

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS
FEBRUARY 22ND, 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, February 22nd, 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 Optimum Channel 20 and Verizon Fios Channel 33.

It was announced that the next public hearing would be held on March 22nd, 2018, site visits are scheduled for March 10th, 2018. Mailings are to be sent from February 26th to March 7th, 2018.

NEW BUSINESS

**PITURRO & SACCAVINO
#5/18**

This is an application for a renewal for a special use permit for an accessory apartment.

**Property Address:
2959 Sherman Court Section
25.12, Block 1, Lot 4**

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, this item will be handled administratively and referred to the Building Inspector.

**HALLOCK #6/18
Property Address:
2465 Trelawn Street Section
27.19, Block 1, Lot 3**

This is an application for a new portico with a front yard setback of 50.1' and an addition with a front yard setback of 53' where both require a minimum of 75' as per 300-21 and Appendix A of the Town Zoning Code. This property is located in a R1-80 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 March 10th, 2018, a Public Hearing on March 22nd, 2018, and referred to the Building Inspector.

**RHOADES #7/18
Property Address: 2772
Windmill Dr. Section 27.10,
Block 3, Lot 36**

This is an application to allow a pool deck with a side yard setback of 8' 10.5" where a minimum of 10' is required. The applicant also seeks a variance for a rear yard shed with side yard setbacks of 8' 5.5" and 4'2" where a minimum of 10' is required. These setbacks are required as per 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 March 10th, 2018, a Public Hearing on March 22nd, 2018, and referred to the Building Inspector.

**CELESTRIAL HOLDINGS
#8/17**

**Property Address:
822-824 Pines Bridge Rd.
Section 70.17, Block 1, Lot 5**

This is an application for a special use permit for the keeping of fowl as per 300-81.3 of the Town Zoning Code. This property is located in a R1-80 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 March 10th, 2018, a Public Hearing on March 22nd, 2018, and referred to the Building Inspector.

**BARTOLEMEI #9/18
Property Address:
1630 Croton Lake Rd. Section
58.9, Block 1, Lot 19**

This application for a special use permit for an accessory dwelling is located in a R1-80 zone and seeks multiple variances: • The building that houses the accessory dwelling will have a rear yard setback of 50.7' where a minimum of 75' is required as per 300-38(B)(1) and Appendix A of the Town Zoning Code. • The Accessory dwelling will be located in a single story building whereas it must be located on a 2nd story as per 300-38(B)(1) of the Town Zoning Code. • The accessory dwelling will displace the original use (pool house) which is not permitted as per 300-38(B)(1) of the Town Zoning Code. • The accessory dwelling will have a floor area of 1290 s.f. which exceeds the maximum of 800 s/f/ as per 300-38(B)(5) of the Town 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 March 10th, 2018, a Public Hearing on March 22nd, 2018, and referred to the Building Inspector.

**SERAFIN #10/18
Property Address:
415 Spring Drive Section
48.18, Block 2, Lot 41**

This is an application for a proposed front yard addition (porch), with a front yard setback of 48.67' where a minimum of 50' is required as per section 300-21 and Appendix A of the Town Zoning Code. This property is located in a R1-40 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 March 10th, 2018, a Public Hearing on March 22nd, 2018, and referred to the Building Inspector.

**GOC #11/18
Property Address:
1169 East Main St. Section
16.10, Block 1, Lot 37**

This is an application to convert a single family dwelling to a 2 family dwelling with one apartment having a usable floor area of 524 s.f. where a minimum of 650 s.f. is required. The lot area is 5227 s.f. where a minimum of 20,000 s.f. is required with 900 s.f. of open space where a minimum of 2,000 s.f. is required. These are per section 300-68(A), 300-68(B) and 300 (D)(1) of the Town Zoning code. This property is located in a 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 March 10th, 2018, a Public Hearing on March 22nd, 2018, and referred to the Building Inspector.

**A & E SERVICES #12/18
Property Address:
2118 Saw Mill River Rd.
Section 37.10, Block 1, Lot 1**

The proposed apartment will be located in a separate dwelling whereas two families in an R-2 zone are required to be located in a single dwelling per 300-21(c)(2)(a)(2) 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 March 10th, 2018, a Public

Hearing on March 22nd, 2018, and referred to the Building Inspector.

