

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS  
DECEMBER 8<sup>TH</sup>, 2016**

The regular monthly meeting was held at the Zoning Board of Appeals, Town of Yorktown, at the Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on Thursday, December 8, 2016. The meeting began at 6:30 p.m.

The following members of the board were present:

Gregg Bucci  
Robert Fahey  
Gordon Fine  
William Gregory  
John Meisterich

Also present is Special Counsel, Anna Georgiou. The meeting was aired on Channel 20 Cablevision and Channel 33 Verizon Fios.

It was announced that the next public hearing would be held on January 26<sup>th</sup>, 2017, site visits are scheduled for January 14<sup>th</sup>, 2017. Mailings are to be sent from January 1<sup>st</sup> and January 11<sup>th</sup>, 2017.

**ADDED AGENDA**

**STRINGER, THOMAS & ELISE #71/16** This is an application to allow an existing accessory structure with a front yard setback of 22' where a minimum of 30' is required and a side yard setback of 9.5' where a minimum of 12' is required per Section 300-21 and Appendix A of the Yorktown Zoning Code.  
**Property Address:**  
**2019 Etna Place**  
**Section 37.14, Block 1, Lot 88** This property is in an R1-10 Zoning District.  
Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, and Meisterich, this item was scheduled for a Site Visit on January 14<sup>th</sup>, 2017, a Public Hearing on January 26<sup>th</sup>, 2017, and referred to the Building Inspector.

**MALONE, JAMES AND LAUREN #76/16** This is an application for a special use permit for an accessory apartment. This property is located in an R1-20 zoning district.  
**Property Address:**  
**3006 Crompond Rd.**  
**Section 26.19, Block 1, Lot 29 &30**  
Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, and Meisterich, this item will be handled administratively and referred to the Building Inspector.

**CHARNIS, JULIAN AND LAURA #77/16** This is an application for a renewal of special use permit for an accessory apartment and a variance from Zoning Code § 300-38K of special permit requirements for accessory apartments where "any lot with respect to which a special use permit for an accessory dwelling unit has been granted shall be ineligible for a special use permit to store, park or stand any commercial vehicle or trailer" and the applicant has applied for a special permit to store a commercial vehicle at the premises (§300-62). This  
**Property Address:**  
**2248 Edward Lane**  
**Section 36.11, Block 1, Lot 5**

property is located in a R1-20 zone.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, and Meisterich, this item was scheduled for a Site Visit on January 14<sup>th</sup>, 2017, a Public Hearing on January 26<sup>th</sup>, 2017, and referred to the Building Inspector.

**CHARNIS, JULIAN AND  
LAURA #78/16**  
**Property Address:**  
**2248 Edward Lane**  
**Section 36.11, Block 1, Lot 5**

This is an application for a special use permit for the storage of a commercial vehicle on a residential property as per section 300-62 of the Town Zoning Code. This property is located in a R1-20 zone.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, and Meisterich, this item was scheduled for a Site Visit on January 14<sup>th</sup>, 2017, a Public Hearing on January 26<sup>th</sup>, 2017, and referred to the Building Inspector.

**MASCARENHAS, CLIFF  
#79/16**  
**Property Address:**  
**1763 Parmly Rd.**  
**Section 25.08, Block 1, Lot 95**

This is an application for an addition on a lot with an existing frontage of 65' where 80' is required. The addition will also have a front yard setback of 20.1' where 30' is required and a rear yard setback of 5'6" 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.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, and Meisterich, this item was scheduled for a Site Visit on January 14<sup>th</sup>, 2017, a Public Hearing on January 26<sup>th</sup>, 2017, and referred to the Building Inspector.

**McENROE, DANIEL #80/16**  
**Property Address:**  
**2735 Hyatt St.**  
**Section 27.14, Block 2, Lot 6**

This is an application for a proposed rear addition, with a rear yard setback of 19'5" 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.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, and Meisterich, this item was scheduled for a Site Visit on January 14<sup>th</sup>, 2017, a Public Hearing on January 26<sup>th</sup>, 2017, and referred to the Building Inspector.

**ROMANO, ANTHONY #81/16**  
**Property Address:**  
**3325 Curry St.**  
**Section 17.14, Block 1, Lot 62**

This is an application for an existing accessory structure with a side yard setback of 10'6" where a minimum of 15' is required and a combined side yard setback of 36.35' 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.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, and Meisterich, this item was scheduled for a Site Visit on January 14<sup>th</sup>, 2017, a Public Hearing on January 26<sup>th</sup>, 2017, and referred to the Building Inspector.

