

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

July 21, 2026
7:30 PM

1. **HRE PROPERTIES** **2026:ZB14**
An application for a second directory sign to the entrance of the shopping center where one does not currently exist in a Neighborhood Shopping District at **249 Route 202, Somers**. The property is shown on the Town Tax Map as **Section: 17.11, Block: 10, Lot: 20**. RE: Section Schedule: 170-126.A.

2. **WILLIAM FERNANDEZ** **2026:ZB15**
An application for a 280A Exemption for a front yard variance to construct a new dwelling in an R-120 Residential District at **8 Cottage Place, Granite Springs**. The property is shown on the Town Tax Map as **Section: 26.07, Block: 1, Lot: 22**. RE: Section Schedule: 170:A1 Zoning Schedule Part 1.

3. **DANIELLE FENNESSY** **2026:ZB16**
An application to renew a Special Exception Use Permit for an existing accessory Apartment in an R-80 Residential District at **31 Valley Pond Road, Katonah**. The Property is shown on the Town Tax Map as **Section: 27.11, Block: 2, Lot: 7**. RE: Section Schedule: 170-70

4. **VEOLIA WATER NEW YORK, INC.**

2026:ZB17

An application for a variance for a proposed water treatment plant in a DRD District at **405 Route 202, Somers**. The property is shown on the Town Tax Map as **Section: 6.20, Block: 10, Lot: 13**. RE: Section Schedule: 170-12.D (4) (b).

5. **VEOLIA WATER NEW YORK, INC.**

2026:ZB18

An application for two variances for an above ground storage tank in a DRD District at **405 Route 202, Somers**. The property is shown on the Town Tax Map as **Section: 6.20, Block: 10, Lot: 13**. RE: Section Schedule: 170-11.A and 170-12.D (b).

6. **OTHER BUSINESS**

May 19, 2026 Meeting Minutes

Next Meeting – August 18, 2026

Remaining 2026 Meeting Dates:
September 15, October 20,
November 17 and December 15



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
HRE Properties - C/O Properties Tax Department
San Antonio, Texas 78299

B Z NUMBER 2026: ZB14
DATE 5/29/24

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

1. HRE Properties - C/O Properties Tax Department

(Name of appellant)

whose post office address is San Antonio, Texas 78299

(Post office address)

through Jim Polinsky, Signs Ink

(Name of attorney or representative if any)

whose post office address is 3255 Crompond Road, Yorktown Heights, NY 10598

(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 Architectural Review Board

(Name of officer)

made on May 28, 2026

(Officer held)

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

(Give summary of ruling)

An application for a second double-sided directory sign at the entrance to the Heritage
202 Center off Heritage Hills Road

3. The property which is the subject of the appeal is located at or known as
249 Route 202

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

Town Tax Map as Section: 17.11 Block: 10 Lot: 20

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
Varian
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
249 Route 202

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

a double-sided directory sign exists at the entrance to the shopping center on Route 202, but there is not a double-sided directory sign to the entrance of the shopping center off Heritage Hills Drive, as a result, the restaurant at the entrance is difficult to find if you enter from Route 202, and if one is trying to enter from Heritage Hills Drive, it is likely that they will miss the entrance as there is no sign and continue into Heritage Hills

and such may be granted pursuant to 170-126.A (3)

(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.

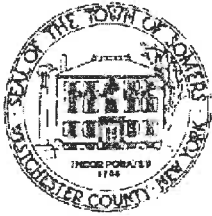
SWORN TO ME BEFORE THIS 29th DAY May 20 2020

Denise Schirmer
NOTARY SIGNATURE

OWNER SIGNATURE

DENISE SCHIRMER
Notary Public State of New York
No. 01506298242
Qualified in Dutchess County
Commission Expires March 10, 2020
NOTARY SIGNATURE

James Paley
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
William Fernandez

B Z NUMBER 2026: ZB15
DATE: 6/3/26

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

1. William Fernandez
(Name of appellant)

whose post office address is c/o Dagmar Sanchez, Suite 4B, Bronx, NY 10457
(Post office address)

through Daniel and Emily Paesano
(Name of attorney or representative if any)

whose post office address is 19 Orchard Drive, Brewster, NY 10509
(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 2, 2026
(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 280A Exemption for a front yard variance to construct a new one
family dwelling in an R-120 District

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

Town Tax Map as Section: 26.07 Block: 1 Lot: 22

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
8 Cottage Place

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

250' is required and 30' exists

the front lot line is only 30' due to the previously approved layout and access easement for this lot. The lot is only accessible from the nearest public roadway, Cottage Place via an access easement which is 30' wide. The actual front lot line is 670' wide.

