for less than the required road frontage to create a lot for a new one family dwelling; the property was up zoned in June 1999 and purchased by the applicant in 1992, located in an R-120 Residential Zoning District at **43 Moseman Avenue, Katonah**. The property is shown on the Town Tax Map as **Section: 47.16, Block: 1, Lot: 31.** RE: Section Schedule 170:A1 of the zoning schedule.

3. **NICHOLAS & JULIANN CHAKMAKIAN**

BZ09/16
An application for a Special Exception Use Permit for a new accessory apartment in an existing one family dwelling; a variance as it was built after 1992 and it is over the 800 square foot allowance, located in an R-40 Residential Zoning District at **3**

	Benjamin Green Lane, Mahopac. The property is shown on the Town Tax Map as **Section: 16.11, Block: 1, Lot: 10.** RE: Section Schedule 170-70.
4. SEAN & EILEEN HIGGINS	**BZ10/16** An Area Variance for less than the required rear yard set-back for a new deck, located in an R-10 Residential Zoning District at **3 Side Way, Purdys**. The property is shown on the Town Tax Map as **Section: 17.16, Block: 1, Lot: 3.** RE: Section Schedule 170:A1 of the zoning schedule.
5. OTHER BUSINESS	Approval of April 19, 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
John + Eileen Allman

B Z NUMBER BZ07/16

DATE: 5/4/16

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

1. John + Eileen Allman
(Name of appellant)

whose post office address is 28 Frances Drive, 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

.....
(Give summary of ruling)

Special Exception Use Permit renewal 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 .....
28 Frances Drive ....., and is shown on the
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: 38.09 ....., Block: 2 ..... Lot: 32

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 .....

28 Frances Drive

(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 renewal for an accessory apartment in a 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 2nd DAY May 2016

Denise Schirmer
NOTARY SIGNATURE

X John Allonen
OWNER SIGNATURE

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

NOTARY SIGNATURE

X
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
Anthony Boniello

B Z NUMBER BZ 08/16

DATE: 5/4/16

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

1. Anthony Boniello
(Name of appellant)

whose post office address is 43 Mosenan Avenue, 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 Efrem Citarella
(Name of officer)

Building Inspector, made on April 26, 2016
(Office held)

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

.....
(Give summary of ruling)

an Area Variance for less than the required road frontage to create a lot for a new one family dwelling in an R120 zone - the property was upzoned in June 1999 and purchased by the applicant in 1992

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

Town Tax Map as Section: 47.16, Block: 1 Lot: 31

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 .....

43 Moseman Avenue

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

an Area Variance for less than the required road frontage to create a lot for a new one family dwelling in an R-120 zone the property was rezoned in June 1999 and purchased by the applicant in 1992

and such may be granted pursuant to Section 170:A1 of the Zoning Schedule

(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 26th DAY April 20 16

Denise Schirmer
NOTARY SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 01SC6298242
Qualified in Dutchess County
Commission Expires March 10, 2016

NOTARY SIGNATURE

OWNER 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
Nicholas + Juliann Chakmakian

B Z NUMBER B709/16

DATE: 5/4/16

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

1. Juliann Chakmakian
(Name of appellant)

whose post office address is 3 Benjamin Greene Lane, Mahopac
(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 Efren Cidarella
(Name of officer)

Building Inspector made on April 7, 2016
(Office held)

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

.....
(Give summary of ruling)

.....
application for a Special Exception Use Permit for a new accessory apartment in a one family dwelling - Variance as it was built after 1992 and over the 800 square foot allowance

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

Town Tax Map as Section: 16.11, Block: 1 Lot: 10

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.....

3 Benjamin Greene Lane

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

application for a Special Exception Use Permit for a new accessory apartment in a one family dwelling - Variance as it was built after 1992 and over the 800 Square foot allowance

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 8th DAY April 20 16

Denise Schirmer
NOTARY SIGNATURE

OWNER SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 01SC6298242
Qualified in Dutchess County
Commission Expires March 10, 20 16

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
Sean + Eileen Higgins

B Z NUMBER BZ10/16

DATE: 5/4/16

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

1. Eileen Higgins
(Name of appellant)

whose post office address is 3 Side Way, Purdys
(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 April 7, 2016
(Office held)

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

.....
(Give summary of ruling)

an application for a 9.86' Area variance for a new deck - less than required rear yard setback

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

Town Tax Map as Section: 17.16, Block: 1 Lot: 3

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 .....

3 Sideway, Purdys

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

Area
an application for a 9.86' variance for a new deck - less than required 15 ear yard setback

and such may be granted pursuant to 170: A.1

(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 April 2016

Denise Schirmer
NOTARY SIGNATURE

Eileen M. Higgins
OWNER SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 01SC6298242
Qualified in Dutchess County
Commission Expires March 10, 20 16

NOTARY SIGNATURE

APPLICANT SIGNATURE

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Telephone
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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
Robert Scorrano

Meeting Minutes
April 19, 2016

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

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

Chairman Cannistra opened the meeting at 7:30 p.m.

APPLICANT:

DAVID AND CHRISTINE BROOKS – BZ03/16 – 27.17-2-1
A new owner application for a Special Exception Use Permit for an existing accessory apartment above a detached garage, located in an R-80 Residential Zoning District at **30 Lake Road, Katonah**. The property is shown on the Town Tax Map as **Section: 27.17, Block: 2, Lot: 1.** RE: Section Schedule 170:70.

David Brooks addressed the Board. He took ownership of the property about 7 years ago from his mother and father-in-law, Kenneth and Marion Connelly. All were reminded that the stipulation at that time when the Special Exception Use Permit was issued on April 21, 2009 was that the accessory apartment could only be occupied by Mr. and Mrs. Connelly and if they vacated the apartment the Special Exception Use Permit would became null and void, and must be reapplied for as a new application.

