

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS  
APRIL 28<sup>TH</sup>, 2022**

The regular monthly meeting was held for the Zoning Board of Appeals, Town of Yorktown, at the Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, April 28<sup>th</sup>, 2022. The meeting began at 6:30 p.m.

The following members of the board were present:

Robert Fahey  
Gordon Fine  
John Meisterich  
Anthony Tripodi

Also present is Kyra Brunner, Legal Secretary, and Steven Fraietta, Assistant Building Inspector.

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 26<sup>th</sup>, 2022, and site visits are scheduled for April 21<sup>st</sup>, 2022. Mailings are to be sent from May 2<sup>nd</sup> to May 11<sup>th</sup>, 2022, and site.

**NEW BUSINESS**

**SMITH #24/22 Property** This is an application to reconstruct and expansion of a garage  
**Address: 2477 Pine Grove** with one side yard of 10.74' where 15' is required and total of two  
**Ct. Section 36.06, Block 1,** side yard 30.86' where 40' is required as per 300-21 and  
**Lot 10** Appendix A of the Town Zoning Code.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Meisterich, and Tripodi, this item was scheduled for a Site Visit on April 21<sup>st</sup>, 2022 and Public Hearing on April 26<sup>th</sup>, 2022, and referred to the Building Department.

**SACCOMANNO #25/22** This is an application to allow the installation of 6' fence located in  
**Property Address: 3566** the side yard continuing into the rear yard where 4'6" side yard is  
**James St. Section 16.10,** permitted as per 300-13F and Appendix A of the Town Zoning  
**Block 4, Lot 43** Code.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Meisterich, and Tripodi, this item was scheduled for a Site Visit on April 21<sup>st</sup>, 2022 and Public Hearing on April 26<sup>th</sup>, 2022, and referred to the Building Department.

**LERMAN #26/22 Property** This is an application to allow construction of a deck with a side  
**Address: 1850 Blossom Ct.** yard setback of 10.9' where 20' is required as per 300-21 and  
**Section 37.18, Block 1, Lot 24** Appendix A of the Town Zoning Code.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Meisterich, and Tripodi, this item was scheduled for a Site Visit on April 21<sup>st</sup>, 2022 and Public Hearing on April 26<sup>th</sup>, 2022, and referred to the Building Department.

**RIEHM #27/22 Property**  
**Address: 1498 Dover St.**  
**Section 14.08, Block 2, Lot 38**

This is an application for an addition that requires a variance for a front yard of 35' where 40' is required as per 300-13G for a corner lot, a variance for two side total of 55.25' where 40' is required as per 300-21 and Append A of the Town Zoning Code, and for a fence with a height of 6.5' in a front yard where 4.5' is required as per 300-11G of the Town Zoning Code.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Meisterich, and Tripodi, this item was scheduled for a Site Visit on April 21<sup>st</sup>, 2022 and Public Hearing on April 26<sup>th</sup>, 2022, and referred to the Building Department.

### **CONTINUED PUBLIC HEARINGS**

**CARVALHO #44/20**  
**Property Address:**  
**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.

Michael Grace, Attorney, representing the applicant.

Chairman Fine said this application has been pending for quite a while.

Mr. Grace said yes, it has been lingering, trying to get it back on track, I re-noticed it. This is a house that fronts on Summit Street with what would have been a pre-existing 10,000 s.f. lot that fronts on Front Street. The applicant also owns a portion of what was Virginia Road as it butted up on Front Street. This would need approval from 3 different Boards, you are one stop in the process, the other stops would be Planning Board because it would be a subdivision.

Chairman Fine said usually Planning looks at these before it comes to us.

Mr. Grace said yes, it also has to go before the Town Board.

Memo from the Planning Board dated, January 21, 2021 states: The application will require a subdivision application to the Planning Board and a rezone application to the Town Board to determine if the new lot created on Front Street would be viable. The Board requests the applicant submit a subdivision application and proposed sketch plan for a potential development on this lot before they can make a recommendation on the variances requested.

