

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS
JUNE 25TH, 2020**

The regular monthly meeting was held for the Zoning Board of Appeals via Zoom, June 25th, 2020. The meeting began at 6:30 p.m.

The following members of the board were present:

Robert Fahey
Gordon Fine
William Gregory
John Meisterich
Anthony Tripodi

Also present is Special Counsel, Adam Rodriguez, Robyn Steinberg, Town Planner and Ed Lachterman, Town Board liaison. The meeting was aired on Channel 20 Cablevision and Channel 33 Verizon Fios.

It was announced that the next public hearing would be held July 23rd, 2020. Mailings are to be sent from June 29th to July 8th, 2020.

NEW BUSINESS

MANNING #18/20 This is an application to legalize an existing shed with a rear yard setback of 6'1" where a minimum of 10' is required as per section 300-14(B) and Appendix A of the Town Zoning Code. This property is located in a R1-20 Zone.
Property Address:
304 Alden Rd.
Section 27.10, Block 1, Lot 13
Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Gregory, Meisterich, and Tripodi, this item was scheduled for a Public Hearing on July 23rd, 2020, and referred to the Building Inspector. Site Visits will be done by the Board Members separately.

ACME REALTY #19/20 This is an application for a special use permit for an outside storage area with a 8' fence around it. This property is located in a C-3 zone.
Property Address:
2013 Crompond Rd.
Section 37.14, Block 1, Lot 45
Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Gregory, Meisterich, and Tripodi, this item was scheduled for a Public Hearing on July 23rd, 2020, and referred to the Building Inspector and the Planning Board. Site Visits will be done by the Board Members separately.

CONTINUED PUBLIC HEARINGS

SARLO #29/19 This applicant is requesting a special use permit for having a contractor's yard and parking commercial vehicles.
Property Address:
675 Saw Mill River Rd.
Section 59.14, Block 1, Lot 20, 21, 22
Not open. Requested adjournment.
Chairman Fine requested another letter be sent to the applicant.

BUCELLO #36/19 This is an application for a renewal of a special use permit for an

Property Address: accessory apartment.
608 Granite Springs Rd.
Section 27.13, Block 2, Lot 11
Not open. Requested adjournment.

ADORNO #45/19 This is an application to allow an accessory structure with a side yard setback of 5.5' where a minimum of 15' is required, a height of 17'10" where a maximum of 15' is required and a combined footprint of all accessory structures of 86% of the main dwelling where a maximum of 80% is allowed as per 300-21, 300-14 and appendix A of the Town Zoning Code. This property is located in a R1-20 zone

Property Address:
146 Cordial Rd.
Section 17.14, Block 3, Lot 46

Chairman Fine said last time this was on the agenda, we had asked the applicant if they had submitted some specs on the wood burning boiler that they are intending to put back in the new garage. That has been submitted to the file.

Mr. Fahey asked if John Landi did an inspection of the property.

Chairman Fine said they had done it previously. Last time at the meeting, he asked Mr. Landi if it was permitted to be inside, he said yes.

Mr. Fahey said we had asked for feedback as to clearances and what not between the outside walls and the boiler.

Chairman Fine asked Mr. Scavelli if they are going with the specs that was submitted.

Mr. Scavelli said yes, those will be the specs they will be going with, and he is aware the permit will have to be filed and all code requirements and permitting would have to be filed to have it installed.

The applicant spoke to John Landi regarding it as well.

Mr. Fahey asked how long he has had the boiler in the garage.

Mr. Scavelli said he does not know the exact timing of it.

Chairman Fine said it's been there since the law was enacted to allow outdoor boilers.

Mr. Fahey said if it has been there for a while so now he had to file for a permit to get it, he did not have a permit before.

Chairman Fine said it is part of the permitting for the structure, when he goes to the Building Department for final approval.

Mr. Gregory asked if this in fact a new boiler.

Mr. Scavelli said it would be the existing boiler, he would have to file for the new permit for the new structure. The boiler would have to be reinstalled with all necessary permits.

Chairman Fine said we were discussing the shed application, and that if the shed was not included in all of this, the combined footprint would be below the 80% that he is seeking the variance. We were discussing possibly getting rid of the shed.

