

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS
MARCH 30TH, 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, March 30th, 2017. The meeting began at 6:30 p.m.

The following members of the board were present:

Gregg Bucci
Robert Fahey
Gordon Fine
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 April 27th, 2017, site visits are scheduled for April 22nd, 2017. Mailings are to be sent from April 3rd and April 12th, 2017.

NEW BUSINESS

**CALAPAI, SEBASTIAN AND
JANE #12/17**

Property Address:

2328 Brookside Ave.

Section 37.11, Block 1, Lot 38

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, and Meisterich, this item was scheduled for a Public Hearing on April 27th, 2017, and referred to the Building Inspector.

This is an application for a special use permit for an accessory dwelling. This property is located in an R1-40 zoning district.

WEISS, KATHLEEN #13/17

Property Address:

1758 Hanover Rd.

Section 37.19, Block 3, Lot 43

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.

This is an application for a special use permit for a renewal of an accessory dwelling. This property is located in an R1-10 zoning district.

**BASILE, MIKE & PETRILLO,
DEBBIE #14/17**

Property Address:

232 Sparkle Rd.

Section 27.10, Block 1, Lot 40

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 April 22nd, 2017, a Public Hearing on April 27th, 2017, and referred to the Building Inspector.

This is an application for a proposed accessory structure with a side yard setback of 4.2' 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 an R1-10 zoning district.

CARLSON, JOSEPH #15/17

This is an application for an addition with a side yard setback of

Property Address: 5.26' where a minimum of 15' is required and a combined side yard setback of 23.68' 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.
3175 Court St.
Section 16.20, Block 3, Lot 5

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 April 22nd, 2017, a Public Hearing on April 27th, 2017, and referred to the Building Inspector.

BRADY, THOMAS #16/17 This is an application to allow a new shed (under 100 s.f.) in the rear yard with setbacks of 3' and 8' where a minimum of 10' is required. The applicant also proposes to place an l.p. tank with a side yard setback of 12'5" where a minimum of 15' is required and a combined side yard setback of 29' where a minimum of 40' is required. These variances are per section 300-21 and Appendix A of the Town Zoning Code.
Property Address:
2163 White Birch Dr.
Section 37.14, Block 1, Lot 20

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 April 22nd, 2017, a Public Hearing on April 27th, 2017, and referred to the Building Inspector.

CONTINUED PUBLIC HEARINGS

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, 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, and Meisterich, this item was adjourned, waiting on site plan approval.

ADAMS, DONNA & HOYLE, DONALD #7/17 This is an application for a special use permit for the renewal of an accessory apartment. The property is located in an R1-20 zoning district. Application not opened (no mailings)
Property Address: 2959
Sherman Ct.
Section 25.12, Block 1, Lot 4

NEW PUBLIC HEARING

**NEWMAN, JOSEPH &
RACHEL**

#1/17

Property Address:

388 London Rd.

Section 17.17, Block 3, Lot 27

Mailings and sign certification in order.

Memo from the Assistant Building Inspector, dated February 22, 2017 states: 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 use of the accessory dwelling.

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

**PULVERMILLER, CATHERINE
#5/17**

Property Address: 2624

Windmill Dr.

Section 27.15, Block 1, Lot 39

Mailings and sign certification in order.

Memo from the Assistant Building Inspector, dated March 27, 2017 states: 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 made aware 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, and Meisterich, the application for a special use permit for an accessory apartment was granted for a period of three years.

ABRAMS, DAVID #6/17

Property Address: 3461

Sagamore Ave.

Section 15.16, Block 2, Lot 12

Mailings and sign certification in order.

Memo from the Assistant Building Inspector, dated March 15, 2017 states: Please be advised that I visited the site on 3/14/17 and no issues were identified.

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

**LEDERER, ANTHONY &
COOPER, SHARA #8/17**
**Property Address: 1441 Old
Logging Rd. West
Section 47.17, Block 1, Lot 13**

This is an application for a special use permit for an accessory apartment. The property is located in an R1-80 zoning district.

Mailings and sign certification in order.

Memo from the Assistant Building Inspector, dated March 8, 2017 states: The Applicant is requesting a Special Use Permit to allow a proposed accessory apartment comprising of 761 square feet above an attached garage in an R1-80 zone.

No issues were identified at the site visit.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, and Meisterich, the application for a special use permit for an accessory apartment was granted for a period of three years, and to be built as per the plans submitted.

**LOWNDES, KAREN & DICK
#9/17**
**Property Address:
500 Vine Rd.
Section 59.10, Block 2, Lot 30**

This is an application for a proposed addition with a front yard setback of 32' where a minimum of 75' is required as per section 300-21 and Appendix A of the Town Zoning Code. This property is located in a R1-80 zone.