Memo from the Assistant Building Inspector dated, January 23, 2021 states: This application will need more information and documentation, including zoning analysis, in order to review this. I reached out to the applicant's representative and mentioned this to him.

Mr. Grace said I will be back, I know that it is a matter of getting it started somewhere, and putting the neighbors on notice. If they have questions and issues, we would like to know what they are and address them as early as we possibly can.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Meisterich, and Tripodi, this item is adjourned for more information from the other Boards.

**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**

Michael Grace present. He said I do not have plans yet. I wanted to restart this, my property is about 6+ acres. It is actually 2 existing lots, pre-existing lots. I am looking to put maybe a 1 bedroom little caretaker cottage down there.

Jed Khandji, neighbor, came to the podium. He said he is looking to see what plans, we have yet to see them.

Chairman Fine said he has not submitted any plans yet.

Mr. Khandji said this has been like 2 years, so we are trying to track it. I do have comments, I submitted them in writing.

Upon motion Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Meisterich, and Tripodi, this item is adjourned so the applicant can submit more information.

**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.

**SHAWARBY #48/21** This is an application for a special use permit for a new accessory apartment.  
**Property Address:**  
**3570 Ellis St.**  
**Section 15.15, Block 1, Lot 1**

Requested adjournment by applicant.

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

**NEW PUBLIC HEARING**

**VALENTIN #8/22** This is an application to allow the legalization of a 6’6” fence located in the front yard where 4’6” is permitted as per 300-13F and Appendix A of the Town Zoning Code.  
**Property Address:**  
**3436 Sulin Ct.**  
**Section 17.10, Block 3, Lot 86**

David Tetro, Architect, representing the applicant. He said what happened was because we were designating one of the streets as the front yard it kicked the fence into non-compliance.

Chairman Fine said that is what came up in the Building Department memo last month.

Mr. Tetro said yes, when Mr. Gregory was doing his site visit, he picked it up during his walk through. The Board had said we could come back if we want or fix it. Spoke with the owner and they wanted to get it done.

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, Meisterich, and Tripodi, the application for a variance was granted to allow the legalization of a 6’6” fence located in the front yard where 4’6” is permitted as per 300-13F 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.

**MAYERHOFER #13/22** This is an application for a special use permit for a new accessory apartment.  
**Property Address:**  
**273 Carolina Rd.**  
**Section 48.11, Block 1, Lot 34**

Mailings and sign certification in order.

Charles Mayerhofer present, he said he purchased the property in November, and believe the previous owners have a permit for the accessory apartment.

Chairman Fine said it is a transfer of ownership, it is not really a new accessory apartment.

Mr. Mayerhofer said yes.

Chairman Fine asked is anybody living in it.

Mr. Mayerhofer said no.

Memo from the Assistant Building Inspector dated, April 21, 2022 states: I inspected this property on April 20, 2022 and found no violations. I have no objections to granting a special permit.

Letter from Linda McMahon dated April 21, 2022 states: As a homeowner on Columbine Court since 1978 we object to its renewal as a rental. From day one this accessory dwelling served as a mother/daughter unit whereby elderly parents resides with the family. This is the intended use of an accessory apartment and certainly fills a family need which we welcome. We strongly object that the unit could be approved for rental income. We are a single family community and should remain that way.

Chairman Fine said just commenting in general on that, just so people understand fully. The accessory apartment law is not rezoning. Accessory apartments are found only in 1 family residential districts. It was designed to create affordable housing, so to speak, and it was designed predominately to be rental property. Which is why when somebody has an accessory apartment in their home their taxes change to a commercial level tax because they are now having rental property. That is really the purpose of accessory apartment, is to create that type of building. This is a permit basically by law in the statute. If the applicant meets the criteria. Now this is a previously existing accessory apartment. The only reason this gentleman is here is because in the law it also says that when you transfer ownership to a new owner of the previously existing accessory apartment, they have to reapply to get the permit in their name. So that is the reason why this gentleman is here. He is not creating a new unit, he is simply transferring the existing unit into his name.