Chairman Fine asked Mr. Scavelli if that is still a possibility.

Mr. Scavelli said the shed is currently used for lawn equipment and outdoor equipment. The idea is to have the garage structure so that he can park cars and additional storage above the garage. He would not be able to transfer that storage to an upper level attic storage. He would like to pursue the variance for the rear shed for the lawn equipment.

Chairman Fine said as you know our first priority is to determine if this could be done without a variance, so by not approving the shed that is the logical way to cut back at least on the footprint variance that you're looking for leaving just the height variance.

Mr. Fahey said he would be inclined to push for the removal of the shed to conform with what they are looking to do with the garage.

Chairman Fine said there are a lot of structures on this property, it is 86% coverage.

Mr. Meisterich said this law was passed to avoid this exact scenario, so we have to take that very seriously.

Chairman Fine said it is a storage shed, not living space. Not like you are throwing anyone out.

Mr. Scavelli said the shed has been there for 19 years without no complaints from any neighbors, he believes the applicant did file for the original permit. It was not closed out properly.

Chairman Fine said he understands that, but now he is asking for another variance to make a garage bigger that it was before and to add storage space, so he is adding even more storage space. The fact that it is not as convenient as the shed, to me it really does not make a difference. He is asking for more.

Mr. Gregory said one possibility is to reduce the size of garage to make it within the 80%.

Mr. Fahey said or simply remove the shed.

Mr. Meisterich said we can see what the applicant prefers.

Mr. Scavelli said he is sure the garage would take precedence, and know there are 2 separate variances being asked for, do they get voted on separately.

Chairman Fine said he was going to put them into one decision because it is the shed that puts them over the 80% coverage.

The Board Members discussed the matter further regarding denying the shed or asking the applicant if he would willfully remove the shed. They also discussed the height of the new structure and that he would have storage in the new structure.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Gregory, Meisterich, and Tripodi, the application for a variance was granted to allow an accessory structure with a side yard setback of 5.5' where a minimum of 15' is required, a height of 17'10" where a maximum of 15' is required, that being the garage, with the stipulation it pertains only to the requested variance an not the remainder of the property line and the garage be built in substantial conformity to plans submitted, and that the requested variance for a combined footprint of all accessory structures of 86% of the main dwelling where a maximum of 80% is allowed be denied. Also the requested variance to allow an existing shed with a rear yard setback of 6.5ft. where a minimum of 10ft. is required is denied.

ADORNO #10/19 This is an application to allow an existing shed with a rear yard setback of 6.5' where a minimum of 10' 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:
146 Cordial Rd.
Section 17.14, Block 3, Lot 46
Decision in application #45/19.

HOFFMAN #12/20 This is an application for a renewal of a special use permit for an accessory apartment.
Property Address:
3808 Crompond Rd.
Section 35.08, Block 1, Lot 32
Not open. No mailings. Chairman Fine request the legal department send a letter to the applicant for status

NEW PUBLIC HEARING

FILOGOMO #5/20 This is an application for an accessory apartment. The previous one expired back in 1997.
Property Address:
2394 Loring Pl.
Section 37.05, Block 1, Lot 15
Tom Filogomo present.
Memo from the Building Department cited no objections.
Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Gregory,

Meisterich, and Tripodi, the application for a special use permit for an accessory apartment was granted for a period of three (3) years.

HANNON #11/20 This is an application for a renewal special use permit for an accessory apartment.
Property Address:
1271 Baldwin Rd.

Section 12.1, Block 4, Lot 2

Gladys Hannon and Peter Negroni present.

Memo from the Building Department dated, June 22, 2020 states:

The subject premises were inspected on June 19, 202, 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 Fahey, Fine, Gregory, Meisterich, and Tripodi, the application for renewal of a special use permit was granted for a period of three (3) years.

ABRAMS #13/20 This is an application for a renewal of a special use permit for an accessory apartment.
Property Address:

3461-A Sagamore Ave.

Section 15.16, Block 2, Lot 12

David Abrams present.