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 June 20 24

Denise Schirmer
NOTARY SIGNATURE

OWNER SIGNATURE

NOTARY SIGNATURE
DENISE SCHIRMER
Notary Public State of New York
No. 01508298242
Qualified in Dutchess County
Commission Expires March 10, 2030

APPLICANT SIGNATURE
Contract Vendee



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
Danielle Fennessy

B Z NUMBER 2026:ZB16
DATE: 6/4/26

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

1. Danielle Fennessy
(Name of appellant)

whose post office address is 31 Valley Pond 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 March 31, 2026
(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 proposed relocation of an existing accessory apartment in an R-80
Zone

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

Town Tax Map as Section: 27.11, Block: 2, Lot: 7

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~~ SEUP 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
31 Valley Pond Road

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

a Special Exception Use Permit is required to have an accessory apartment

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 4th DAY June 20 26

Denise Schirmer
NOTARY SIGNATURE DENISE SCHIRMER
Notary Public State of New York
No. 01SC6298242
Qualified in Dutchess County
Commission Expires March 10, 20 26

OWNER SIGNATURE

NOTARY SIGNATURE

APPLICANT SIGNATURE



ZONING BOARD OF APPEALS

Town of Somers

WESTCHESTER COUNTY, N. Y.

TOWN HALL SE
SOMERS, NEW YORK 10589

(914) 277-6582

IN THE MATTER OF THE APPEAL
OF
Veolia Water New York, Inc.

H Z NUMBER 2026 ZB17
DATE: 5/15/26

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

1. Veolia Water New York, Inc.
[Name of appellant]
whose post office address is 162 Old Mill Road, West Nyack, NY 10994
(Post office address)
through Bleakley, Platt & Schmidt, LLP
(Name of attorney or representative if any)
whose post office address is One North Lexington Avenue, 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 J. Tooma, Jr.
(Name of officer)

Building Inspector made on May 14, 2026
(Office held)

which ruling was Emailed on May 14, 2026 and notice of such ruling was
first received by appellant on May 14, 2026; such ruling
is annexed hereto

(Give summary of ruling)
an application for a variance for a proposed treatment building located in a DRD
District (See Attached Letter from VWNYS Counsel)

3. The property which is the subject of the appeal is located at or known as
405 Route 202
(Street and number or distance from and names of nearest intersecting streets)

Town Tax Map as Section: 6.20 Block: 10 Lot: 13

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. (~~State 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
405 Route 202

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

Required/Permitted = 60'

Proposed = 7.5'

Relief Sought = 52.5'

and such may be granted pursuant to 170-12.D (4) (b)

(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 10th DAY June 20 26

Paula A Vina
NOTARY SIGNATURE

[Signature]
OWNER SIGNATURE

Paula A Vina
NOTARY SIGNATURE

Same as Owner
APPLICANT SIGNATURE

PAULA A VINA
Notary Public - State of New York
No. 01VI0032416
Qualified in Rockland County
My Commission Expires 12/31/2028



ZONING BOARD OF APPEALS

Town of Somers

WESTCHESTER COUNTY, N. Y.

TOWN HOUSE
SOMERS, NEW YORK 10569

(914) 277-6382

IN THE MATTER OF THE APPEAL
OF
Veolia Water New York, Inc.

B Z NUMBER 2026: ZB18
DATE: 5/15/26

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

1. Veolia Water New York, Inc.

(Name of appellant)

whose post office address is 162 Old Mill Road, West Nyack, NY 10994

(Post office address)

through Bleakley, Platt & Schmidt, LLP

(Name of attorney or representative if any)

whose post office address is One North Lexington Avenue, 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 J. Tooma, Jr.