### **ADJOURNED AGENDA**

**ZOHAR, JANET #39/16**  
**Property Address:**  
**1564 Kimble Ave.**  
**Section 15.16, Block 2, Lot 63**

This is an application to renew a special use permit for an accessory apartment per 300-38 of the Town of Yorktown Zoning Code. This property is located in an R1-10 zoning district.

Applicant not present. Remove from agenda.

**DINEEN, KATHLEEN #48/16** This is an application to modify an existing special use permit for a day care facility per 300-53 of the Tow of Yorktown Zoning Code. This property is located in an R1-10 zoning district.  
**Property Address:**  
**2090 Crompond Rd.**  
**Section 37.14, Block 2, Lot 8**

Application before the Planning Board for site plan approval.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, this item was adjourned, waiting on site plan approval.

**DINEEN, KATHLEEN #49/16** This is an application for a variance to allow an addition to a daycare facility to have a building coverage of 10057.5 sq. ft. where 7404 sq. ft. is the maximum allowed per 300-21 and Appendix A of the Town of Yorktown Zoning Code. This property is located in an R1-10 zoning district.  
**Property Address:**  
**2090 Crompond Rd.**  
**Section 37.14, Block 2, Lot 8**

Application before the Planning Board for site plan approval.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, this item was adjourned, waiting on site plan approval.

**SHANE, JOSEPH #62/16** This is an application for a variance to allow an addition to have a side yard setback of 12.54' where 20' are required and a rear yard setback of 16.75' where 50' are required per 300-21 and Appendix A of the Town of Yorktown Zoning Code. This property is located in an R1-40 Zoning District.  
**Section 47.08, Block 1, Lot 3**  
**Property Address:**  
**1565 Baldwin Rd.**

This item was adjourned to allow County Planning to respond to the referral. There was no response from County Planning.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Fahey and voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, the application for a variance was granted to allow an addition to have a side yard setback of 12.54' where 20' are required and a rear yard setback of 16.75' where 50' are required per 300-21 and Appendix A of the Town of Yorktown 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 with the plans submitted.

**YANCOPOLOULOS, KAREN #66/16** This is an application for special use permit for an accessory apartment per 300-38 of the Town of Yorktown Zoning Code. This property is located in an R1-80 Zoning District.  
**Section 47.19 Block 1, Lot 22**  
**Property Address:**  
**1280 Echo Hill**

Applicant not present.

**PUBLIC HEARING**

**MARIE D'ASCOLI TRUST  
#68/16**

**Property Address:  
1590 Westview Dr.**

**Section 48.09, Block 1, Lot 17**

Mailings and sign certification in order.

Memo from the Assistant Building Inspector dated December 6, 2016 states:

The subject premises were inspected 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 used of the accessory dwelling.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, the application for renewal of a Special Use Permit for an accessory apartment was granted for a period of three (3) years.

**KURIAN, BABU & SARAH  
#69/16**

**Property Address:  
1822 Morris Lane**

**Section 25.16, Block 1, Lot 5**

Mailings and sign certification in order.

Memo from the Assistant Building Inspector dated December 6, 2016 states:

The subject premises were inspected 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 used of the accessory dwelling.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, the application for renewal of a Special Use Permit for an accessory apartment was granted for a period of three (3) years.

**KURENS/HERNANDEZ  
#70/16**

**Property Address:  
2175 Sultana Dr.**

**Section 37.19, Block 1, Lot 76**

Mailings and sign certification in order.

Memo from the Assistant Building Inspector dated December 6, 2016 states:

The existing accessory apartment has a floor area of 900 square feet where 800 square feet is allowed as per section 300-38B(5) of the Yorktown Zoning Code. We have no objection to the granting of this application.

This is an application to renew a Special Use Permit for an accessory apartment per 300-38 of the Town of Yorktown Zoning Code. This property is in an R1-40 zoning district.

This is an application to renew a Special Use Permit for an accessory apartment per 300-38 of the Town of Yorktown Zoning Code. This property is in an R1-20 Zoning District.

This is an application for a Special Use Permit for an accessory apartment per 300-38 of the Town of Yorktown Zoning Code. This property is in an R1-40 Zoning District. The applicant also seeks a variance for the apartment to be 900 square feet where the maximum permissible square footage is 800 square feet.

Memo from the Assistant Building Inspector dated December 6, 2016 states:

We have no objection to the granting of this application as long as the applicant is made aware that they have to come to the Building Department and be issued a Certificate of Occupancy for the accessory apartment.

The board determined after applying the five factors that the requested variance would not have a major impact on the neighborhood.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, the application for renewal of a Special Use Permit for an accessory apartment was granted for a period of three (3) years and for a variance to allow the accessory apartment to have a square footage of 900 square feet where 800 square feet was the maximum permissible.

