

Town of Somers

WESTCHESTER COUNTY, N.Y.



AGENDA

August 19, 2025
MEETING AT 7:30 PM

- 1. CASEY & LAUREN O'DONNELL**

2025:ZB12 (ADJOURNMENT)
An application for a side yard area variance for an inground swimming pool in an R-80 Residential District at **27 Bedell Road, Katonah**. The property is shown on the Town Tax Map as **Section: 37.13, Block: 1, Lot: 2**. RE: Section Schedule: 170:A1 Zoning Schedule Part 1.
- 2. JOSEPH CASELLA & ANUAR GALLEGO**

2025:ZB13
An application for a side yard area variance for a proposed deck addition in an R-10 Residential District at **24 Miller Avenue, Yorktown Heights**. The property is shown on the Town Tax Map as **Section: 16.14, Block: 2, Lot: 69**. RE: Section Schedule: 170:A1 Zoning Schedule Part 1.
- 3. DYNAMITE PROPERTIES, INC.**

2025:ZB14
An application for a variance for the width of a common driveway at **0 Landlocked, Green Tree Road, Yorktown Heights**. The property is shown on the Town Tax Map as **Section: 15.12, Block: 2, Lot: 1 and 5**. RE: Section Schedule: 170:A1 Zoning Schedule Part 1.

4. OTHER BUSINESS

July 15, 2025 Meeting Minutes

Next Meeting – September 16, 2025



ZONING BOARD OF APPEALS
Town of Somers
WESTCHESTER COUNTY, N. Y.

TOWN HOUSE
SOMERS, NEW YORK 10589
(914) 277-5582

IN THE MATTER OF THE APPEAL
OF
Casey + Lauren O'Donnell

B Z NUMBER *2025: ZB12*
DATE: *6-18-25*

TO THE ZONING BOARD OF APPEALS
OF THE TOWN OF SOMERS, N. Y.:

1. *Casey + Lauren O'Donnell*
(Name of appellant)

whose post office address is *27 Bedell Road, Katonah, NY 10536*
(Post office address)

through
(Name of attorney or representative if any)

whose post office address is
(Post office address)

does hereby appeal to the Zoning Board of Appeals at the Town of Somers.

2. Such appeal is taken from a ruling of *Thomas J. Tooma, Jr.*
(Name of officer)

Building Inspector, made on *June 17, 2025*
(Office held)

which ruling was filed on and notice of such ruling was
first received by appellant on; such ruling

(Give summary of ruling)

*An application for a 10' variance - side
yard for an inground pool in an
R-80 zone*

3. The property which is the subject of the appeal is located at or known as

27 Bedell Road and is shown on the
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: *37.13* Block: *1* Lot: *2*

The interest of the appellant is that of *owner*
(Owner, tenant, etc.)

4. The appeal is taken (on the ground that the ruling or decision was erroneous) to obtain
variance, ~~permit~~ or special ~~permit~~. (Strike out wording not applicable.)

(OVER)

5.

(Fill out (a) or (b) or both if applicable)

(a) The property which is the subject of the appeal is located at or known as

27 Bedell Road

(b) A variance, permit or special permit is sought because of practical difficulties or unnecessary hardship to the property as indicated below:

Side yard variance

15' required

5' exists

10' variance requesting

and such may be granted pursuant to 170: A1 Zoning Schedule Part 1

(Refer to applicable Provisions of the Zoning Ordinance of the Town of Somers)

Both applicant and owner must sign if they are different persons.

I Hereby Dispose And Say That All The Above Statements And The Statements Contained In The Papers Submitted Herewith Are True.

SWORN TO ME BEFORE THIS 18th DAY June 20 25

NOTARY SIGNATURE

OWNER SIGNATURE

Denise Schirmer
NOTARY SIGNATURE

LAUREN O'DONNELL
APPLICANT SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 01SC6298242
Qualified in Dutchess County
Commission Expires March 10, 2026



ZONING BOARD OF APPEALS
Town of Somers
WESTCHESTER COUNTY, N. Y.

