

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS
OCTOBER 26TH, 2023**

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, October 26th, 2023. The meeting began at 6:30 p.m.

The following members of the board were present:

Gordon Fine, Chairman
Robert Fahey
William Gregory
Anthony Tripodi

Also present are 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 December 7th, 2023, site visits are scheduled for December 2nd, 2023. Mailings are to be sent from November 13th to November 22nd, 2023.

NEW BUSINESS

RUSSO #33/23 This is an application to construct a deck and swimming pool that will require a side yard variance of 5.55 ft where 10 ft is required as per section 300-21 and Appendix A of the Town Zoning Code.
Property Address:
3085 Uncas St
Section 25.12, Block 2, Lot 52

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, and Tripodi, this item was scheduled for a Public Hearing on December 7th, 2023, Site Visit on December 2nd, 2023, and referred to the Building Department.

REXHEPI #34/23 This is an application to construct an addition that will require a front yard variance of 36 ft where 40 ft is required as per section 300-21 and Appendix A of the Town Zoning Code.
Property Address:
2965 Mead St
Section 27.05, Block 1, Lot 44

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, and Tripodi, this item was scheduled for a Public Hearing on December 7th, 2023, Site Visit on December 2nd, 2023, and referred to the Building Department.

D'AVELLA #35/23 This is an application to construct a detached garage that will require a side yard variance of 5 ft where 10 ft is required as per section 300-21 and Appendix A of the Town Zoning Code.
Property Address:
2423 Hunterbrook Rd
Section 36.05, Block 2, Lot 52

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, and Tripodi, this item was scheduled for a Public Hearing on December 7th, 2023, Site Visit on December 2nd, 2023, and referred to the Building Department.

GOJCAJ #36/23 This is an application to legalize an already built garage that has a side yard setback of 16.7 ft where 30 ft is required as per section 300-21 and Appendix A of the Town Zoning Code.
Property Address:
1204 Underhill Ave
Section 47.20, Block 1, Lot 6

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, and Tripodi, this item was scheduled for a Public Hearing on December 7th, 2023, Site Visit on December 2nd, 2023, and referred to the Building Department.

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

This item is removed from the calendar. If the applicant wants to get back on the agenda, they must request to be added back.

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

This item is removed from the calendar. If the applicant wants to get back on the agenda, they must request to be added back.

MCNAMEE #25/23 This is an application to allow a 6' vinyl fence in a front yard where 4 ft 6 in is permitted as per section 300-13F of the Town Zoning Code.
Property Address:
2784 Holly Street
Section 26.16, Block 1, Lot 27

Mailings and sign certification in order.

Thomas McNamee appeared before the Board.

Mr. McNamee said he wants to put a 6ft. white vinyl privacy fence along the side yard. Right now, there are trees and a hedge, but they are basically dead. We want to put a 6ft. privacy fence there as appose to a 4.5ft. fence.

Chairman Fine asked what is the need for the extra 1.5ft.

Mr. McNamee said we have an above ground pool, at this point privacy from along the busy street.

Memo from the Assistant Building Inspector, dated September 8, 2023 states: I inspected this property on September 5, 2023 and found no apparent violations. I have no objections of granting the variance.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, and Tripodi, the application for a variance was granted to allow a 6' vinyl fence in a front yard where 4 ft 6 in is permitted as per section 300-13F of the Town Zoning Code. With the stipulation it pertains only to the requested variance and not the reminder of the property line.

IQBAL #27/23 This is an application for a building permit to construct an addition that will require the following variances: side yard setback of 13' 6" ft where 15 ft is required, a combined yard variance of 33' 6" ft where 40 ft is required and a rear yard setback of 33' 6" ft where 40 ft is required. This property has a non-conforming lot area of 13,137 sq. ft where 20,000 sq. ft is required as per section 300-21 and Appendix A of the Town Zoning Code
Property Address:
2800 Sarles Dr
Section 27.10, Block 3, Lot 32

Requested adjournment.

ORELLANA #30/23 This is an application for a special use permit to construct a new accessory apartment that requires a special use permit as per 300-38 of the Town Zoning Code.
Property Address:
748 Locksley Rd
Section 26.20, Block 1, Lot 33
Not open. No mailings.

NEW PUBLIC HEARING

RIZZO #31/23 This is an application to construct a spiral staircase off the rear deck with a setback of 1.25 ft where 10 ft is required as per 300-21 of the Town Zoning Code. A previous variance #39/20 was granted for the existing deck.
Property Address:
3443 Lakeside Dr
Section 15.16, Block 2, Lot 39

Mailings and sign certification in order.

Debra Rizzo appeared before the Board.

Chairman Fine said so you want to put a spiral staircase on the deck.

Ms. Rizzo said off the rear deck.

The Board looked at the plans.

Chairman Fine said the side of the deck that is opposite Hill Side Avenue is further away from the property line than the side of the deck.

Ms. Rizzo said it is a very odd shaped property.

Chairman Fine said why are you not putting the staircase further back toward the side where you have more property.

Ms. Rizzo said all this is done in conjunction with our Engineer and our Architect and they found that as far as walkways and stairs this is the best place. Also on this side is our septic.

Memo from the Assistant Building Inspector, dated October 24, 2023 states:

I inspected this property on October 24, 2023 and I have no objections to granting relief for the spiral staircase. This application will require a building permit and a CO.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, and Tripodi, the application for a variance was granted to construct a spiral staircase off the rear deck with a setback of 1.25 ft where 10 ft is required as per 300-21 of the Town Zoning Code. A previous variance #39/20 was granted for the existing deck. 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.

Meeting adjourned at 6:46pm
Happy Zoning!