

(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**

February 17, 2026

The meeting was called to order by Chairman Cannistra at 7:35 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 and Ms. D'Ippolito attended via Zoom.

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

**APPLICANTS**

**Chris Lopez and Robert Morrow – 2026:ZB01 – 47.08-1-29**

An application to legalize an existing one-bedroom accessory apartment on the 2<sup>nd</sup> floor of an existing detached garage structure of an existing one family dwelling in an R-80 Residential District at 10 Linda Lane, Katonah. The property is on the Town Tax Map as Section: 47.08, Block: 1, Lot: 29. RE: Section Schedule: 170-70.

Owner Chris Lopez addressed the Board. When he purchased the property in 2004, the accessory apartment on the 2<sup>nd</sup> floor of the existing accessory detached structure was existing. In 2006, his in-laws took occupancy of the apartment and did some plumbing work. It wasn't until recently that he learned the permits were never closed out and during an inspection by the Building Department it was determined that the plumbing work was done in the apartment for which there was not a Special Exception Use Permit. Mr. Lopez is seeking a permit to legalize the apartment which his in-laws have been living in for the last 20 years. The maximum allowance for an accessory

apartment is 800 square feet however the existing size is 954.7 square feet. Building Inspector Tom Tooma has visited the property which his 3.12 acres. If the Board approves the permit for the apartment, Mr. Lopez has Westchester County approval to put in a separate septic system for the apartment. It is understood that he would also need architect plans to secure a building permit to legalize the apartment.

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 Mr. Newman and seconded by Mr. Burke to approve legalizing the existing one-bedroom accessory apartment on the 2<sup>nd</sup> floor of an existing detached garage that is 954.7 square feet for seven years.

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 Special Exception Use Permit was approved.

**MTS29, LLC – 2026:ZB02 – 28.18-1-6**

An application for two variances for proposed improvements to the property for an increase of a non-conforming front yard setback and an increase in height in an R-80 District at 7 Lake View Drive, Katonah. The property is on the Town Tax Map as Section: 28.18, Block: 1, Lot: 6. RE: Section Schedule: 170:A1 Zoning Schedule Part 1.

Architect William Besharat addressed the Board. His clients purchased the property which is in need of some work and the dwelling is quite small. They would like to rebuild the existing dwelling adding a second story using the existing foundation that will need some repairs but maintain the same footprint. In doing so, two variances, a front yard setback in the amount of 18.6' and an increase in height of 8.9' will be needed because the property is non-conforming. The main floor will be used as living space

and the bedrooms will be on the 2<sup>nd</sup> floor. The bedroom count will not change and there will be no garage. Many trees buffer the area from this dwelling to the neighboring properties. The improvements to this property will certainly enhance the character of the neighborhood.

Fred Champion of 6 Oak Drive addressed the Board. He asked if he could look at the proposed plans, which were shared with him. Mr. Champion was happy with the improvements being made and said it will add to the character of the neighborhood.

John and Heather Maguire of 9 Lake View Drive addressed the Board. They have no objections to the proposed plan, but hope that there will be no water issues as they have existed in the past. Mr. Besharat assured them that if necessary although not anticipated, a new septic and well can be installed with absolutely no impact to the neighboring properties.

Kim Maguire of 6 Lake View Drive addressed the Board and had no objections to the proposed plans.

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 Mr. Newman and seconded by Mr. Guyot to approve the two variances, a front yard setback in the amount of 18.6' and an increase in height of 8.9' because the property is non-conforming.

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 Variances were approved.

**Minutes** – The minutes of the November 18, 2025 meeting were approved.

The next monthly meeting of the Zoning Board of Appeals will be held on March 17<sup>th</sup> at 7:30 p.m.

With there being no further business, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Denise Schirmer, Secretary  
Zoning Board of Appeals

cc: Town Board  
Town Clerk  
Planning and Engineering  
Planning Board