

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS  
OCTOBER 28<sup>TH</sup>, 2021**

The regular monthly meeting was held for the Zoning Board of Appeals via Zoom, October 28<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  
John Meisterich  
Anthony Tripodi

Also present is Kyra Brunner, Legal Secretary, Adam Rodriguez, Special Counsel, 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 December 9<sup>th</sup>, 2021. Mailings are to be sent from November 15<sup>th</sup>, 2021 to November 24<sup>th</sup>, 2021.

**NEW BUSINESS**

**JOHAL #47/21** This is an application to allow an addition with a side yard setback of 35.4' where a minimum of 40' is required and a deck with a side yard setback of 14.1' where a minimum of 15 is required as per 300-13(G), 300-21 and Appendix A of the Town Zoning Code. This property is located in a R1-20 zone.  
**Property Address:**  
**3612 West Rd.**  
**Section 15.15, Block 1, Lot 20**

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 December 9<sup>th</sup>, 2021, and referred to the Building Inspector. Site Visits will be done by the Board members separately.

**McMONIGLE #46/21** This is an application to allow an existing front terrace with a side yard setback of 12.9' where a minimum of 15' is required, a combined side yard setback of 38.5' where a minimum of 40' is required and a front yard setback of 23.9' 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.  
**Property Address:**  
**738 Mercer Rd.**  
**Section 26.20, Block 1, Lot 75**

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 December 9<sup>th</sup>, 2021, and referred to the Building Inspector. Site Visits will be done by the Board members separately.

**CONTINUED PUBLIC HEARINGS**

**BRAVO #40/21** This an application for a front deck addition with a front yard setback of 27.8' for the main structure and 25.45' for the stairs where a minimum of 40' is required. The applicant is legalizing a  
**Property Address: 633 East  
Main St.**

**Section 16.08, Block 1, Lot 9** garage and shed with setbacks of 5.7' and 2.4' where a minimum of 10' is required. The lot size is 19,595 s.f. where a minimum of 20,000 s.f. is required. All per 300-21 and Appendix A of the Town Zoning Code. This property is located in a R1-20 zone.

Mailings and sign certification in order.

Pat Costabile, representing the applicant. He said Mr. Bravo bought it with the front porch in the existing condition, and the garage and the shed were already there. He did not put them there; they were there when he bought the house. He was told he had to legalize the front entrance way, the porch to the front entrance way, and then add the deck in the front.

Mr. Fahey asked why would you want to come out closer to 6N, that property is very close to the edge of the road it is now, so he wants to put a deck on the front of that house.

Mr. Costabile said it is a small deck.

Mr. Fahey said is it going to go across the full front of the house.

Mr. Costabile said no, it is actually 10.5ft x 7.5ft.

Mr. Fahey asked is a deck there now?

Mr. Costabile said it is a planting area there now, a raised planting area.

Memo from the Assistant Building Inspector dated, September 20, 2021 states:

I have inspected the property on September 17, 2021. When out at this inspection, I noticed a structure attached to the existing shed. This additional structure is not shown on the submitted plan and also houses chickens. That requires a special use permit. No such permit has been applied for, creating a violation. This structure is also closer than the required setback and will need additional variance.

I object to the granting of this variance and would like to see the keeping of the fowl and a "complete" variance application be submitted first.

Memo from the Assistant Building Inspector date, October 27, 2021 states:

On October 27, 2021, Code Officer Jason Zeif inspected the property and stated that the coop and chickens are no longer present on the property. Based on this, I no longer have any objections in granting relief for this variance.

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 for a front deck addition with a front yard setback of 27.8' for the main structure and 25.45' for the stairs where a minimum of 40' is required, and legalize a garage and shed with setbacks of 5.7' and 2.4' where a minimum of 10' is required. The lot size is 19,595 s.f. where a minimum of 20,000 s.f. is required. These variances are with the stipulation that they pertain only to the requested variances and not the remainder of the property line, and the addition be built in substantial conformity to the plans submitted.

**CARVALHO #44/20** This is an application to subdivide a lot creating 2 lots under the  
**Property Address: 1681** required 10,000s.f. where a minimum of 20,000 s.f. is required.  
**Summit St.** This property is located in a R1-10 zone.  
**Section 48.07, Block 2, Lot 9**

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

**GRACE #45/20** This is an application to allow a caretaker's cottage as per 300-47

**Property Address: 959** of the Town Code. This property is in a R1-80 zone.  
**Hanover St.**  
**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 Tripodi, this item is adjourned.

