

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS
JANUARY 25TH, 2018**

The regular monthly meeting was held at the Zoning Board of Appeals, Town of Yorktown, at the Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on Thursday, January 25th, 2018. The meeting began at 6:30 p.m.

The following members of the board were present:

Gregg Bucci
Robert Fahey
Gordon Fine
William Gregory
John Meisterich

Also present is Special Counsel, Mark Blanchard and Building Inspector John Landi. The meeting was aired on Channel 20 Cablevision and Channel 33 Verizon Fios.

It was announced that the next public hearing would be held on February 22nd, 2018, site visits are scheduled for February 10th, 2018. Mailings are to be sent from January 29th and February 7th, 2018.

NEW BUSINESS

AHEARN #1/18 This is a special use permit application for an accessory dwelling.

Property Address:

2103 Laurel Ct.

Section 37.10, Block 1, Lot 9

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, this item was scheduled for a Public Hearing on February 22nd, 2018, and referred to the Building Inspector.

PROVE #2/18 This application is to allow a building lot with an area of 10,000 s.f.

Property Address:

Allen Ave.

Section 37.18, Block 2, Lot 31 R1-10 zone.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, this item was scheduled for a Site Visit on February 10th, 2018, a Public Hearing on February 22nd, 2018, and referred to the Building Inspector.

CURANOVIC #3/18 This is an application for an addition with a front yard setback of

Property Address:

3309 Barkley Ln.

Section 16.16, Block 2, Lot 12 27.8' where a minimum of 40' is required, a side yard setback of 12.3' where a minimum of 15' is required and a combined side yard setback of 31.3' where a minimum of 40' is required as per section 300-21 and Appendix A of the Town Zoning Code. This property is located in a R1-20 zone.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, this item was scheduled for a Site Visit on February 10th, 2018, a Public Hearing on February 22nd, 2018, and referred to the Building Inspector.

HARWOOD PLACE LLC 4/18
Property Address:
200 Harwood Place
Section 37.19, Block 1, Lot 69

The petitioner is seeking the following variances to allow a six family dwelling in a R-3 zone:
The lot has an area of 17,670 square feet whereas 21,780 is required (3.630 sq. ft. per unit) per 300-21 and Appendix A of the Town of Yorktown Zoning Code.
The Building has a front yard setback of 40.3' whereas 50' are required, a side yard of 32.4' whereas 50' are required, a side yard setback of 31.1' whereas 50' are required, a combined side yard setback of 63.5' whereas 100' are required and a rear yard setback of 18.3' where as 50' are required per 300-13G, 300-21 and Appendix A of the Town of Yorktown Zoning Code.
The site has 8 parking spaces whereas 9 are required per 300-21, 300-26A and Appendix A of the Town of Yorktown Zoning Code.
The site does not have an off-street loading space whereas 1 is required per 300-21 and 300-27 of the Town of Yorktown Zoning Code.
The site has a F.A.R. of .31 whereas the maximum permitted is .23 per 300-21 and Appendix A of the Town of Yorktown Zoning Code.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, this item was scheduled for a Site Visit on February 10th, 2018, a Public Hearing on February 22nd, 2018, and referred to the Building Inspector and Planning Department.

CONTINUED PUBLIC HEARINGS

BONFIGLIO #53/17
Property Address:
1233 Baldwin Rd.
Section 47.16, Block 1, Lot 12

This is an application for a proposed accessory structure (ground solar panels) with a side yard setback of 10' where a minimum of 30 is required as per section 300-21 and Appendix A of the Town Zoning Code. This property is located in a R1-80 zone.