Chairman Fine asked Mr. Mayerhofer are there any problems that you know of, condition of the unit, problem with the neighbors or anything.

Mr. Mayerhofer said no, it has a separate driveway and its own entrance.

Chairman Fine asked how long have you live there.

Mr. Mayerhofer said I just purchased it in November, 2021.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Meisterich, and Tripodi, the application for a special use permit for a new accessory apartment was granted for a period of three (3) years.

**ELIAZER #14/22** This is an application to legalize a 6' high fence in two side yards where a maximum of 4.5' is permitted as per 300-13F of the Town Zoning Code.  
**Property Address:**  
**3761 Chesterfield Dr.**  
**Section 15.08, Block 2, Lot 70**

No open. No mailings.

**HAXHARI #15/22** This is an application to legalize an enclosed porch with one side

**Property Address:** yard of 7.67' where 15' is required and two side yard 36.42' where  
**877 Taconic Woods Rd.** 40' is required as per 300-21 and Appendix A of the Town Zoning  
**Section 26.07, Block 1, Lot 16** Code.

Mailings and sign certification in order.  
Nest Haxhari present.  
Chairman Fine asked this is just a porch you are putting up?  
Mr. Haxhari said yes.  
Chairman Fine said and it is partially constructed already.  
Mr. Haxhari said yes.

Memo from the Assistant Building inspector dated, April 21, 2022 states: I have inspected this property on April 20, 2022 and found no apparent violations. I have no objection granting relief for all requested variances. The applicant will need a building permit and certificate of occupancy for this project.

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, Meisterich, and Tripodi, the application for a variance was granted to legalize an enclosed porch with one side yard of 7.67' where 15' is required and two side yard 36.42' where 40' is required as per 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 porch be built in substantial conformity to the plans submitted.

**JENNINGS #16/22** This is an application to allow construction of an addition of a  
**Property Address:** garage and a deck where side yard variances are needed, one  
**79 Somerston Rd.** side is 8.5' where 15' is required and total of two sides is 22.3'  
**Section 17.10, Block 1, Lot 3** where 40' is required as 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.  
David Tetro, Architect, representing the applicant. He said it is an existing ranch style home, the owner wants to put a garage addition on with a master suite expansion above it, and they want to reconstruct the deck in the rear of the house. It is fairly straight forward, it is a 730 sf. Garage, 490sf. Above, we are kind of stepping the 2<sup>nd</sup> floor back.

Memo from the Assistant Building Inspector dated, April 21, 2022 states: I have inspected this property on April 20, 2022 and found no apparent violations. I have no objection granting relief for requested variances. The applicant will need a building permit and certificate of occupancy for this project.

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, Meisterich, and Tripodi, the application for a variance was granted to allow construction of an addition of a garage and a deck where side yard variances are needed, one side is 8.5' where 15' is required and total of two sides is 22.3' where 40' is required as per 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.

**HODZA #18/22** This is an application for an addition to an existing garage with a

**Property Address:** second story bedroom with a side yard of 16' where 20' is required as per 300-21 and Appendix A of the Town Zoning Code.  
**525 Hilltop Rd.**  
**Section 35.07, Block 2, Lot 20**

Mailings and sign certification in order.

Joel Greenberg, Architect, representing the applicant. Making a one car garage into a two car garage. So the requirement is 20ft. we have 16ft, so we need a 4ft. variance. The good thing about this is the code also requires that the total of the 2 side yards equal 50ft. but fortunate the other side yard is oversize so the actual total instead of 50ft. is 53ft.

Mr. Fahey asked are you going to connect it.

Mr. Greenberg said yes.

Mr. Greenberg showed the Board the plans for the project.

Mr. Meisterich said so you are going further to the right of the existing.

Mr. Greenberg said yes, if you go back to the survey, if you look closely you will see the line of the existing garage and then we are going out a few feet to make it a two car garage.

Chairman Fine said that is why you need the variance.

Mr. Meisterich said why would you not just use the existing garage and connect it to the house without the 2<sup>nd</sup> story breezeway, what is the purpose of doing it that way.

