

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS
MAY 25TH, 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, May 25th, 2017. The meeting began at 6:30 p.m.

The following members of the board were present:

Robert Fahey
Gordon Fine
William Gregory
John Meisterich

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 June 22nd, 2017, site visits are scheduled for June 17th, 2017. Mailings are to be sent from May 28th and June 7th, 2017.

NEW BUSINESS

ROY, ANTHONY & DONNA This is an application for a special use permit for a new accessory dwelling. Previous one expired 2004. This property is located in an R1-20 zoning district.
#26/17

Property Address:
940 Union Rd.

Section 16.11, Block 1, Lot 41

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

DeLUCIA, DENA This is an application for a proposed addition with a front yard setback of 8' where a minimum of 30' is required and a rear yard setback of 12' where a minimum of 30' is required, as per section 3400-21 and Appendix A of the Town Zoning Code. This property is located in a R1-10 zone.
#27/17

Property Address:
1697 Parmly Rd.

Section 25.08, Block 2, Lot 14

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Gregory, and Meisterich, this item was scheduled for a Site Visit on June 17th, 2017, a Public Hearing on June 22nd, 2017, and referred to the Building Inspector.

AOUKAR, ELIAS This is an application to allow a existing lp tank and a.c. compressor with a combined side yard setback of 36' 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.
#28/17

Property Address:
2860 Saddle Ridge Dr.

Section 26.12, Block 1, Lot 52

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Gregory, and Meisterich, this item was scheduled for a Site Visit on June 17th, 2017, a Public Hearing on June 22nd, 2017, and referred to the Building Inspector.

PETTIT, JOSEPH This is an application for an existing pool, deck and ramp with a
#29/17

Property Address: side yard setback of 5' where a minimum of 10 is required as per section 300-21 and Appendix A of the Town Zoning Code. This
3434 Deerhaunt St. property is in a R1-20 zone.
Section 17.10, Block 1, Lot 77
Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Gregory, and Meisterich, this item was scheduled for a Site Visit on June 17th, 2017, a Public Hearing on June 22nd, 2017, and referred to the Building Inspector.

DUGGAN, DOMENIC #30/17 This is an application for a proposed front yard structure that has
Property Address: a setback of 30.83' where 40' is required as per section 300-21
3239 Poplar St. and Appendix A of the Town of Yorktown Zoning Code. This
Section 17.14, Block 3, Lot 16 property is in a R1-20 zone.
Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Gregory, and Meisterich, this item was scheduled for a Site Visit on June 17th, 2017, a Public Hearing on June 22nd, 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
Property Address: a day care facility per 300-53 of the Tow of Yorktown Zoning
2090 Crompond Rd. Code. This property is located in an R1-10 zoning district.
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 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
Property Address: daycare facility to have a building coverage of 10057.5 sq. ft.
2090 Crompond Rd. where 7404 sq. ft. is the maximum allowed per 300-21 and
Section 37.14, Block 2, Lot 8 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 Fahey, Fine, Gregory, and Meisterich, this item was adjourned, waiting on site plan approval.

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
3175 Court St. yard setback of 23.68' where a minimum of 40' is required as per
Section 16.20, Block 3, Lot 5 section 300-21 and Appendix A of the Town Zoning code. This
property is located in a R1-20 zone.

The applicant stated he submitted the revised plans and an updated survey.

The applicant changed the direction of the addition so instead of coming 30ft. off the existing house, it's only coming 20ft., so it gives the side yard setback of 15.3ft where 15ft. is needed. Also received a new denial letter based on the revised plans.

Chairman Fine read the denial letter dated May 18th.

The proposed addition has a combined side yard setback of 33.4ft. where 40ft is required, an

existing accessory structure of 9.5ft. where 15ft. is required and a combined side yard setback of 24.8ft. where 40ft is required as well as a shed with a rear yard setback of 5.6ft. where 10ft. is required.

Mr. Gregory and Mr. Meisterich discussed the matter with the Assistant Building Inspector Joe Angiello and modified the application.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Gregory, and Meisterich, the application for a variance was granted for an addition with a combine side yard setback of 29ft. where a minimum of 40ft is required, an accessory structure in the rear yard, that being a shed, with a side yard setback of 6.2ft and 5.6ft where 10ft is required for both, deck stairs with a side yard setback of 14ft. where 15ft. is required, an attached rear yard deck with a side yard setback of 9.6ft. where 10ft. is required. The new garage is to have 2 windows on the side of the garage facing the neighbors. This variance pertains only to variance in this request and not the remainder of the property line and the addition is to be built in substantial conformity with the plans submitted.

NEW PUBLIC HEARING

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.

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

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

Property Address:
232 Sparkle Rd.

Section 27.10, Block 1, Lot 40

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.

No applicant. Not opened. Chairman Fine requested the Legal Department send a letter to applicant.

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.

Mailings and sign certification in order.

Memo from the Assistant Building Inspector, dated May 23, 2017 states: No changes have been made to the apartment since the previous approval.

The use will continue to be in substantial compliance 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 Fahey, Fine, Gregory, and Meisterich, the application for renewal of a special use permit for an accessory dwelling was granted for a period of three years.

