

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS
SEPTEMBER 14TH, 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, September 14th, 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, Michael Blanchard and Building Inspector John Landi 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 October 26th, 2017, site visits are scheduled for October 21st, 2017. Mailings are to be sent from October 2nd and October 11th, 2017.

NEW BUSINESS

CIPRIANO, LINO **#43/17** This is an application for a special use permit for a new accessory apartment. The previous one expired in 2013. This property is located in a R1-20 zoning district.

Property Address:
3308 Stoney St.

Section 16.18, Block 1, Lot 4

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.

O'DELL, HEATHER **#44/17** This is an application for a proposed accessory structure to have a front yard setback of 30' where a minimum of 50' is required as per section 300-21 and Appendix A of the Town Zoning Code.

Property Address:
875 Granite Springs Rd.

Section 27.17, Block 2, Lot 32 This property is located in a R1-40 zone.

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 October 21st, 2017, a Public Hearing on October 26th, 2017, and referred to the Building Inspector.

CUFFE, JAMES **#45/17** This is an application to allow an existing a.c. unit with a side yard setback of 20' where a minimum of 40' is required as per 300-13'(G) and Appendix A of the Town Zoning Code. This property is located in a R1-20 zone.

Property Address:
3786 Eleanor Dr.

Section 15.08, Block 1, Lot 60

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 October 21st, 2017, a Public Hearing on October 26th, 2017, and referred to the Building Inspector.

WISSING, JASON #46/17 This is an application to allow an existing 6' fence in a side yard where a maximum of 4.5' is permitted as per section 300-21 and 300-13(f) of the Town Zoning Code. This property is located in a R1-20 zone.
Property Address:
820 Kipling Dr.
Section 26.7, Block 1, Lot 13

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 October 21st, 2017, a Public Hearing on October 26th, 2017, and referred to the Building Inspector.

BURKHARDT, CHRISTOPHER AND SZCZEPANSKI, PAUL #47/17 This is an application for a proposed addition with a front yard setback of 31.5' 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.
Property Address:

1735 Hunterbrook Rd.
Section 47.09, Block 1, Lot 26

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 October 21st, 2017, a Public Hearing on October 26th, 2017, and referred to the Building Inspector.

ALTIMARI, ANTHONY #48/17 This application seeks multiple variances:
Property Address:
1025 Hanover St.
Section 59.7, Block 1, Lot 9

1. The existing a.c. unites have a front yard setback of 40' where a minimum of 75' is required and a combined side yard setback of 62.5' where a minimum of 80' is required.
2. The existing pool equipment has a front yard setback of 60' where a minimum of 75' is required and a combined side yard setback of 69.5' where a minimum of 80' is required.
3. The proposed underground lp tank has a front yard setback of 25' where a minimum of 80' is required.
4. The existing split a.c. unit has a front yard setback of 60' where a minimum of 75' is required and a combined side yard setback of 52.6' where a minimum of 80' is required.

All requested variances are per section 300-21 and Appendix A 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 Site Visit on October 21st, 2017, a Public Hearing on October 26th, 2017, and referred to the Building Inspector.

FICKS, PAMELA & JASON #49/17 This is an application to allow a proposed addition with a front yard setback of 29' 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:
2773 Denby Dr.

Section 26.16, Block 1, Lot 16

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 October 21st, 2017, a Public Hearing on October 26th, 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

Chairman Fine asked Special Counsel, Michael Blanchard to have the legal department send a letter to the Applicant asking for status.

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

Chairman Fine asked Special Counsel, Michael Blanchard to have the legal department send a letter to the Applicant asking for status.

NEW PUBLIC HEARING

DIULIO, WANDA #37/17 This is an application for a special use permit for a renewal of a accessory dwelling. This property is located in a R1-20 zone.
Property Address:
1587 Cross Rd.
Section 15.8, Block 1, Lot 52

Not open. No mailing list or sign affidavit in the file.

COOPER, SHARA #38/17 This is an application for the keeping of fowl special use permit as per section 300-81.3 of the Town Zoning Code. This property is in a R1-80 zone.
Property Address:
1441 Old Logging Rd.
Section 47.17, Block 1, Lot 13

Mailings and sign certification in order.

Chairman Fine when through the statutory criteria with the Applicant. The Applicant has met all the criteria.

Memo from the Assistant Building Inspector, dated September 8, 2017 cited no objections.

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 Special Use Permit for the keeping of fowl was granted for a period of one (1) year, with the provision that the Applicant must comply with all of requirements of Section 300-81.3 of the Town Code

SMITH, INDIA #39/17 This is an application for a proposed addition, with a side yard setback of 4.7' where a minimum of 10' is required and a combined side yard setback of 18.4' where a minimum of 20' is required as per section 300-21 and Appendix A of the Town
Property Address:
1873 Hanover St.
Section 37.19, Block 1, Lot 17

Zoning code. This property is located in a R2 zone.

Mailings and sign certification in order.

Contractor Michael Palmentero appeared for the Applicant.

They are squaring off the house at the back and putting in a bathroom. Addition is 1 story.

Memo from the Assistant Building Inspector, dated August 29, 2017 cited no objections.

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 a proposed addition, with a side yard setback of 4.7' where a minimum of 10' is required and a combined side yard setback of 18.4' where a minimum of 20' 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 it must be built in substantial conformity with the plans submitted.

