

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS  
APRIL 27<sup>TH</sup>, 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, April 27<sup>th</sup>, 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  
Alternate: Howard Orneck

Also present is Special Counsel, Mark Blanchard 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 May 25<sup>th</sup>, 2017, site visits are scheduled for May 20<sup>th</sup>, 2017. Mailings are to be sent between May 1<sup>st</sup> to May 10<sup>th</sup>, 2017.

**NEW BUSINESS**

**HOFFMAN, NOELLE #17/17**  
**Property Address: 3808 Old**  
**Crompond Rd.**  
**Section 35.8, Block 1, Lot 32**

This is an application for a special use permit for the renewal of an accessory dwelling. This property is located in an R1-20 zoning district.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, this item will be handled administratively and referred to the Building Inspector.

**CROMPOND REALTY LLC**  
**#18/17**  
**Property Address: 3805**  
**Crompond Rd.**  
**Section 35.8, Block 1, Lot 21**

This is an application for the renewal of a special permit for the storage of commercial vehicles in a R1-20 Zone in accordance with Section 300-62 of the Town Zoning Code.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, this item was scheduled for a Public Hearing on May 25<sup>th</sup>, 2017, and referred to the Building Inspector and Planning Department.

**CARVALHO, ALICE #19/17**  
**Property Address: 1681**  
**Summit St.**  
**Section 48.7, Block 2, Lot 19**

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

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, this item will be handled administratively and referred to the Building Inspector.

**DeROSA, ROBERT #20/17** This is an application for a special use permit for a new accessory dwelling. The previous one expired. This property is located in an R1-20 zone.  
**Property Address: 3208 Amelia Dr.**

**Section 26.5, Block 1, Lot 8**  
Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, this item was scheduled for a Public Hearing on May 25<sup>th</sup>, 2017, and referred to the Building Inspector.

**FLORYSHAK, JOSEPH #21/17** This is an application for a proposed structure with a rear yard setback of 19.54' 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.  
**Property Address: 1737 Paine St.**  
**Section 48.7, Block 1, Lot 43**

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, this item was scheduled for a Site Visit on May 20<sup>th</sup>, 2017, a Public Hearing on May 25<sup>th</sup>, 2017, and referred to the Building Inspector.

**GUZZI, RICHARD #22/17** This is an application to allow a new dwelling on a property that has a frontage of 50.7' where a minimum of 100' is required as per Article IV,300-11(G) of the Town Code. This property is located in a R1-20 zone.  
**Property Address: Crystal Ct.**  
**Section 27.11, Block 2, Lot 43**

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, this item was scheduled for a Site Visit on May 20<sup>th</sup>, 2017, a Public Hearing on May 25<sup>th</sup>, 2017, and referred to the Building Inspector.

**HUTH, KENNETH & REBECCA #23/17** This is an application for a proposed structure with a front yard setback of 36'1" 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 R1-200 zone.  
**Property Address: 479 Illington Rd.**

**Section 58.19, Block 1, Lot 3**  
Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, this item was scheduled for a Site Visit on May 20<sup>th</sup>, 2017, a Public Hearing on May 25<sup>th</sup>, 2017, and referred to the Building Inspector.

**VASILE, LENNY & LISA #24/17** This is an application for a proposed addition with a rear yard setback of 38' 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.  
**Property Address: 517 Giordano Dr.**

**Section 37.18, Block 1, Lot 18**  
Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, this item was scheduled for a Site Visit on May 20<sup>th</sup>, 2017, a Public Hearing on May 25<sup>th</sup>, 2017, and referred to the Building Inspector.

**T-Mobile #25/17** Application for a special use permit to alter an existing cell tower site in an R1-200 zone. The tower is located on the Yeshiva property 340-341 Illington Rd.; a/k/a Section 69.7, Block 1, Lot 8 on the Tax Map of the Town of Yorktown.  
**Property Address: 340-341 Illington Rd.**  
**Section 69.7, Block 1, Lot 8**

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, this item was scheduled for a Public Hearing on May 25<sup>th</sup>, 2017, and referred to the Building Inspector and County Planning.

**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 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.

**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.

**DeSANTIS, PHIL & PAULINE #11/17** 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.  
**Property Address: 3215 Gomer St.**  
**Section 17.17, Block 3, Lot 34**  
Paperwork not complete.

**NEW PUBLIC HEARING**

**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.  
**Property Address: 2959 Sherman Ct.**  
**Section 25.12, Block 1, Lot 4**

Mailings and sign certification in order.