This item was adjourned for the applicant to provide screening plan.
Edward Basel appeared before the Board on Applicant's behalf.
Building Inspector John Landi informed Chairman Fine that he had sent an inspector to meet with the property owner to address the concerns of the neighbors. One neighbor to one side and the other to the front.
Mr. Basel showed the Board the new survey with the proposed screening.
Chairman Fine said at the last meeting there were some issues regarding letters from the neighboring property owners about site line to the solar panels, which is what the Applicant came to address. The submission by the applicant addressed those concerns.
The Board discussed the application and applied the statutory factors.
Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, the application for a variance was granted for a proposed accessory structure (ground solar panels) with a side yard setback of 10' where a minimum of 30' is required as per section 300-21 and Appendix A of the Town Zoning Code, with the stipulation that it pertains only to the requested variance and not the remainder of the property line, and the Applicant to provide screening with 8 foot white pines. The plantings shall be placed as indicated on the new survey that was just submitted tonight. The applicant must maintain the 8ft. white pines.

DINEEN, KATHLEEN #48/16
Property Address:
2090 Crompond Rd.

This is an application to modify an existing special use permit for a day care facility per 300-53 of the Tow of Yorktown Zoning Code. This property is located in an R1-10 zoning district.

Section 37.14, Block 2, Lot 8

Applicant before the Planning Board.

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

DINEEN, KATHLEEN #49/16 This is an application for a variance to allow an addition to a daycare facility to have a building coverage of 10057.5 sq. ft. where 7404 sq. ft. is the maximum allowed per 300-21 and Appendix A of the Town of Yorktown Zoning Code. This property is located in an R1-10 zoning district.
Property Address:
2090 Crompond Rd.
Section 37.14, Block 2, Lot 8

Applicant before the Planning Board.

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

NEW PUBLIC HEARING

RODRIGUEZ, FRANK #41/17 This is an application to allow an existing fence in the side yard with a height of 5.5' where a maximum of 4.5' is permitted as per 300-13(f). The applicant also proposes an a.c. unit with a combined side yard setback of 35' where a minimum of 40' is required as per section 300-21 and Appendix A of the Town Zoning code. This property is located in a R1-20 zone.
Property Address:
423 Bonnie Ct.
Section 17.13, Block 2, Lot 22

Applicant not present. Marked off the calendar.

CHASE BANK #52/17 This is an application for the addition of 2 new building signs, each have an area of 9s.f. The addition of these 2 signs to the present signage would increase the total area of 61 s.f., where a maximum of 45 s.f. is allowed as per Appendix D, Chapter 300 of the Town Zoning Code. This property is located in a C-2r zone.
Property Address:
1975 Commerce St.
Section 37.14, Block 2, Lot 66

This is an application that was done last month. An application for the addition of 2 new building signs, each have an area of 9s.f. The addition of these 2 signs to the present signage would increase the total area of 61 s.f., where a maximum of 45 s.f. is permitted. The application was granted last month, however the amount of total square footage was miscalculated by the applicant at that meeting. because they did not count the signs on the side.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, this item was reopened.

Based upon what was heard last month and upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, the application for a variance was granted for the addition of 2 new building signs, each have an area of 9s.f. The addition of these 2 signs to the present signage would increase the total area of 61 s.f., where a maximum of 45 s.f. is allowed as per Appendix D, Chapter 300 of the Town Zoning Code.

OLMEDO & CANAL #56/17 This is an application for a proposed deck with a front yard setback of 32' where a minimum of 40' is required as per section 300-21 and Appendix A of the Town Zoning Code. This property is located in a R1-20 zone.

Property Address:
1401 Christine Rd.
Section 16.17, Block 1, Lot 50

Mailings and sign certification in order.

The applicant stated the variance is for the landing in the front.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, the application for a variance was granted for a proposed deck with a front yard setback of 32' where a minimum of 40' is required as per section 300-21 and Appendix A of the Town Zoning Code. This property is located in a R1-20 zone, with the stipulation that it pertains only to the requested variance and not the remainder of the property line, and that it be built in substantial conformity with the plans submitted.

THE GODDARD SCHOOL #60/17 This is an application to renew as special permit required under section 300-53 of the Town Zoning Code to operate a day care facility. This property is located in a C-1 zone.

Property Address:
62 Triangle Center
Section 37.14, Block 2, Lot 40

Mailings and sign certification in order.

Owner, Annette Cunha appeared before the Board. She stated that there have not been any changes.