GIORDANO, MARK #40/17 This is an application to allow 7 a.c. units with a side yard setback of 20' where a minimum of 30' is required and a combined side yard setback of 21.1' where a minimum of 80' is required as per section 300-21 and Appendix A of the Town Zoning Code. This property is located in a R1-60 zone.

Attorney Albert Capellini representing the applicant.

Mailings and sign certification in order.

Mr. Capellini stated that the premises requires 7 condensers. Instead of having them in various spots around the building, he is consolidating them and putting them behind the new garage.

Mr. Capellini submitted photos to the Board showing the location of the condensers.

He said where the condensers will be a well with the 7 condensers in it, hidden by a stone wall. He stated it should not in any way detract from the character of the neighborhood, it adds to it.

Memo from the Assistant Building Inspector, dated September 7, 2017 states: I have inspected the property and have no objections in granting relief. The applicant will need a mechanical permit 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 Bucci, Fahey, Fine, Gregory, and Meisterich, the application for a variance was granted to allow 7 a.c. units with a side yard setback of 20' where a minimum of 30' is required and a combined side yard setback of 21.1' where a minimum of 80' 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 compressors are to be placed as located in the photos submitted.

RODRIGUEZ, FRANK #41/17 This is an application to allow an existing fence in the side yard with a height of 5.5' where a maximum of 4.5' is permitted as per 300-13(f). The applicant also proposes an a.c. unit with a combined side yard setback of 35' 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.

Applicant on present. Not open.

BONFIGLIO, MICHAEL #42/17 This is an application for a proposed pillars and driveway gate with a height of 7'6" where a maximum height of 4'6" is permitted as per section 300-13(f) of the Town Zoning Code. This property

Section 47.16, Block 1, Lot 2 is located in a R1-80 zone.

Mailings and sign certification in order.

Attorney Albert Capellini representing the applicant.

Mr. Capellini said the application is for a height variance on what would be deemed a fence but it's a wall.

The Project Engineer, Joseph Riina said the application is for an entry wall along the driveway. The entry wall is 50ft. long, It starts at the right of way line and extends back parallel to the driveway to where it's going to have stone pillars and a wrought iron gate.

Mr. Riina showed the Board the profile view of the wall and gate. He said the wall itself, has a short pillar at the entry point and then the wall is set down below the pillar, then it slopes up from 2ft to 4.5ft up where it hits the larger pillars, which are 6ft. tall as measured from the ground.

Generally, the area between the walls and the driveway is pretty moderate grade, it's not very steep.

Chairman Fine asked if the variance is for the wall.

Mr. Riina said it is for the pillar and the gate.

Chairman Fine asked if it is for the front pillar.

Mr. Riina said it's the taller pillar.

Mr. Fahey asked, if he's coming up the road, drive up 50ft. and coming up to the gate where these big pillars are, they're not at the road side.

Mr. Riina said no, they're 50ft. back.

Mr. Riina then showed a rendering of what the gate would look like and said it's going to be an automatic gate suspended on the pillars, the gate to the highest point, the ornamental part at the top would be 7ft.

Chairman Fine asked how high the pillars will be above the wall line.

Mr. Riina said 2ft. at the top of the wall at the high point.

Chairman Fine asked if there's a light on top of the pillar.

Mr. Riina said yes.

Chairman Fine asked if it's included in the height.

Mr. Riina said it's not included in the heights, but would it would not exceed the heights of the gate, which is 7ft.

Mr. Fahey asked what is the width of the driveway.

Mr. Riina said the driveway is 12ft wide and the stone pillars and walls are a little over 20ft. apart.

Memo from the Assistant Building Inspector, dated August 17, 2017 cited no objections. The gate will require the Fire Chief's approval before installation.

Marie Savina Stark, who lives on Baldwin Road, appeared before the Board. He said he was glad to hear that the gate is going to be pushed back off the road by 50ft.. There will be lights on top, it's going to be quite an entrance. The walls going in, it just feels a little over the top.

Chairman Fine told her the Applicant is not here for the walls, that may be constructed without a variance.

Ms. Stark said when she got the notice of how high it was going to be, could not think of anything else the area that's remotely close to it. There's a neighbor with a gate set back way up the driveway, but 7ft. just sounds more than necessary. Want to know what kind of lights are the talking about.

Mr. Riina said there has been no details done on the light, but would gladly state the light would not exceed the height of the gate. So, if the variance of 7ft. was issued, they would keep the light below that 7ft. and agree to the level of illumination on it if that is something that is reasonable.

Chairman Fine asked if the light does not get calculated into the heights.

Mr. Riina said he's not sure of that.

Ms. Stark asked if they are excavating a pond or some kind of retention pond along the side of the driveway and asked where the wall falls in relation to that.

Mr. Riina said she's speaking about the storm water basin. For the storm water for the site, they have an infiltrator system there for storm water from the site. Prior to work that's being done, there was a pipe under the driveway that allow water from the north to pass under the driveway. In addition to the infiltrator system they're putting in, the Town Engineer asked them to put in a small retainage area for water that's passing through the site to kind of slow it down before it goes onto the next property.

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 proposed pillars and driveway gate with a height of 7'6" where a maximum height of 4'6" is permitted as per section 300-13(f) of the Town Zoning Code, with the stipulation that it pertains only to the requested variance and not the remainder of the property line. The lights on the pillars are not to exceed the max height of the gate and the illumination from the lights may not extend to the road.

Recording Secretary, Glenda Daly

Meeting adjourned at 7:27pm

Happy Zoning!