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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
Arnold Guyot
Bill Harden
Bruce Prince
Umberto Santaroni
Robert Scorrano

Meeting Minutes
November 17, 2015

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

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

Chairman Cannistra opened the meeting at 7:35 p.m. with the Pledge of Allegiance.

APPLICANT:

ROBERT AND SALLY KRAUSS – BZ20/15 – 17.10-1-14 (CARRYOVER)

An application for an Area Variance for lot coverage, located in an R-40 Residential Zoning District at **233 Route 202, Somers**. The property is shown on the Town Tax Map as **Section: 17.10, Block: 1, Lot: 14**. RE: Section Schedule 170-40A.

At the September 15, 2015 meeting, Robert and Sally Krauss addressed the Board. They are requesting an Area Variance for lot coverage so they can construct an attached four car garage. Since the required numbers were not calculated out on the site plan, it was difficult for the Board to move forward on the application. It was adjourned until the October 20 meeting, at which time, Mr. Krauss addressed the Board. His architect did supply the necessary information. Currently the lot coverage is 14,761 square feet (18.45%) and the proposed is an additional 1,760 square feet (20.65%), representing a 2.2% variance. The overall concern was that although the current amount is grandfathered in, granting an increase would make that percentage very large. All agreed to seek legal counsel and adjourn this application to this evening. Legal counsel was consulted. He felt that certainly a factor to be considered is that the property has already been grandfathered in for three times the lot coverage limit. Additionally he agrees with the point that if the property was subdivided, the garage

would go along with the cottage, resulting in the percentage difference not being that great. Ultimately the decision is up to the members of the Board.

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

Mr. Guyot made a motion to grant the Area Variance for a 2.2% increase in lot coverage. 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	Abstained
Mr. Santaroni	Aye
Mr. Scorrano	Aye
Chairman Cannistra	Aye

The Area Variance was granted.

ROSELLEN GONZALES – BZ23/15 – 16.09-2-23

An application for a side yard Area Variance, located in an R-40 Residential Zoning District at **4 Walker Lane, Yorktown Heights**. The property is shown on the Town Tax Map as **Section: 16.09, Block: 2, Lot: 23**. RE: Section Schedule 170:A.1 of the Zoning Schedule.

Ms. Gonzales addressed the Board. In 2010, she had a shed built abutting her house for two horses. The horses have since been removed as they are not permitted as per the Code of the Town of Somers. A Building Permit was never secured for the shed. The applicant is seeking a 2.8' side yard variance, but there was a question as to whether or not the property was in an R-40 or R-10 Zone as the zoning map listed the road incorrectly. If it is in fact in an R-40 zone, the variance would be for 17.8' as the setback is 30', not 15'. The application was adjourned until this evening. The property is in fact in an R-40 zone, therefore the variance will be for 17.8'. Two neighbors

submitted letters in support of granting the variance via email and another sent an email with concerns over the fact that the shed might be used again to house horses. Ms. Gonzales reiterated that the shed would not be used for horses, but for storage as her existing garage is in disrepair. In addition all pre-existing fences have been removed.

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

Mr. Guyot made a motion to grant the side yard Area Variance of 17.8' with the understanding that the shed will not be used for livestock of any kind. 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
Mr. Scorrano	Aye
Chairman Cannistra	Aye

The Area Variance was granted.

OTHER BUSINESS:

A motion was made by the Chairman to approve the minutes of the September 15, 2015 and October 20, 2015 meetings. All were in favor.

The next monthly meeting of the Zoning Board of Appeals is scheduled to be held on December 15, 2015 at 7:30 p.m. There being no further business, the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Denise Schirmer, Secretary
Zoning Board of Appeals

cc: Town Board
Town Clerk
Planning and Engineering
Planning Board