CONTINUED PUBLIC HEARINGS

DINEEN, KATHLEEN #48/16 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.
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, 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

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

Mailings and sign certification in order.

Memo from the Assistant Building Inspector dated, February 20, 2018 states:

The subject premises was inspected on February 20, 2018, and no changes have been made to the apartment since the previous approval.

The use will continue to be in substantial compliance with applicable building and zoning regulations. The Applicant should be advised that a new Certificate of Occupancy must be issued for continued use of the accessory dwelling.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, the application for renewal of special use permit for an accessory dwelling was granted for a period of three (3) years.

PROVE #2/18 This application is to allow a building lot with an area of 10,000 s.f. where a minimum of 20,000 s.f. is required as per section 300-21 and Appendix A of the Town Zoning Code. This property is in a R1-10 zone.
Property Address:
Allen Ave.
Section 37.18, Block 2, Lot 31

Mailings and sign certification in order.

Phil Sander with RPG Properties representing the Applicant on Albert Capellini's behalf.

He said the Board should have received correspondence from Mr. Capellini's, summary of

everything that's associated with the application. Here today because you have those stray lots for one reason or another never got developed. This is a lot that is in one of the first subdivision in Yorktown.

Chairman Fine said he went through the letter from Mr. Capellini, but in lieu of reading the entire letter aloud, he asked Mr. Sanders to paraphrase and give basically the history of the lot, up zoning, and other pertinent facts.

Mr. Sanders said this is the Allan Avenue neighborhood, which runs from Baldwin Road all the way over to Route 118. He showed the Board the map of the lots in the area.

He said all the lots except maybe for 1 or 2 are all 10,000sq.ft., this was developed in the early 1960's late 1950's. A number of the lots along one side of Allan for some reason was built later on, very late. After 95% had been built, sanitary sewers was installed. This lot has been paying sewer taxes from the mid 1950's up to the 2000's. It's 100x100 as just about every other lot in the neighborhood. The lot meets all the standards in an R-110 zoning district except for the total square footage which is a requirement now since the up zoning in the early 1970's to 20,000 sq.ft.. All of the lots in this neighborhood have similar setbacks, some houses are from 2500sq.ft to 1500/1600sq.ft.. The applicant is proposing to build something in character with the neighborhood in terms of setbacks and dimensions, etc. He showed the Board a photo of what is proposed to be built.

He said it's 2-stories with a 2 car garage. The design from the engineer meets the grade setback that comes down from Allan to get to the garage. The site engineer, Joseph Riina has designed a stormwater plan, grading plan, all of which will be built following the codes of the town.

He showed photos of similar size houses in the neighborhood, and photos of various lots with 100ft. separation in grade. He also showed a photo of where lot 29 meets lot 30 and said you can see how they dealt with grade issues getting down to a garage, and what you can see when you're driving down Allan Avenue is pretty much the second floor and roof of those houses.

Mr. Capellini's submission referred to the history of payment of sewer taxes, and, in accord with prior ZBA cases, he submitted that the lot should be considered a legal lot.

Chairman Fine asked Mr. Sanders if he's representing the Contract Vendee. Mr. Sanders responded yes.

Chairman Fine asked how long has the current owner owned the property. Mr. Sanders said since sometime in November 2017

Joseph Riina, Project Engineer came to the podium. He stated that the lot is 10,000sq.ft., and is in the R-110 zone and when it was created it initially conformed to the land area requirements for the R-110 zone, which was subsequently change to 20,000sq.ft.. The site plan they prepared meets all of the other bulk standards as for setbacks, coverage, etc. The proposed driveway which will be entering at the left side of the site and will swing down to the garage. On the right side of the house which matches the photo shown, meets all the minimum or maximum grade standards set forth in the Town Code. All of the grading is reflective of the standard maximum or minimum topographic information.

Mr. Fahey asked what does that mean, can you explain.

Mr. Riina said there are minimum grades that you really don't want to exceed when you're doing grading without structural stabilization. So we don't exceed any of those grades.