Memo from the Assistant Building Inspector dated, January 22, 2018 states:

I have inspected the property on January 12, 2018 and have no objections in granting the renewal of this permit.

Memo from the Planning Board dated, January 22, 2018 states: The Planning Board has no objections for the renewal of this Special Use Permit for the subject property.

Memo from the Fire Inspector dated, January 23, 2018 state: I have no objections to renewing the Special Use Permit.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, the application for renewal of a special use permit was granted for a period of three (3) years, and the special use permit will contain the same maximum number of students as per the current permit.

SUKUMAR ALAMPUR #61/17 This is an application for a special use permit to allow a professional office in a residence. This special permit is required as per section 300-76 of the Town Zoning Code. This property is located in a R1-80 zone.

Property Address:
804 Syska Rd.
Section 70.13, Block 1, Lot 26

Mailings and sign certification in order.

Architect, David Barbuti appeared on Applicant's behalf. He said they are looking to do a professional doctor's office in a one family dwelling. The existing structure was built circa the 1950's, it's located in an R-180. They are looking to convert the existing basement floor level to a doctor's office. Roughly 950s.f. of office area which converts to approximately 24½ percent of the building. Office hours and days are approximately 2 days a week, roughly 10:00am-3:00pm.

Approximately 3-4 patients a day. The doctor will handle all the office work by herself, no other staff. Mr. Barbuti said he went to 2 Planning Board meetings, their concerns was the parking. Was at the last meeting and think it was a favorable outcome.

Memo from the Assistant Building Inspector dated, January 19, 2018 cited no objections.

Memo from the Planning Board dated, January 23, 2018 states: The Planning Board, at its meetings on January 8, 2018, and January 22, 2018, discussed the subject application for a Special Use Permit for a professional office in a residence, under Town Code Section 300-76. A site visit was conducted on January 18, 2018 by the Planning Department and attended by the Applicant's representative. Based on the discussion at the site visit, a revised site plan, dated December 5, 2017, and last revised January 19, 2018, was submitted to the Planning Board for review. The revision includes the creation of a turn around spur adjacent to the existing driveway and across from the existing garage. A total of five (5) parking spaces are provided. The Planning Board believes, based on the information contained in this application and revised plans, that this provide adequate parking, and with the addition of the spur, safe and efficient operation can occur. No additional landscaping appears to be necessary.

Therefore, the Planning Board has no objections to the issuance of a Special Use Permit for the subject property.

Chairman Fine said it appears the Applicant from the Planning Board memo has complied with the requirements of 300-76 to their satisfaction.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, application for a special use permit to allow a professional office in a residence was granted for a period of three (3) years, and it's per the plans submitted to the Planning Board based upon the latest revised plans of January 19, 2018.

<p>SAMI MUMINOFF #62/17 Property Address: 1896 Maple St. Section 37.19, Block 2, Lot 1</p>	<p>This is an application for a proposed 2nd floor addition with a front yard setback of 24.6' where a minimum of 30' is required, a side yard setback of 9.9' where a minimum of 30' is required, a side yard setback of 4.2' where a minimum of 12' is required and a combined side yard setback of 14.1' where a minimum of 24' is required. These are required under sections 300-13(G), 300-21 and Appendix A of the Town Zoning Code. This property is located in a R1-10 zone.</p>
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Mailings and sign certification in order.

Architect, Joel Greenberg appeared before the Board representing the Applicant.

Mr. Greenberg told the Board, if you recall back in 2011 they had got a variance to add a small addition to the back of the house, side yard and rear yard variances. Now Mr. Muminoff would like to add a partial 2nd floor addition to the back of the house, requiring side yard and rear yard variances. Now, Mr. Muminoff would like to add a partial 2nd floor. Not getting any closer to any of the front or side yards, since the addition is the second floor, the non-conformity is being increased.

Chairman Fine confirmed that the partial 2nd floor addition would not cover the entire width of the house.

Mr. Greenberg said yes.

Mr. Fahey asked how many square foot is the house, the section they're proposing?

