



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

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

**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 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).  
**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 Gregory, Fahey, Fine, Meisterich, and Tripodi, this item is adjourned as requested

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

### **NEW PUBLIC HEARING**

The Board discussed the application and applied the statutory factors.

**MENDOZA #1/23** This is an application for a renewal of a special use permit for an accessory apartment.  
**Property Address:**  
**1824 Hanover Street**  
**Section 37.19, Block 3 Lot 32**

Mailings and sign certification in order.

Memo from the Assistant Building Inspector, dated February 22, 2023, cited no objection.

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

**VUKAJ #2/23** This is an application for an addition that will require a variance for a front yard setback of 24.98 ft where 30 ft is required as per section 300-21 and Appendix A of the town Zoning Code  
**Property Address:**  
**3838 Kent Lane**  
**Section 27.10 Block 2 Lot 15**  
Adjourned for applicant to re-notice.

**BISACCIA #3/23** This is an application for a renewal of a special use permit for an accessory apartment  
**Property Address:**  
**2501 Dunning Dr**  
**Section: 27.18 Block 1 Lot 19**  
Mailings and sign certification in order.  
Memo from the Assistant Building Inspector, dated February 21, 2023, cited no objection.  
Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, Meisterich, and Tripodi, the application for renewal of a special use permit for an accessory apartment was granted for a period of three (3) years

**LUMI #4/23** This is an application for a renewal of a special use permit for an accessory apartment  
**Property address:**  
**2226 Crompond Rd**  
**Section: 37.09 Block: 1 Lot:**  
**66**  
Mailings and sign certification in order.  
Letter from a neighbor, Gus Boniello, dated February 15, 2023, in support of the application.  
Memo from the Assistant Building Inspector, dated February 22, 2023, cited no objection.  
Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, Meisterich, and Tripodi, the application for renewal of a special use permit for an accessory apartment was granted for a period of three (3) years

**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**  
Mailings and sign certification in order.  
Osman Alihajdaraj present for the meeting.  
Chairman Fine said this fence, it is just a front portion of a fence, it does not connect all around.  
Mr. Alihajdaraj said correct.  
Chairman Fine asked, what is the purpose of 6.5 feet as opposed to the legal size of 4.5 feet?  
Mr. Alihajdaraj said when I did the renovation to the house, I had a tenant and he had two young daughters, they put a small plastic pool in the rear yard, then they do all the barbeque there. So I went to Home Depot, I never thought that I needed any permit.  
Chairman Fine said you do not if you have the right height.  
Mr. Alihajdaraj said they told me this is the standard size, so I went and put it around.  
Chairman Fine said in front yard you are only allowed 4.5 feet.  
Mr. Alihajdaraj said I did not know that, I just put it up.  
Chairman Fine said so the application is clear, this is just the front piece it does not extend past the whole front of the house, only one side yard, correct. In front of one side yard, it does not connect to another fence and as you are facing to the left is the stairway so there is no fence front of that. So what I am having a problem with is why. I know you said that is what they sold you, 4.5 feet would accomplish the same thing that 6.5 feet would accomplish.

Mr. Alihajdaraj said to told the truth, first time that I do stuff like that, I just saw some of my neighbors they have the same size fence, so I went there, as I say, I did not know exactly what and I never thought that I have to have a permit like that.

Chairman Fine said you do not need a permit if it is the correct size.

The Board looked at a copy of the applicant's survey.

Chairman Fine said your survey shows the vinyl fence, and according to your survey the fence post between yourself and your neighbor on your right as you are facing the house, is right on the line.

Mr. Alihajdaraj said correct.

Chairman Fine said then we have a survey that was submitted by your neighbor dated September 2000, it does not show this fence on there.

Mr. Meisterich asked when did you put the fence up?

Mr. Alihajdaraj said seven years ago.

Memo from the Assistant Building Inspector, dated February 22, 2023 cited no objections.

Victoria Lee, neighbor, came to the podium.

Chairman Fine asked you had submitted a survey also?

Ms. Lee said it was just done in June 2022.

Chairman Fine aid the survey that I am looking at looks like, according the to circles drawn on the survey, that the post is right on the line.

Ms. Lee said it is on our property.

Chairman Fine said it is on the line. On the line is not considered on your property. It is not advisable to have a fence on your property line because you cannot service the other side.

Ms. Lee said it is beyond the line.

Chairman Fine said not according to your survey and not according to his survey.

Ms. Lee said you have the pictures also.

Chairman Fine said the pictures do not give it justice because they are at an angle and you have things posted all over it. What is meaningful to me is what your survey says, which is done by a licensed surveyor.

The matter was discussed further.

Chairman Fine asked Mr. Alihajdaraj, the people that own the pool, are they still tenants there.

Mr. Alihajdaraj said no they left.

Chairman Fine said so the purpose of the 6.5 feet high fence to screen the pool no longer there, correct.

Mr. Alihajdaraj said correct

Anthony Grasso came up to speak in support of Ms. Lee.

Mr. Tripodi said it appears the location of the fence is not a problem, it is on the property line, which is allowed. Its purpose is solely screening, so it is either 4.5 feet or 6.5 feet and in the past we have had fences in excess of the 4.5 feet we always took in consideration whether or not it affects traffic, this house is in the middle of the block it does not really affect traffic, and question is if you got screening at 4.5 feet or 6.5 feet I do not see much of a difference there, and I do see some waste in requiring the 6.5 feet fence to being taken down and having to install a 4.5 feet fence or altering the 6.5 feet fence, I think that is wasteful.

