

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS
APRIL 22ND, 2021**

The regular monthly meeting was held for the Zoning Board of Appeals via Zoom, April 22nd, 2021. The meeting began at 6:30 p.m.

The following members of the board were present:

Robert Fahey
Gordon Fine
William Gregory
John Meisterich
Howard Orneck

Also present is Kyra Brunner, Host; Ed Lachterman, Town Board Liaison, and Adam Rodriguez, Special Counsel. The meeting was aired on Channel 20 Cablevision and Channel 33 Verizon Fios.

It was announced that the next public hearing would be held May 27th, 2021. Mailings are to be sent from May 3rd, 2021 to May 12th, 2021.

NEW BUSINESS

DAVIS #20/21
Property Address: 90
Timberlane Ct.
Section 17.06, Block 2, Lot 16

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

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Gregory, Meisterich, and Orneck, this item will be handled administratively.

WATSON #19/21
Property Address: 772 Pines
Bridge Rd.
Section 70.10, Block 1, Lot 30

This is an application to allow an addition with a side yard setback of 27'2" where a minimum of 50' is required and a combined side yard setback of 47'2" where a minimum of 80' is required as per section 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 Fahey, Fine, Gregory, Meisterich, and Orneck, this item was scheduled for a Public Hearing on May 27th, 2021, and referred to the Building Inspector. Site Visits will be done by the Board members separately.

RODRIGUES #21/21
Property Address: 2990
Saddle Ridge Dr.
Section 26.08, Block 1, Lot 49

This is an application for a new pool and deck with a front yard setback of 20' where a minimum of 40' is required, a side yard setback of 10' where a minimum of 15' is required and a combined side yard setback of 35.52' where a minimum of 40' is required as per section 300-21 and Appendix A of the Town Zoning Code. This property is in a R1-20 zone.

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

Meisterich, and Orneck, this item was scheduled for a Public Hearing on May 27th, 2021, and referred to the Building Inspector. Site Visits will be done by the Board members separately.

GRAHAM #17/21
Property Address: 2205
Hunterbrook Rd.
Section 36.13, Block 1, Lot 3

This is an application for a special use permit for an accessory apartment in a separate structure on the property. The following items are applied for in a separate area variance...It will have a proposed floor area for the apartment will be 1375 s.f. (39% of the main hose floor area) where a maximum of 800 s.f. is allowed, except the area shall not exceed 33% of the main house. The proposed accessory apartment will also occupy the 1st floor where only the 2nd floor is permitted and the height of the accessory structure will be 16'2" where a maximum of 15' is permitted. All requirements per 300-21,300-38(B)(1) and (5) and Appendix A of the Town Zoning Codes. This property is located in a R1-60 zone.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Gregory, Meisterich, and Orneck, this item was scheduled for a Public Hearing on May 27th, 2021, and referred to the Building Inspector. Site Visits will be done by the Board members separately.

GRAHAM #18/21
Property Address: 2205
Hunterbrook Rd.
Section 36.13, Block 1, Lot 3

This is an application to construct an accessory apartment in a separate structure on the property. The proposed floor area for the apartment will be 1375 s.f. (39% of the main hose floor area) where a maximum of 800 s.f. is allowed, except the area shall not exceed 33% of the main house. The proposed accessory apartment will also occupy the 1st floor where only the 2nd floor is permitted and the height of the accessory structure will be 16'2" where a maximum of 15' is permitted. All requirements per 300-21,300-38(B)(1) and (5) and Appendix A of the Town Zoning Codes. This property is located in a R1-60 zone.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Gregory, Meisterich, and Orneck, this item was scheduled for a Public Hearing on May 27th, 2021, and referred to the Building Inspector. Site Visits will be done by the Board members separately.

CONTINUED PUBLIC HEARINGS

CARVALHO #44/20
Property Address:
1681 Summit St.
Section 48.07, Block 2, Lot 9

This is an application to subdivide a lot creating 2 lots under the required 10,000s.f. where a minimum of 20,000 s.f. is required. This property is located in a R1-10 zone.

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

GRACE #45/20
Property Address: 959
Hanover St.

This is an application to allow a caretaker's cottage as per 300-47 of the Town Code. This property is in a R1-80 zone.

Section 59.07, Block 1, Lot 4

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

NEW PUBLIC HEARING

CATALIOTI #15/21 This is an application for a renewal of a special use permit for an accessory apartment.
Property Address:
1543 Hanover St.
Section 48.11, Block 3, Lot 20

Mailings and sign certification in order.

