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ZONING BOARD OF APPEALS

TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.

Clifford Wohlberg,
Chairman
Victor Cannistra
Ronald Carpaneto
Arnold Guyot
Bruce Prince
Umberto Santaroni
Kevin Westerman



Meeting Minutes

January 28, 2014

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

Building Inspector Efreem Citarella and Councilman William Faulkner were also present, as well as some interested citizens.

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

A meeting was held between Chairman Wohlberg and newly elected Supervisor Morrissey. The Supervisor's only request was for the Zoning Board of Appeals to keep up their good work and to continue toward working on the goal of maintaining a good quality of life for the residents of Somers.

Newly elected Councilman Faulkner and new Zoning Board Secretary Denise Schirmer were introduced and welcomed by Chairman Wohlberg.

APPLICANTS:

ANTIPODAL HOLDING, LLC – BZ01A/14 – 17.11-2-6 (NEW)

An application to waive the requirements of Zoning Chapter 170, Article IV to provide a lift on the outside of a commercial building, in the Business Historic Preservation District at **356 Route 202, Somers**. The property is shown on the Town Tax Map as **Section: 17.11, Block: 2, Lot: 6**. RE: Sub Section 170-114A.

Tim Allen of Bibbo Associates addressed the Board. He was representing Dr. Nicora of Antipodal Holding, LLC. They met with the Planning Board in August to discuss a

waiver of site plan approval based on the minor nature of this project and the improvements being proposed per the Americans with Disability Act requirements as a health care provider. While the Planning Board was sympathetic with the cause, they acknowledged they have no right to change zoning aspects of Zoning Chapter 170 of the Town Code, only Site Plans Chapter 140. It was suggested that the Zoning Board be approached for an appeal of Chapter 170 Article IV Business Historic Preservation District. If the applicant had to go through the Planning Board process, it would take 4 to 6 months and \$30,000 to \$40,000 in architectural fees to complete a very minor project. It was noted that the Planning Board is currently working with the Town Board in an effort to allow them to waive the site plan process for minor alterations such as these.

Architect Joe Lezarcheck addressed the Board with drawings of the 6' by 6' shaft that would be added to the existing building. The Architectural Review Board has approved the project.

Mr. Cannistra asked if the elevator shaft could be placed on the interior of the building. The intent is to not only access the second story of the building, but the suites on the first floor as well, which have an exterior access from a covered porch area. With this in mind, it would not be possible to place the shaft in the interior of the building without much difficulty. The elevator would stop 2 feet up on the first floor, allowing users to exit on the walk of the front porch, and then it would continue to the second floor.

Chairman Wohlberg noted that the current ramp is not code compliant. That ramp will be removed.

Mr. Guyot confirmed that there is not an existing structure where the shaft will be placed and that all setback requirements will be adhered to.

Mr. Cannistra asked that the positions of both the Architectural Review and Planning Boards regarding this project be stated again. The Architectural Review Board also sent a memo to the Zoning Board granting their approval. Specific zoning issues were reviewed as well.

Mr. Carpaneto confirmed that the Planning Board has a mechanism to waive site plans in all Districts, but that of the Business Historic Preservation District. He is happy that the Planning Board is in discussions with the Town Board to have the zoning ordinance changed to allow for minor alterations to at site plan.

Mr. Cannistra asked what the full dimension of the building is. The response was approximately 4,000 square feet.

There were no additional questions from the Board, nor objections or issues.

A motion was made by Mr. Cannistra for a Type II Action.

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

POLL OF THE BOARD

Mr. Cannistra	Aye
Mr. Carpaneto	Aye
Mr. Guyot	Aye
Mr. Prince	Aye
Mr. Santaroni	Aye
Mr. Westerman	Aye
Chairman Wohlberg	Aye

All were in favor.

Thereafter, the Chairman entertained a motion for the interpretation of the Zoning Variance previously granted.

Mr. Cannistra made a motion that the application be approved especially since the Architectural Review and Planning Boards both concur on their approval of this project.