Mr. Fahey asked how close do they come to that.

Mr. Riina said not close at all, the closest they come to the maximum would be a 1 on 2, we're at 1 on 4 which is fairly a decent grade. That's not the driveway, that's the grading around the residence.

Chairman Fine asked how close to the road the residence is proposed to be.

Mr. Riina said the residence is right at the setbacks line which is 30ft.

Chairman Fine said as you pointed out, many of the homes on Allan Avenue are pretty close to the road.

Mr. Riina said they are all in that same class where they're right up on the setback line.

Chairman Fine asked if it's in keeping with the way the other homes are.

Mr. Riina said yes. Additionally they designed a storm water system. Typically when they design a storm water system for a piece of property, first of all under normal circumstances, a storm water system under the Town Code is not required for this size project, but in this case being sensitive to the fact that there are neighboring properties in the rear, storm water system is proposed that not only meets, but would exceed what we would normally do if we were subject to that.

They designed to handle a 100yr. storm and when you design to 100yr. storm, normally you design it for the difference between runoff and proposed runoff. In this case, they're taking the entire runoff of all the impervious surfaces which are the driveway, the structure, anything they can collect within this footprint, and they're recharging it into ground water. They've done testing out there, done infiltration test, deep test, and all conditions are quite suitable for infiltration. So they have no overflow discharge.

It's a pretty "belt and suspenders" system and Mr. Sanders is sensitive to the fact that they don't want to affect the neighbors and they've done a design on that. In addition to that, there will be landscape that borders the property on all sides to provide a visual barrier.

Chairman Fine asked if the house they are proposing fits the R-110 setbacks, and that no variance for that being is requested.

Mr. Riina said correct, no variance being requested for that. They only variance is the undersized lot.

Chairman Fine asked if there are any comments. Neighbors Michael Epting, Richard Michelutti, Susan Monteforte, John Noak, Ken Keenan, John Linkee, Alice Shaughnessy, John Monteforte, and Patrick Andrews, came and spoke of their concerns about drainage, off street parking, runoffs, visual impacts, noise pollution, density, wetlands, traffic, the substandard lot, up zoning and other issues. During the discussion with Mr. Linkee, Chairman Fine said he remembers way back when all the substandard lots kept cropping up originally, and the Board used to and doesn't know why it stopped or if there's anything that's changed, but if you had an owner that owned 2 contiguous substandard lots, use to say you have to combine them to make 1 buildable lot. There was a merger rule. Here you had one owner own 2 contiguous lots, instead of combining them and making them 1 legal lot, they were sold off as 2 separate parcels to make 2 separate unbuildable lots under the current law, that's what is troubling. As far as a self created hardship, you can't get much worse than that. The lots could have been combined were not.

Mr. Bucci asked if there's something in the code to prevent that, by operational law usually if you own 2 substandard lots, they are deemed to be 1 buildable lot.

Mr. Sanders said he wanted to address some of the comments on the wetlands. They did have a wetland expert look at the property and he took some photos. Their conclusion is it does not need any of the tests for wetlands in terms of soil, vegetation or standing water. Mr. Sanders submitted the report to the Board.

Joseph Riina addressed the storm water aspect. He said as he stated, they did do testing out there. They did deep holes where they dug down to 8ft., they encountered no water, no signs of ground water. The soil was dry.

Mr. Bucci asked if it was in a particular location.

Mr. Riina said there was 2 locations.

Mr. Fahey asked if they're still in evidence.

Mr. Riina said yes, they are. Dig the test holes, note the soil strata going down. There was 4-6 inches of topsoil. It was verified by the infiltration test.

Mr. Fahey asked what is the satisfactory infiltration rate.

Mr. Riina said the minimum if ½ inch drop in 1hr. period is he passable rate, think they were well above that, theirs was more in the range of 10 inch drop in 1hr. time span.

To describe the system, it's design for a 100yr. storm which for this area is 9.4 inches of rainfall, so that's pretty severe conditions.

Mr. Meisterich said you're saying you could take 9.4 inches with all the impervious surfaces and drain it into the ground.

