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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
May 17, 2016

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

Building Inspector Efrem 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:

JOHN AND EILEEN ALLMAN – BZ07/16 – 38.09-2-32

A renewal application for a Special Exception Use Permit for an existing accessory apartment in a 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.

John Allman addressed the Board. He and his wife live in the apartment, his daughter and family live in the one family dwelling. 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. Allman 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. 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

Mr. Guyot made a motion to grant the Special Exception Use Permit for an accessory apartment for 7 years. Mr. Harden 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 Special Exception Use Permit was granted.

ANTHONY BONIELLO – BZ08/16 – 47.16-1-31

An Area Variance for less than the required road frontage to create a lot for a new one family dwelling, 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.

Mr. Boniello addressed the Board. He purchased a 24 acre parcel on Moseman Avenue in 1992 and it was up zoned to 3 acres in June 1999. Mr. Boniello would like to subdivide the property to build a new house, but is in need of a 41' Area Variance for road frontage. 250' is needed and he has only 209'. The lot meets the R-120 requirement and is 129,971 square feet. The driveway for the new home will extend off the existing driveway.

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	Recused
Chairman Cannistra	Aye

Mr. Carpaneto made a motion to grant the 41' Area Variance for road frontage. Mr. Harden 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	Recused
Chairman Cannistra	Aye

The Area Variance was granted.

Mr. Boniello notified the Board that the Planning Board would like lead agency status for this subdivision project.

Mr. Harden made a motion to give the Planning Board lead agency status for this subdivision project. 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	Recused
Chairman Cannistra	Aye

NICHOLAS AND JULIANN CHAKMAKIAN – BZ09/16 – 16.11-1-10

An application for a Special Exception Use Permit for a new accessory apartment in an existing one family dwelling, 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.

Mrs. Chakmakian addressed the Board. She would like to use existing space in her home to create a two story accessory apartment for her parents to live in. Currently the 1st floor consists of a living room, office, bathroom and bar and the 2nd floor is an unfinished attic. The proposal for the accessory apartment is for the 1st floor to consist

of an eat-in kitchen, dining room, living room, and bathroom, totaling 1,055 square feet, and the 2nd floor will have a bathroom and bedroom, totaling 778 square feet.

The house was built after 1992 and the maximum for an accessory apartment is 800 square feet.

The overall concern of the Board was that if they approved the variances, the accessory apartment would be more than double of what is allowable by code, and they don't want to set that precedence.

After a lengthy discussion and review, the applicant said she would be willing to put the accessory apartment on the 1st floor (consisting of an eat-in-kitchen, living room, bedroom and bathroom); turn a bedroom in her house into an office by removing the door and opening the door way; and put a bedroom and bathroom on the second floor. This in turn would not change the bedroom count as stipulated by the septic plan. This option would still exceed the 800 square foot allowance by 255 square feet rather than 1,033.

The Board decided they would like to consult the Town Attorney on this application, therefore it was adjourned to the June meeting.

SEAN AND EILEEN HIGGINS – BZ10/16 – 17.16-1-3

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.

Mr. Higgins addressed the Board. He is seeking a 9.86' Area Variance for a new deck he would like to build off the back of his house. Access to the deck from the interior will be via a glass sliding door. There will be exterior side steps to the ground level. The deck will be about 2' off the ground. There are woods behind the Higgins' home and all of that property is owned by IBM.

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
Chairman Cannistra	Aye

Mr. Carpaneto made a motion to grant the 9.86' Area Variance for a rear yard set-back.
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 April 19, 2016 meeting. All were in favor.

The next monthly meeting of the Zoning Board of Appeals is scheduled to be held on June 21, 2016 at 7:30 p.m. 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