

(914) 277-5582

ZONING BOARD OF APPEALS

TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

Victor Cannistra
Chairman

Town of Somers

WESTCHESTER COUNTY, N.Y.



Meeting Minutes

May 20, 2025

The meeting was called to order by Chairman Cannistra at 7:30 p.m. with the Pledge of Allegiance.

The members present were: Mr. Cannistra, Ms. D'Ippolito, Mr. Guyot, Mr. Harden, Mr. Lansky, and Mr. Newman.

Mr. Padovani has resigned from the Board due to work commitments. Chairman Cannistra thanked him for his time and service. He will be missed.

Interested residents, and Building Inspector Tom Tooma were also present.

APPLICANTS

Behzad Dogahe and Martha Jamilett Valle – 2025:ZB08 – 48.13-1-11

An application for a renewal of a Special Exception Use Permit as a new owner for an existing accessory apartment attached to a detached structure of an existing one family dwelling in an R-80 Residential District at 3 North Lane, Katonah. The property is on the Town Tax Map as Section: 48.13, Block: 1, Lot: 11. RE: Section Schedule: 170-70.

Property owner Behzad Dogahe addressed the Board. The previous owner's tenant still lives in the apartment. The apartment is two floors with a bedroom, bathroom and kitchen on the first floor and a loft area on the second floor. The apartment is 896 square feet. Building Inspector Mr. Tooma inspected the apartment on April 23, 2025, no changes have been made and it is compliant. There have been no complaints or issues.

Mr. Guyot 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

Ms. D'Ippolito	Aye
Mr. Guyot	Aye
Mr. Harden	Aye
Mr. Lansky	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

Mr. Guyot made a motion to approve a Special Exception Use Permit for an existing one-bedroom apartment attached to a detached structure of an existing one family dwelling for 7 years. Mr. Harden seconded the motion.

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

POLL OF THE BOARD

Ms. D'Ippolito	Aye
Mr. Guyot	Aye
Mr. Harden	Aye
Mr. Lansky	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

The Special Exception Use Permit was approved.

Dennis Persico and Corin Melito – 2025:ZB09 – 4.19-2-13

An application for a renewal of a Special Exception Use Permit for an existing accessory apartment on the 2nd floor of an existing detached garage of an existing one family dwelling in an R-40 Residential District at 266 Mahopac Avenue, Yorktown Heights. The property is on the Town Tax Map as Section: 4.19, Block: 2, Lot: 13. RE: Section Schedule: 170-70.

Property owner Dennis Persico addressed the Board. The one-bedroom apartment is vacant. Building Inspector Mr. Tooma inspected the apartment on April 23, 2025, no changes have been made and it is compliant. There have been no complaints or issues.

Mr. Guyot 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

Ms. D'Ippolito	Aye
Mr. Guyot	Aye
Mr. Harden	Aye
Mr. Lansky	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

Mr. Newman made a motion to approve a Special Exception Use Permit for an existing one-bedroom apartment on the 2nd floor of a detached structure of an existing one family dwelling for 7 years. Mr. Harden seconded the motion.

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

POLL OF THE BOARD

Ms. D'Ippolito	Aye
Mr. Guyot	Aye
Mr. Harden	Aye
Mr. Lansky	Aye
Mr. Newman	Aye
Chairman Cannistra	Aye

The Special Exception Use Permit was approved.

At 7:45 p.m. the Board went into Executive Session with Town Attorney Steve Lewis regarding the Wu application. They came out of Executive Session at 8:15 p.m. and returned to the regular meeting.

Victor and Deborah Wu - 2024:ZB22 – 58.12-1-10 (CARRYOVER)

An application for an interpretation and area variance relating to an existing inground swimming pool to an existing one family dwelling in an R-80 Residential District at 8 Silver Springs Court, Katonah. The property is on the Town Tax Map as Section: 58.12, Block: 1, Lot: 10. RE: Section Schedule: 170: A1 Zoning Schedule Part 1.

Attorney Mike Caruso addressed the Board. When the applicant met last with the Board at their meeting in November 2024, it appeared as though they were going to move forward with a settlement agreement with their neighbors and the application was adjourned. Options included a lot line adjustment and easement. As recently as April, it appeared as though an agreement had been reached, but it had not as neither the applicant or their neighbors could come to a full agreement on the terms offered. In Mr. Caruso's opinion, as per 170-110 (A) of the Code of the Town of Somers, the Board has jurisdiction to hear the application on its merits. If the applicant doesn't get the relief requested, it will be an extreme and costly resolve for them as they will have to remove their inground swimming pool, including masonry, plumbing, electric and landscaping.

Any Stanciu of 4 Silver Springs Court addressed the Board. In her opinion the Wu's never intended to agree on a settlement and in fairness to the Board they should not be willing to hear the application again as this is the Wu's third attempt over the last three years to get relief from the Board who already agreed not to hear the application as it was time barred and the Westchester County Supreme Court also agreed that it was time barred. This entire process has taken too much time of all parties involved. At this point in time, she and her husband are not willing to discuss the situation any further.

Victor Wu addressed the Board to ensure them that they did not cause this situation on purpose and recently learned that the Stanciu's had a survey of the property at the time the pool was being installed in January 2020 that indicated the pool was encroaching their property, yet they said nothing after being aware, but waited for the completion of the pool to make everyone aware of the situation.

The overall feeling of the Board was one of empathy for both the Wu's and their neighbors and had hoped that an amicable agreement would have been reached as it would have avoided hurt and bad feelings. It is very sad to see neighbors not getting along.

Town Attorney Mr. Lewis respectfully disagreed that as per 170-110 (A) of the Code of the Town of Somers, the Board has jurisdiction to hear this third submission of the application on its merits. It was determined that the initial application was time barred therefore it was withdrawn. A second application was submitted and determined by the Board that they had no jurisdiction to hear the application and it was still time barred.

Mr. Harden made a motion not to hear the application. Mr. Guyot seconded the motion.

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

POLL OF THE BOARD

Ms. D'Ippolito	Nay
Mr. Guyot	Aye
Mr. Harden	Aye
Mr. Lansky	Nay
Mr. Newman	Aye
Chairman Cannistra	Aye

The application was not heard.

Minutes – The minutes of the April 15, 2025 meeting were approved as submitted.

There will not be a meeting in June as the Meeting Room that has the needed audio is not available due to the annual assessment hearings. The next monthly meeting of the Zoning Board of Appeals will be held on July 15, 2025 at 7:30 p.m. With there being no further business, the meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Denise Schirmer, Secretary
Zoning Board of Appeals

cc: Town Board
Town Clerk
Planning and Engineering
Planning Board