Mr. Greenberg said because it is something that would create interest.

Mr. Meisterich said I do not understand completely why you could make that a two car garage by just coming towards the house and no breezeway, it is a little unusual to have a 2<sup>nd</sup> story breezeway.

Chairman Fine said it looks like if you do not go out the other way then you do not have enough room to pull a car around there without taking out lawn.

Mr. Fahey said have there been prior additions on this house.

Mr. Greenberg said no, this is the first time to best of my knowledge.

Memo from the Assistant Building Inspector dated, April 21, 2022 states: I have inspected this property on April 20, 2022 with no apparent violations. I have no objection granting relief for requested variances. The applicant will need a building permit and certificate of occupancy.

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, Meisterich, and Tripodi, the application for a variance was granted for an addition to an existing garage with a second story bedroom with a side yard of 16' where 20' is required as per 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.

**KAUFMAN #19/22** This is an application for a special use permit for a new accessory apartment.  
**Property Address:**  
**1450 Maiden Ln.**  
**Section 47.17, Block 1, Lot 17**

Mailings and sign certification in order.

David Wallance, Architect, representing the applicant. He said my client would like to build an accessory apartment so that his adult daughter can move back home but still have her own privacy, her own living arrangements. There is very negligible impact to the outside of the house, basically another front door on the side yard. All of the alterations take place on the inside.

Memo from the Assistant Building Inspector dated, April 21, 2022 states: I inspected this property on April 21, 2022 and found no violations. I have no objections to granting the variance and special permit. This application will require a building permit and certificate of occupancy for this project.

Chairman Fine asked what is the reason why you need the oversized apartment.

The survey of the property was shown.

Mr. Meisterich asked is the 1<sup>st</sup> floor the apartment or the 2<sup>nd</sup> floor.

Mr. Wallance said both, it is a duplex. Living space on the ground floor, one bedroom on the 2<sup>nd</sup> floor.

Plans for the new addition was showed to the Board.

Mr. Wallance said because of the geometry of the house and because the 2<sup>nd</sup> floor as a former master bedroom of the original house, there is no really efficient or good way to carve out 800 sf., it just divide very neatly.

Chairman Fine asked where is the parking for the accessory.

Mr. Wallance said there are four spaces, two in the garage and two in the driveway.

Chairman Fine said you have service for two cars for the main unit and service for two cars for the accessory.

Mr. Wallance said yes.

Chairman Fine said there is an email in the file from Stephen Schnupp who is objecting to the accessory apartment. He states reasons in it. I am not going to read the reasons on the record. The record is part of the file but I am not going to read the reasons stating here because based upon the nature of the reasons I cannot vouch for the veracity of the reasons. I am not saying he is wrong or right, but I am not going to read it publicly into the record unless I know absolutely that they are truthful, and I am not going to ask the applicant about this, and any in any event it is not necessarily an impediment to the to the application.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Meisterich, and Tripodi, the application for a special use permit for an accessory apartment was granted for a period of three (3) years.

<b>KAUFMAN</b> <b>Property Address:</b> <b>1450 Maiden Ln.</b> <b>Section 47.17, Block 1, Lot 17</b>	<b>#20/22</b>	This is an application to construct an accessory apartment in a single-family home that requires a special use permit as per 300-38 of the Town Zoning Code and a variance for the accessory apartment that is 966 square feet where a maximum of 800 square feet is permitted as per 300-38 of the Town Zoning Code.
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Mailings and sign certification in order.

David Wallance, Architect, representing the applicant. He said my client would like to build an accessory apartment so that his adult daughter can move back home but still have her own privacy, her own living arrangements. There is very negligible impact to the outside of the house, basically another front door on the side yard. All of the alterations take place on the inside.

Memo from the Assistant Building Inspector dated, April 21, 2022 states: I inspected this property on April 21, 2022 and found no violations. I have no objections to granting the variance and special permit. This application will require a building permit and certificate of occupancy for this project.

