

# Town of Somers

WESTCHESTER COUNTY, N.Y.



## AGENDA

September 16, 2025  
7:30 PM

1. **DYNAMITE PROPERTIES, INC.**      **2025:ZB14 (ADJOURNMENT)**  
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.
2. **MIKE SUAREZ**      **2025:ZB15**  
An application for a rear yard area variance for a proposed addition in an R-10 Residential District at **46 Lake Shore Drive North, Mahopac.** The property is shown on the Town Tax Map as **Section: 5.19, Block: 2, Lot: 68.** RE: Section Schedule: 170:A1 Zoning Schedule Part 1.
3. **JOSEPH MACALLE & ERIC PREISS**      **2025:ZB16**  
An application for a side yard area variance for a proposed addition in an R-10 Residential District at **16 Woodcrest Terrace, Amawalk.** The property is shown on the Town Tax Map as **Section: 36.08, Block: 1, Lot: 69.** RE: Section Schedule: 170:A1 Zoning Schedule Part 1.
4. **OTHER BUSINESS**      August 19, 2025 Meeting Minutes  
Next Meeting – October 21, 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

*Dynamiic 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 Rasok of Dynamiic 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 Toomey, Jr.*  
(Name of officer)

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

which ruling was filed on *7/10/2025*, and notice of such ruling was  
first received by appellant on *7/10/2025*; such ruling

(Give summary of ruling)

*Determining a limited section (~100') of a driveway  
serving 83 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*, and is shown on the  
(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.

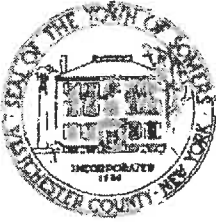
SWORN TO ME BEFORE THIS 14<sup>th</sup> DAY of July, 2025

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

OWNER SIGNATURE  
*[Signature]*

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

APPLICANT SIGNATURE  
*[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

Mike Suarez

B Z NUMBER 2025: ZBA 16

DATE: 8-14-25

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

1. Mike Suarez

(Name of appellant)

whose post office address is 46 Lake Shore Drive North, Mahopac, NY 10541

(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 L. Toome, Jr.

(Name of officer)

Building Inspector

(Office held)

made on July 21, 2025

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 rear yard area variance  
for a proposed addition in an R-10 District

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

46 Lake Shore Drive North

(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: 5.19 Block: 2 Lot: 60P

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 .....

46 Lake Shore Drive North

(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

19.40' exists

6.4' variance requested

and such may be granted pursuant to

170/A1 Zoning Code  
Part 2

(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

August

2025

NOTARY SIGNATURE

Denise Schirmer

OWNER SIGNATURE

[Signature]

DENISE SCHIRMER  
Notary Public State of New York  
No. 01SC6298242

NOTARY SIGNATURE  
Qualified in Dutchess County  
Commission Expires March 10, 2026

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

Joseph Macalle + Eric Preiss

B Z NUMBER 2025: ZB15  
DATE: 8-4-25

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

1. Joseph Macalle + Eric Preiss  
(Name of appellant)

whose post office address is 16 Woodcrest Terrace, Arrawalk, NY 10501  
(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. Toome, Jr.  
(Name of officer)  
Building Inspector made on July 22, 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 side yard variance  
for a proposed addition in an R-10 District

3. The property which is the subject of the appeal is located at or known as  
16 Woodcrest Terrace  
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: 36.08, Block: 1, 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 .....

116 Woodcrest Terrace

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

15' is required

11' is existing

4' variance requested

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 August DAY 4 2025

Denise Schirmer  
NOTARY SIGNATURE

OWNER SIGNATURE

DENISE SCHIRMER  
Notary Public State of New York  
No. 00506298242  
Qualified in Dutchess County  
Commission Expires March 10, 2026

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

August 19, 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. Burke, Mr. Cannistra, Ms. D'Ippolito, Mr. Guyot, and Mr. Newman.

Mr. Harden and Mr. Lansky were absent.

