

(914) 277-5582

ZONING BOARD OF APPEALS

Victor Cannistra
Chairman

Town of Somers

WESTCHESTER COUNTY, N.Y.

TOWN HOUSE
ANNEX
337 ROUTE 202
SOMERS, NY 10589



Meeting Minutes

July 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

HRE PROPERTIES – 2026:ZB14 – 17.11-10-20

An application for a variance 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 on the Town Tax Map as Section: 17.11, Block: 10, Lot: 20. RE: Section Schedule: 170-126.A.

James Polinsky of Signs Ink addressed the Board. There are two ways to enter the Heritage 202 Center, off Route 202 and off Heritage Hills Drive. Currently there is only one directory sign at the Route 202 entrance and the new owners of the shopping center would like a second one. It will match the one on Route 202 in size, 4' by 6' and redesigned look that was just approved by the Architectural Review Board. It is not illuminated.

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. Lansky and seconded by Mr. Harden to approve a second directory sign that is 4' by 6'.

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	Aye
Chairman Cannistra	Aye

The Variance was approved.

WILLIAM FERNANDEZ – 2026:ZB15 – 26.07-1-22

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 on the Town Tax Map as Section: 26.07, Block: 1, Lot: 22. RE: Section Schedule: 170:A1 Zoning Schedule Part 1.

Dan and Emily Paesano, addressed the Board. They have been in contract since November to purchase the property pending approval of the variance. The property consists of 10.5 acres and is a flag lot of which there are others in that area with a 780' easement with a long narrow driveway that is about 650' that will be made of stone. They made an agreement with the owner of 4 Cottage Place to widen the easement to allow for proper emergency access, which is ideally the best approach and approved by the Bureau of Fire Prevention. Without the variance they cannot build a proposed 2,800 square foot one family dwelling. They meet all other requirements except for frontage and the proposed dwelling is not near any steep slopes.

David and Sharon Volkman addressed the Board. In an effort to protect the privacy they now have while on their back deck, they are requesting that about 160' of their property to the woods be screened with about 30 mature deer resistant evergreens that

the applicant should pay for, but they will maintain. Their landscaper gave them an estimate of \$10,837 for this work.

The Paesano's had no objections to the Volkman's request, but thought perhaps his landscaper could present a plan for screening and a cost estimate since 30 trees seems like a lot, but at the same time he wants a happy neighbor. In addition, there is room for the screening to be on his property. Mrs. Volkman commented that they would like the screening done as quickly as possible, not when the project is over.

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. Lansky and seconded by Mr. Newman to approve the 280A Exemption for a front yard variance contingent upon the Paesano's and Volkman's agreeing on a screening plan that will run at least 150' along the edge of the easement.

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.

DANIELLE FENNESSY – 2026:ZB16 – 27.11-2-7

An application for a Special Exception Use Permit for an accessory apartment on the 2nd floor of an existing one family dwelling in an R-80 Residential District at 31 Valley Pond Road, Katonah. The property is on the Town Tax Map as Section: 27.11, Block: 2, Lot: 7. RE: Section Schedule: 170-70.

Danielle Fennessy and her husband Ricky Mancini addressed the Board. Ms. Fennessy purchased the house in December 2021 which had an existing accessory apartment. As per the Code of the Town of Somers, the Special Exception Use Permit which allows for an accessory apartment had to be renewed within 6 months of the date of purchase. Ms. Fennessy met with Zoning Board of Appeals Secretary Denise Schirmer to complete the application to renew the permit. As part of that process, the Building Inspector had to inspect the apartment. On April 26, 2022, Building Inspector Tom Tooma met with Ms. Fennessy at the property. He had the plans on file for the accessory apartment with him and it was determined that what existed didn't match up with the plans. The accessory apartment was on the 2nd floor and the plans indicated that it was on the 1st floor, and three bedrooms existed, not one as indicated on the plans. Ms. Fennessy met with the Zoning Board on March 28, 2023 requesting that they approve the permit for the apartment as it was built, but the overall concern was that the apartment was 1,680 square feet as compared to the maximum allowable of 800. Ms. Fennessy was told to come back with a plan for a more reasonably sized apartment.

This evening, Ms. Fennessy and Mr. Mancini presented plans for a one-bedroom accessory apartment that totals 1,058 square feet on the 2nd floor of the existing one family dwelling.

It was noted that this situation is clearly a hardship, but the proposed is 258 square feet larger than what is allowable per the Code of the Town of Somers. An alteration permit from the Building Department will be needed for this proposed accessory apartment.

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. Newman and seconded by Mr. Harden to grant a variance for an additional 258 square feet in size and a Special Exception Use Permit for 7 years for a one-bedroom accessory apartment on the 2nd floor of an existing one family dwelling.

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 Special Exception Use Permit was approved.

VEOLIA WATER NEW YORK, INC. – 2026:ZB17 – 6.20-10-13

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

Attorney Lino Sciarretta addressed the Board. Veolia Water New York is required by the EPA to construct a 1,730 square foot facility to remove PFAS and in doing so needs a 52.5' variance. This facility must be up and running by 2029, but operational for a year prior to that. This application is currently before the Planning Board. Veolia Water New York's property is 2.5 acres and they have an easement to access their property from the Somers Land Trust as their property is landlocked.