Mailings and sign certification in order.

The Applicant stated that the proposed addition is to extend the garage and add a second bay. Same setback as the current one, just going to extend to the west by 14 feet.

Memo from the Assistant Building Inspector, dated March 2, 2017 states: The Applicant is requesting an area variance to allow a proposed attached garage with a front yard setback of 32 feet where 75 feet is required (which decreases the setback by 43%) in an R1-80 zone.

Please be advised that I did an inspection of the property and observed a 1 story barn that according to the submitted survey does not meet the rear yard setbacks and partially encroaches on the neighbors and the Towns property.

The Applicant stated that there's a barn and shed in the back.

Chairman Fine told the Applicant that they can't legalize the barn if it's on the neighbor's property.

Chairman Fine informed the applicant that the barn may need a Certificate of Occupancy or at least a variance.

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, and Meisterich, the application for variance was granted for a proposed addition with a front yard setback of 32' where a minimum of 75' is required as per section 300-21 and Appendix A of the Town Zoning Code, with the stipulation that it pertains only to the requested variance and not the remainder of the property line, and the addition be built in substantial conformity to the plans that's submitted. The Board is not addressing any issues regarding the barn.

TRAURING, EVERETT #10/17
**Property Address: 479
Elizabeth Rd.
Section 27.17, Block 2, Lot 51**

This is an application for an accessory structure with a side yard setback of 10' where a minimum of 20' is required and a height of 19'9 1/4" where a maximum of 15' is permitted as per sections 300-21, 300-14 and Appendix A of the Town Zoning Code. This property is located in a R1-40 zone.

Mailings and sign certification in order.

The Applicant stated that he is putting a detached garage in the area where he currently parks his boat. The boat is tall because it has an arch above it, so the ceiling in the garage needs to be 13 feet to get the boat in and because of the height of that and matching the roof pitch of the existing house, it puts the height of the structure at about 19 feet at the median roof line.

Chairman Fine asked if he plans on storage space in the garage.

The Applicant responded yes, they're going to store household articles. No living space.

Memo from the Assistant Building Inspector, dated March 27, 2017 states: The Applicant is requesting an area variance to allow a detached garage with a side yard setback of 10' whereas 20' are required, which decreases the setback 50%. The heights of the proposed garage is 19'-9 1/4" whereas 15' is the maximum, which is a 32% increase to the allowed height.

Please be advised that I performed an inspection of the property on 3/27/17 and observed a covered pergola built behind the pool and a hot tub installed behind the house without the benefit of permits. The pool barrier gates are not code compliant and must be rectified.

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, and Meisterich, the application for a variance was granted for an accessory structure with a side yard setback of 10' where a minimum of 20' is required and a height of 19'9 1/4" where a maximum of 15' is permitted as per sections 300-21, 300-14 and Appendix A of the Town Zoning Code, with the stipulation that it pertains only to the requested variance, not the remainder of the property line, and the structure be built in substantial conformity per the plans submitted, and that the applicant must obtain the permits and address the pool issue per the Building Department memo of March 27, 2017.

**DeSANTIS, PHIL & PAULINE
#11/17**

**Property Address: 3215
Gomer St.**

Section 17.17, Block 3, Lot 34

This is an application for an existing carport with a side yard setback of 10' where a minimum of 15' is required and a combined side yard setback of 30.23' 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.

Mailings and sign certification in order.

Memo from the Assistant Building Inspector, dated March 27, 2017 states: This is an application for an area variance for an existing carport with a side yard setback of 10' where a minimum of 15' (33% decrease) is required and a combined side yard setback of 30.23' (25% decrease) where a minimum of 40' is required as per section 300-21 and Appendix A of the Town Zoning Code.

I have inspected the property on March 10, 2017 and noticed that a generator was installed on the opposite side. A mechanical permit is required for this work and there is no record of one. In addition, this generator will decrease the combined side yard setback more than what is represented. Without knowing the required clearances, I cannot tell what the new setback will be.

Once a permit application is received for the generator, we can then review and determine what that new proposed side yard combined setback will be.

Chairman Fine informed the Applicant that he'll need a mechanical permit for the generator. The location of the generator may change the combined side yard setback.

The Applicant was advised to meet with the Building Inspector to find out exactly what he needs for the combined setback for the generator as well as the mechanical permit.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, and Meisterich, this item was adjourned.

Recording Secretary, Glenda Daly

Meeting adjourned at 7:20pm

Happy Zoning!