

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS
JULY 27TH, 2023**

The regular monthly meeting was held for the Zoning Board of Appeals, Town of Yorktown, at the Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, July 27th, 2023. The meeting began at 6:30 p.m.

The following members of the board were present:

William Gregory
Robert Fahey
Gordon Fine
Anthony Tripodi

Also present are Adam Rodriguez, Special Counsel, Steven Fraietta, Assistant Building Inspector, and Nisreen Khoury, Legal Assistant.

The meeting was aired on Channel 20 Cablevision and Channel 33 Verizon Fios.

It was announced that the next public hearing would be held September 14th, 2023, site visits are scheduled for September 9th, 2023. Mailings are to be sent from August 21st to August 30th, 2023.

NEW BUSINESS

MCNAMEE #25/23 This is an application to allow a 6' vinyl fence in a front yard where 4 ft 6 in is permitted as per section 300-13F of the Town Zoning Code.
Property Address:
2784 Holly Street
Section 26.16, Block 1, Lot 27

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, and Tripodi, this item was scheduled for a Public Hearing on September 14th, 2023, Site Visit on September 9th, 2023, and referred to the Building Department.

SVENJAK #26/23 This is an application to legalize a shed with a side yard of 3'6" where 10 ft is required as per section 300-21 and Appendix A of the Town Zoning Code.
Property Address:
264 Fox Croft Lane
Section 17.10, Block 1, Lot 88

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, and Tripodi, this item was scheduled for a Public Hearing on September 14th, 2023, Site Visit on September 9th, 2023, and referred to the Building Department.

IQBAL #27/23 This is an application for a building permit to construct an addition that will require the following variances: side yard setback of 13' 6" ft where 15 ft is required, a combined yard variance of 33' 6" ft where 40 ft is required and a rear yard setback of 33' 6" ft where 40 ft is required. This property has a non-conforming lot area of 13,137 sq. ft where 20,000 sq. ft is required as per section 300-21 and Appendix A of the Town Zoning Code
Property Address:
2800 Sarles Dr
Section 27.10, Block 3, Lot 32

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, and Tripodi, this item was scheduled for a Public Hearing on September 14th, 2023, Site Visit on September 9th, 2023, and referred to the Building Department.

SCHILSKY #28/23 This is an application to construct a tennis court which requires a front yard variance of 38 ft. where 75 ft is required as per section 300-21 and Appendix A of the Town Zoning Code.
Property Address:
815 Old Kitchawan rd
Section 17.09, Block 1, Lot 20

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, and Tripodi, this item was scheduled for a Public Hearing on September 14th, 2023, Site Visit on September 9th, 2023, and referred to the Building Department.

CONTINUED PUBLIC HEARINGS

FALCONE #17/23 This is an application to reconstruct an existing multi family dwelling that has been approved by a variance dated July 29, 1976 for 3 dwelling units, where the applicant is requesting 4 dwelling units. This application will require a front yard variance of 22 ft where 40 ft is required, as per section 300-21 and Appendix A of the Town Zoning Code.
Property Address:
1450 East Main Street
Section: 16.09 Block: 2 Lot: 6

Application withdrawn.

CARVALHO #44/20 This is an application to subdivide a lot creating 2 lots under the required 10,000s.f. where a minimum of 20,000 s.f. is required. This property is located in a R1-10 zone.
Property Address:
1681 Summit St.
Section 48.07, Block 2, Lot 9

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, and Tripodi, this item is adjourned to the September meeting as requested.

GRACE #45/20 This is an application to allow a caretaker's cottage as per 300-47 of the Town Code. This property is in a R1-80 zone.
Property Address:
959 Hanover St.
Section 59.07, Block 1, Lot 4

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, and Tripodi, this item is adjourned to the September meeting as requested.

BLACK MOUNTAIN CAPITAL #39/22 This is an application to legalize three (3) accessory apartments in a single-family home with an existing non-conforming cottage making the total of four (4) dwelling units in a single-family district.
Property Address:
1658 Amazon Rd.
Section 25.12, Block 2, Lot 32

John Buckley, Attorney, representing the applicant.

Mr. Buckley said as you know, this application has been a source of discussion for many, many months. It seeks to legalize three (3) accessory apartment in a single building with an existing non-conforming cottage. The Board's position as I understand it is that the applicant cannot produce building department records demonstrating that the long term use of the property has been a legal use.

Chairman Fine said Mr. Fraietta had some additional information.

Mr. Fraietta said we have some building permit applications. These are basically for some work that was done in 1983 on Amazon Road, this is in the R1-20 district which is a single-family district, this is the work that was done there were sketches for work that was done at the time. This is clearly saying this is in the R1-20 district and there was another permit taken out in 1982, again this is the R1-20 district and it states the type of occupancy, it was a one family.

Mr. Buckley said we have these records now, that does not alter the argument. Mr. Buckley is still attempting to obtain septic information from the Board of Health. The matter was discussed further, and upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, and Tripodi, this item is adjourned.

BLACK MOUNTAIN CAPITAL #40/22 This is an application to allow two (2) primary structures on a lot where one (1) is permitted as per section 300-21C(1)(a)[1], to allow a combined floor area of 3 accessory apartments of 1835 square feet where 800 square feet accessory apartment is permitted as per section 300-38B(5), to allow usage of property that is not owner occupied as per section 300-38B(8), and to allow four (4) accessory apartments where one (1) is permitted in a R1-40 zone as per section 300-38B(9).

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, and Tripodi, this item is adjourned.

O'DONNELL #51/22 This is an application to allow a 6'6" fence located in the front yard where 4'5" is permitted as per section 300-13F and Appendix A of the Town Zoning Code.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, and Tripodi, this item is adjourned to the September meeting as requested.

ALEXANDRE #20/23 This is an application to allow a chicken coop in a front yard (yard was determined by a previous variance #80/93) that will require a variance of 30 sq ft where 40 ft is required and a lot size of 20,226 sq ft where 40,000 sq. ft is required as per section 300-21 and Appendix A of the Town Zoning Code.

Applicant not present.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, and Tripodi, this item is adjourned.

NEW PUBLIC HEARING

BOGA #21/23 This is an application for a renewal of a special use permit for an accessory apartment

Property Address:
3747 Briarhill St.
Section 15.08, Block 2 Lot 3

Not open. Adjourned to September meeting.

ABRAMS #22/23 This is an application for a renewal of a special use permit for an accessory apartment

Property Address:
3461 Sagamore Ave.
Section 15.16, Block 2 Lot 12

Not open. Adjourned to September meeting.

DUENAS #23/23 This is an application to construct a new front portico that requires a front yard setback of 36.44 ft where 40 ft is required as per 300-21 and Appendix A of the Town Zoning Code. This property is in a

Section 15.08, Block 1, Lot 16 R1-20 zone. A building permit and a Certificate of Occupancy will be required.

Not open. Adjourned to September meeting.

HOFFMAN #24/23 This is an application for a renewal of a special use permit for an accessory apartment.

Property Address:

3808 Old Crompond Rd.

Section 38.08, Block 1 Lot 32

Not open. Adjourned to September meeting.

Meeting adjourned at 7:10pm

Happy Zoning!