Mr. Burke attended the meeting via Zoom.

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

### APPLICANTS

#### **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.

At the July 15<sup>th</sup> meeting, 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 well head 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 any more 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 19<sup>th</sup> meeting.

All of the Board members visited the property since the last meeting and now have a clear understanding of the issue with the placement of the pool. Although the request of a 10' variance is substantial and a smaller variance would be preferred, the majority understand the need for the 10' variance. In addition, the size of the proposed pool is very modest. The only other alternative might be to move the well which would be an extremely expensive proposition.

Cecilia Depinho of 29 Bedell Road is requesting privacy between her property and the O'Donnell's as she doesn't want to see the pool or people swimming in it. There was some confusion as Ms. Depinho would not be able to see the pool from her property as its proposed location is on the extreme opposite side of the O'Donnell's property. She apologized for misunderstanding and has no concerns.

Mr. Guyot made a motion for a Type II action. Ms. D'Ippolito 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. Newman	Aye
Chairman Cannistra	Aye

A motion was made by Ms. D'Ippolito and seconded by Mr. Guyot to approve the 10' side yard variance for a proposed inground swimming pool.

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

#### **POLL OF THE BOARD**

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

The Variance was approved.

#### **Joseph Casella and Anuar Gallego – 2025:ZB13 – 16.14-2-69**

An application for a side yard area variance for a proposed deck addition to an existing one family dwelling in an R-10 Residential District at 24 Miller Avenue, Yorktown Heights. The property is on the Town Tax Map as Section: 16.14, Block: 2, Lot: 69. RE: Section Schedule: 170:A1 Zoning Schedule Part 1.

Mr. Casella addressed the Board. He would like to construct a deck on the side of his house. 25' is required and 24.7' is existing, therefore a variance of 0.3' is being requested. This would allow for the deck to line up with the side of the house.

Mr. Guyot made a motion for a Type II action. Mr. Newman 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. Newman	Aye
Chairman Cannistra	Aye

A motion was made by Ms. D'Ippolito and seconded by Mr. Newman to approve the 0.3' side yard variance for a proposed deck.

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. Newman	Aye
Chairman Cannistra	Aye

The Variance was approved.

### **DYNAMITE PROPERTIES, INC. – 2025:ZB14 – 15.12-2-1 and 5**

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

Attorney Mike Caruso addressed the Board. The background and history of the property and proposed projects was explained. His client, Thomas Racek owner of Dynamite Properties, Inc. is proposing to build a 3-lot subdivision, which is landlocked. Mr. Racek will live in one of those houses. This project proposal has been in front of the Planning Board since 2022. In order to access the property from the cul-de-sac end of Green Tree Road, the common driveway would have to intersect with the North County Rail Trail. The common driveway is required to be 16' in width, currently it is with a 100' section in the middle that is only 12' wide with 2' wide shoulders on either side. Mr. Caruso is requesting a variance for that middle section to be 12' wide with 2' shoulders on either side. It was noted that the NYS DOT is aware of this current proposal and has issued no further comments so one is to assume that they are in favor of that current design. In addition, the Bureau of Fire Prevention has indicated that they have no concerns over the width of the proposed middle section of the common driveway. Two lock gates would be installed only allow for one vehicle to cross the Rail Trail at a time, and emergency services would have full access. A concern for safety of the users of the Rail Trail and the drivers of the cars entering and exiting the lock gate was very much a concern regardless of the request for a variance for a variance of a 12' width for 100'. Mr. Caruso is of the opinion that the Board should be making their decision based on there being no adverse environmental impact, the variance being requested is not substantial and not be able to access the property was not self-created. The Board was provided a copy of a letter from Ken Kearney, the owner of the abutting property indicating that he told the Planning Board in September 2023 and reaffirmed as recently as March 2025 that he would be open to providing access from his property to the Dynamite Properties lot as a gesture of good will. Mr. Caruso said this is the first time he is hearing of that offer, but at the end of the day doesn't feel as if it would be an ideal alternative for a variety of reasons, including it would be a much lower quality of access. Since it is not simply a matter of issuing a variance for the 100' of common driveway that would be 12', the Board felt strongly that the property owner talk to Mr. Kearney about his offer. The number of vehicles that could end up crossing the Rail Trail on a given day could be substantial. Perhaps a delivery drop box could be placed on the cul-

de-sac to prevent unnecessary deliveries to have to cross the Rail Trail. It was suggested that the Rail Trail be diverted with a bridge at that area so when crossing the Trail, no one would be on it at that point.