Mr. Brook's mother-in-law Marion Connelly lives in the apartment. Mr. Citarella confirmed that he has inspected the apartment and there have been no changes. It meets all code requirements, and there have been no complaints or violations. Mr. Brooks confirmed that he has had his septic tank cleaned within the last five years in order to be compliant with that Town law. Proof will be provided.

Evelyn Ulmer of 32 Lake Road wanted clarification that this application is as a result of transferring the Special Exception Use Permit to a new owner, who is the previous owner Marion Connelly's daughter and son-in-law; that when the permit was issued to build an accessory apartment a bedroom was removed from the existing one family dwelling; and that the stipulation when the accessory apartment was built was that it was specific to Kenneth or Marion Connelly residing in it and if they vacated the accessory apartment the Special Exception Use Permit would become null and void and must be reapplied for as a new application. As part of the original approval in 2009, the applicant was required to put screening between the two properties. Ms. Ulmer is pleased with what was provided in terms of screening, but there is an outside walkway spot light that shines into her bedroom window and almost never goes off.

Mr. Brooks said they would be more than happy to change the bulb of the spot light to one that is amber in color and will also redirect the light. He will also put a timer on the light if he can. The light has a motion detector, but it doesn't stay on indefinitely throughout the night.

Christine Brooks told the Board that there is a building between Ms. Ulmer's property and the light that she is referring to.

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
Mr. Scorrano	Aye
Chairman Cannistra	Aye

Mr. Guyot made a motion to grant the Special Exception Use Permit for an accessory apartment for 7 years, contingent upon the applicant changing the outside walkway spot light bulb to one that is amber in color, redirecting the light and putting it on a timer if possible. As was stipulated at the Zoning Board of Appeals on April 21, 2009, the occupancy of the accessory apartment is specific to Marion Connelly's occupancy. Upon her vacating the apartment, the Special Exception Use Permit becomes null and void and must be reapplied for as a new application. Mr. Santaroni 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
Mr. Scorrano	Aye
Chairman Cannistra	Aye

The Special Exception Use Permit was granted.

CAROL MEENAGH – BZ04/16 – 36.07-1-33
A renewal application for a Special Exception Use Permit for an existing accessory apartment in a one family dwelling, located in an R-10 Residential Zoning District at **23 Lakeview Terrace, Amawalk**. The property is shown on the Town Tax Map as **Section: 36.07, Block: 1, Lot: 33.** RE: Section Schedule 170:70.

Carol Meenagh addressed the Board. Her mother lives in the apartment. Mr. Citarella confirmed that he has inspected the apartment and there have been no changes. It meets all code requirements, and there have been no complaints or violations. Mrs. Meenagh confirmed that he has had his septic tank cleaned within the last five years in order to be compliant with that Town law. Proof will be provided.

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
Mr. Scorrano	Aye
Chairman Cannistra	Aye

Mr. Guyot made a motion to grant the Special Exception Use Permit for an accessory apartment for 7 years. Mr. Santaroni 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
Mr. Scorrano	Aye
Chairman Cannistra	Aye

The Special Exception Use Permit was granted.

WILLIAM AND MARIANNA BREGLIO – BZ05/16 – 5.16-2-10
A new owner application for a Special Exception Use Permit for an existing accessory apartment in a one family dwelling, located in an R-40 Residential Zoning District at **11 Franklin Drive, Mahopac**. The property is shown on the Town Tax Map as **Section: 5.16, Block: 2, Lot: 10.** RE: Section Schedule 170.70.

William Breglio addressed the Board. The apartment is unoccupied and will remain as such. Mr. Citarella confirmed that he has inspected the apartment and there have been no changes. It meets all code requirements, and there have been no complaints or violations. Mr. Breglio confirmed that he has had his septic tank cleaned within the last five years in order to be compliant with that Town law. Proof will be provided.

Mr. Guyot made a motion for a Type II Action. 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
Mr. Scorrano	Aye
Chairman Cannistra	Aye

Mr. Carpaneto made a motion to grant the Special Exception Use Permit for an accessory apartment for 7 years. Mr. Santaroni 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

Mr. Scorrano	Aye
Chairman Cannistra	Aye

The Special Exception Use Permit was granted.

LOUIS EKAIREB – BZ06/16 – 48.14-1-3

A new owner application for a Special Exception Use Permit for an existing accessory apartment above a detached garage, located in an R-120 Residential Zoning District at **99 Moseman Avenue, Katonah**. The property is shown on the Town Tax Map as **Section: 48.14, Block: 1, Lot: 3.** RE: Section Schedule 170:70.

Louis Ekaireb addressed the Board. A couple that are friends have lived in the apartment for many years. Mr. Citarella confirmed that he has inspected the apartment and there have been no changes. It meets all code requirements, and there have been no complaints or violations. Mr. Ekaireb confirmed that he has had his septic tank cleaned within the last five years in order to be compliant with that Town law. Proof will be provided.

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
Mr. Scorrano	Aye
Chairman Cannistra	Aye

Mr. Guyot made a motion to grant the Special Exception Use Permit for an accessory apartment for 7 years. Mr. Santaroni 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
Mr. Scorrano	Aye
Chairman Cannistra	Aye

The Special Exception Use Permit was granted.

OTHER BUSINESS:
A motion was made by the Chairman to approve the minutes of the February 16, 2016 meeting. All were in favor.

The next monthly meeting of the Zoning Board of Appeals is scheduled to be held on May 17, 2016 at 7:30 p.m. 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