Mr. Greenberg said is about 800 square feet.

Chairman Fine asked what's the current square footage of the house.

Mr. Greenberg said 800 s.f. plus the rear addition, so probably about 11000 s.f..

Mr. Greenberg showed the Board the floor plans of the proposed addition.

Memo from the Assistant Building Inspector dated, January 9, 2018 states: On 1/9/18 I visited and found a zoning compliant shed that was installed without a building permit. This shed will need to be legalized as part of the proposed project.

The Applicant is requesting an area variance to allow a second floor addition with a front yard setback of 24.6' whereas 30' are required, a side yard setback of 9.9' whereas 30' are required, a side yard setback of 4.2' whereas 12' are required and a combined side yard setback of 14.1' whereas 24' are required per 300-13G, 300-21 and Appendix A of the Town of Yorktown Zoning

Code.

Mr. Greenberg said he believes it was legalized in the last time, but he'll check.

The Board and Mr. Greenberg discussed couple of the Board members concerns about the heights of the addition.

Chairman Fine said when the Board did the site visits, one of the concerns that's cropping up here tonight is that it's a corner house and non of the other houses immediately surrounding it are 2 story homes. They're all kind of one level homes, and if you put a 2nd story on this one, it might dwarf the other homes.

Mr. Greenberg said if you're coming down Maple Hill Street, Mr. Muminoff is at the corner, lowest end of the street, and as you're going back up, obviously those houses are getting higher and higher elevation wise. So don't think that it's going to affect the neighborhood at all. When he was putting up the signs for the ZBA signs, couple of the neighbors came out and he explained what they were doing and they said okay, Mr. Muminoff is a good neighbor, keeps the place immaculate and they have no problems.

Chairman Fine asked what's the need if you're going straight above the current house, what's the requirement for the 2nd story addition.

Mr. Greenberg said the applicant wants to have the bedrooms upstairs.

Chairman Fine said the need for the variance on the setbacks if you're just going straight up. Does the rest of the house conforms to the setbacks already.

Mr. Greenberg said the only reason they're here before the Board is because they're just basically going up, not getting any closer to any of the property lines that they did before. It's call extension of a nonconforming use.

Mr. Meisterich said one of the issues is one of the setback is a side, basically needs to be a front yard setback even thou it's a side yard. It's a corner property so it's already real significant on that corner there and now you're going up a 2nd story.

Mr. Greenberg said it's not getting any closer, the prior variance was granted in 2011.

Mr. Meisterich asked if the house itself was built before zoning.

Mr. Greenberg said the original house must have been, when they added the 1st story addition in 2011, that's when they had to get the variances to clean up the fact that the existing house had non conforming setbacks, and was just trying to legalize the whole house even thou the addition only required the 1 side yard variance, and all they're doing now is the exact same thing, since they're extending the nonconformity, not getting any closer. If you look at the house, he thinks an improvement to the neighborhood, not a detriment.

Chairman Fine said a site visit was done, he understoo the concerns about the height, but they're not asking for a height variance.

Mr. Greenberg said right, they made all the height requirements.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, the application for variance was granted for a proposed 2nd floor addition with a front yard setback of 24.6' where a minimum of 30' is required, a side yard setback of 9.9' where a minimum of 30' is required, a side yard setback of 4.2' where a minimum of 12' is required and a combined side yard setback of 14.1' where a minimum of 24' is required. These are required under sections 300-13(G), 300-21 and Appendix A of the Town Zoning Code, with the stipulation that it pertains only to the requested variance and not the remainder of the property line, and the addition be built in substantial conformity to the plans submitted.

**WEST. SEVENTH DAY
ADVENTIST CHURCH #63/17
Property Address:
1243 White Hill Rd.
Section 36.15, Block 1, Lot 20**

This is an application to allow 2 free standing signs where only 1 is permitted and a church sign with an area of 15 s.f. where a maximum of 6 s.f. is allowed as per section 300-54(c) and Appendix C of the Town Zoning Code. This property is located in a R1-40 zone.

