

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS
FEBRUARY 28TH, 2019**

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 28th, 2019. The meeting began at 6:30 p.m.

The following members of the board were present:

Gregg Bucci
William Gregory
Robert Fahey
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 March 28th, 2019, site visits are scheduled for March 16th, 2019. Mailings are to be sent from March 4th to March 13th, 2019.

NEW BUSINESS

NEWSHOLME, DONALD #4/19 This is an application for a renewal of a special use permit for a professional office as per Section 300-76 of the Town of Yorktown Zoning Code. Property is in an R1-20 Zone.
Property Address:
2326 Crompond Rd.
Section 37.9, Block 1, Lot 58
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.

SCHNAUDIGEL, RODMAN #5/19 This is an application for a renewal of a special use permit for an accessory apartment at 1228 East Main St., Shrub Oak.
Property Address:
1228 East Main St.
Section 16.10, Block 2, Lot 76
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.

DAVIS, MICHAEL #6/19 Application is to renew a special use permit for the Day Care Facility per 300-52 of the Town of Yorktown Zoning Code. Premises is in an R1-20 Zone.
Property Address:
1770 Strawberry Rd.
Section 15.11, Block 1, Lot 1
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.

VAISSY, LANDON #7/19 This is an application to allow a 6' fence in the side yards where a maximum of 4.5' is allowed as per 300-13(F) of the Town Zoning Code. This property is in an R1-20 Zone.
Property Address:
751 Oakside Rd.
Section 16.16, Block 1, Lot 2
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 16th, 2019, a Public Hearing on March 28th, 2019, and referred to the Building Inspector.

CONTE HOMES #8/19

Property Address: The proposed single-family residence has a front yard setback of 75' from center of the existing roadway where 100' is required as per section 300-21 and Appendix A (footnote #1) of the Town of Yorktown Zoning Code.
1420 Journeys End Rd.
Section 68.06, Block 1, Lot 10

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 16th, 2019, a Public Hearing on March 28th, 2019, and referred to the Building Inspector.

LENSETH, ROBERT #9/19 The proposed barn has a front yard setback of 15' and a side yard setback of 10.4' where 75' and 30' respectfully is required. The applicant is requesting an interpretation of what constitutes a rear yard on a corner lot as per section 300-13(G) and Appendix A of the Yorktown Zoning Code.
Property Address: 1145 Baldwin Rd.
Section 47.19, Block 1, Lot 12

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 16th, 2019, a Public Hearing on March 28th, 2019, and referred to the Building Inspector.

3717 CROMPOND ROAD LLC #10/19 Application for an Interpretation of the Yorktown Zoning code as to whether an active main use is required to allow for the use of an approved parking lot (site plan) to be used for parking of vehicles and/or in the alternative for a variance to allow for the accessory use of the subject property for purposes of parking without an active main use.
Property Address:
3717 Crompond Rd.
c/o Law Office of Grace & Grace
Section 35.08, Block 1, Lot 13

It was deemed an interpretation was not needed after discussion between the Board and the applicant's attorney, Michael Grace. The matter was referred to the Planning Board.

CONTINUED PUBLIC HEARINGS

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

Mailings and sign certification in order.

James Polinsky of Signs Inc. appeared on Applicant's behalf. Putting a directory sign. Chairman Fine asked if there's a mock up on the sign. Mr. Polinsky submitted the mock up sign.

Memo from ABACA dated, November 28, 2018 comments as follows:

1. According to a memo received from the Assistant Building Inspector, the proposal does not meet quantitative requirements of the Zoning Ordinance and the applicant is before the ZBA

- for a variance.
2. The applicant is proposing to replace the existing non-conforming freestanding sign in front of the Verizon building with a directory sign having a letter size of 12 7/8" where a maximum allowed is 6.0" in height.
 3. The double sided, monument sign is to be 6'6" wide by 8.0' high. The "Verizon" sign is to be illuminated. The tenant sign panels are not illuminated. The eight (8) sign panels will contain the names of businesses/offices in the complex and will be interchangeable.
 4. Based on the sign submitted and reviewed, the ABACA has no objections to a sign permit being issued for this location.

Mr. Meisterich asked if there's no sign there now.

Mr. Polinsky said there is a sign, it does not look very nice.

Mr. Meisterich asked if they will be illuminating that and put in a new sign.

Mr. Polinsky responded yes, it's going to be moved in because that one is not in code, It's too close to the street. This one will be further in to meet code setback requirements.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, the application was granted 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, with the stipulation that the sign be constructed per the ABACA memo.

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

NEW PUBLIC HEARING

O'SULLIVAN, JOHN #1/19 This is an application to allow a 2nd floor addition with a front yard setback of 26.03' and a front porch with a front yard setback of 17.83' where a minimum of 30' is required as per Appendix A Section 300.21 of the Town Zoning Code. This property is in an R-10 zoning district.
Property Address:
128 Halyan Rd.
Section 37.15, Block 2, Lot 3

Mailings and sign certification in order.

John Scavelli, Architect, appeared on Applicant's behalf.

He said the purpose of the application is to add a 2nd story addition to an existing 1½ story residential dwelling. The proposed application is to have a proposed front yard setback of 18.42ft.,

it's actually further back than what the existing condition is, but it still does require a variance because it's in front. Propose to take out the existing front steps and essentially peel back the existing roof and add in a new portico and front porch that's smaller and less depth into the front yard, and add a 2nd story addition that would have 3 bedrooms and 1 bath.

They wanted to use the existing footprint and not have to built out existing footings and structure, so there's limited structural work that they had to do to the house to be able to accommodate the 2nd floor addition.

Memo from the Assistant Building Inspector dated, February 21, 2019 restates the application. Mr. Scavelli showed the board the layout of the plans.

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 2nd floor addition with a front yard setback of 26.03' and a front porch with a front yard setback of 17.83' where a minimum of 30' is required as per Appendix A Section 300.21 of the Town 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 to the plans submitted.

ROTHBERG, SETH & TRISH The proposed addition has a side yard setback that has to equal a
#2/19 front yard setback of 16.58' where 40' is required as per Section
Property Address: 300-13(G) of the Town of Yorktown Zoning Code. This property is
428 Granite Springs Rd. in an R-10 zoning district.

Section 27.14, Block 3, Lot 25

Mailings and sign certification in order.

Jim Flandro, Architect, appeared before the Board with the Applicant.

Mr. Flandro said it's an existing non-conforming single-family dwelling, built in 1766. Does not conform to any of the setbacks in the front of both streets. Granite Springs Road where 40ft. is required there's 35ft., not doing anything to that side. On Barway where 40ft. is required, proposing to do an addition to the back of the house, but that being a secondary front needing 40ft. only going to be able to provide 16.58ft.. There's an existing bump out to the house that encroaches even further into that setback which is only 11.6ft. keeping the addition even further off of the house. There's no other place they can do this.

Memo from the Assistant Building Inspector dated, February 21, 2019 restates the application.

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 construct an addition with a side yard setback that has to equal a front yard setback of 16.58' where 40' is required as per Section 300-13(G) 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 to the plans submitted.

SANDOVAL, CARLOS #3/19
Property Address:
2380 Crompond Rd.
Section 37.09, Block 1, Lot 33
Applicant not present. Not open.

This is an application for a special use permit to park a commercial vehicle on residential property. This special permit is required as per 300-62 of the Town Zoning Code.

Recording Secretary, Glenda Daly
Meeting adjourned at 7:00pm
Happy Zoning!