TOWN HOUSE
SOMERS, NEW YORK 10589
(914) 277-5582

IN THE MATTER OF THE APPEAL
OF
Joseph Casella + Anuar Gallego

B Z NUMBER 2025:ZB13
DATE: 7-3-25

TO THE ZONING BOARD OF APPEALS
OF THE TOWN OF SOMERS, N. Y.:

1. Joseph Casella + Anuar Gallego
(Name of appellant)

whose post office address is 24 Miller Avenue, Yorktown Heights, NY 10598
(Post office address)

through
(Name of attorney or representative if any)

whose post office address is
(Post office address)

does hereby appeal to the Zoning Board of Appeals at the Town of Somers.

2. Such appeal is taken from a ruling of Thomas J. Toona, Jr.
(Name of officer)
Building Inspector, made on June 24, 2025
(Office held)

which ruling was filed on and notice of such ruling was
first received by appellant on; such ruling

(Give summary of ruling)
A variance for a rear yard set back
of 0.3' for a proposed deck addition
in an R-10 zone

3. The property which is the subject of the appeal is located at or known as
24 Miller Avenue and is shown on the
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: 16.14 Block: 2 Lot: 69

The interest of the appellant is that of owner
(Owner, tenant, etc.)

4. The appeal is taken (on the ground that the ruling or decision was erroneous) to obtain
variance, permit or special permit. (Strike out wording not applicable.)

(OVER)

5. (Fill out (a) or (b) or both if applicable)

(a) The property which is the subject of the appeal is located at or known as

24 Miller Avenue

(b) A variance, permit or special permit is sought because of practical difficulties or unnecessary hardship to the property as indicated below:

25' is required

24.7' is existing

Variance sought equals 0.3' and such may be granted pursuant to 170: A1 Zoning Schedule Part 1

(Refer to applicable Provisions of the Zoning Ordinance of the Town of Somers)

Both applicant and owner must sign if they are different persons.

I Hereby Dispose And Say That All The Above Statements And The Statements Contained In The Papers Submitted Herewith Are True.

SWORN TO ME BEFORE THIS 3rd DAY July 20 25

DENISE SCHIRMER Notary Public State of New York No. 01SC6298242 Qualified in Dutchess County Commission Expires March 10, 2026

Denise Schirmer NOTARY SIGNATURE

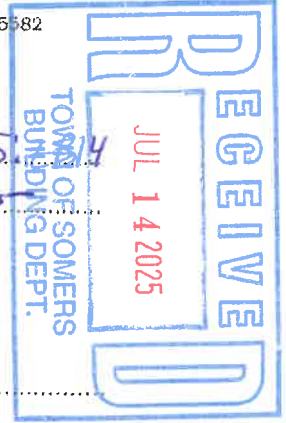
OWNER SIGNATURE

APPLICANT SIGNATURE



ZONING BOARD OF APPEALS
Town of Somers
WESTCHESTER COUNTY, N. Y.

TOWN HOUSE
SOMERS, NEW YORK 10589
(914) 277-5582



IN THE MATTER OF THE APPEAL
OF
Dynamic Properties Corp.

B Z NUMBER *2025*
DATE: *7/14/2025*

TO THE ZONING BOARD OF APPEALS
OF THE TOWN OF SOMERS, N. Y.:

1. *Thomas Racek of Dynamic Properties Corp.*
(Name of appellant)
whose post office address is *55 Papayan Drive, Mahopac, NY 10541*
(Post office address)

through *Michael V. Caruso of Cuddy + Feder LLP*
(Name of attorney or representative if any)
whose post office address is *445 Hamilton Avenue, 14th Floor, White Plains, NY 10601*
(Post office address)

does hereby appeal to the Zoning Board of Appeals at the Town of Somers.

2. Such appeal is taken from a ruling of *Thomas Toome, Jr.*
(Name of officer)

Building Inspector
(Office held), made on *7/11/2025*

which ruling was filed on *7/11/2025*, and notice of such ruling was
first received by appellant on *7/11/2025*; such ruling

(Give summary of ruling)
Determining a limited section (100') of a driveway serving 3 single family dwellings must be a minimum of 16' wide where 12' is proposed.