Mailings and sign certification in order.
Stephen Chester of Signs Ink appeared on Applicant's behalf.

Chairman Fine said it looks like you want to put a sign at the center in the property line in the front and one on the driveway.

Mr. Chester said there's one on the driveway already, the Our Montessori. They want to put one to let everybody know there's a church.

Chairman Fine said there's another sign where the Zoning Board notice was posted, is that the other sign.

Mr. Chester said yes, that's the other sign.

Chairman Fine asked if they're looking to put 2 more signs or change those signs.

Mr. Chester said no. Just legalize the one that's wrapped in a banner.

Memo from the Assistant Building Inspector dated, January 22, 2018 states: I have inspected the property on January 8, 2018 and have no objections in granting relief. The applicant will need a sign permit for this work.

Memo from ABACA dated, January 22, 2018 comments as follows:

1. This is an application to allow 2 free standing signs where only 1 is permitted and a church sign with an area of 15 s.f. where a maximum of 6 s.f. is allowed as per section 300-54(c) and Appendix C of the Town Zoning Code.
2. The Board did not understand why this site required two signs that presented (as far as we could tell) the same information, on the same stretch of road, in a very uncluttered residential neighborhood.
3. On the site plan, the signs appeared to be very close to each other. Their proximity brought the need for two signs even more into question.
4. The photo rendering indicated that the sign might be further apart, but the application is confusing and certainly needs clarity around this issue.
5. But, just to be clear, regardless of how far apart the signs are, ABACA does not think the second sign is necessary, nor does it add any information or aesthetic value to the site.
6. The Board would not be opposed to the applicant replacing the existing sign with the proposed since it would be an improvement over what is currently in place.

Mr. Chester said the day of the ABACA meeting, they just put this matter on the ABACA agenda at the last minute and he did not know he was supposed to go to the meeting. They did not see him, they did not understand the application obviously. So the Montessori is all about Montessori, the church sign is all about the church, they're obviously not the same information, you need 2 signs. Jane Chung, Secretary of the church came to the podium, she said they came into this property May of last year, Church of Nazarene had put up a sign where you see the one that's covered, and as she understand they never got a permit, so when Montessori went for the variance they got.....

Mr. Meisterich said he know the Board approved the Montessori sign, so it's unimaginable they would not take the other sign into consideration that was already there.

Mr. Gregory asked if they're changing the church sign.

Ms. Chung said they're keeping the same size, just changing the information that's on the sign.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, the application for a variance was granted to allow 2 free standing signs where only 1 is permitted and a church sign with an area of 15 s.f. where a maximum of 6 s.f. is allowed as per section 300-54(c) and Appendix C of the Town Zoning Code, with the stipulation it pertains only to the requested variance and not the remained of the property line, and the sign be erected per the sample submitted.

JDG BUILDERS #64/17 This is an application to allow a single family dwelling on a lot size of 14,000 s.f. where a minimum of 20,000 s.f. is allowed as per section 300-21 and Appendix A of the Town Zoning Code.
Property Address:
1455 Hiawatha Rd.
Section 15.12, Block 2, Lot 19

Mailings and sign certification in order.

John Gilmore appeared before the Board representing the builder. They are purchasing the property, it's in an R-110, requiring 20,000 s.f., have 140x100 lot, 14,000 s.f.. Larger than most of the property in the area.

Mr. Bucci asked if there's a sewer spur there.

Mr. Gilmore said no sewer, but went ahead and go Board of Health approval.

Mr. Gilmore submitted a copy of the BOH approval and showed the Board the plans for the house.

Memo from the Assistant Building Inspector dated, January 10, 2018 cited no objections.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, the application for a variance was granted to allow a single family dwelling on a lot size of 14,000 s.f. where a minimum of 20,000 s.f. is allowed as per section 300-21 and Appendix A of the Town Zoning Code, with the stipulation that it pertains only to the requested variance and not the remainder of the property line, and the house be built in substantial conformity to the plans submitted.

Recording Secretary, Glenda Daly

Meeting adjourned at 7:40pm

Happy Zoning!