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

POLL OF THE BOARD

Mr. Cannistra	Aye
Mr. Carpaneto	Aye
Mr. Guyot	Aye
Mr. Prince	Aye
Mr. Santaroni	Aye
Mr. Westerman	Aye
Chairman Wohlberg	Aye

All were in favor and the application to provide a lift on the outside of a commercial building was granted to Antipodal Holding, LLC.

Building Inspector Efreem Citarella requested a memo in order to issue a Building Permit.

SOMERS DEVELOPMENT, LLC – BZ12A/13 – 16.05-1-1 (NEW)

An application for an Area Variance Permit for the expansion of pre-existing non-conforming seasonal dwellings, in an R-40 Residential Zoning District at **237 Tomahawk Street (Route 118), Baldwin Place**. The property is shown on the Town Tax Map as **Section: 16.05, Block: 1, Lot: 1**. RE: Sub Section 170-94.

Jonathan Villani of Annunziata and Villani Design Consultants addressed the Board regarding an Area Variance to add second floor additions to existing one family

dwellings. They are also altering the current use of two of the buildings from seasonal to full time rentals. The footprint of the buildings will not change. Each currently has two bedrooms, a living room, bathroom and eat in kitchen. The expansion would allow for larger living and eating space on the first floor and the bedrooms and bathroom on the second floor.

Some had concerns about whether or not the septic system could handle the increase in building size, therefore potentially in usage as well, and if the Board of Health should be involved. If permission is granted for the project, then the Board of Health will become involved in the process. They cannot do so before approval is given. The expansions should not increase usage as each unit will still be only two bedrooms. If a new well is required or the size of the septic needs to be increased, there is plenty of room to do so.

Mr. Cannistra asked what the total square footage of the property was. It is 184,000 or 4 ¼ acres.

Chairman Wohlberg asked how long the units have been summer rentals. They have been so since the 1950's.

Mr. Prince suggested it might make more sense to demolish the existing buildings and rebuild them, as he is concerned as to whether or not the existing floor could support a second story. This would not be a desired option unless structural issues were determined. If this ended up being the case, only a revised Building Permit would be required.

At the request of Mr. Cannistra, the square footage of each building with the second floor added was reviewed.

The owner of the property, who does not reside there, Richard Lipari addressed the Board with regard to a description of the neighboring properties.

Mr. Guyot felt that these improvements would add positively to the aesthetics of the property.

There were no additional questions from the Board, nor objections or issues.

A motion was made by Mr. Cannistra for a Type II Action.

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

POLL OF THE BOARD

Mr. Cannistra	Aye
Mr. Carpaneto	Aye
Mr. Guyot	Aye

Mr. Prince	Aye
Mr. Santaroni	Aye
Mr. Westerman	Aye
Chairman Wohlberg	Aye

All were in favor.

Thereafter, the Chairman entertained a motion for the interpretation of the Zoning Variance previously granted.

Mr. Cannistra made a motion that the variance be granted subject to Board of Health approval regarding the septic and well capacity related to this project.

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

POLL OF THE BOARD

Mr. Cannistra	Aye
Mr. Carpaneto	Aye
Mr. Guyot	Aye
Mr. Prince	Aye
Mr. Santaroni	Aye
Mr. Westerman	Aye
Chairman Wohlberg	Aye

All were in favor and the application to expand pre-existing non-conforming seasonal dwellings was granted to Somers Development, LLC.

Building Inspector Efrem Citarella requested a memo in order to issue a Building Permit.

OTHER BUSINESS:

A motion was made by Chairman Wohlberg to approve the minutes of the September 17, 2013 monthly meeting. All were in favor.

The next monthly meeting of the Zoning Board of Appeals is scheduled to be held on February 18, 2014. There being no further business, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Denise Schirmer, Secretary
Zoning Board of Appeals

cc: Town Board
Town Clerk
Planning and Engineering
Planning Board