Memo from the Assistant Building Inspector, dated March 21, 2017 states: No changes have been made to the apartment since the previous approval. The use will continue to be in substantial compliance with the 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, Gregory, and Meisterich, the application for renewal of a special use permit for an accessory

apartment was granted for a period of three years.

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

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

**Property Address:**

**2328 Brookside Ave.**

**Section 37.11, Block 1, Lot 38**

Mailings and sign certification in order.

Memo from the Assistant Building Inspector, dated April 25, 2017 states: No changes have been made to the apartment since the previous approval. The use will continue to be in substantial compliance with the 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, Gregory, and Meisterich, the application for renewal of a special use permit for an accessory apartment was granted for a period of three years.

**WEISS, KATHLEEN #13/17**

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.

**Property Address:**

**1758 Hanover Rd.**

**Section 37.19, Block 3, Lot 43**

Mailings and sign certification in order.

Memo from the Assistant Building Inspector, dated April 4, 2017 states: I inspected the premises on 4/4/17 and found conditions unchanged from the previous granting. The expiration of the previous grant was 1/27/14, rendering this a new application. Please advise the applicant that upon approval from this board, they will have to come to the Building Department and be issued a new Certificate of Occupancy for the accessory apartment.

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 years.

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

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.

**Property Address:**

**232 Sparkle Rd.**

**Section 27.10, Block 1, Lot 40**

This property is located in an R1-10 zoning district.

Applicant not present. Hearing not opened.

**CARLSON, JOSEPH #15/17**

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

**Property Address:**

**3175 Court St.**

**Section 16.20, Block 3, Lot 5**

Mailings and sign certification in order.

Marie Carlson appeared before the Board. The application is for a garage addition with storage space, it's off the existing side of the house, looking for 5 + feet off the property line.

Chairman Fine showed her a photo of the house and asked if it would come out the side and come all the way out to the curbside. Mrs. Carlson said it will be a little bit before. Chairman Fine said there' are a couple of questions. First, that brings it extremely close to your next door neighbor. Mrs. Carlson said they met with everybody and they were okay with it. Chairman Fine said one of the concerns he has is every house on Court Street is pretty much built identically to the way the house is right now. The proposed addition in of itself will be completely out of character with the rest of the neighborhood. It would set a precedent for the rest of the neighborhood for everyone to start doing the same type of addition. That would then bring the structures close to the property line, which is not the character of the neighborhood. You would have "mini mac-mansions" covering pretty much the entire lot. Mr. Bucci asked if it needed to go out that far to get both cars or how many cars you want to put in the garage or can you shorten it. Mrs. Carlson said they were considering alternate plans if the Board felt the variance was too large. The alternate plans would bring it back under the 15ft. requirement. The addition would be smaller width wise but will be a little bit deeper. They would have room and the addition would only be 22ft. off the existing house instead of 30. Mr. Meisterich said if they took 10ft. off, it would be confirming to the side yard, the combine would be 33.68ft. Mr. Bucci told Mrs. Carlson it's probably not desirable but it works better overall for variance and property location.

Memo from the Assistant Building Inspector, dated April 7, 2017 states: The applicant is requesting an area variance to allow a proposed attached garage with a side yard setback of 5.26 feet where 15 feet is required (which decreases the setback by 35%) and a combined side yard setback of 23.68 where 40 feet is required (which decreases the setback by 59%) in an R1-20 zone. Please be advised that I did an inspection of the property and observed a large shed and pool with pool deck that do not have building permits. The owner will need to submit a current survey showing all the structures on the property and file for a permit to legalize these structures before this area variance is considered.

Chairman Fine said there' are several items to be considered. We will need to see the alternate plans, and the necessary permits need to be addressed. Mrs. Carlson said that's why they're having the survey redone and the pool railings on the deck of the pool are going to be replaced.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, this item was adjourned so the applicant can address the issues in the memo and submit revised plans.

**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.

Mailings and sign certification in order.

Memo from the Assistant Building Inspector, dated April 26, 2017 states: This is an application to allow a new shed (under 100s.f.) in the rear yard with setbacks of 3' and 8' (a 66% and 20% decrease) 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 (a 17% and 28% decrease). These variances are per section 300-21 and Appendix A of the Town of Yorktown Zoning Code.

The Building Department memo stated that an inspection the property was made on April 17, 2017 and there is a shed on the property already. It does not meet the required setbacks. The owner agreed to remove it as this is why he is constructing a new shed. With this being done, I have no issues with the granting of these variances. A mechanical permit will be required for the lp tank.

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 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, with the stipulation that it pertains only the requested variance and not the remainder of the property line and that the existing shed be removed.

Recording Secretary, Glenda Daly

Meeting adjourned at 7:15pm

Happy Zoning!