

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS  
MAY 27<sup>TH</sup>, 2021**

The regular monthly meeting was held for the Zoning Board of Appeals via Zoom, May 27<sup>th</sup>, 2021. The meeting began at 6:30 p.m.

The following members of the board were present:

Robert Fahey  
Gordon Fine  
William Gregory

Also present is Kyra Brunner, Host, 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 June 24<sup>th</sup>, 2021. Mailings are to be sent from June 1<sup>st</sup>, 2021 to June 9<sup>th</sup>, 2021.

**NEW BUSINESS**

**O'NEIL #23/21** This is an application for a special use permit for the renewal of an accessory apartment.  
**Property Address:**  
**3719 Mill St.**  
**Section 16.05, Block 3, Lot 2**

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

**SHORT #24/21** This is an application for a special use permit for the renewal of an accessory apartment.  
**Property Address:**  
**1300 Baldwin Rd.**  
**Section 47.16, Block 1, Lot 2**

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, and Gregory, this item was scheduled for a Public Hearing on June 24<sup>th</sup>, 2021, and referred to the Building Inspector. Site Visits will be done by the Board members separately.

**AHERN #27/21** This is an application for a special use permit for the renewal of an accessory apartment.  
**Property Address:**  
**2103 Laurel Ct.**  
**Section 37.10, Block 1, Lot 9**

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, and Gregory, this item was scheduled for a Public Hearing on June 24<sup>th</sup>, 2021, and referred to the Building Inspector. Site Visits will be done by the Board members separately.

**APRUZZESE #22/21** This is an application for a proposed deck and existing pool with a rear yard setback of 6' 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:**  
**341 Smith Rd.**  
**Section 17.13, Block 2, Lot 16**

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, and Gregory, this item was scheduled for a Public Hearing on June 24<sup>th</sup>, 2021, and referred to the Building Inspector. Site Visits will be done by the Board members separately.

**MARINO #25/21** This is an application to install a pool in the front yard where 40' is required and 13'5" is proposed and an existing fence of 6'6" is in the front side yard where 4'6" is allowed and a shed 6'6" off the property line where 10' is required as per 300-21 Appendix A of the Town Zoning Code.  
**Property Address:**  
**3716 Oriole Ct.**  
**Section 16.07, Block 1, Lot 22**

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, and Gregory, this item was scheduled for a Public Hearing on June 24<sup>th</sup>, 2021, and referred to the Building Inspector. Site Visits will be done by the Board members separately.

**DISTELHURST #26/21** This is an application for a proposed accessory structure with a side yard setback of 10.43' where a minimum of 15' is required and a combined side yard setback of 30.64' where a minimum of 40' is required per 300-21 and Appendix A of the Town Zoning Code. This property is located in a R1-20 zone.  
**Property Address:**  
**500 Yorkhill Rd.**  
**Section 37.05, Block 2, Lot 33**

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, and Gregory, this item was scheduled for a Public Hearing on June 24<sup>th</sup>, 2021, and referred to the Building Inspector. Site Visits will be done by the Board members separately.

**DWYER #28/21** This is an application for a special use permit for a proposed accessory apartment on the 1st floor where it's required to be on the 2nd floor as per 300-38(B)(1) of the Town Zoning Code. (Construction of this apartment has a separate zoning application). This property is located in a R1-20 zone.  
**Property Address:**  
**524 Yorkhill Rd.**  
**Section 37.05, Block 2, Lot 30**

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, and Gregory, this item was scheduled for a Public Hearing on June 24<sup>th</sup>, 2021, and referred to the Building Inspector. Site Visits will be done by the Board members separately.

**DWYER #29/21** This is an application to construct an accessory apartment dwelling with a side yard setback of 5' where a minimum of 15' is required, a combined side yard setback of 25.69' where a minimum of 40' is required and to allow the accessory apartment to be on the 1st floor where its required to be on the 2nd floor as per sections 300-21,300-38(B)(1) and Appendix A of the Town Zoning Code. This property is located in a R1-20 zone.  
**Property Address:**  
**524 Yorkhill Rd.**  
**Section 37.05, Block 2, Lot 30**

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, and Gregory, this item was scheduled for a Public Hearing on June 24<sup>th</sup>, 2021, and referred to the Building Inspector. Site Visits will be done by the Board members separately.

**CONTINUED PUBLIC HEARINGS**

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

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

**GRACE #45/20** 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.  
**Property Address: 959 Hanover St.**  
**Section 59.07, Block 1, Lot 4**

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

**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**

Not opened.

**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**

Mailings and sign certification in order.

Joel Greenberg representing the applicant.

This item was opened but not voted on as to whether to reopen.

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

**NEW PUBLIC HEARING**

**DAVIS #20/21** This is an application for a special use permit for a renewal of an accessory apartment.  
**Property Address: 90 Timberlane Ct.**  
**Section 17.06, Block 2, Lot 16**

Mailings and sign certification in order.

George Davis present for the meeting.

Memo from the Assistant Building Inspector dated, May 18<sup>th</sup>, 2021 states: The subject premises was inspected on May 18<sup>th</sup>, 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, and Gregory, the application for renewal of a special use permit of an accessory apartment was granted for a period of three (3) years.