Mr. Riina responded that's exactly what he's saying. The system itself is a bed of open bottom chambers, 30 inches high surrounded in gravel, the system is basically 33 chambers, 80ft. long and it's about 24ft. in width. It's a pretty substantial size system.

Mr. Bucci asked what is the difference in potential runoffs at the site as it exists versus having that system in place.

Mr. Riina said they are decreasing over existing conditions. Don't have the figures off hand.

Mr. Bucci said you're saying there's more runoffs or water as it exist in its natural state now than with that system in place.

Mr. Riina responded, right.

Mr. Fahey asked if the water that goes into they system that's proposed, is that surface water.

Mr. Riina said surface water and any king of seepage that's picked up that would bleed out onto the surface.

Mr. Fahey asked if it's a grate on top of it, what would prevent this over time from being fill with silt and leaves.

Mr. Riina said as part of the storm water pollution prevention plan they did for this, you have to create a maintenance plan that goes with that. The maintenance plan is an actual document that is filed with the Town that makes this property owner responsible to maintain.

Mr. Bucci said what happens if they don't.

Mr. Riina said the Town has enforcement power.

Mr. Gregory asked who's the approval agency.

Mr. Riina said the Town is the approval agency. The Town Engineer approves the drainage system. You'll go to the Building Inspector and he'll make the determination.

Mr. Gregory asked if the Town Engineer has taken a look at this yet.

Mr. Riina said it has been submitted. At some point will have to get final review before building permits is issued.

Mr. Bucci asked what happens in the event that the house for whatever reason, goes vacant for a significant period of time and no one is doing the maintenance, the Town is not going to come and do it.

Mr. Riina said that's always going to be an issue on any property.

Mr. Gregory asked if as a result of putting in the system will there be a limit as to the amount of screening to adjoining property owners that you'll be able to do.

Mr. Riina said yes, they'll be more than happy to do landscaping.

Mr. Bucci asked if any of the trees will be left or are they being taken down.

Mr. Riina said part of hillside will remain, really not looking to disturb much of the buffer.

Some of the neighbors came back up to voice their concerns again.

Memo from the Assistant Building Inspector dated, February 8, 2018 states: On 2/8/18 I visited the site and observed a vacant land without any structures.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, this item was adjourned and request that the applicant contact the Town Engineer and have him check out whatever he can check out by the next meeting and send a report. Also for the legal department to provide history on ownership of the 2 lots (30 & 31) by the next meeting. Applicant is to provide preliminary landscaping plan.

CURANOVIC	#3/18	This is an application for an addition with a front yard setback of 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
Property Address:		yard setback of 31.3' where a minimum of 40' is required as per
3309 Barkley Ln.		
Section 16.16, Block 2, Lot 12		

section 300-21 and Appendix A of the Town Zoning Code. This property is located in a R1-20 zone.

Mailings and sign certification in order.

Architect, Michael Piccirillo representing the Applicant. He said the Applicant purchased the property last year and desires to renovate the interior to do a second-floor addition, to do a new deck and new front portico. Single family, non-conforming house with non-conforming side yard setbacks, non-conforming front yard setback. Looking for variances because they're going up. Looking for side yard, combined side yard and front yard variances because they're adding a portico in the front with steps.

Mr. Fahey asked how much of the original house being proposed to be removed. Are they taking the whole house down?

Mr. Piccirillo said the existing first floor is the footprint, it going to be maintained, it's going to be gutted. Have an existing second-floor there, substandard in heights, the second-floor will be coming off and putting a new second-floor on, essentially maintaining the footprint of the existing house.

Mr. Piccirillo showed the Board the design of the proposed structure.

He said the house will be much improved, it's been vacant.

Memo from the Assistant Building Inspector dated, February 8, 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 for an addition with a front yard setback of 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. 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 with plans submitted.

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.

Mailings and sign certification in order.