Veolia Water New York staff member Dan Schoenfeld addressed the Board. The existing 2,100 square foot facility has been there since the 1970's and will need some interior upgrades. They also have 5 wells that service Heritage Hills, Somers Crossing, Towne Centre at Somers and soon to be the Business Historic Properties District. Very little noise is generated with exception of the generator. Ultimately it is the users that will pay for all of these additions and upgrades therefore they are trying to complete this project as required without a financial burden on their customers.

Somers Land Trust Vice President Bob MacGregor addressed the Board. The Somers Land Trust owns 115 acres with some being where the Veolia Water New York facility is and the rest across the street from the Stone House where Veolia's wells are. The property is operating as a nature preserve. The Somers Land Trust is of the opinion that this proposed project will have significant impacts on not only their organization but the immediate neighbors and as a result the ideal location for the proposed water treatment facility is behind the existing facility. If it is placed in the proposed location, it is almost on the property line, will have a prominent presence to the visitors of the nature preserve as it looks like a warehouse, will be aesthetically unpleasant and could affect the aquifer. It will also be able to be seen from the property owners around that area and Route 202. This can ultimately put the Somers Land Trust out of business. At a Veolia Water New York facility by the Westchester County Airport the 1st floor of the building is below ground. Mr. MacGregor's opinion is that a site visit should take place and a decision not made this evening as the applicant has 3 plus years to complete the

project. The Somers Land Trust is not against the proposed project but wants to make sure that all options are considered regardless of cost before finalized.

Mr. Sciarretta responded by saying the area is not a hardship. Veolia Water New York is a public utility that is responsible for public health safety. Their presence since the 1970's hasn't affected the business of the Somers Land Trust to date, so why would this proposed project do that. All of the suggested options will cost additional money, excavation, movement of underground equipment, construction of a retaining wall, etc. Construction of this building is mandatory and Veolia is going about it the best way they can with the least amount of impact which will not affect the nature preserve or their customers.

Mr. Schurmann went on to say that the current plan involves no tree removal, only invasive removal and the wetland area will be restored. A suggestion was made to put the new building closer to the existing but for many reasons that would cause a hardship, including access for repairs, location of a generator, etc. and that would require another variance as well as a redesign.

Mr. Sciarretta reminded everyone that although he appreciates the suggestions, many of which have already been talked about with Mr. MacGregor and changes at his request, legally they have to get the least number of variances.

Some felt since the building is an eyesore it should be landscaped with screening. Mr. Sciarretta said the landscaping to screen the building is a reasonable request.

Mr. Newman didn't necessarily feel that a decision needed to be made this evening as a site visit should be done and proposals for suggestions made at the next meeting in September.

Somers Land Trust President Michael Barnhart addressed the Board. The Somers Land Trust has a Board and membership. In his opinion, the placement of the proposed water treatment plant will impact the property and its users. Although the parcel is large, there are constraints as to the areas that can be used for public programming which is where the pavilion is located, not far from the existing facility. The community has welcomed the nature preserve and it gets a lot of use. As to not deter people from wanting to visit, he would appreciate screening to hide as much of the building as possible.

A motion was made by Mr. Lansky and seconded by Mr. Burke to approve a 52.5' variance for a proposed water treatment plant contingent upon the applicant and the Somers Land Trust agreeing on a landscape plan for the water treatment plant that is approved by the Somers Architectural Review Board.

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	Nay
Mr. Lansky	Aye
Mr. Newman	Nay
Chairman Cannistra	Aye

The Variance was approved.

VEOLIA WATER NEW YORK, INC. – 2026:ZB18 – 6.20-10-13

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

Engineer Will Schurmann addressed the Board. In addition to constructing a facility, Veolia Water New York has to install an above ground water tank with a covering and in doing so needs a 15.76' variance for a pitched roof and a 17.1' variance for the placement of the tank. The tank is cobalt blue. There is some concern about residents being able to see the top of the tank from their properties.

Dan Schoenfeld, Veolia Water New York staff member said the height of the accessory over the storage tank is lower than that proposed building. It contains vessels which dictate how high the building has to be.

It was suggested that landscaping be done to screen the storage tank, especially because of its color although standard. Mr. Sciarretta said the landscaping to screen the storage tank is a reasonable request.

A motion was made by Mr. Lansky and seconded by Mr. Burke to approve a 15.76' variance for a pitched roof for an above ground storage tank and a 17.1' variance for an above ground storage tank contingent upon the applicant and the Somers Land Trust agreeing on a landscape plan for the above ground water tank that is approved by the Somers Architectural Review Board.

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	Nay

Chairman Cannistra Aye

The Variances were approved.

The next monthly meeting of the Zoning Board of Appeals will be held on September 15th at 7:30 p.m.

With there being no further business, the meeting was adjourned at 11:00 p.m.

Respectfully submitted,

Denise Schirmer, Secretary
Zoning Board of Appeals

cc: Town Board
Town Clerk
Planning and Engineering
Planning Board