Memo from the Assistant Building Inspector dated, April 15, 2021 states: The subject premises were inspected on April 14, 2021, 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 Orneck, the application for renewal of a special use permit for an accessory apartment was granted for a period of three (3) years.

TAMBURELLO #9/21 This is an application for a special use permit for a new accessory apartment.
Property Address:
3061 Oak St.
Section 25.12, Block 2, Lot 5

Mailings not submitted, sign certification in order. Meeting not opened.

SINDACO #14/21 This is an application for a renewal of a special use permit to operate a childcare center.
Property Address:
322 Kear St.
Section 37.18, Block 2, Lot 51

Mailings and sign certification in order.
Melanie Sindaco present for the meeting.

Memo from the Assistant Building Inspector dated, April 12th, 2021 states:

I have inspected this property on April 6th, 2021 and have no objections in granting this permit. They will need a new certificate of occupancy for this.

Memo from the Planning Board dated, April 14th, 2021 states:

The Planning Board reviewed the application for variances to renew the existing special use permit for a child daycare center for the Little Red School House at the subject location. The Planning board has not been notified of any issues at the site and therefore has no objections to the renewal

of the special permit as requested.

Memo from the Fire Inspector dated, April 14th, 2021 states:

On April 6th, 2021 I performed the annual fire and safety inspection of the Little Red House of Westchester located on 322 Kear Street, Yorktown Heights, NY. During my inspection I found no violations of the State and Local fire codes. At this time I have no objection to the proposed continued use of the facility as a child care center.

Letter from Office of Children and Family Services dated, July 02, 2020 regarding the renewal of the applicant's license.

Chairman Fine asked if the license is still current.

Ms. Sindaco said the license is in the process of being renewed, OCFS had some issues because of Covid with getting everybody renewed before they expired. So that letter is to let you know that we are in our process, even thou expired license we are still able to operate with that until our renewal process is complete.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Gregory, Meisterich, and Orneck, the application for renewal of a special use permit to operate a childcare center was granted for a period of three (3) years, with the same condition as the previous.

FLASZ Property Address: 2796 Sutton St. Section 26.15, Block 55, Lot 61	#8/21	This is an application for a proposed addition with a side yard setback of 12.07' where a minimum of 15' is required and a combined side yard setback of 36.8' 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.
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Mailings and sign certification in order.

Nicole Flasz present for the meeting.

Chairman Fine asked what is the nature of the addition?

Ms. Flasz said we are building a dining room.

Chairman Fine asked 1 story addition?

Ms. Flasz said yes.

Chairman Fine asked did you submit plans to the Town?

Ms. Flasz said yes.

Chairman Fine asked are you looking to make changes to these plans?

Ms. Flasz said no.

Memo from the Assistant Building Inspector dated, April 2nd, 2021 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 Fahey, Fine, Gregory, Meisterich, and Orneck, the application for a variance was granted for a proposed addition with a side yard setback of 12.07' where a minimum of 15' is required and a combined side yard setback of 36.8' where a minimum of 40' is required as per section 300-21 and Appendix A 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.

LITTLE RED SCHOOL HOUSE Property Address: 2300 Crompond Rd. Section 37.09, Block 1, Lot 59	#13/21	This is an application to allow 2 free standing signs where only 1 is permitted and allow a new sign for a school with an area of 15s.f. where a maximum of 4s.f. is permitted as per section 300-54(c) and Appendix C of the Town Zoning Code. This property is located in a R1-20 zone.
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Mailings and sign certification in order.

Melanie Sindaco present for the meeting.

Chairman Fine said this basically is signs to replace the old signs, correct.

Ms. Sindaco said this is correct. There was previously a variance granted to the school before us to have 2 signs on the property, so we are basically looking to do the same thing, have 2 signs on the property, and of course just change it to have our name on it.

Memo from ABACA dated, April 7th, 2021 states:

The application is for a variance request to allow two free standing signs where only one is permitted and allow a new school sign with an area of 15sf. where a maximum of 4sf. is permitted as per the Town of Yorktown Zoning Code. The applicant explained that there is an existing free standing sign for the Yorktown United Methodist Church that will remain and are requesting to replace the previously approved Montessori School sign with a slightly larger sign for the Little Red School House. The proposal is for a 3' x 5' double sided digital print sign (1" thick PVC) with a picture logo and the words of "Little Red School House" on the first line and "Toddlers-Preschool-After School" on the second line. The 4' x 4' pressure treated wood posts will be painted red as shown in the detailed rendering attached.

