

Telephone
(914) 277-5582

ZONING BOARD OF APPEALS

TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589

Town of Somers

WESTCHESTER COUNTY, N.Y.



AGENDA

November 18, 2025
7:30 PM

1. **ERIKA MURPHY**

2025:ZB19

An application to construct an accessory apartment in the basement of an existing one family dwelling in an R-40 Residential District at **37 Carolyn Way, Somers**. The property is shown on the Town Tax Map as **Section: 17.08, Block: 3, Lot: 25**. RE: Section Schedule: 170-70.

2. **AMERICO REZZONICO,
COLIN, MEGAN & PAULA
QUINN**

2025:ZB20

An application for a variance for site coverage for an above ground pool of an existing one family dwelling in an R-40 Residential District at **51 Mahopac Avenue, Amawalk**. The property is shown on the Town Tax Map as **Section: 26.20, Block: 1, Lot: 24**. RE: Section Schedule: 170:A1 Zoning Schedule Part 1.

3. **OTHER BUSINESS**

October 21, 2025 Meeting Minutes

Next Meeting – December 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

Erika Murray

B Z NUMBER 2025: ZB19
DATE: 10/13/25

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

1. Erika Murray

(Name of appellant)

whose post office address is 37 Carolyn Way, Somers, NY 10589

(Post office address)

through Robert Eberts, Architect

(Name of attorney or representative if any)

whose post office address is 110 Pines Bridge Road, Katonah, NY 10536

(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. Toomey, Jr.

(Name of officer)

Building Inspector, made on October 8, 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 Special Exception
Use Permit to construct an accessory
apartment in the basement of an
existing one family dwelling in an
R-40 zone

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

37 Carolyn Way

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

Town Tax Map as Section: 17.08, Block: 3, Lot: 25

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

37 Carolyn Way

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

an application to construct an
accessory apartment in the basement
and in doing so a Special Exception
Permit is needed

and such may be granted pursuant to 170-70

(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 13th DAY October 20 25

Denise Schirmer
NOTARY SIGNATURE

Eula Murray
OWNER SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 01SC6298242
Qualified in Dutchess County

NOTARY SIGNATURE Expires March 10, 2026

APPLICANT SIGNATURE

OCT 2



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

Colin, Megan + Paula Quinn
Americo Rezzonico

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

B Z NUMBER

2025: 2B20

DATE:

10/31/25

1. Colin, Megan + Paula Quinn and Americo Rezzonico

(Name of appellant)

whose post office address is 51 Mahopac Avenue, Arawalk, 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. Tooma, Jr.

(Name of officer)

Building Inspector, made on

(Office held)

which ruling was filed on September 22, 2025, and notice of such ruling was
first received by appellant on; such ruling

(Give summary of ruling)

An application for a site coverage
variance for the placement of
an above ground pool in an
R-40 Residential Zone

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

51 Mahopac Avenue, and is shown on the

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

Town Tax Map as Section: 26.20, Block: 1, Lot: 24

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

51 Mahopac Avenue

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

Side coverage variance for the placement of an above ground pool

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 31st DAY October 20 25

Denise Schirmer
NOTARY SIGNATURE

Mega Quinn
OWNER SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 015665642
NOTARY SIGNATURE 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
October 21, 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, Mr. Harden, Mr. Lansky and Mr. Newman.

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

APPLICANTS

Urstadt Biddle Properties – 2025:ZB17 – 4.20-1-11.41

An application for two height variances for signage for Mattress Warehouse in a Community Shopping District at 80 Route 6, Baldwin Place. The property is on the Town Tax Map as Section: 4.20, Block: 1, Lot: 11.41. RE: Section Schedule: 170-126 (3).

Bryan Vassar of Archer Signs addressed the Board. The existing signs for Mattress Warehouse, one that is on the façade of the building over the entrance to the store, and the other on the building elevation that faces Route 6, are not aesthetically pleasing. The one over the store doesn't fit properly in the gable and the one on the side of the building facing Route 6 is very difficult to read. Mr. Vassar's client would like to stack both signs with "Mattress" on the top line and "Warehouse" on the 2nd line. Aesthetically, this proposal is much more desirable and easier to read. A memo from the Architectural Review Board was read aloud and although they are in favor of this proposal for both signs, they are unable to approve it as stacking the sign makes it higher than the allowable 2'. The proposed height of the sign over the front entrance is 38 - 15/16" and the proposed height of the sign on the building facing Route 6 is 40 - 11/16".

A resident of 1 Miller Road in Mahopac objected to the variances being requested as there are too many signs in the area.