Mike McBride of 556C Heritage Hills addressed the Board. He is retired from the NYS DOT. During his employee from 1997 to 2013, his jurisdiction was Northern Westchester and when initial plans for this project were in front of the Planning Board, he was at all of those meetings, but unfortunately was never permitted to speak. At that time, the NYS DOT was not in favor of the Rail Trail being crossed as safety of the public was the top priority. He went on to say that just because currently the NYS DOT has had no comments about this current proposal it doesn't necessarily mean they are in favor of it. The duty of any engineer is design something that is as safe as possible. In his opinion, the easement on this parcel was intended for use of transporting farm animals when it was developed in the 1880's, not allowing vehicles to cross an area that is used by pedestrians and bicycle riders. Although there are other trail crossings in Somers, some may not be as dangerous as allowing the Trail to be crossed in this area and the circumstances can be different. In closing, Mr. McBride wondered if the NYS DOT was aware of Mr. Kearney's offer and he added that Mr. Kearney told him personally that the owners of Dynamite Properties, Inc. were aware of his offer to provide access to their property avoiding the need to cross the North County Rail Trail.

Anthony Tomassetti of 14 Green Tree Road addressed the Board. He and many of the people in the room this evening attended the Planning Board meetings even though they were not permitted to speak in 2023 when this project became a proposition. 99.9% of the concerned residents opposed allowing the North County Rail Trail to be crossed. He understands that the property is landlocked and they need access, but there must be another safer way. The offer of Mr. Kearney must be explored.

Ed Opfer of 11 Green Tree Road addressed the Board. The overall feeling of the Trail crossings is that they are dangerous so why would allowing another crossing be under consideration to be approved. Crossing these trails will only be stopped when there is a serious accident or fatality.

Derek Mounsey of 6 Green Tree Road addressed the Board. He is concerned about who would be liable if there is an accident while someone is crossing the Rail Trail. It was explained that is a legal issue. Mr. Mounsey also asked where the garbage for these three proposed houses would be picked up and it was explained that would be for the Planning Board to decide.

Maureen Bodnar of 2 Green Tree Road addressed the Board. The North County Rail Trail is 4' wide and was an old railroad bed to be used safely by pedestrians and bicyclists. It was not meant to be crossed by vehicular traffic. This disruption should absolutely not be permitted and alternative access to the property needs to be explored.

Nancy Marrone of 25 Cortlandt Manor Road addressed the Board. Allowing the Rail Trail to be crossed is dangerous for both the users and the vehicle drivers. Those

existing are also dangerous. The crossing on Route 35 is an accident waiting to happen. Another crossing should not be permitted.

Given all the concerns that were shared, the application was adjourned until the September 16<sup>th</sup> meeting and in the meantime, Mr. Caruso will reach out to Mr. Kearney.

**Minutes** – Mr. Burke had a correction to the minutes of the July 15, 2025 meeting. On page 4, in the 2<sup>nd</sup> paragraph, the last part of the 4<sup>th</sup> sentence should be changed to read, “the pool to the well head from 35’ to 50’.”, not the septic system. The minutes were approved as corrected.

The next monthly meeting of the Zoning Board of Appeals will be held on September 16, 2025 at 7:30 p.m.

With there being no further business, the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Denise Schirmer, Secretary  
Zoning Board of Appeals

cc: Town Board  
Town Clerk  
Planning and Engineering  
Planning Board