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ZONING BOARD OF APPEALS

TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.



Meeting Minutes

June 16, 2015

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

APPLICANT:

JAMES AND HOPE MAZZOLA – BZ10/15 – 27.11-2-12

A renewal application for a Special Exception Use Permit for an existing accessory apartment, located in an R-80 Residential Zoning District at **27 Valley Pond Road, Katonah**. The property is shown on the Town Tax Map as **Section: 27.11, Block: 2, Lot: 12**. RE: Section Schedule 170-70.

Hope Mazzola addressed the Board. A relative lives in the accessory 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. Santaroni 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. Santaroni	Aye
Chairman Cannistra	Aye

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

The Special Exception Use Permit was granted.

SCOTT AND BAMBINA MEYERS – BZ11/15 – 26.08-2-19 (ADJOURNED – JULY)

A renewal application for a Special Exception Use Permit for an existing accessory apartment, located in an R-40 Residential Zoning District at **5 St. Leonard Avenue, Granite Springs**. The property is shown on the Town Tax Map as **Section: 26.08, Block: 2, Lot: 19**. RE: Section Schedule 170-70.

DORINA TISO – BZ12/15 – 5.17-2-5

A renewal application for a Special Exception Use Permit for an existing accessory apartment, located in an R-40 Residential Zoning District at **8 Cornelius Lane, Baldwin Place**. The property is shown on the Town Tax Map as **Section: 5.17, Block: 2, Lot: 5**. RE: Section Schedule 170-70.

Dorina Tiso addressed the Board. Two relatives live in the accessory apartment. It meets all code requirements, there have been no changes, complaints or violations, and Mr. Citarella confirmed that he has inspected the apartment.

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. Santaroni	Aye
Chairman Cannistra	Aye

Mr. Carpaneto made a motion to grant the renewal application of the Special Exception Use Permit for a period of seven (7) years as per the Code. 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. Santaroni	Aye
Chairman Cannistra	Aye

The Special Exception Use Permit was granted.

82 MOSEMAN AVENUE LLC – BZ13/15 – 48.18-1-1

An application for an Area Variance on the height of a fence for a tennis court, located in an R-80 Residential Zoning District at **84 Moseman Avenue, Katonah**. The property is shown on the Town Tax Map as **Section: 48.18, Block: 1, Lot: 1**. RE: Section Schedule 170-49.

Architect Steve Secon addressed the Board on behalf of the applicant. As per the Code of the Town of Somers, the maximum height for a fence is 6'. Standard height for tennis courts is 10' and they are seeking a 4' variance. The fence will totally enclose the court. It will be black chain link to match the other fencing on the property and has a low visual impact. There will not be any wind screening or barriers on the fence, and there is a stone veneer base that the fence will sit on top of. The tennis court will be lit with four deeply shielded down lit lights that have 750 watt bulbs and are 18 to 20' high. Dense shrubs and evergreens will be planted around the court. The courts are for personal use only. The property is just less than 5 acres and the applicant also owns the adjoining property, 82 Moseman Avenue, which is a little over 2 acres. There is a one family dwelling, in ground pool and pool house at 82 Moseman Avenue. On 84 Moseman Avenue, there is a one family dwelling that is used as a caretaker's residence and a tennis court. A three car garage with a greenhouse on top of it is under construction. Both properties are used as a weekend home.

Owner of 86 Moseman Avenue, Cheryl Jagow addressed the Board. Her house overlooks the applicant's property, which she has lived in for about 16 years. Mrs. Jagow has always enjoyed the fact that her house was surrounded by woods. Although she wants to be a good neighbor, she has some concerns: this is a big project; it has been going on for a long time; it has been very noisy; there has been a lot of dust from the stone; the area is much more lit up; trees have been removed; from her home, she can see the tennis court, as well as a large pile of unstacked lumber, and a dumpster. Mrs. Jagow would like some assurance that fast growing trees or tall shrubs will be planted to obscure some of the view she now has from the front of her house. Mr. Secon is more than happy to meet with Mrs. Jagow to discuss a landscaping plan that would satisfy her. It was also suggested that she drive by 16 Greenlawn Road to see the tennis court they built. Her final concern was regarding whether or not there is an ordinance as to when the lights could be lit and there is not. Hopefully the two neighbors could come to a mutual agreement on this.

Richard Horvath, owner of 94 Moseman Avenue also addressed the Board. He was under the impression that Moseman Avenue was designated as a scenic road and doesn't feel this would enhance the area. Mr. Horvath also questioned why the owner was an LLC. His concern is that they will run a business on the property.

The tennis court is located about 90' from Moseman Avenue and is partially blocked by an existing barn. A question came up about screening the property from that view and submitting a landscape plan.

All members were asked to visit the site between now and the next meeting. The application is adjourned until July 21.

OTHER BUSINESS:

A motion was made by the Chairman to approve the minutes of the May 19, 2015 monthly meeting. All were in favor.

The next monthly meeting of the Zoning Board of Appeals is scheduled to be held on July 21, 2015. There being no further business, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Denise Schirmer, Secretary
Zoning Board of Appeals

cc: Town Board
Town Clerk
Planning and Engineering
Planning Board