(Name of officer)

Building Inspector made on May 14, 2026

(Office held)

which ruling was Emailed on May 14, 2026 and notice of such ruling was

first received by appellant on May 14, 2026; such ruling

is annexed hereto

(Give summary of ruling)

an application for two variances for an above ground storage tank in a DRD District

(See Attached Letter from VVNY's Counsel)

3. The property which is the subject of the appeal is located at or known as 405 Route 202

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

Town Tax Map as Section: 6.20 Block: 10 Lot: 13

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.....
405 Route 202

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

Required/Permitted = 15' for pitched roofs; Proposed = 30.76'; Relief Sought = 15.76'

Required/Permitted = 30'; Proposed = 12.9'; Relief Sought = 17.1'

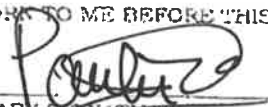
and such may be granted pursuant to 170-11.A and 170.12.D (b)

(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 10th DAY June 20 26

NOTARY SIGNATURE 

OWNER SIGNATURE 

NOTARY SIGNATURE 

Same as Owner
APPLICANT SIGNATURE

PAULA A VINA
Notary Public - State of New York
No. 01V10032416
Qualified in Rockland County
My Commission Expires 12/31/2028

(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

April 21, 2026

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

ANTHONY CASOLA – 2026:ZB12 – 37.10-1-25

An application for a variance for site coverage for an inground swimming pool to an existing one family dwelling in an R-80 Residential District at 40 Orchard Hill Road, Katonah. The property is on the Town Tax Map as Section: 37.10, Block: 1, Lot: 25. RE: Section Schedule: 170:A1 Zoning Schedule Part 1.

Architect Curtis Johnson addressed the Board. His client's house was built just under a year ago and they would like to install an inground swimming pool but in order to do so, the applicant requests a 3% site coverage variance, seeking 18% total site coverage when only 15% is permitted. There will be a hot tub in the pool area and a 2,600' natural stone patio. As per Planning and Engineering requirements, the existing filtration system will be expanded. There is evergreen screening and landscaping closest to one neighbor and the other neighbor is above the property.

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. Harden and seconded by Mr. Burke to approve a 3% site coverage variance for an inground swimming pool.

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 Variance was approved.

KEVIN SESTAK AND JENNIFER KITAY – 2026:ZB13– 6.16-3-4

An application for a variance for a detached garage accessory to an existing one family dwelling in an R-40 Residential District at 64 Stone House Road, Somers. The property is on the Town Tax Map as Section: 6.16, Block: 3, Lot: 4. RE: Section Schedule: 170:A1 Zoning Schedule Part 1.

Architect Miguel Sostre addressed the Board. His clients just bought a house that was completely renovated. The existing one-car garage was renovated as well and covered wings were added on both sides. The current owners would like to demolish the existing garage and replace it with a two-car garage that is 27' long by 22' wide with a 1 ½ story roof. There will be a slab on grade and no trees will be removed during the process. In doing so, a 16.5' front yard variance is being requested. The siding and roof on the garage will match that of the house. There will be electric in the garage and perhaps a slop sink. The location of the new garage will be where the existing garage is which is 15' below the main street in grade. Since the height of the new garage will be higher than the existing there was concern over seeing it from the street. It was suggested that four 10' green giants can be planted on the side of the new garage. They can grow to be 30 to 50' in height.

Mr. Burke 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. Lansky and seconded by Mr. Guyot to approve a 16.5' front yard area variance providing that no less than four 10' green giants will be planted to provide sufficient screening so the garage cannot be seen from the road.

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 Variance was approved.

Minutes – The minutes of the April 21, 2026 meeting were approved. Mr. Guyot abstained as he was not present at the April meeting.

The next monthly meeting of the Zoning Board of Appeals will be held on July 21st at 7:30 p.m.

With there being no further business, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Denise Schirmer, Secretary
Zoning Board of Appeals

cc: Town Board
Town Clerk
Planning and Engineering
Planning Board

DRAFT