Memo from the Building Department dated, June 22, 2020 states:

The subject premises were inspected on June 19, 202, 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 Fahey, Fine, Gregory, Meisterich, and Tripodi, the application for special use permit for renewal of a special use permit was granted for a period of three (3) years.

LEFFEL #14/20 This is an application to allow a new dwelling on the lot with a side yard setback (equal to front) of 27' where a minimum of 40' is required, a front yard setback of 35' where a minimum of 40' is required and a lot width of building at 97.1' where a minimum of 100' is required as per 300-21, 300-13G and Appendix A of the Town Zoning Code. This property is located in a R1-20 zone.

Eliot Senor, Engineer and Surveyor representing the applicant.

Mr. Senor said this is a property on the corner of Granite Springs and Gregory Street, it is an existing lot that was created by deed many years ago, it has been submitted to the Building Department for several years. It was attached to an adjacent property but it was subdivided many years ago. She (applicant) had since sold of the rest of the property and kept this, and is now trying to sell it, but have come up with these problems that arose from trying to get a building permit now. It came up when the applicant tried to get the address changed from Granite Springs to Gregory Street and then it was uncovered in the building department that it was never subdivided. Need a property width variance from 100ft. to 97ft. because the width is a little short, not quite 100ft. wide. Also asking for a variance for a front yard setback off of Gregory Street to 35ft. on the side to Granite

Springs, we're about 25½ft. where 40ft. is required. On a corner lot you are required 2 front yards. The reason why we do not have 40ft. is because we have the driveway coming in on Gregory Street away from the intersection. If the driveway was coming in more closer to the intersection then we could have had the 40ft. but you don't necessarily want the driveway coming in at a corner of an intersection because it created problems.

Mr. Fahey asked what is the square footage of the house.

Mr. Senor said he'll have to check, it's not a very big house in terms of footprint, about 1200 on a floor or so.

Mr. Fahey asked if it is 2 story.

Mr. Senor said yes, it is a standard center hall colonial. It is about 2500-2800 sq.ft. house, with the garage under. One of the reason why we had to push it to the front and not moving it back is because we have wetlands.

Mr. Fahey asked Mr. Senor if you reduce the footprint would it bring you into compliance without the need for variance.

Mr. Senor said the variance is for the stairs. Have wetlands and a stream in the back and that prevents them from moving the house back any further.

Mr. Lachterman said he believes that Planning had asked them to set it back as far from the intersection as possible.

Memo from the Planning Board dated, June 23, 2020 states: The Planning Board has been reviewing the subject as a subdivision project for the past few months and held a Public Hearing on the subject at its June 22nd meeting. The Planning Board is satisfied with the overall layout of the subject lot as currently proposed.

The following variances are required to effect the current layout.

A front yard setback of 27 feet off of Granite Springs Road, where 40 feet is the minimum requirement in the R1-20 zone.

A front yard setback of 35 feet off of Gregory Street where 40 feet is the minimum requirement on the R1-20 zone.

A lot width of 97 feet, where 100 feet is the minimum requirement in the R1-20 zone.

The Planning Board has no objections to granting these variances as the Applicant is requesting.

Memo from the Building Department dated, June 22, 2020 cited no objections. The applicant will need a building permit for this work.

Mr. Senor said they are also creating a conservation easement about 8615 sq.ft and a retaining wall so that in the future there won't be any further encroachments into the wetland buffer area.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Gregory, Meisterich, and Tripodi, the application for a variance was granted to allow a new dwelling on the lot with a side yard setback (equal to front) of 27' where a minimum of 40' is required, a front yard setback of 35' where a minimum of 40' is required and a lot width of building at 97.1' where a minimum of 100' is required, with the stipulation it pertains only to the requested variance and not the remainder of the property line and built in substantial conformity to the plans submitted.

CLIFFORD #15/20
Property Address:
1590 Amazon Rd.
Section 25.12, Block 2, Lot 58

John Clifford present.

Chairman Fine asked if it's an existing deck and ramp, and is looking to legalize it.

This is an application to allow an existing front handicap ramp and deck with a front yard setback of 27' where a minimum of 40' is required as per 300-21 and Appendix A of the Town Zoning Code. This property is located in a R1-20 zone.