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
Chairman Cannistra	Aye

A motion was made by Ms. D'Ippolito and seconded by Mr. Harden to approve the height variance of 38 – 15/16" for the sign over the front door providing the size of the letters are reduced so they fit inside the gable and to also approve the height variance of 40 – 11/16" for the sign on the building that faces Route 6. The maximum allowable height is 24" total.

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
Chairman Cannistra	Aye

The Variances were approved.

Gleneida Realty, Inc. – 2025:ZB18 – 28.06-1-18

An application for a height variance for a sign and a variance for a second sign for Somers Storage Center in an Office and Light Industry District at 259 Route 100, Somers. The property is on the Town Tax Map as Section: 28.06, Block: 1, Lot: 18. RE: Section Schedule: 170-126 (3).

Property owner Rick DiNardo addressed the Board regarding a sign proposal for his new building located at 259 Route 100 that is going to be a storage center and has garages for cars. The linear footage of the front of the building is 225'. Although as per

code Mr. DiNardo is entitled to a sign on the front of the building that cannot exceed 2' in height and 112.5' in length, the design of the front entrance to the building doesn't allow for the placement of a sign that size and the sign would have to be placed on either side of the gabled entrance. The sign proposal is to place a 4' by 8' sign in the existing Azek cut out. It will be indirectly lit by the lighting under the eave. In addition, Mr. DiNardo would like to place a second sign below the windows in the gable that will be placed in another existing Azek cut out. Three gooseneck lights will light this sign. A memo from the Architectural Review Board was read aloud. Because of the number of signs and the size of one of them, the Board had to deny the application, however, aesthetically the Board had no objections to the proposed signs.

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

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

A motion was made by Mr. Burke and seconded by Mr. Harden to approve placing a 4' by 8' sign in the existing Azek cut out above the windows in the gable that will be indirectly lit by the lighting under the eave and to place a second sign below the windows in that gable that will be placed in another existing Azek cut out that will be lit by three gooseneck lights.

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
Chairman Cannistra	Aye

The Variances were 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.

The applicant appeared before the Board in August and the application was carried over until September with an instruction to the applicant's attorney to follow up on an offer made by an abutting neighbor to access his property preventing the need for a variance. Earlier on the day of the meeting in September, Mrs. Schirmer received an email from the owner of Dynamite Properties, Inc.'s attorney Mike Caruso requesting an adjournment until the meeting this evening.

At the August meeting, 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 there is 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 pave the section that is 12' wide and add 2' shoulders on either side that consist of compacted material. 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. However, they will have to issue a permit for this work at some point. In addition, the Somers 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 allowing for one vehicle to cross the Rail Trail at a time, and emergency services would have full access. There was an overall concern for the safety of the users of the Rail Trail as well as the drivers of the cars entering and exiting the locked gates from the Board and the residents in attendance. 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 lots 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 speak to Mr. Kearney about his offer and return to meet with the Board again.

The applicant returned this evening and Mr. Caruso addressed the Board. He spoke with abutting property owner Ken Kearney's attorney Charlie Martabano about their

offer for access from their property to Mr. Caruso's client's property in an effort to avoid crossing the trailway and in his opinion, it is not a viable alternative at this moment as there could be unforeseen obstacles, etc. that may prevent it from happening. In addition, only a Negative Declaration has been done for this project and site plan approval has not been issued by the Planning Board yet. In Mr. Burke's opinion, the offer from Mr. Kearney should be considered as it is being made in good faith. Mr. Caruso rebutted that it is not a legal alternative at this moment and aspirations are not alternatives. Hypothetical there could be future consequences. Mr. Caruso reminded the Board that the application before them is for dimensional relief of having 12' of asphalt with 2' on both sides of compacted material. Chairman Cannistra said he is very familiar with these types of gates as he has one at his home. If the power goes out, which happens frequently in different parts of Town, they have to be manually opened and remain open until the power is restored. With the amount of traffic that could come through those gates during that time, it could be a recipe for a disaster. He made it clear that the Board has an obligation to consider alternative solutions and consider the safety of what is being proposed. Mr. Burke stated that as per 267-b of the New York State Law, the application poses a substantial variance that would impact the neighborhood and welfare of the community that uses the trail and lives on Green Tree Road. Mr. Lansky reminded everyone that when the applicant purchased the property, it had a conservation easement from 1997 giving the owner the right to cross the trailway and he does have the right to access his property. The easement runs with the land and does include conditions. Mr. Newman is of the opinion that the abutting neighbor has a good reputation and always does what is best for the Town so should do the same for the applicant. The letter from his attorney confirmed that as well. Ms. D'Ippolito feels that the neighborhood would be impacted and an alternative has to be explored.