Chairman Fine asked what is the reason why you need the oversize lot.

The survey of the property was shown.

Mr. Meisterich asked is the 1<sup>st</sup> floor the apartment or the 2<sup>nd</sup> floor.

Mr. Wallance said both, it is a duplex. Living space on the ground floor, one bedroom on the 2<sup>nd</sup> floor.

Plans for the new addition was showed to the Board.

Mr. Wallance said because of the geometry of the house and because the 2<sup>nd</sup> floor as a former

master bedroom of the original house, there is no really efficient or good way to carve out 800 sf., it just divide very neatly.

Chairman Fine asked where is the parking for the accessory.

Mr. Wallance said there are four spaces, two in the garage and two in the driveway.

Chairman Fine said you have service for two cars for the main unit and service for two cars for the accessory.

Mr. Wallance said yes.

Chairman Fine said there is an email in the file from Stephen Schnupp who is objecting to the accessory apartment. He states reasons in it, I am not going to read the reasons on the record. The record is part of the file but I am not going to read the reasons stating here because based upon the nature of the reasons I cannot vouch for the veracity of the reasons. I am not saying he is wrong or right, but I am not going to read it publicly into the record unless I know absolutely that they are truthful, and I am not going to ask the applicant about this, and any in any event it is not necessarily an impediment to the to 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, Meisterich, and Tripodi, the application for a variance was granted to construct an accessory apartment in a single-family home that requires a special use permit as per 300-38 of the Town Zoning Code and a variance for the accessory apartment that is 966 square feet where a maximum of 800 square feet is permitted as per 300-38 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 constructed to conformity to the plans submitted.

<b>GENAO</b> <b>Property Address:</b> <b>3197 Parmly Ct.</b> <b>Section 25.07, Block 1, Lot 23</b>	<b>#21/22</b>	This is an application to allow construction of a front porch with a front yard setback of 23' where 30' is required as per 300-21 and Appendix A of the Town Zoning Code. This property is located in a R1-10 zone.
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Not open. No mailings.

<b>CLIFFORD</b> <b>Property Address:</b> <b>1625 Central St.</b> <b>Section 48.07, Block 2, Lot 28</b>	<b>#22/22</b>	This is an application to allow the sub-division of an existing single-family lot into two nonconforming lots. One fronting on Central Street and one fronting on Summit Street.
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Mailings and sign certification in order

Michael Grace, Attorney, representing the applicant. He said right up front, this is a substantial request both for the existing lot and what would be a new lot. The idea here is this is historically would have been 2 lots, it ended up being one ownership and what happens when the Town rezoned it goes from an R1-10 which would require 10,000 sf. per residential unit to 20,000 sf. per residential unit, these became non-conforming. So the idea here is that the lot fronting on Central acts as the back yard to the lot that is fronting on Summit, and he is looking to put that back lot basically to use as a single family house and we would argue that it is comport with the community there. I do not live too far away, I love that area. It is a beautiful area. It is one of the best residential areas of Yorktown. I believe it could with the right architectural treatment be an enhancement to the neighborhood. We also feel that these are the actually kind of residential units are in much demand and need in the Town to keep our kids here who otherwise have to move away because they cannot afford to be here.

Memo from the Assistant Building Inspector dated, April 26, 2022 states: With regards to this application for a variance to the Zoning Board of Appeals, there is no building permit application for this project. This type of application for a subdivision usually starts with the Planning Department. Then the Planning Board would then refer it to the Zoning Board.

Memo from the Planning Board dated, April 28, 2022 states: At its meeting on April 11 and April 25, 2022, the Planning Board discussed the applicant's request for an undescribed variance to subdivide a non-confirming lot into two non-confirming lots. The Board visited the site and does not feel that a subdivision of the subject lot would change the character of the neighborhood.

