

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS
DECEMBER 13TH, 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, December 13th, 2018. The meeting began at 6:30 p.m.

The following members of the board were present:

Gregg Bucci
William Gregory
Gordon Fine
John Meisterich

Also present is Special Counsel, John Buckley. The meeting was aired on Channel 20 Cablevision and Channel 33 Verizon Fios.

It was announced that the next public hearing would be held January 24th, 2019, site visits are scheduled for January 12th, 2018. Mailings are to be sent from January 2nd to January 9th, 2019.

NEW BUSINESS

CANTONE, ANN #54/18 This is an application for a special use permit for a renewal accessory apartment. This property is located in a R1-20 Zoning District.
Property Address:
1818 Amazon Rd.
Section 25.11, Block 1, Lot 5
Upon motion by Fine, seconded by Bucci and unanimously voted in favor by Bucci, Fine, Gregory, and Meisterich, this item will be handled administratively and referred to the Building Inspector.

LENSETH, ROBERT & HEATHER #55/18 This is an application for a special use permit for a renewal accessory apartment. This property is located in a R1-80 Zoning District.
Property Address:
1145 Baldwin Rd.
Section 47.19, Block 1, Lot 12
Upon motion by Fine, seconded by Bucci and unanimously voted in favor by Bucci, Fine, Gregory, and Meisterich, this item will be handled administratively and referred to the Building Inspector.

REYES, MICHAEL #56/18 This is an application for a special use permit for a renewal accessory apartment. This property is located in a R1-40 Zoning District.
Property Address:
2974 Sherman Court
Section 25.12, Block 1, Lot 9
Upon motion by Fine, seconded by Bucci and unanimously voted in favor by Bucci, Fine, Gregory, and Meisterich, this item will be handled administratively and referred to the Building Inspector.

ACME REALTY #57/18 This is an application for a directory sign having a letter size of 12 7/8" where a maximum of 6" is permitted as per Appendix D of the Town Zoning Code.
Property Address:
2025 Crompond Rd.
Section 37.14, Block 1, Lot 46
Upon motion by Fine, seconded by Bucci and unanimously voted in favor by Bucci, Fine, Gregory, and Meisterich, this item was scheduled for a Site Visit on January 12th, 2019, a Public Hearing on

December January 24th, 2019, and referred to the Building Inspector, ABACA and Planning.

BROWNE, ROSS #58/18 This is an application to allow an existing shed with a front yard setback of 7' where a minimum of 50' is required and a combined side yard setback of 37.9' where a minimum of 50' is required as per 300-21 and Appendix A of the Town Zoning Code.
Property Address:
255 Colonel Green Rd.
Section 59.07, Block 1, Lot 32

Upon motion by Fine, seconded by Bucci and unanimously voted in favor by Bucci, Fine, Gregory, and Meisterich, this item was scheduled for a Site Visit on January 12th, 2019, a Public Hearing on December January 24th, 2019, and referred to the Building Inspector.

CONTINUED PUBLIC HEARINGS

WASHINGTON PRIME GROUP #39/18 This is an application to allow an existing lot of 38.76 acres to be subdivided into 2 lots, 30.05 acres and 8.42 acres with .29 acres within a town ROW, where a minimum lot size is 35 acres. They also seek a variance to permit a main building with a setback of 5' from a street where a minimum of 50' is required. Variances required are per sections 300-88(A) and 300-87 of the Town Zoning Code. This property is located in a CRC zone.
Property Address:
650 Lee Blvd.
Section 16.12, Block 1, Lot 24

Application withdrawn without prejudice.

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

NEW PUBLIC HEARING

BEHAN #49/18 This is an application for the renewal of an accessory apartment.
Property Address:
1798 French Hill Rd.
Section 37.18, Block 1, Lot 7

Mailings and sign certification in order

Memo from the Assistant Building Inspector dated, December 3, 2018 states: The subject premises

was inspected on December 3, 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 Bucci and unanimously voted in favor by Bucci, Fine, Gregory, and Meisterich, the application for renewal of a special use permit for an accessory apartment was granted for a period of three (3) years, with the stipulation that the applicant must provide copy of the notice that was sent prior to Certificate of Occupancy being issued.

MUSHKOLAJ #50/18 This is an application for a special use permit for an accessory apartment. The property is located in an R1-20 zoning district.
Property Address:
3551 Buckhorn St.
Section 16.10, Block 4, Lot 13

Mailings and sign certification in order

Memo from the Assistant Building Inspector dated, December 6, 2018 states: The subject premises was inspected on December 6, 2018, and no changes have been made to the apartment since the previous approval. This is anew owner of the premises since the last renewal.

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

DRUSHEN #51/18 This is an application for the renewal of an accessory apartment.
Property Address:
379 Hallocks Mill Rd.
Section 37.10, Block 1, Lot 38

Mailings in order.

Amy Martinez appeared on Applicant's behalf.

Memo from the Assistant Building Inspector dated, November 27, 2018 states: I inspected the premises on 11/15/18 and found conditions basically the same as at the time of the previous granting. We have no objection to the granting of this application for renewal as long as the applicant is made aware that they have to come to the Building Department and be issued a new Certificate of Occupancy for the accessory apartment.

Upon motion by Fine, seconded by Bucci and unanimously voted in favor by Bucci, Fine, Gregory, and Meisterich, the application for renewal of a special use permit for an accessory apartment was granted for a period of three (3) years, with the stipulation that the applicant must submit a copy of the photo for the sign affidavit.

BROSS #52/18 This application is for a variance for a proposed addition with a front yard setback of 26' where 40' is required and a combined side yard setback of 34' where 40' is required as per Section 300-21 and Appendix A of the Town of Yorktown Zoning Code.
Property Address:
3458 Spruce St.
Section 16.13, Block 2, Lot 22

Mailings and sign certification in order.

Michael Bross appeared before the Board. He stated they are adding an addition on the house. Memo from the Assistant Building Inspector dated, November 5, 2018 cited no objections. The

applicant will need a building permit and Certificate of Occupancy for this work.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Bucci and unanimously voted in favor by Bucci, Fine, Gregory, and Meisterich, the application for a variance was granted for a proposed addition with a front yard setback of 26' where 40' is required and a combined side yard setback of 34' where 40' is required as per Section 300-21 and Appendix A of the Town of Yorktown Zoning Code, with the stipulation it pertains only to the requested variance and not the remainder of the property line and the addition be built in substantial conformity with the plans submitted.

KWIATKOWSKI #53/18 This is an application for a variance for a proposed addition with a combined side yard setback of 66.5' where 80' is required and a rear yard setback of 68' where 75' is required as per Section 300-21 and Appendix A of the Town of Yorktown Zoning Code.
Property Address:
1164 Hunterbrook Rd.
Section 58.5, Block 1, Lot 14

Mailings and sign certification in order.

George Kwiatkowski appeared before the Board. Looking to extend the front of the house, expand the living room and slightly bump out the back of the house to slightly enlarge the kitchen. Memo from the Assistant Building Inspector dated, November 14, 2018 cited no objection.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Bucci and unanimously voted in favor by Bucci, Fine, Gregory, and Meisterich, the application for a variance was granted for a proposed addition with a combined side yard setback of 66.5' where 80' is required and a rear yard setback of 68' where 75' is required as per Section 300-21 and Appendix A of the Town of Yorktown Zoning Code, with the stipulation 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.

Recording Secretary, Glenda Daly
Meeting adjourned at 6:56pm
Happy Zoning!