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

Mailings and sign certification in order.

Susan Watson present for the meeting.

Ms. Watson said it is a small extension at the back of the house to extend the laundry room.

Chairman Fine asked how many story it is.

Ms. Watson said it is a single story.

Memo from the Assistant Building Inspector dated, May 20<sup>th</sup>, 2021 states: I have inspected the property on May 11<sup>th</sup>, 2021 and have no objections in granting relief. 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, and Gregory, the application for a variance was granted 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, 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.

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

Mailings and sign certification in order.

David Tetro, Architect representing the applicant.

Mr. Tetro said on this application we have a property that was zoned under a previous zoning application for a 6' high fence, and they designated the front yard of the project along Old Yorktown Road, which is sort of the rear of the property. The homeowner wants to put in an above ground pool with an attached deck to it in the rhetorically what is the largest portion of the yard which you would think is the rear, but like I said there was a previous zoning application which deemed this to be the front yard. So our application is looking to put the pool and the deck within the front yard and side yard setbacks.

Chairman Fine asked is the pool will be facing the road?

Mr. Tetro said yes, but there is a large fence and actually like a berm that goes down to Old Yorktown Road, so it is fairly private.

A photo of the property was shown to show where the pool will be.

Memo from the Assistant Building Inspector dated, May 20<sup>th</sup>, 2021 states: I have inspected the property on May 11, 2021 and have no objections in granting relief. 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, and Gregory, the application for a variance was granted 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. With the stipulation it pertains only to the requested variance and not the remainder of the property line, and be built in substantial conformity to the plans submitted.

**GRAHAM #18/21** 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 house 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.

**Property Address: 2205  
Hunterbrook Rd.  
Section 36.13, Block 1, Lot 3**

Mailings and sign certification in order.

Philip Graham present for the meeting.

Mr. Graham said bought the property about year and half ago, almost two years ago and there was an existing concrete masonry structure on the property, pool house type structure and we are looking to rehabilitate and slightly expand that structure.

Chairman Fine asked what is that structure now?

Mr. Graham said it is a dilapidated building.

Chairman Fine asked if there is anything in it?

Mr. Graham said no.

Chairman Fine said you are looking to redesign that basically.

Mr. Graham said we are changing the roof line and slightly expanding the footprint of it, but trying to maintain all of the existing structure.

Mr. Fahey asked were there COs on that old building?

Mr. Graham said we did deep permit searches with Department of Health, and the Building Department obviously and could not locate them.

Mr. Fahey said do you know approximately what year it might have been built.

Mr. Graham said believe it was the early 60's.

Chairman Fine asked what was it built as?

Mr. Graham said a pool house.

Chairman Fine asked is there still a pool?

Mr. Graham said there is.

Chairman Fine asked what is the reason for making the roof line height higher?

Mr. Graham said architectural preference, my in-laws are very picky about their style and taste.

Chairman Fine said you want it to match the house better.

Mr. Graham said exactly.

Memo from the Assistant Building Inspector dated, May 20<sup>th</sup>, 2021 states: I have inspected the property on May 12<sup>th</sup>, 2021. It appears that this proposal is close to a wetland area and may require a permit from the Town Engineering Department. Westchester County Board of Health approval will be needed also. I have no objections in granting relief as long as all required permits are obtained. The applicant will need a building permit for this work.

Chairman Fine said the reason it is oversized is because it is an existing building, is that correct. Mr. Graham said yeah, it already is oversized but it is the structure just with our architectural plans, we need to slightly expand one end of it basically the northern end of it.

The Board looked at the plans.

Chairman Fine said I see a garage, is that part of the house or part of the structure.

Mr. Graham said there is an existing garage in the existing structure that we are looking to keep.

Chairman Fine said it is going to be an accessory with a garage.

Mr. Graham said yes.

Chairman Fine said so that will take care of your parking requirements for the accessory apartment.

Mr. Graham said yes.

Chairman Fine asked did you submit a parking plan, that is part of the application process for an accessory.

Mr. Graham said I did not because we had outlined parking within our plans, we did not think we need to submit a separate parking plan.

Chairman Fine said as long as it is delineated somewhere.

Mr. Gregory said if you look at the survey, you have a driveway, looks like you have the ability to park a couple of cars then you have the garage inside the expanded structure, and the ordinance only requires a space and a half for each unit.

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, and Gregory, the application for a variance was granted 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 house 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. With the stipulation it pertains only to the requested variance and not the remainder of the property line, and the apartment be built in substantial conformity to the plans submitted.

**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 house 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.

Mailings and sign certification in order.

Philip Graham present for the meeting.

Memo from the Assistant Building Inspector dated, May 20<sup>th</sup>, 2021 states: I have inspected the property on May 12<sup>th</sup>, 2021. The applicant has a separate application to construct this dwelling. I have no objections in granting relief.

The applicant should be advised that a new Certificate of Occupancy must be issued for the use of the accessory dwelling.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, and Gregory, the 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 house 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, was granted for a period of three (3) years.

Recording Secretary, Glenda Daly  
Meeting adjourned at 7:02pm  
Happy Zoning!