CARVALHO, ALICE #19/17 This is an application for a special use permit for the renewal of
Property Address: 1681 an accessory dwelling. This property is located in an R1-10 zone.
Summit St.
Section 48.7, Block 2, Lot 19
Mailings and sign certification in order.
Memo from the Assistant Building Inspector, dated May 22, 2017 cited no objections. The Applicant
is to be made aware that they 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 Fahey, Fine, Gregory,
and Meisterich, the application for renewal of a special use permit for an accessory dwelling was
granted for a period of three years.

DeROSA, ROBERT #20/17 This is an application for a special use permit for a new accessory
Property Address: 3208 dwelling. The previous one expired. This property is located in an
Amelia Dr. R1-20 zone.
Section 26.5, Block 1, Lot 8
Mailings and sign certification in order.
Memo from the Assistant Building Inspector, dated May 22, 2017 cited no objections.
Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Gregory,
and Meisterich, the application for renewal of a special use permit for an accessory dwelling was
granted for a period of three years, subject to the applicant submitting a photo of the sign.

FLORYSHAK, JOSEPH #21/17 This is an application for a proposed structure with a rear yard
Property Address: setback of 19.54' where a minimum of 30' is required as per
1737 Paine St. section 300-21 and Appendix A of the Town Zoning Code. This
Section 48.7, Block 1, Lot 43 property is located in a R1-10 zone.
Mailings and sign certification in order.
The Applicant stated the proposed structure is a screened in porch.
Memo from the Assistant Building Inspector, dated May 5, 2017 states: The Applicant is requesting
an area variance to allow a screened porch with a rear yard setback of 19.54' whereas 30' are
required, which decreases the setback by 65%.

The Board discussed the application and applied the statutory factors.
Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Gregory,
and Meisterich, the application for a variance was granted for a proposed structure with a side yard
setback of 19.54ft. where a minimum of 30ft. is required as per section 300-21 and Appendix A of
the Town of Yorktown Zoning code, with the stipulation that the variance pertains only to the
requested variance and not the remainder of the property line and the structure be built in
substantial conformity with plans submitted.

GUZZI, RICHARD #22/17 This is an application to allow a new dwelling on a property that
Property Address: Crystal Ct. has a frontage of 50.7' where a minimum of 100' is required as
Section 27.11, Block 2, Lot 43 per Article IV,300-11(G) of the Town Code. This property is
located in a R1-20 zone.
Mailings and sign certification in order.
John Barelli and Louis Panny of Panbar Realty appeared before the Board on Applicant's behalf.
Looking for road frontage variance for a house on Crystal Court.
Chairman Fine asked how many acres.
Mr. Barelli said a little over 5 acres.

Chairman Fine asked if they're only planning on one house, not planning on subdividing it later. They both responded no.

Mr. Gregory asked if part of the process they're going to go through is checking out the wetlands. Mr. Panny said that it's already been flagged and done, the lake is far away.

John and Melanie Barry, who live on Granite Springs Road, reviewed the plans to see where the house would be located.

Carol Haims & Patrice Letizia, neighbors, reviewed the plans and where the house would be located.

Memo from the Assistant Building Inspector, dated May 22, 2017 states: The Applicant is requesting an area variance to allow front lot line width of 50.70 ft. (51% reduction) where 100 feet is required in an R1-20 zone.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Gregory, and Meisterich, the application for a variance was granted 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, with the stipulation that the variance pertains only to the requested variance and not the remainder of the property line, and that the house be built in substantial conformity with the plans submitted.

**HUTH, KENNETH &
REBECCA #23/17
Property Address: 479
Illington Rd.**

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.

Section 58.19, Block 1, Lot 3

Mailings and sign certification in order.

Lawrence Pariseali of NY Worker Bees appeared on Applicant's behalf. He said presently they have a deteriorated deck on the side of the house, covered roof. Also relocating the stairs, rather than facing the front of the house, turning it towards the back to upgrade the appearance.

Memo from the Assistant Building Inspector, dated May 5, 2017 states: The Applicant is requesting an area variance to allow a screened porch with a front yard setback of 36'.1" whereas 75' are required, which decreases the setback by 48%.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Gregory, and Meisterich, the application for a variance for a proposed structure with a front yard setback of 36'11" where a minimum of 75' is required per Section 300-21 and Appendix A of the Town of Yorktown Code, with the stipulation that the variance pertains only to the requested variance and not the remainder of the property line, and that the structure be built in substantial conformity with plans submitted.

**VASILE, LENNY & LISA
#24/17
Property Address: 517
Giordano Dr.**

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.

Section 37.18, Block 1, Lot 18

Mailings and sign certification in order.

Attorney Luke Hilpert representing the Applicants, appeared before the Board.

At the rear of the house there's a porch off the back, the addition would be to screen in that porch, and to add an additional 7ft. or so to square off that portion to make the back uniform.

Memo from the Assistant Building Inspector, dated May 23, 2017 states: 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 of Yorktown Zoning Code. This property is located in a R1-20 zone.

Per the building department memo, the property was inspected and the department has no objections in granting relief. The applicant will need a building permit and a certificate of occupancy for this work.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Gregory, and Meisterich, the application for a variance was granted 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, with the stipulation that the variance pertains only to the requested variance and not the remainder of the property line, and that the structure be built in substantial conformity with plans submitted.

Recording Secretary, Glenda Daly

Meeting adjourned at 7:45pm

Happy Zoning!