Mr. Clifford said yes.

Chairman Fine asked when was the ramp and deck built.

Mr. Clifford said 2 years ago

Memo from the Building Department dated June 22, 2020 cited no objections. The applicant will need a building permit and c.o for this work.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Gregory, Meisterich, and Tripodi, the application for a variance was granted to allow an existing front handicap ramp and deck with a front yard setback of 27' where a minimum of 40' is required, with the stipulation it pertains only to the requested variance and not the remainder of the property line.

ATLANTIC APPLIANCE

#16/20

Property Address:

2010 Maple Hill St.

**Section 37.15, Block 1, Lot 31
& 35**

This is an application to allow a roof and portico with a front yard setback of 67' where a minimum of 75' is required as per 300-21 and Appendix B of the Town Zoning Code. This property is located in a C-2 zone.

Joseph Riina, Engineer representing the applicant, along with Gene Vetrano, Architect.

Mr. Riina said the Vukaj's have purchased this property that is between the post office and 2600 Maple Hill Street, it is a vacant lot. They are proposing to construct a new facility for their appliance sales. The Vukaj's purchased 2 parcels, 1 is at 2010 Maple Hill Street and a 2nd parcel which is at 2015 Greenwood Street, which they abut each other at the rear. The proposed development is going to be on the 2010 Maple Hill Street parcel. The back parcel is compromise by Hallocks Mill brook and wetlands, and it's solely going to be used for some mitigation for the construction of the proposed building.

Mr. Riina showed a map layout of the property.

Chairman Fine said you are coming to us has nothing to do with the building itself, just the roof and portico.

Mr. Riina said that is correct.

Mr. Lachterman said he is sure most of you know that property is overgrown and used as a dumping ground. They are cleaning up the back area which is going to help improve the waterway there. So in order to get the whole property cleaned up and keep off the wetland buffer, that was one of the things to push it forward a little bit.

Mr. Riina showed the layout of the proposed building and parking area.

Gene Vetrano said the footprint of the building itself is within the approved envelope.

Memo from the Planning Board dated May 21, 2020 states: The Planning Board, at its April 20, 2020, meeting discussed the subject project. The Applicant is applying for a variance for a front yard setback to allow 67 feet where 75 feet is the minimum requirement in the C-2 zone with parking in the front of the main building. The Planning Board provides the following comments:

The variance is required only due to the proposed portico on the front end of the main building.

The parking space requirements are met for the uses proposed in this project.

The main building, as proposed and situated, does not affect the ability for trucks and larger vehicles to enter and exit the subject site.

The Planning Board has no planning objections to granting this variance as the Applicant is requesting.

Memo from the Building Department dated, June 22, 2020 cited no objections. The applicant will need a building permit for this work.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Gregory,

Meisterich, and Tripodi, the application for a variance was granted to allow a roof and portico with a front yard setback of 67' where a minimum of 75' is required, with the stipulation it pertains only to the requested variance and not the remainder of the property line and built in substantial conformity to the plans submitted.

3D DEVELOPMENT #17/20 This is an application for a special use permit for the storage of new vehicles.
Property Address:
2710 Lexington Ave.
Section 25.20 Block 1, Lot 14 & 15

Mark Blanchard, Attorney representing the applicant.

Mr. Blanchard said this applicant is seeking to change the use of the Yorktown Golf and Baseball Center from a recreational use to an office building and as part of new vehicle inventory storage, for a potential tenant Tarrytown Honda. They are seeking new vehicle storage, not involving any retail sales of that nature, no tours, no showings. Simply overflow inventory storage. The concept has evolved into using now the onsite building and structure for some administrative and clerical issues, office supported space for the business.

Chairman Fine asked Mr. Blanchard if it was notice as an application under 300-44 for special use permit.

Mr. Blanchard said correct.

Memo from the Planning Board date, June 25, 2020 states:

The Planning Board, at its meeting on June 2, 2020 discussed the subject referral. Being this is in the I-1 zone, permitted uses for this zone are outlined in Town Code Chapter 300-94, "Planned Light Industry".