3. The property which is the subject of the appeal is located at or known as *Green Tree Road*
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: *15.12*, Block: *2*, Lot: *1 + 5*
The interest of the appellant is that of *owner*
(Owner, tenant, etc.)

4. The appeal is taken (on the ground that the ruling or decision was erroneous) to obtain
variance, ~~permit or special permit~~. (Strike out wording not applicable.)

(OVER)

5. (Fill out (a) or (b) or both if applicable)

(a) The property which is the subject of the appeal is located at or known as

Green Tree Road - proposed 3-lot subdivision

(b) A variance, permit or special permit is sought because of practical difficulties or unnecessary hardship to the property as indicated below:

See attached statement of principal points

and such may be granted pursuant to.....

(Refer to applicable Provisions of the Zoning Ordinance of the Town of Somers)

Both applicant and owner must sign if they are different persons.

I Hereby Dispose And Say That All The Above Statements And The Statements Contained In The Papers Submitted Herewith Are True.

SWORN TO ME BEFORE THIS 14th DAY of July, 2025

[Signature]
NOTARY SIGNATURE
MICHAEL V. CARUSO
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02CA6365120
Qualified in Putnam County
Commission Expires 09-25-2025

[Signature]
OWNER SIGNATURE

NOTARY SIGNATURE
MICHAEL V. CARUSO
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02CA6365120
Qualified in Putnam County
Commission Expires 09-25-2025

[Signature]
APPLICANT SIGNATURE

(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
July 15, 2025

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

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

Mr. Cannistra was absent.

Mr. Newman welcomed Mr. Burke on his reappointment to the Board. He served previously from 1997 to 2012. All were happy to have him back.

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

APPLICANTS

Michael and Josephine Kimpel – 2025:ZB10 – 7.17-1-10

An application for a front yard area variance for a proposed detached two-car garage to an existing one family dwelling in an R-40 Residential District at 12 Stone House Road, Somers. The property is on the Town Tax Map as Section: 7.17, Block: 1, Lot: 10. RE: Section Schedule: 170:A1 Zoning Schedule Part 1.

Engineer Paul Lynch and property owner Michael Kimpel addressed the Board. They are requesting a 16' front yard area variance to construct a two-car detached garage. 40' is needed and 24' exists. The property has wetlands, steep slopes and a steep driveway. The existing garage is small and can only fit one car. If the proposed garage was attached to the existing garage, the turning points would be too difficult. The site proposed for the new garage consists of half pavement and half retaining wall. It will be built into the hillside and the retaining wall will be removed. There is a building wall that

will be extended and become a retaining wall. The flooring of the garage will be made of concrete; it will have electric and there will be a storage area/attic above it. No existing trees or shrubs will be removed to construct the garage. It will be below the height of the road and cannot be seen from the road or the neighbors. The drainage will come off the roof onto the pavement.

Mr. Guyot made a motion for a Type II action. Mr. Burke seconded the motion.

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

POLL OF THE BOARD

Mr. Burke	Aye
Ms. D'Ippolito	Aye
Mr. Guyot	Aye
Mr. Harden	Aye
Mr. Lansky	Aye
Mr. Newman	Aye

A motion was made by Mr. Burke and seconded by Mr. Harden to approve the 16' front yard variance for a proposed detached two-car garage.

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

POLL OF THE BOARD

Mr. Burke	Aye
Ms. D'Ippolito	Aye
Mr. Guyot	Aye
Mr. Harden	Aye
Mr. Lansky	Aye
Mr. Newman	Aye

The Variance was approved.

Eric Maurer and Michele Mazzaro – 2025:ZB11 – 28.15-1-6

An application for a variance to subdivide a property in an R-80 Residential District at 70 Route 138, Somers. The property is on the Town Tax Map as Section: 28.15, Block: 1, Lot: 6. RE: Section Schedule: 170:A1 Zoning Schedule Part 1.

