

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS  
DECEMBER 8<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, December 8<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.

The meeting was aired on Channel 20 Cablevision and Channel 33 Verizon Fios.

It was announced that the next public hearing would be held January 26<sup>th</sup>, 2023, site visits are scheduled for January 21<sup>st</sup>, 2023. Mailings are to be sent from January 1<sup>st</sup> to January 11<sup>th</sup>, 2023.

**NEW BUSINESS**

**TACO BELL #53/22** This is an application to allow a sign of 9.5 sq. ft. where 0 sq. ft. is required on the North elevation and a sign of 34.7 sq. ft. where 0 sq. ft. is required on the West elevation as per section 300-21 Appendix D of the Town Zoning Code.  
**Property Address:**  
**3571 Mohegan Ave.**  
**Section 15.16, Block 1, Lot 21**

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Meisterich, and Tripodi, this item was scheduled for a Public Hearing on January 26<sup>th</sup>, 2023, Site Visit on January 21<sup>st</sup>, 2023, and referred to the Building Department, ABACA, Planning Board and County Planning.

**ALIHAJDARAJ #54/22** This is an application to allow a fence with a height of 6.6 ft. in the front yard where 4.5 ft. is permitted as per section 300-13F of the Town Zoning Code.  
**Property Address:**  
**830 Barberry Rd.**  
**Section 26.12, Block 1, Lot 14**

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Meisterich, and Tripodi, this item was scheduled for a Public Hearing on January 26<sup>th</sup>, 2023, Site Visit on January 21<sup>st</sup>, 2023, and referred to the Building Department.

**BISAGNA #55/22** This is an application for a renewal of a special use permit for an accessory apartment.  
**Property Address:**  
**586 Madison Ct.**  
**Section 37.90, Block 1, Lot 2**

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

**CHARNIS #56/22** This is an application for a renewal of a special use permit of the storage of a commercial vehicle on a residential property as per section 300-62 of the Town Zoning Code. This property is

**Section 36.11, Block 1, Lot 5** located in a R1-20 zone.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Meisterich, and Tripodi, this item was scheduled for a Public Hearing on January 26<sup>th</sup>, 2023, Site Visit on January 21<sup>st</sup>, 2023, and referred to the Building Department.

**KURTI #57/22** This is an application to construct a new single-family residence with a lot area of 5,000 sq. ft. where 20,000 sq. ft. is required and lot width of 30ft. where 50ft. is required as per section 300-21 and Appendix A of the Town Zoning Code.  
**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, Meisterich, and Tripodi, this item was scheduled for a Public Hearing on January 26<sup>th</sup>, 2023, Site Visit on January 21<sup>st</sup>, 2023, and referred to the Building Department.

The Board is requesting a copy of the owner's deed, assessor's card, any prior Zoning Board decisions and history of any building permits issued.

### **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, Meisterich, and Tripodi, this item is adjourned as requested.

**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, Meisterich, and Tripodi, this item is adjourned as requested.

**CLIFFORD #22/22** 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.  
**Property Address:**  
**1625 Central St.**  
**Section 48.07, Block 2, Lot 28**

Application withdrawn by the applicant.

**ELEZAJ #39/22** This is an application to legalize three (3) accessory apartments in a single-family home with an existing non-conforming cottage making the total of four (4) dwelling units in a single-family district.  
**Property Address:**  
**1658 Amazon Rd.**  
**Section 25.12, Block 2, Lot 32**

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Meisterich, and Tripodi, this item is adjourned at the request of the applicant.

**ELEZAJ #40/22** This is an application to allow two (2) primary structures on a lot where one (1) is permitted as per section 300-21C(1)(a)[1], to allow a combined floor area of 3 accessory apartments of 1835 square feet where 800 square feet accessory apartment is permitted as per section 300-38B(5), to allow usage of property  
**Property Address:**  
**1658 Amazon Rd.**  
**Section 25.12, Block 2, Lot 32**

that is not owner occupied as per section 300-38B(8), and to allow four (4) accessory apartments where one (1) is permitted in a R1-40 zone as per section 300-38B(9).

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Meisterich, and Tripodi, this item is adjourned at the request of the applicant.

**O'DONNELL #51/22** This is an application to allow a 6'6" fence located in the front yard where 4'5" is permitted as per section 300-13F and Appendix A of the Town Zoning Code.  
**Property Address:**  
**1405 Turus Ln.**  
**Section 16.17, Block 1, Lot 48**

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Meisterich, and Tripodi, this item is adjourned at the request of the applicant.

### **NEW PUBLIC HEARING**

**PUFAHL #52/22** This is an application to construct an addition in the rear yard with a side yard setback of 13.75 ft where 15 ft is required as per section 300-21 and Appendix A of the Town Zoning Code.  
**Property Address:**  
**720 Mercer Rd.**  
**Section 26.20, Block 1, Lot 78**

Mailings and sign certification in order.

Thomas Pufahl present for the meeting.

Mr. Pufahl said we are looking to build an extension behind the house. We want it to be flush with our current house and our current house is 13ft. from our property line.

Chairman Fine asked is it a one-story addition.

Mr. Pufahl said yes.

Memo from the Assistant Building Inspector, dated December 2, 2022 states:

I inspected this property on December 2, 2022, there is a gazebo and an above ground swimming that will require building permits. As for the variance requested for the addition. I have no objections to granting relief This application will require a building permit and a certificate of occupancy.

Mr. Pufahl said I do not have a gazebo.

Mr. Meisterich said there is a pavilion there or something.

Mr. Pufahl said yes, there is one of those Costco pop-up thins, not pop-up but.. We just put it up. Assistant Building Inspector Steven Fraietta told Mr. Pufahl the pool is an above ground pool, if it is more than 2ft. in heights it requires a building permit, and there are other issues with the pool there that we can discuss.

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 addition in the rear yard with a side yard setback of 13.75 ft where 15 ft 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 that it be built in substantial conformity to the plans submitted, and with the understanding we are not addressing the gazebo and pool.

Meeting adjourned at 6:43pm

Happy Zoning!