The applicant's attorney stated that the proposal is to utilize an existing building on site to house a small office as a main use allowed under Town Code section 300-94(A) and the existing turn golf range, as outlined in the applicants application letter dated January 16, 2020, will be used as automotive storage as a special permit under section 300-44, entitled "Exterior Storage Yard". The current use, known as the "Yorktown Golf and Baseball Center", will cease operations at the subject location. The Board and applicant's attorney discussed the automobile storage as an accessory use to the office pursuant to section 300-94(D)(1). The Board discussed the proposed automobile storage areas and its potential impacts to the property and its environs, the need for modification and improvements to accommodate the proposed use, and the proximity to the Sylvan Glen Park Preserve.

The Board provides the following comments:

1. The applicant stated that the storage area will park 600 cars. The Board suggest that modifications to the site will likely be required as follows: to provide vehicular access to the storage area; the turf present at the proposed storage area is not adequate as a surface for parking and therefore will require modification to provide a stable surface; the existing drainage may need to be modified to prevent pollutants from entering nearby environmental resources; appropriate accommodation for automobile carriers to unload inventory safely and efficiently; some buffering or screening may be necessary to protect visual impacts to the Sylvan Glen Park preserve.
2. The traffic associated with moving inventory to the dealership may be of concern and should be considered.

The property's location, largely shielded from any main road and also within the vicinity of auto dealerships, auto storage yards, and transit operation facilities, fosters the opinion among the Board that the proposal is suited to the area. However, the Board offers no opinion on the code section that is appropriate for the proposed action nor whether the proposal as described is allowed under the Town Code. The Board suggests, that if the Zoning Board determines and interprets the proposal as an allowed use or uses, the application should be expanded to include a site plan that shows any

necessary improvements and any other documentation that is appropriate to insure the greatest protection for the site users, the environs, and the community. If the Board determines the use to be allowed under section 300-94(A) and 300-94(D)(1), the Planning Board believes that under section 300-102 an amended site plan is required.

Memo from the Assistant Building Inspector dated, June 20, 2020 states: I have inspected the property on June 19, 2020. Under 300-21(16)(a)(1) and 300-94(D)(1), "outdoor storage for any of the permitted uses allowed herein shall be in conjunction with the main permitted use so long as the outdoor storage of equipment, vehicles and or supplies are fully screened and fenced. The fences outdoor area must conform to the setback requirements for the main use and be in accordance with an approved site plan. Is this going to be a main permitted use or an accessory use?

Chairman Fine said in reviewing all of this, it is an application for special permit under 300-44, the property is in I-1 zone. In a I-1 zone the storage of vehicles specifically is excluded as a use. Because of that we would not be able to grant a special permit to store vehicles under 300-44. The applicant will have to file in case a special variance, which everyone knows it's nearly impossible to get under these circumstances, because you basically have to show that the property can't be utilize for anything else, which is tough to do when it's currently being utilize as something else. What the applicant may be able to do but it would not be up to use, is file an application with the Planning Board under 300-94 with the office use being the main use and storage of vehicles as a accessory to that. That would be under the strict purview of the Planning Board and not the Zoning Board. Chairman Fine told Mr. Blanchard given what we know now, what do you want to do with the application? Do you want to withdraw it without prejudice and go to Planning or what.

Mr. Blanchard said the answer to that question is this, they have kicked this thing around a lot, haven't really come to a meeting of the minds until today. The Board wanted to put on the record that his is not a use, a special permit application under 300-44. Want to bring tonight's finding to the Planning Board, put their minds at ease with some guidance saying yes I'm properly in front of you under 94(A)(D).

Mr. Gregory said this before us as an application for special permit that's not permitted. So our Board unfortunately is going to have to either deny it or have you withdraw it. Understand that the Planning Board may have some questions about whether or not some of the sections under 300-94 apply for this particular application, and if they do, then you as an applicant may have to come back to us and ask for some interpretations.

Mr. Blanchard said he'll withdraw the application.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Gregory, Meisterich, and Tripodi, based upon the applicant's request, the application is withdrawn.

Recording Secretary, Glenda Daly
Meeting adjourned at 7:38pm
Happy Zoning!