Joseph Riina, Project Engineer appeared on Mr. Capellini's behalf who is representing the Applicant. Mr. Riina said the application is to legalize what exist under the present code. Variances are being sought to being into conformance a 6-family residential building which is in an R-3 zone, the building

exist since 1973 and was built as a 4-family under the Urban Renewal Program. Subsequently in subsequent years, 2 apartments were added, the building and configuration of parking, etc. has not changed since its creation. This was part of Urban Renewal which is consistent with the area. As you look West into the Hamlet area, you have Underhill Avenue and Commerce Street which was all subject to the Urban Renewal which entails redevelopment, teardown, where flexibility was critical in the planning of these areas. Harwood Place Building met the Urban Renewal requirements and a Certificate of Occupancy was issued for a 4-family house in 1973. However, it was incorrectly zoned R-2 not recognizing the 4-family. In more recent times, in the last 2-5years, 2 apartments were added to the lower level. Harwood Place LLC took ownership of the property in December 2016 in its current state with the 2 added apartments.

Chairman Fine asked if this is an R-3 zone.

Mr. Riina responded yes.

The present owners are interested in legalizing everything and conform to zoning, building and safety codes of the State and Town.

Because of the character of the neighborhood, the 2 extra apartments fit in nicely and are well positioned for pedestrian access to the downtown business and cultural hamlet, walking distance to Town Hall, railroad and patriot parks, north county trails, etc. Harwood Place is clearly an extension of the social and cultural center of the town.

This past year the Town Board recognize that this be zoned R-3, they thought R-3 would be appropriate for this property and they passed a resolution on that in the fall. They also recognized that there will be a need for variances for the property. Most of the variances have nothing to do with the 2 extra apartments.

Mr. Bucci asked if those apartments are up to code.

Mr. Riina said if they're not, they'll be brought up to code.

Mr. Meisterich asked if the 2 extra apartments are part of the variances requested.

Mr. Riina said it is, but the point he's making is out of the variances they're seeking, 2 of them are really triggered by the 2 apartments, the other ones are mainly setbacks requirements, which are an existing condition based on the way the building was approved and laid out.

Just to make a clarification, where in the affidavit it states it has to do with the floor area ratio and the parking, it's actually the minimum lot area and the parking. On the minimum lot area, it requires 3,630 sq.ft per dwelling unit, and they're shy 4,110 sq.ft., and regarding the parking, 9 parking are required, they're providing 8.

As of December, there were only 9 people living in 6 apartments, 4 of the apartments each had 1 tenant. There is ample street parking which is utilize routinely by the 3 houses of worship that are adjacent or close the property.

Memo from the Planning Board dated, February 22, 2018 states: The Planning Board has no planning objections to any of the requested variances.

Memo from the Assistant Building Inspector dated, February 8, 2018 states:

On 2/8/18 I visited the site and found a zoning noncompliant shed that was installed without a building permit. This shed will be removed by the Applicant.

The Applicant is seeking the following variances to allow a six family dwelling in a R-3 zone:

The lot has an area of 17,670 sq.ft. whereas 21,780 sq.ft. 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 F.A.R. of .31 whereas the maximum permitted is .23 per 300-21 and Appendix A of the Town of Yorktown Zoning Code.

Mr. Riina said in conclusion, most of the variances are imposed by the standards and not by the size of the building or it's use, all of the apartments have their own entry and exit and will comply with the NYS Building & Energy and Safety codes. All the apartments are serviced by public water and sewer. No public health safety or welfare issues related to the larger F.A.R. requirement or relaxation of the zoning area standard. The 6 apartments is conforming used in the R-3 zone. On February 21st, Al Capellini submitted an affidavit which addresses the 5 standards.

Chairman Fine said he reviewed it and made it part of the file.

Mr. Fahey asked if the building department has been in to see the basement apartments.

Mr. Riina said yes, Joe Angiello called to make an appointment.

Mr. Landi said he was not aware of it, it was not reported to him.

Chairman Fine said as per the memo, he was there February 8th, 2018.

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 was granted for the following variances:

The lot has an area of 17,670 sq.ft. whereas 21,780 sq.ft. 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 F.A.R. of .31 whereas the maximum permitted is .23 per 300-21 and Appendix A of the Town of Yorktown Zoning Code.

With the stipulation that it pertains only to the requested variances and not the remainder of the property line, and the Applicant is to remove the shed.

Recording Secretary, Glenda Daly

Meeting adjourned at 8:27pm

Happy Zoning!,