Property owners Eric Maurer and Michele Mazzaro addressed the Board. He is an engineer and she is an architect. Their property is 3 acres. They would like to sell the existing dwelling that they live and a build a new dwelling to reside in. The existing dwelling would remain on 80,000 square feet and the proposed new dwelling on 50,000 square feet and in doing so, are requesting a 30,000 square foot variance. The required frontage on both lots will not change. Ultimately, this would be the more

affordable option for them to take rather than buying another house or land. The proposed new dwelling will be place between their property and 66 Route 138. That neighbor will not be able to see the house as there is an existing row of tall evergreens. They have not yet spoken with that property owner but are happy to do so and comply with any of his requests. A determination has yet to be made as to where the driveway for the new lot will be, but sight lines will be considered as exiting their driveway now is a bit tricky. This is a unique lot across the street from a school and down the street from a commercial property. Although there are only a few residential lots on the street, they are all in an R-80 zone. Some had reservations on approving such a large variance and in turn changing the zone of that new lot. There are no undersized lots in that area, but they certainly do exist in other parts of Town. The majority agreed that subdividing this lot would not change the character of that neighborhood.

Mr. Burke 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. Burke	Aye
Ms. D'Ippolito	Aye
Mr. Guyot	Aye
Mr. Harden	Aye
Mr. Lansky	Aye
Mr. Newman	Aye

A motion was made by Mr. Lansky and seconded by Mr. Harden to approve a variance not to exceed 30,000 square feet to subdivide the property to build a new dwelling for owners to live in.

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

POLL OF THE BOARD

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

The Variance was approved.

Casey and Lauren O'Donnell – 2025:ZB12 – 37.13-1-2

An application for a side yard area variance for a proposed inground swimming pool to an existing one family dwelling in an R-80 Residential District at 27 Bedell Road, Katonah. The property is on the Town Tax Map as Section: 37.13, Block: 1, Lot: 2. RE: Section Schedule: 170:A1 Zoning Schedule Part 1.

Lauren O'Donnell addressed the Board. Last year, she and her husband started exploring the possibility of installing an inground swimming pool. In April 2025, the Westchester County Department of Health change the requirement of the distance of the pool to the septic system from 35' to 50'. As a result of this new ruling, a different location of the pool had to be determined. Mrs. O'Donnell had a landscape architect, the pool company and Steve Woelfle, Town Principal Engineering Technician visit her property on more than one occasion. The 2 ½ acre lot consists a lot of trees and steep slopes, some of which are like cliffs. All agreed that there was one location in the side yard of her property that was the flattest and required little disruption of the existing topography for the location of the pool. In addition, the size of the pool would have to be customized because of the tightness of that area. One corner is too close to the property line, 15' is required and 5' exists therefore a 10' variance would be needed. The exterior of the pool would have little to no patio area. Included in the Board member's packets was a letter from the neighbor on that side of the property at 25 Bedell Road who had no issues with the location of the proposed pool, however the neighbor on the other side of the property at 29 Bedell Road emailed Mrs. Schirmer a request for a privacy fence. That email was shared with the Board, however, Mrs. O'Donnell was quite puzzled by that request as they would not be able to see the pool from their property. Recently the O'Donnell's planted live screening on that side of the property but would not object to a privacy fence.

The overall feeling of the Board was that a variance of 10' was too substantial, but some would be okay with 5' at the most. A lengthy discussion took place with ideas shared on how to eliminate the need for a variance or lessen it. An above ground pool was considered but would cost as much as an inground pool and ultimately, they wanted a pool that had gradual depth. The location of the pool could be moved 2 to 3' in that area, but anymore than that would require substantial grading and the construction of a retaining wall that could cost as much as \$30,000. All agreed that this is definitely a unique lot and a site visit would be helpful in making a decision. The O'Donnell's have spray painted the exact location of the pool and Mrs. Schirmer will let everyone know when they can visit the property.

The application was adjourned until the August 19th meeting.

Minutes – The minutes of the May 20, 2025 meeting were approved as submitted with Mr. Burke abstaining.

The next monthly meeting of the Zoning Board of Appeals will be held on August 19, 2025 at 7:30 p.m.

With there being no further business, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Denise Schirmer, Secretary
Zoning Board of Appeals

cc: Town Board
Town Clerk
Planning and Engineering
Planning Board

DRAFT