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. A permit has to be filed. 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 1870's, not allowing vehicles to cross an area that is used by pedestrians and bicycle riders. Safety is paramount. The Code of the Town of Somers addresses integration of access. In his opinion, Ken Kearney is true to his work and his offer should be explored. Crossing the Rail Trail is not necessary to access the applicant's property.

Both residents of 1 Miller Road in Mahopac asked that the concept of a conservation easement be explained to them. They also wanted clarity of the Environmental Impact Statement and Planning Board approvals.

Maureen Bodnar of 2 Green Tree Road phoned into the meeting. She doesn't understand how a variance can be given for a common driveway that does not yet exist. Even though a conservation easement exists, a lot has changed since it was issued in 1997 and the property owner should have reconsidered buying the property knowing it was landlocked. In addition, the Zoning Board should not be asked to grant a variance until the project is approved by the Planning and Town Boards.

Olga Shamraj of 1 Adele Court addressed the Board. She wanted confirmation that DOT owns the land between the Rail Trail and the applicant. Ms. Shamraj thought it would be a good idea for the Board to visit the site as it is wetlands and floods when it rains. In her opinion, an Environmental Impact Statement needs to be done and the Planning Board should decide if a common driveway can be constructed before the Zoning Board hears an application. Mr. Caruso responded that since a Negative Declaration has been done for this project, an Environmental Impact Statement doesn't have to be done. Mr. Newman commented that the Zoning Board doesn't have the option to decide when to hear an application.

Anthony Tomasetti of 14 Green Tree Road addressed the Board. He shared many correspondences with the members regarding this project and only one was in favor of it. In addition, the Westchester County Planning Board, as well as the Somers Planning and Town Boards were not happy about the Rail Trail having to be crossed. The area is also a flood zone. In his opinion, the Zoning Board can stop the crossing of the Rail Trail by not granting the variance.

Maureen Bodnar of 2 Green Tree Road phoned into the meeting again. She wanted the Board to be aware that the previous owners of this property were Michael Barile and his daughter Nicole Stern who are both in partnership with the current owner Thomas Racek, and the three proposed houses for this property will be occupied by each of them. Mr. Caruso corrected Ms. Bodnar and said his client was the contract vendee to buy the property and is not a partner of Mr. Barile and Ms. Stern.

Brian Opfer of 11 Green Tree Road addressed the Board. Having a common driveway with asphalt and compacted material on both sides is not a good idea.

Gerry Weil of 12 Green Tree Road addressed the Board. Granting a variance to cross the Rail Trail will be opening pandora's box of others wanting to do the same and he would be interested to know what the 1997 deed stipulates.

Mr. Caruso asked that the Board consider the objective concerns made, not the subjective which will be addressed by the Planning and Town Boards.

Property owner Thomas Racek said that the DOT did not stipulate what material had to be used for the common driveway, but only asphalt could be used to cross the Rail Trail.

Ed Opfer of 11 Green Tree Road addressed the Board. His concern is that most trucks will not stay on the asphalt and will bring up the aggregate. In addition, the flooding conditions in that area will cause the aggregate to run off causing many different problems.

Mr. Lansky noted that the easement from 1997 was for four houses and the applicant only plans to build three. In his opinion, the property owner is proposing a reasonable alternative to access his property without having to accept an offer from the abutting property owner. Mr. Lansky personally dealt with that property owner for a similar circumstance in Dutchess County and the entire process was not an easy one. The owner has a right to access his property.

Mr. Cannistra feels that for safety purposes the applicant must explore the offer he got in writing from the abutting property owner's attorney. Installing gates will not only be costly but can present huge problems if they power goes out and they cannot function properly. It will be simply dangerous.

In Ms. D'Ippolito's opinion the conservation easement presents many risks.

Mr. Newman suggested the applicant go back to the DOT for an alternative solution.

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
Chairman Cannistra	Aye

A motion was made by Mr. Lansky and seconded by Mr. Guyot to approve a variance to allow for a 12' wide common driveway for a 100' section of said common driveway.

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

POLL OF THE BOARD

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

Mr. Lansky	Aye
Mr. Newman	Nay
Chairman Cannistra	Nay

The Variance was denied.

Minutes – The minutes of the September 16, 2025 meeting were approved with an abstention from Mr. Burke as he was not present at the meeting.

The next monthly meeting of the Zoning Board of Appeals will be held on November 18, 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