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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

Meeting Minutes
September 15, 2015

The members present were: Chairman Cannistra (entered the meeting in progress at 7:50 p.m.), Mr. Carpaneto, Mr. Guyot, Mr. Harden, Mr. Prince, and Mr. Santaroni.

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

Acting Chairman Guyot opened the meeting at 7:45 p.m. with the Pledge of Allegiance.

APPLICANT:

JOHN AND MARY DILLON – BZ14/15 – 27.11-2-7

An application for a renewal of a Special Exception Use Permit for an existing accessory apartment, located in an R-80 Residential Zoning District at **31 Valley Pond Road, Katonah**. The property is shown on the Town Tax Map as **Section: 27.11, Block: 2, Lot: 7**. RE: Section Schedule 170-70.

John Dillon addressed the Board. He and his wife live 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. Harden seconded the motion.

A vote was then taken by the Board as follows...

POLL OF THE BOARD

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

Mr. Harden 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. Harden	Aye
Mr. Prince	Aye
Mr. Santaroni	Aye
Acting Chairman Guyot	Aye

The Special Exception Use Permit was granted.

JOHN AND ELIZABETH LEARY – BZ15/15 – 47.16-1-11

An application for a renewal of a Special Exception Use Permit for an existing accessory apartment, located in an R-80 Residential Zoning District at **108 Pines Bridge Road, Katonah**. The property is shown on the Town Tax Map as **Section: 47.16, Block: 1, Lot: 11**. RE: Section Schedule 170-70.

John Leary addressed the Board. The accessory apartment is unoccupied. 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. Harden	Aye
Mr. Prince	Aye
Mr. Santaroni	Aye

Acting Chairman Guyot 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. Harden	Aye
Mr. Prince	Aye
Mr. Santaroni	Aye
Acting Chairman Guyot	Aye

The Special Exception Use Permit was granted.

ROSALIE MIGNANO – BZ16/15 – 6.16-2-32

An application for a renewal of a Special Exception Use Permit for an existing accessory apartment, located in an R-40 Residential Zoning District at **8 Hilldale Avenue, Somers**. The property is shown on the Town Tax Map as **Section: 6.16, Block: 2, Lot: 32**. RE: Section Schedule 170-70.

Rosalie Mignano addressed the Board. Her parents live 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. Harden	Aye
Mr. Prince	Aye
Mr. Santaroni	Aye
Acting Chairman Guyot	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. Harden	Aye
Mr. Prince	Aye
Mr. Santaroni	Aye
Acting Chairman Guyot	Aye

The Special Exception Use Permit was granted.

Chairman Cannistra took lead of the meeting at this point.

JOHN AND DOREEN VERMEERSCH – BZ17/15 – 48.17-1-16

An application for a renewal of a Special Exception Use Permit for an existing accessory apartment, located in an R-80 Residential Zoning District at **20 South Lane, Katonah**. The property is shown on the Town Tax Map as **Section: 48.17, Block: 1, Lot: 16**. RE: Section Schedule 170-70.

Doreen Vermeersch addressed the Board. A friend is living 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. Prince	Aye
Mr. Santaroni	Aye
Chairman Cannistra	Aye

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

The Special Exception Use Permit was granted.

JEFFREY AND ANDREA WEISBROT – BZ18/15 – 38.06-1-6

An application for a renewal of a Special Exception Use Permit for an existing accessory apartment, located in an R-80 Residential Zoning District at **28 Young Road, Katonah**. The property is shown on the Town Tax Map as **Section: 38.06, Block: 1, Lot: 6**. RE: Section Schedule 170-70.

Jeffrey Weisbrot addressed the Board. The accessory apartment is currently unoccupied. 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. Harden 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. Harden 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. Prince	Aye
Mr. Santaroni	Aye
Chairman Cannistra	Aye

The Special Exception Use Permit was granted.

InSITE TOWERS DEVELOPMENT, LLC – BZ19/15 – 38.17-1-5

An application for a Special Exception Use Permit renewal of a cell tower, located in an R-80 Residential Zoning District at **121 Route 100, Katonah**. The property is shown on the Town Tax Map as **Section: 38.17, Block: 1, Lot: 5**. RE: Section Schedule 170-129.6 (G).

Robert Gaudioso of Snyder and Snyder, LLC addressed the Board. He is representing InSite Towers Development, LLC and is requesting a renewal of a Special Exception Use Permit, as required every 5 years, for an existing cell tower, with AT&T facility. A Radio Frequency Exposure Report was performed on January 29, 2015; Structural Certification on February 6, 2015; and Maintenance Inspection Report on April 27, 2015. All have been filed in the Building Department. There have been no issues or complaints from neighbors.

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
Chairman Cannistra	Aye

Mr. Guyot made a motion to grant the Special Exception Use Permit for the renewal of the cell tower. 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.

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

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.

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. Without the numbers calculated out on a site plan, it is difficult for the Board to move forward on this application. The applicant will get that information from their architect and return to the October Zoning Board of Appeals meeting.

KENNETH AND DEBORAH WILLIAMS – BZ21/15 – 16.06-3-67

An application for an Area Variance for an existing above ground pool for less than the required side yard setback in a single family dwelling, located in an R-10 Residential Zoning District at **54 Old Mill Road, Yorktown Heights**. The property is shown on the Town Tax Map as **Section: 16.06, Block: 3, Lot: 67**. RE: Section Schedule 170-A.1.

Deborah and Kenneth Williams addressed the Board. They are requesting a 4' 6" side yard variance for an existing above ground pool that was put about 3 years ago. The pool has a 4' deck and there is a 6' stockade fence between the applicant and their neighbor.

Resident Amanda Giorgio of 52 Old Mill Road took the podium. The Williams' pool is only about 6" from the stockade fence that separates her property from theirs. One concern is privacy, as when the applicants are sitting on their pool deck they can look directly into her yard. Additionally, if their pool fails, she is afraid her yard and septic will get flooded. Ms. Gregorio is also wondering where the water goes when they flush their pool filter. It was explained that the flushed water goes to a catch basin in the street. The side yard setback for this Zone is 5', so if the pool failed, the impact would be the same regardless. In addressing the privacy issue, Ms. Gregorio would be satisfied with the applicants lowering their pool deck as to insure that they if they are sitting or standing on it, they cannot see over the fence into her yard.

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

POLL OF THE BOARD

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

Mr. Harden made a motion that an urgent care facility is a personal service. Mr. Santaroni seconded the motion. Building Inspector Efreem Citarella requested a memo.

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

OTHER BUSINESS:

A motion was made by the Chairman to approve the minutes of the July 21, 2015 monthly meeting. All were in favor.

The next monthly meeting of the Zoning Board of Appeals is scheduled to be held on October 20, 2015 at 7:30 p.m. There being no further business, the meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Denise Schirmer, Secretary
Zoning Board of Appeals

cc: Town Board
Town Clerk
Planning and Engineering
Planning Board