The ABACA has no objections to the variance request and sign application based on the rendering submitted.

Chairman Fine said so you submitted the rendering and you are not looking to change it at all right.

Ms. Sindaco said that is correct, everything that was submitted that is the way we want to build it.

Memo from the Planning Board dated, April 14, 2021 states:

The Planning Board reviewed the application for variance to allow a second free standing sign and to allow that sign to be 15sf. where a maximum of 4sf. is permitted for the Little Red School House child day care at the subject location. The Planning Board has no objections to the granting of the variances as requested.

Mr. Fahey asked when they say 2 signs is that one on each side, one sign but you got 2 sides, or is there 2 separate spots along the property.

Ms. Sindaco said I believe what they are referring to when they say that we are only looking to put one double sided sign on the property for us.

Mr. Orneck asked are you in operation now?

Ms. Sindaco said at Crompond Road we are not in operation yet.

Mr. Orneck asked when you plan on doing that?

Ms. Sindaco said our license should probably come through in May and then we are hoping to open with just one classroom in the summer, and then we will run the rest in the fall.

Mr. Orneck asked are you going to move eventually from Kear Street over there?

Ms. Sindaco said no, thankfully we needed to expand. We have a lovely following of parents in this community so we just looking to add some more space.

Memo from the Assistant Building Inspector dated April 12, 2021 states:

This is an application to allow 2 free standing signs where only 1 is permitted and allow a new sign for a school with an area of 15s.f. where a maximum of 4s.f. is permitted as per section 300-54(c) and Appendix C of the Town Zoning Code. This property is located in a R1-20 zone.

There was a previously granted decision for a sign at this property, for the old school that was there. It was very similar in size. I have inspected the property on April 12, 2021 and have no objections in granting relief as long as it is a minimum of 5' from property line. The applicant will need a sign 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 Orneck, the application for a variance was granted to allow 2 free standing signs where only 1 is permitted and allow a new sign for a school with an area of 15s.f. where a maximum of 4s.f. is permitted as per section 300-54(c) and Appendix C of the Town Zoning Code. With the

provision that the sign be constructed per the rendering submitted.

YATES #11/21 This is an application to allow an existing Structure with a side yard setback of 4.1' where a minimum of 12' is required and a front yard setback of 27.5' 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 R1-10 zone.
Property Address:
3408 Heyward St.
Section 15.16, Block 3, Lot 52

Mailings and sign certification in order.

Jahari Yates present for the meeting.

Chairman Fine asked what is the nature of the addition?

Mr. Yates said am looking to legalize an existing structure.

Chairman Fine asked what is the existing structure?

Mr. Yates said a single family dwelling.

Memo from the Assistant Building Inspector dated, April 2nd, 2021 restating the application.

Chairman Fine said basically the house was built out of conformity with zoning requirements.

Mr. Yates said there is just no certificate of occupancy on file, just the certificate of occupancy for the addition of the property, but not for the house itself. So, I am just looking to legalize the house in its entirety.

Chairman Fine asked when was the house build?

Mr. Yates said around the 1945 era, it does not predate certificate of occupancy, was not able to get plans to where it would predate the certificate of occupancy requirements for the town.

Mr. Orneck said if you look at Brad's thing from the Building Department, he does not say whether it is approved or not.

Chairman Fine said sometimes they do not do that, sometimes they just restate the application, they do not give us an opinion whether it should be approved or not.

Mr. Fahey asked was there any other violations found, was there any surprises?

Chairman Fine said there is nothing from the Building Department about any violations.

Mr. Fahey asked what was the nature of the certificate of occupancy on the addition that they put up, did that have impact on the property?

Chairman Fine said they are not saying.

Mr. Fahey said how do we make a decision.

Chairman Fine said we do these all the time.

Mr. Fahey said we staggig it a little bit, we really do not know what we have.

Mr. Meisterich said we have to make a decision whether this is in character of the neighborhood, and it is a structure that exists since the 1940's.

Mr. Gregory said when you went out on the site visit, basically the survey indicates there was a deck on the property and that deck has been removed. I do not really know the nature of the addition but it appears from the site inspection anyhow that the house has existed for some time, and the applicant has basically indicated that it was built in 1945, even thou it was built in 1945 the zoning at the time was not the same as it is now, but he is looking for a certificate of occupancy for the existing building. Typically we usually legalize structures of this nature of this age as a matter of course, and they have removed the deck which was a problem because it extended over the property line. So I think we can move forward with this.

