

(914)-277-5582
Telephone
(914)-277-3790
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
October 18, 2016

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

Mr. Scorrano was absent.

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

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

APPLICANTS:

MARTIN AND BETH ZUBATKIN – BZ16/16 – 28.06-1-21 (CARRYOVER)

An application for an Area Variance for the height of a fence, located in an R-80 Zoning District at **11 Highview Terrace, Somers**. The property is shown on the Town Tax Map as **Section: 28.06, Block: 1, Lot: 21**. RE: Section Schedule 170-49.

At the conclusion of the September 20, 2016 meeting, it was suggested that the Board members conduct a site visit to the property. Those visits happened on October 7 and 9. All but Mr. Harden participated.

Martin Zubatkin addressed the Board. He is seeking an Area Variance for the height of his existing fence. On the north and south sides of his property, the height is 7' and on the east and west, 8'. The maximum allowed by the Code of the Town of Somers is 6'.

Mr. Guyot thanked Mr. Zubatkin for allowing the Board members to visit his home. He appreciates how beautiful and well maintained the property is. There is a substantial buffer zone between his and his neighbor's property and it adequately hides the fence. Mr. Guyot asked if a Certificate of Occupancy was issued for his shed that is 100

square feet. Building Inspector Citarella said that a Building Permit, which is closed out by a Certificate of Occupancy is only required if a shed is larger than 144 square feet.

Giovanna Abbate of 13 Highview Terrace addressed the Board. Perhaps the fence cannot be seen from Mr. Zubatkin's property, but it can from hers and it is an eyesore. In 2012, Mr. Zubatkin sent tree cutters onto her property to cut trees and branches allowing the fence to be visible from her property. In her opinion, if Mr. Zubatkin was really interested in the safety of his family and property, why wouldn't he want the height of the fence near his driveway higher than 6'. Ms. Abbate read the three principles of granting a variance and she believes granting the variance would set precedence. Products like spray, netting, and deer resistant plants are available to protect ones property.

John Abbate of 13 Highview Terrace addressed the Board. His rooster was out at sun up, not 4:00 a.m., until sun down. When he was told to get rid of it, he did. Mr. Abbate has a garden with a 5' fence and a deer has never gotten into it. In his opinion, a 6' fence is high enough.

Mr. Guyot asked about the front of Mr. Zubatkin's property by the driveway. The fence in that area is only 4' high as there are plantings in front of it that are at least 5' in depth.

Chairman Cannistra was in admiration of Mr. Zubatkin's well-kept yard and said it was so well camouflaged that you couldn't even see the neighbor's house. Clearly the fence was designed to be as inconspicuous as possible. In addition, he did some research on-line and deer can jump a 6' fence pretty easily. Mr. Carpaneto said the recommendation is at least 8'.

Mr. Prince said for 18 years he lived in a deer zone in Armonk and has been in one in Somers for the past 12 years. Normally the deer follow the same path in unpopulated areas and are less likely to walk up someone's driveway.

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

All were in favor.

Mr. Guyot made a motion to approve the Area Variance for the height of the fence with the following restrictions: if any repair/replacement(s) have to be made to the fence, the same materials or better have to be used, and if ever the applicant wants to increase the height of the fence, a new application must be submitted. 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
Chairman Cannistra	Aye

The Area Variance was granted.

KENNETH JAGR – BZ17/16 – 18.13-2-21

An application for an Area Variance for less than the required side yard set-back, located in an R-10 Zoning District at **72 Entrance Way, Purdys**. The property is shown on the Town Tax Map as **Section: 18.13, Block: 2, Lot: 21**. RE: Section Schedule 170:A1 of the zoning schedule.

Mr. Jagr addressed the Board. In February, he purchased the house, which was in foreclosure. He was unaware that the deck was not in compliance. Mr. Jagr is seeking a 5' side yard Area Variance. If granted, he will have architect plans drawn of the deck and will secure a Building Permit. The property next to the deck is densely wooded.

Aidrian O'Connor of 76 Entrance Way addressed the Board. The previous owner had a Building Permit and Certificate of Occupancy for the deck, but when a tree fell on it, it was repaired and extended. Before Mr. Jagr purchased the property, a tree fell on the roof, and the house was disintegrating. Not only was it unattractive to look at, but was devaluing the neighbor's property. As both a neighbor and the President of the Lake Purdys Property Owners Association, he is delighted with what Mr. Jagr has done to the house, as well as the property, and is in favor of the requested Area Variance.

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. Carpaneto	Aye
Mr. Guyot	Aye

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

All were in favor.

Mr. Carpaneto made a motion to approve the 5' side yard Area Variance for the deck.
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
Chairman Cannistra	Aye

The Area Variance was granted.

OTHER BUSINESS:

A motion was made by the Chairman to approve the minutes of the September 20, 2016 meeting. All were in favor.

The next monthly meeting of the Zoning Board of Appeals is scheduled to be held on November 15, 2016 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