**NARSINGH, PAUL & NIKITA  
#72/16**

**Property Address:  
3208 Douglas Dr.  
Section 17.19, Block 1, Lot 47**

This is an application to allow an existing extension with a rear yard setback of 36.08 feet where a minimum of 40 feet is required as per section 300-21 and Appendix A of the Yorktown Zoning Code. This property is in an R1-20 Zoning District.

Mailings and sign certification in order.

Jim Flandreau, Architect appeared on behalf of the Applicant. They are looking to legalize an extension that has existed for over 20 years. It was constructed before the current owner purchased the property.

Memo from the Assistant Building Inspector dated November 23, 2016 states:

This is an application to legalize a storage addition located at the rear of the garage. The addition has a rear yard setback of 36.08' where 40' are required per 300-21 and Appendix A of the Town of Yorktown Zoning Code.

I have inspected the property listed above on November 22, 1-16 and noticed a 6' high pvc fence located in both side yards. Fences located in a side yard must be no more than 4.5' high per 300-13.

Chairman Fine told Mr. Flandreau that the fence is violating zoning code and there's no permit for it. He asked Mr. Flandreau how long the fence has been there.

Mr. Flandreau said he does not know, he assumes as long as the owner had put it up. He can talk to the applicant about cutting it down or removing it.

Ms. Georgiou told the Board they can make it a condition of the approval making it compliant.

Chairman Fine asked Mr. Flandreau if the applicant will be willing to bring it into compliance. Mr. Flandreau said it would be brought into compliance.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Fahey and voted in favor by Fahey, Fine, Gregory, and Meisterich, and Nay by Bucci, the application for a variance was granted to allow an existing extension with a rear yard setback of 36.08 feet where a minimum of 40 feet is required as per section 300-21 and Appendix A of the Yorktown Zoning Code, with the stipulation that it pertains only to the requested variance and not the remainder of the property line and the existing fence be brought into compliance.

**SERAFIN, STANLEY & GINA  
#73/16**

**Property Address:**

This is an application to allow a proposed addition with a front yard setback of 48.5 feet where a minimum of 50' is required as per section 300-21 and Appendix A of the Yorktown Zoning Code.

**415 Spring Drive**

This property is in an R1-40 Zoning District.

**Section 48.18, Block 2, Lot 41**

Mailings and sign certification in order.

Jim Flandreau, Architect appeared with the Applicant.

Memo from the Assistant Building Inspector dated November 23, 2016 states:

This is an application to allow an addition to an existing structure. I have inspected the property listed above on November 22, 2016 and noticed a shed in the rear yard. The shed meets zoning requirements, but may require a building permit.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Fahey and voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, the application for a variance was granted to allow a proposed addition with a front yard setback of 48.5 feet where a minimum of 50' is required as per section 300-21 and Appendix A of the Yorktown Zoning Code, with the stipulation that it pertains only to the requested variance and not the remainder of the property line and that the addition be built in substantial conformity with the plans submitted.

**YANCOPOLOULOS, KAREN #74/16**

**Property Address:**

**1280 Echo Hill Path**

**Section 47.19 Block 1, Lot 22**

This is an application for a variance pertaining to a proposed accessory apartment (special use permit, Section 300-38 of the Town of Yorktown Zoning Code) where the proposed accessory apartment will have a usable floor area of 1240 square feet which exceeds the maximum permitted 800 square feet, and which exceeds 33% of the usable floor area of the main building as per Section 300-38 (B) (5) This property is located in an R1-80 Zoning District.

Not open. Applicant not present.

**FERNANDES, IVO #75/16**

**Property Address:**

**2605 Flagg Place**

**Section 26.20 Block 1, Lot 21**

This is an application to allow a new AC condenser (exits) with a side yard setback of 11' where a minimum of 15' is required. A combined side yard setback of 37.58' where a minimum of 40' is required as per 300.21 and Appendix A of Town Zoning Code.

Mailings and sign certification in order.

Memo from the Assistant Building Inspector dated November 30, 2016 cited no objection. The applicant will need a mechanical permit for this work.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Fahey and voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, the application for a variance was granted to allow a new AC condenser (exits) with a side yard setback of 11' where a minimum of 15' is required. A combined side yard setback of 37.58' where a minimum of 40' is required as per 300.21 and Appendix A of Town Zoning Code, with the stipulation that it pertains only to the requested variance and not the remainder of the property line.

Recording Secretary, Glenda Daly

Meeting adjourned at 7:15pm

Happy Zoning!