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

Not opened.

### **NEW PUBLIC HEARING**

**GAUR #45/21** This is an application for a special use permit for an accessory  
**Property Address: 1798** apartment.  
**French Hill Rd.**  
**Section 37.18, Block 1, Lot 7**

Mailings and sign certification in order.

Amy Gaur present for the meeting.

Chairman Fine asked if the apartment was currently in use as an apartment.

Ms. Gaur said it was not.

Memo from the Assistant Building Inspector dated, October 25, 2021 states:

The subject premises were inspected on October 25, 2021, and no changes have been made to the apartment since the previous approval. Presently it is not being rented out and is being used by the homeowners as an exercise area.

The main house and the accessory apartment are missing the smoke and c.o. detectors. After the installation of these, the use will continue to be in substantial compliance with applicable building and zoning regulations. An inspection will be necessary to verify the installation.

The applicant should be advised that a new Certificate of Occupancy must be issued for the 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 a special use permit for an accessory apartment was granted for a period of three (3) years. This is subject to the installation of the smoke and carbon monoxide detector.

**ARGIRO #44/21** This is an application for a special use permit for the parking of a  
**Property Address: 3517** commercial vehicle in a residential area as per section 300-62 of  
**Kamhi Drive** the Town Zoning Code.  
**Section 16.11, Block 3, Lot 45**

Mailings and sign certification in order.

Gino Argiro present for the meeting. He said he is trying to park a food truck on his driveway.

Memo from the Assistant Building Inspector dated, October 18, 2021 states:

I have inspected the property on October 18, 2021 and noticed there aren't any trees on the property where the applicant marked on the plan and the driveway is partially semicircular which is not

reflected on the plan.

The photos of the driveway were shown.

Mr. Fahey asked where do you want to park the truck.

Mr. Argiro said right in front of the garage.

Mr. Meisterich said basically based on this other thing that you provided; the plan is to use material to basically cover the truck.

Mr. Argiro said it is not even material, they have awnings that come down to cover the truck if I have to actually screen it.

Chairman Fine asked if the applicant was planning on planting trees back in to screen.

Mr. Argino said he was not.

The Board discussed screening with the applicant.

Chairman Fine suggested that the applicant have a landscape architect look at this to see what they would possibly suggest.

Mr. Argiro said I have not.

Chairman Fine said when you are parking something that large in the front of the house, the front yard is exposed, it is going to be visible. It is going to look like a commercial vehicle cover with a tarp.

Mr. Argiro asked if it is an issue that the neighbor would complain about.

Mr. Gregory said it is not necessarily one that can complain, but it is part of the ordinance.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Gregory, Meisterich, and Tripodi, this item was adjourned so the applicant can come back with a screening plan.

**GORDON #43/21** This is an application to allow an existing gazebo in the rear yard with a setback of 4.5' where a minimum of 10' is required and a porch with a front yard setback of 24.6' where a minimum of 30' is required as per 300-21 and Appendix A of the Town Zoning Code. This property is located in a R1-10 zone.  
**Property Address: 917 Parkway Place**  
**Section 16.11, Block 3, Lot 42**

Mailings and sign certification in order.

David Tetro, Architect, representing the applicant.

Chairman Fine said you are amending the application to take out the part about the gazebo.

Mr. Tetro said correct, we filed this prior to getting an updated survey. When the survey came in there was a gazebo in the back, it was dilapidated. It is actually a deck, there may have been some kind of structure on it. Spoke with the owner, he said his intention were to take it down.

Chairman Fine said so now you are just going for the front porch.

Mr. Tetro said correct.

Mr. Meisterich asked are you putting a roof on the porch.

Mr. Tetro said no, basically it is a stoop, but he made it a little wider so that he can get into the house. It grew a little bit because of the architectural element he decided to put on to it.

Memo from the Assistant Building Inspector dated, October 22, 2021 states:

I have inspected the property on October 18, 2021 and was informed that the raised platform/deck (gazebo on plan) will be removed. I have no objections in granting relief for the rest of the application. 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 Fahey and unanimously voted in favor by Fahey, Fine, Gregory, Meisterich, and Tripodi, the application for a variance was granted to

allow a porch with a front yard setback of 24.6' where a minimum of 30' is required as per 300-21 and Appendix A of the Town Zoning Code, with the stipulation that 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.

Recording Secretary, Glenda Daly

Meeting adjourned at 6:56pm

Happy Zoning!