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 Orneck, the application for a variance was granted to allow an existing Structure with a side yard setback of 4.1' where a minimum of 12' is required and a front yard setback of 27.5' where a minimum of 30' is required as per section 300-21 and Appendix A of the Town zoning code.

With the stipulation it pertains only to the requested variance and not the remainder of the property line.

SCHRADE #12/21 This is an application for a proposed addition with a combined side yard setback of 29.6' where a minimum of 40' is required as per section 300-21 and Appendix A of the Town Zoning Code.
Property Address:
257 Granite Springs Rd.
Section 27.10, Block 3, Lot 57 This property is located in a R 1-20 zone.

Mailings and sign certification in order.

Luke Schrade present for the meeting.

Chairman Fine asked what is the nature of the addition.

Mr. Schrade said it is going to be a 2-story addition that is going to be built on the back of my house, it is going to be a mud room entry way, with a master bathroom on top.

Chairman Fine asked you submitted plans?

Mr. Schrade said yet.

Chairman Fine asked are you taking down part of the structure that is there already?

Mr. Schrade said there was a deck there, not taking down anything.

Chairman Fine said he see on the plans partial demolition.

Mr. Schrade said windows have to come out of the back of the house. I have 2-bedroom windows there where the addition is going to go, so those windows are going to come out, and also I have a french door in the back which is my entry way now.

Memo from the Assistant Building Inspector dated, April 2, 2021 restates what the application is for, does not give opinion one way or the other.

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 Orneck, the application for a variance was granted for a proposed addition with a combined side yard setback of 29.6' where a minimum of 40' is required as per section 300-21 and Appendix A 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.

ALEK TRIS LLC #10/21 This is an application to remove the condition in a previous ZBA decision that prohibits the subdivision of this lot. If this is removed, a proposed 3-lot subdivision would be applied for. This property is located in a R1-10 zone.
Property Address:
1075 East Main St.
Section 16.10, Block 3, Lot 26

Not open. Applicant not present.

CINGULAR WIRELESS #16/21 This is an application for a special use permit to modify an existing AT&T telecommunication facility by replacing 3 existing antennas and indoor equipment.
Property Address:
340 Illington Rd.
Section 69.07, Block 1, Lot 8

Mailings and sign certification in order.

Christopher Quinn, attorney, representing the applicant.

Chairman Fine said this is an existing tower as we know, it is actually one of the first towers we ever approved.

Mr. Quinn said I saw the approval back in 1993, so it has been up almost 30 years. Definitely one of the older ones. AT&T has 9 antennas at the top of the tower, what they are doing is part of their pretty much periodic upgrades to keep up with technology and demands. The additional frequency bands they have has to be more efficient. They try to always update with the latest model antennas. What this would be here is they would replace 3 of the existing 9 antennas. The antennas are sections of 3 each, so the 9 antennas are broken up in section of 3, it would be the middle antenna would be replaced. The new antennas would be slightly smaller and fatter by couple inches in each direction than the ones that are there right now.

Chairman Fine said so basically it is an upgrade of what is there?

Mr. Quinn said exactly.

Memo from the Assistant Building Inspector dated, April 16 2021 states: I have inspected the property on April 14, 2021 and have no objections in granting relief. The applicant will need a building permit for this work.

Mr. Orneck asked if upgrading to 5G?

Mr. Quinn said this will have some 5G technology, but it is not the sole reason for the upgrade.

Mr. Fahey said when you say additional frequency bank, you are just looking to increase capacity, is that what we are talking about.

Mr. Quinn said no, AT&T has acquired over the course of the past several decades a number of different frequency band. The FCC license them out all the time, so it does create addition capacity, it also does allow for better optimization of their network. So for instance some frequencies do better with data while others do better with voice. It is very important for AT&T that is unlike other carriers is they have something they call Firstnet, they were awarded a number of years ago from the FCC, a first responder network that will be run on AT&T where any first responder will take priority over customers, and there are certain channels that are dedicated to those first responders, so that is across the country. If anyone has this Firstnet service, they are going to login to an AT&T phone and in the event of an emergency it prioritizes them over any other regular customers. This is something AT&T will incorporate into this upgrade as well.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Gregory, Meisterich, and Orneck, the application for a special use permit to modify an existing AT&T telecommunication facility by replacing 3 existing antennas and indoor equipment was granted.

Recording Secretary, Glenda Daly
Meeting adjourned at 7:07pm
Happy Zoning!