Chairman Fine said I understand what you are saying, but as far as screening is concerned, a 4.5 will do the same as a 6.5. The applicant said that he did it because he did not know what the code was, but in the past when we have granted this type of fence we have looked at the fact that most of the time these fences were part of a larger fence, it connected to something or it was keeping the fence uniform with the rest of the fence, they either ran along the side or ran along the back. This is a freestanding piece of fence, it is really in the front, it does not connect to anything on the side because he does not have a fence on the side. It is not screening anything because it is in a side yard with the only thing in the side yard are a couple of sheds, where the pool was, which is not there anymore it was in the back of the house which this does not screen.

Mrs. Grasso spoke of the rules and regulations and in support of Ms. Lee.

Kristine Mancuisi, neighbor, said she does not have an issue with the fence, she does have issue with the part of the fence on the neighbor property.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Fahey and voted in favor by Tripodi, and nay by Fahey, Fine, Gregory and Meisterich, the application for a variance was denied.

**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-  
**Property Address:** 1655 Central Avenue  
**Section 48.07, Block 2, Lot 31** 21 and Appendix A of the Town Zoning Code.

Anthony Tripodi recused.

Mailings and sign certification in order.

Joseph Riina of Site Design representing the applicant.

Mr. Riina said the lot is zoned R1-10, the lot is 5,000 square feet which makes it insufficient in area, 20,000 square feet is required in this zone, and they are seeking a variance for that and in addition to seeking a variance for the minimum frontage or lot width which is 80 feet where 50 feet is being provided.

Mr. Riina showed the layout of the potential house on the site and photo of the house.

Mr. Riina said the house is basically over 1100 square feet almost 1200 square feet, seeking two variances, one for lot width and frontage, another one for lot area. Although the variance being sort seems substantial and they are, it is not unprecedented for this area.

Chairman Fine said where have you seen another variance of this size in this area.

Mr. Riina said I am not saying the variance is not.

Mr. Riina showed map of the lots in the area and discuss the size of some of the lots.

Mr. Gregory said so you are saying there is vacant lots of that size.

Mr. Riina said there are standalone lots.

Mr. Gregory said there is nothing has been improved.

Mr. Riina said out of 31 lots 24 have homes on them already.

Mr. Gregory said of similar size, 50x100, and when were they built.

Mr. Riina said they built probably before the zone became 20,000 as far as I can tell and maybe Bill could clarify this but I do not think it was ever 5000 square feet.

Mr. Gregory spoke of the history of the zoning of the particular area.

Chairman Fine asked who owns this property now.

Mr. Riina said he cannot think of the last name.

Chairman Fine asked they just own this lot or they own the adjoining lot as well.

Mr. Riina said just this lot.

Chairman Fine asked how long have they owned it.

Mr. Riina said the only thing I could find were the tax rolls, I looked back at least 2016, I think she is the heir of the property, daughter of the former owner.

Chairman Fine said so your client is contract vendee.

Mr. Riina said yes.

Chairman Fine said so your client has no previous interest in this property, at the time of the up zoning your client did not own this property.

Mr. Riina said correct.

Chairman Fine said so walking in as contract vendee he is walking in buying a substandard lot.

Mr. Riina said with the understanding that he has to get a variance.

Chairman Fine said correct, but it is a substandard lot which is why he is here.

The map of the lots in the area was shown and discussed.

Mr. Gregory said one thing we had asked for was basically any subdivisions, any that were approved, any kind of building permits that have to do with the property that was improved as part of the estate. I do not know whether we have that information, but one of the things we have to be aware of is the fact that there are a lot of early subdivision in the Town of Yorktown that were approved pursuant to the existing zoning at the time, so in fact you do have subdivision that have 5000 square foot lots because that was what was required, as time went on those lots became less able to be built on and that is why the ordinance basically says that you have to combine lots to make them conforming to the present zoning. So the fact that a 5000 square foot lot exist really does not mean anything other than the fact that it may have been approved as a subdivision back when. When it was allowed to be 5000 square feet.

Chairman Fine said if the person who owned the lot back then came before us it may have been a different situation. The other point I want to ask you, if there are other lots of similar size that are also vacant if we were to grant this application, we would not then be in essence doing away with the up-zoning completely and opening up to all those lots being built upon.

Mr. Riina said you would be setting up a precedent for that, yes it would. Would it benefit us to do a little research and find out if any of those existing homes on 50x100 lots were granted area variances.

Chairman Fine said I do not recall any in my tenure here.

Memo from the Assistant Building Inspector, dated January 18, 2023 cited no objections.

Letter from Angelo Salvatico submitted the file opposing the application.

Memo from the Planning Board, dated January 24, 2023 states:

At its meetings on January 9 and January 23, 2023, the Planning Board discussed the requested variance at the subject location. The Board felt that as long as the burden wasn't self-created and the front of the home faced Central Street, they had no planning objections to the application.

Chairman Fine said but what you are telling me is obviously it is self-created because they are buying a substandard lot, and the way you presented the plans it is not facing Central Street.

Mr. Riina said that plan was submitted to get the denial, the elevation that I showed you would be the house that is built.

Chairman Fine asked if anyone had a comment.

Sandy Giuffre, neighbor, spoke of her opposition to the application and the effect on her property.

Angelo Salvatico, neighbor, spoke of his opposition to the application and effect on his property.

Paul Maloney, neighbor, spoke about the prior owners of the property and his opposition to the application.

Linda Salco, lives in the neighborhood, spoke of her opposition to the application.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Fahey and unanimously voted nay by Gregory, Fahey, Fine, Meisterich, and Tripodi, the application for a variance was denied.

Meeting adjourned at 7:16pm  
Happy Zoning!