Chairman Fine said so what you are doing is taking one lot that is oversized based upon the old zoning but still undersize based upon the new zoning, and create two substandard lots under the old zoning and the new zoning. So you are making two lots even smaller than we have it already. Mr. Grace said no pretense that this is a substantial request in terms of it, and quite frankly when he first engaged us and take a look at it I advised him you have a real uphill climb on this one, because it is a substantial request. On paper it really is but when you go out there and take a look at it, it actually make some sense because this is a lot that is on three sides of the road, and you have this spare land that just sits there. I am very fond of this neighborhood, I looked at it and said this actually would make some sense and because I think you could do something rather than having an empty lot that is king of just hanging out there, you could actually put it to some good use. Architecturally you control it.

Chairman Fine said we have a somewhat similar application a few months back for a property in Shrub Oak off of East Main Street, which had the same type of argument to it that this is just an outlying lot and all the lots are this size and we denied that one saying just because you have a vacant lot does not mean you have to build on it. Now the question I have also is you want to create two separate 7500 sf. lots in the neighborhood that was basically created with 10,000 sf. lots. How many other lots in the immediate neighborhood are 7500 sf. The Planning Board is saying oh it does not change the character but to me if you are taking 25% off the lot it is a change in character unless the other surrounding lots are the same way.

Mr. Grace said in this particular neighborhood which I am fairly familiar with, you do have and actually for sale few 5,000 sf. lots up there already.

Chairman Fine said where are they in relation to this house.

Mr. Grace said there is one actually on Summit and I think south of this one.

Map of the neighborhood shown.

Mr. Grace said you have in the neighborhood lots that range from 5,000 sf., you have very few actual 20,000 sf. lots, and back in the days when I was Town Attorney, up in Mohegan when they bought sewers in and put spurs, they put them on 10,000 sf. lots. This is all sewer water, to me it is not a stretch.

Chairman Fine said could you submit something to us that shows what other lots in the neighborhood are the same size or smaller.

Mr. Grace said yes, I could. Again ,I am not going to suggest that this is not one that have to have some thought, and I am not going to suggest that this should not be tweaked in terms of house size, setbacks and what may be granted. Really based upon the lot, the three sided road, do not think that this one is a complete no brainer.

Mr. Fahey said I hear what you are saying and okay, I am thinking about that way, but to go another way supposed you were to put a regular size home in the middle of the lot, nice big front yard, nice big side yard and you put a detached garage. A regular size house that is about 2,000 sf., would that not fit the same possibility as splitting the two lots.

Mr. Grace said absolutely.

Chairman Fine said together they are 15,000 sf., but there is already a house on one piece of it already, it is not a vacant lot.

Mr. Grace said theoretically you could do that, you could put a what they use to call a mcmanion on the lot and that would be inconsistent with the neighborhood. I think you can control the impact of any development of that lot by tightly controlling the architectural treatment of the premises and its ultimate size.

Chairman Fine said when did your client buy the lot?

Mr. Grace said I do not have that information. I am going to assume for sake of argument, right now they are properly and legally merged as one lot.

Chairman Fine said so it was purchased after the up zoning to.

Mr. Grace said more than likely. The thing is I do not think that is a dispositive issue.

Chairman Fine said it is not totally dispositive.

Mr. Grace said we know it is very difficult to find modest priced and affordable housing, and rather than have government try and dictate that stuff it is really nice to see that private investment may do it, and do it a lot better, a lot nicer.

Chairman Fine said the issue I have with it at this point is that the Town for whatever reason saw it fit to up zone from 10,000 sf. to 20,000 sf., but now you want to take something that is substandard to begin with and make it more substandard.

Chairman Fine said you are 100% right, maybe more appropriate to bring it to the Town Board.

Mr. Fahey said I would be interested in seeing what is proposed what size house is being proposed.

Chairman Fine said the house itself would probably conform to the setbacks, whatever it is.

Sandy Giuffre, neighbor, came to the podium. She said about 35 years ago our neighbor built a house, we never had water issues. There was issues with the parents, how they kept the property. It was not kept up, the children do keep it up, we have no problem with them. When we asked the Town to come in because we were having water issues which we never had before.

Chairman Fine asked what kind of water issues.

