

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS
JANUARY 26TH, 2017**

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, January 26th, 2017. 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 Town Attorney, Michael McDermott and Assistant Building Inspector Joe Angiello. 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 February 23rd, 2017, site visits are scheduled for February 11th, 2017. Mailings are to be sent from January 30th and February 8th, 2017.

NEW BUSINESS

NEWMAN, JOSEPH & RACHEL #1/17 This is an application for renewal of a special use permit for a accessory apartment. This property is located in an R1-20 zoning district.
Property Address:
388 London Rd.
Section 17.17, Block 3, Lot 27

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 and set down for public hearing.

ANTONUCCI, DEAN #2/17 This is an application to allow a shed with a side yard setback of 8.5' where a minimum of 10' is required as per section 300-21 and Appendix A of the Town Zoning Code. This property is located in a R1-10 zone.
Property Address:
1572 Wenonah Trail
Section 25.08, Block 2, Lot 52

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 February 11th, 2017, a Public Hearing on February 23rd, 2017, and referred to the Building Inspector.

DiPAOLO, FRANCINE #3/17 This is an application to allow an existing air conditioning unit with a setback of 34.5' where a minimum of 40' is required for a side yard as per 300-21, 300-13G and Appendix A of the Town Zoning Code. This property is located in a R-20 zone.
Property Address:
1404 Arch Drive
Section 16.13, Block 2, Lot 9

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 February 11th, 2017, a Public Hearing on February 23rd, 2017, and referred to the Building Inspector.

RPG PROPERTIES #4/17 This is an application for new multifamily structures with a side

Property Address:
3574 Lexington Ave.
Section 15.15, Block 1, Lot 22

yard setback of 32'6" where a minimum of 50' is required and a combined side yard setback of 65' where a minimum of 100' is required as per sections 300-21 and Appendix A of the Town Zoning Code. They also require a variance for having a building separation of 80' where a minimum of 90' is required as per section 300-21(3)(a)2(a) of the town Zoning Code. This property is located in a R-3 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 February 11th, 2017, a Public Hearing on February 23rd, 2017, and referred to the Building Inspector, Planning Board and County Planning.

CONTINUED PUBLIC HEARINGS

DINEEN, KATHLEEN #48/16
Property Address:
2090 Crompond Rd.
Section 37.14, Block 2, Lot 8

This is an application to modify an existing special use permit for a day care facility per 300-53 of the Town of Yorktown Zoning Code. This property is located in an R1-10 zoning district.

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
Property Address:
2090 Crompond Rd.
Section 37.14, Block 2, Lot 8

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.

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.

YANCOPOLOULOS, KAREN #66/16
Section 47.19 Block 1, Lot 22
Property Address:
1280 Echo Hill

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.

Applicant not present. Notice to be sent to applicant and marked final.

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.

Applicant not present. Notice to be sent to applicant and marked final.

NEW PUBLIC HEARING

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:
2091 Etna Place
Section 37.14, Block 1, Lot 88 This property is in an R1-10 Zoning District.
Mailings and sign certification in order.
Memo from the Assistant Building Inspector dated January 5, 2017 cited no objection.

The Board discussed the application and applied the statutory factors. Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, the application for a variance was granted 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, with the stipulation that it pertains only to the requested variance and not the remainder of the property line.

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
Mailings and sign certification in order.
Memo from the Assistant Building Inspector dated January 24, 2017 cited no objection. The applicant should be advised that a new certificate of occupancy must be issued for continued use 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 a special use permit for an accessory apartment was granted for a period of three (3) years.

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 is located in a R1-20 zone.

Mailings and sign certification in order.
Memo from the Assistant Building Inspector dated January 24, 2017 cited no objection. The applicant will need a certificate of occupancy for the accessory dwelling. A previous decision of the

Zoning Board determined that there was no need for a variance since it was deemed a prior non-conforming use.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, the application for a renewal of special use permit for an accessory apartment was granted for a period of three (3) years. No need for variance, premises previously declared non-conforming.

**CHARNIS, JULIAN AND
LAURA #78/16**

**Property Address:
2248 Edward Lane
Section 36.11, Block 1, Lot 5**

This is an application for renewal of 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.

Mailings and sign certification in order.

Memo from the Assistant Building Inspector dated January 24, 2017 cited no objection.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, the application for a renewal of special use permit for storage of a commercial vehicle on a residential property, was granted for a period of three (3) years.

**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.

Mailings and sign certification in order.

Architect, Patrick Croke appeared on applicant's behalf. He stated that they are not changing the footprint, just going up.

Memo from the Assistant Building Inspector dated January 9, 2017 states:

This is an application to allow a second story addition to be built over an existing structure. The proposed structure will have a front yard setback of 20.1' whereas 30' are required, a rear yard setback of 5.6' whereas 30' are required and the existing lot has a frontage of 65' whereas 80' are required per 300-21, Appendix A of the Town of Yorktown Zoning Code.

I have inspected the property on January 4, 2017 and noticed two sheds, both under 100 square feet, that are not compliant with zoning. One shed is located in the front yard and the other shed is in the rear yard. There is a free standing stone wall/barrier located in the front yard that is approximately 4' 9" in height where 4' 6" is the height limit per 300-13 of the Town of Yorktown Zoning Code.

I have no objections in granting relief for the second story addition.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, the application for a variance was granted 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, with the stipulation it pertains only to the requested variance and not the remainder of the property line and be built in substantial conformity with plans submitted. Any shed(s), walls and fences on the property must be zoning compliant.

McENROE, DANIEL #80/16
Property Address:

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

2735 Hyatt St. section 300-21 and Appendix A of the Town Zoning Code. This
Section 27.14, Block 2, Lot 6 property is located in a R1-10 zone.

Mailings and sign certification in order.

Architect, Christopher Taormina appeared on applicant's behalf.

Memo from the Assistant Building Inspector dated January 5, 2017 cited no objection.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, application for a variance was granted for a proposed rear addition, with a rear yard setback of 19'5" where a minimum of 30' is required per section 300-21 and Appendix A of the Town of Yorktown 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 with plans submitted.

ROMANO, ANTHONY #81/16 This is an application for an existing accessory structure with a
Property Address: side yard setback of 10'6" where a minimum of 15' is required and
3325 Curry St. a combined side yard setback of 36.35' where a minimum of 40' is
Section 17.14, Block 1, Lot 62 required as per section 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.

Attorney, Al Capellini appeared on applicant's behalf. Shed has been there for many years.

Memo from the Assistant Building Inspector dated January 5, 2017 cited no objection.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, the application for a variance was granted 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, with stipulation that it pertains only to the requested variance and not the remainder of the property line.

Recording Secretary, Glenda Daly

Meeting adjourned at 7:25pm

Happy Zoning!