Ms. Giuffre said ground water coming in that we never had before until the house was built next door. We had come to the Town, they sent a rep up, he said there was nothing the Town could do, we would have to sue our neighbor, we did not do that.

Chairman Fine asked where was the water coming from.

MS. Giuffre said coming through the ground.

Chairman Fine said why would the neighbor have control over that.

Ms. Giuffre said it never happened before until the house was built which was an oversize house, something was disturbed. We put rocks, we put pipes, we had drainage all on the sides. My concern is vegetation is going to be taken down we are going to get more ground water.

Chairman Fine said right now I do not think there is anything on that lawn except grass.

Ms. Giuffre said there is a lot of trees on that property. I do have an issue with this, there is going to be a problem with water.

Another neighbor, James Francois said our lot is 15,000 sf. we look out our living room window and we see the front entrance of the existing property. We have lived on that property since 1983, when we purchased the property it was as we see it now, except that behind us on Paine Street was an empty lot, same size as ours. Foolishly we did not buy it we should have, but we are content with our 15,000 sf. Our home happen to be set over the north end facing on Central Street. Our thought are that if this grant is given to 5,000 sf. or whatever the footage happens to be, I have a space that same size that I can plop off, plead that it is for my children, not build it, sell it.

Chairman Fine said that is why I brought up that we had a similar application in Shrub Oak a few months back where we denied it.

Mr. Francois said I am a volunteer member of the Yorktown Conservation Board, that has no conservation issued that I can see, it is just simply a vacant piece of property, what I do see is what the ladies before is saying, we are going to open up the balkanization or whatever you want to call it of this very lovely neighborhood into smaller, smaller pieces. I have traveled around this neighborhood for 40 years but I never thought to look at how many lots could be similarly cut up.

Chairman Fine said do you have any idea how many other 15,000 sf. lots there are with single family

homes on them.

Mr. Francois said I do not, because I am not a surveyor.

There is a property that is at the corner of Paine and Hudson which has a corner property, which also have that vacant corner so we have a variety of waves of lots that could be cut up to 7,500 sf. if even 5,000 sf.

Mr. Meisterich said just looking at the map you can kind of see many of the properties, someone could potentially do the same think if this one is granted.

Another neighbor, Linda Silka said my property is on the corner, I do have a lot that could be subdivided and so it does set a precedent for the neighborhood if you grant this.

Mr. Grace said I think there is an argument that can be made that this would not change the character of the neighborhood but it certainly one of the consideration that have to be weighed by you. I think a lot of the issues may be mitigated by the size of the house, the architectural treatment of the house and with those two things in mind, probably even enhance the neighborhood.

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

**WALLACK FAMILY LTD  
#23/22**

**Property Address:  
1549 Jacob Rd.**

**Section 36.13, Block 1, Lot 14**

This is an application to allow construction of a new barn (accessory building) with a height of 30'2" where 15' is allowed as per 300-21 and Appendix A of the Town Zoning Code. This property is located in a R1-40/R-160 zone.

Mailings and sign certification in order.

Michael Grace, Attorney, representing the applicant.

Mr. Grace said we went in front of the Planning Board as well, and they had to adjourn it. We came up so quickly on the Planning Board agenda we did not anticipate to be on the Planning Board agenda before we got back here.

Memo from the Planning Board dated, April 28, 2022 states: The applicant has not submitted a plan showing the location of the proposed barn on the subject property, therefore the Board has not discussed the variance requested. Once the plan is submitted, this item will be placed on the next available Planning Board agenda. Please adjourn this item until the Board is able to review the application.

Memo from the Assistant Building Inspector dated, April 21, 2022 states: I have inspected this property on April 20, 2022 and found no violations. I have no objection granting relief for all requested variances. The applicant will need a building permit and certificate of occupancy for this project.

Mr. Grace said I was not given the site plan as to where it was going to be situated. The survey of the property was showed to the Board and some neighbors.

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

Recording Secretary, Glenda Daly  
Meeting adjourned at 8:00pm  
Happy Zoning!