

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS  
OCTOBER 26<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, October 26<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

Also present is Special Counsel, Michael Blanchard and Building Inspector John Landi. 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 December 14<sup>th</sup>, 2017, site visits are scheduled for December 9<sup>th</sup>, 2017. Mailings are to be sent from November 20<sup>th</sup> and November 29<sup>th</sup>, 2017.

**NEW BUSINESS**

**O'DELL, HEATHER #44/17** The proposed structure will have a front yard setback of 30' whereas 50' are required per 300-21 and Appendix A of the Town of Yorktown Zoning Code. The structures (AC units & propane tanks) have a front yard setback of 10.1' whereas 50' are required per 300-21 & Appendix A of the Town of Yorktown Zoning Code.  
**Property Address:**  
**875 Granite Springs Rd.**  
**Section 27.17, Block 2, Lot 32**

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 December 9<sup>th</sup>, 2017, a Public Hearing on December 14<sup>th</sup>, 2017, and referred to the Building Inspector.

**ORNSTEIN & REYES #50/17** This is a special use permit application for the renewal of an accessory dwelling.  
**Property Address:**  
**2974 Sherman Ct.**  
**Section 25.12, Block 1, Lot 9**

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.

**1065 HANOVER CORP. #51/17** This is an application to allow an existing a.c. compressor with a front yard setback of 30' 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:**  
**1065 Hanover St.**  
**Section 48.19, 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 December 9<sup>th</sup>, 2017, a Public Hearing on December 14<sup>th</sup>, 2017, and referred to the Building Inspector.

**CHASE BANK #52/17** This is an application for the addition of 2 new building signs,

**Property Address:** each have an area of 9s.f. The addition of these 2 signs to the present signage would increase the total area of 61 s.f., where a maximum of 45 s.f. is allowed as per Appendix D, Chapter 300 of the Town Zoning Code. This property is located in a C-2r zone.  
**1975 Commerce St.**  
**Section 37.14, Block 2, Lot 66**

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 December 9<sup>th</sup>, 2017, a Public Hearing on December 14<sup>th</sup>, 2017, and referred to the Building Inspector and ABACA.

**BONFIGLIO #53/17** This is an application for a proposed accessory structure (ground solar panels) with a side yard setback of 10' 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 R1-80 zone.  
**Property Address:**  
**1233 Baldwin Rd.**  
**Section 47.16, Block 1, Lot 12**

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 December 9<sup>th</sup>, 2017, a Public Hearing on December 14<sup>th</sup>, 2017, and referred to the Building Inspector.

**ALONGI #54/17** This is an application for a proposed addition to have a rear yard setback of 34.46' 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:**  
**466 York Ct.**  
**Section 37.05, Block 2, Lot 36**

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 December 9<sup>th</sup>, 2017, a Public Hearing on December 14<sup>th</sup>, 2017, and referred to the Building Inspector.

**CDA CONSTRUCTION #55/17** This is an application for a proposed building lot with a lot area of 10,985 s.f. where a minimum of 20,000 s.f. is required and a lot frontage of 74.9' 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 R1-10 zone.  
**Property Address:**  
**1796 Parmly Rd.**  
**Section 25.7, Block 1, Lot 30**

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 December 9<sup>th</sup>, 2017, a Public Hearing on December 14<sup>th</sup>, 2017, and referred to the Building Inspector.

**OLMEDO & CANAL #56/17** This is an application for a proposed deck with a front yard setback of 32' 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:**  
**1401 Christine Rd.**  
**Section 16.17, Block 1, Lot 50**

Not open.

**LENSETH, ROBERT & HEATHER #57/17** This is an application for a proposed detached accessory dwelling with a living area of 1800 s.f. where a maximum of 800 s.f. is permitted as per section 205-7 of the Town Zoning code. This property is located in a R1-80 zone.  
**Property Address:**  
**1145-115 Baldwin Rd.**  
**Section 47.19, Block 1, Lot 12**

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 December 9<sup>th</sup>, 2017, a Public Hearing on December 14<sup>th</sup>, 2017, and referred to the Building Inspector.

**SALTZMAN, DALE #58/17** This is an application for the existing accessory structures to have

**Property Address:** a side yard setback of 4' and 8' respectively where 15' is required  
**3091 Hickory St.** as per section 300-21 (C) [3] and Appendix A of the Town of  
**Section 17.17, Block 2, Lot 5** Yorktown Zoning Code. This property is located in a R1-20 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 December 9<sup>th</sup>, 2017, a Public Hearing on December 14<sup>th</sup>, 2017, and referred to the Building Inspector.

**UNDERHILL MANAGEMENT** Applicant proposes to reconfigure 3 existing tax lots. An existing  
**REALTY, LLC #59/17** barn and restaurant will be demolished for the purpose of  
**Property Address:** constructing a new 41,369 sq. ft. retail/office building in the C-2R  
**366 Underhill Ave.** zone. The existing hair salon building is setback 0 feet from the  
**Section 38.18, Block 2, Lot** Route 118 property line. The zoning standard requires a 10 foot  
**85.73, & 74** setback in this situation. The variance is being requested for  
legalizing the existing structure on the reconfigured property.

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 December 9<sup>th</sup>, 2017, a Public Hearing on December 14<sup>th</sup>, 2017, and referred to the Building Inspector, Planning Board and County Planning.

**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**

Applicant before the Planning Board.

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

**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.

Applicant before the Planning Board.

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

**NEW PUBLIC HEARING**

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

Not open. Applicant has to re-notice for December meeting.

**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. Applicant has to re-notice for December meeting.

**CIPRIANO, LINO #43/17** This is an application for a special use permit for a new accessory dwelling. 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**

Mailings in order.

Michelle Cipriano appeared before the Board.

Memo from the Assistant Building Inspector, dated October 23, 2017 states:

The previous special use permit expired back in 2013. I have inspected the property on October 16, 2017, and observed that a room labeled for storage was now being used as a bedroom. This room is a building violation and needs to be legalized before I can recommend this special use permit be renewed. This legalization will need a building permit and c.o..

Ms. Cipriano said the wall was taken down. It was put up for storage initially. Dropped off the plans without the wall to the Building Department.

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 dwelling was granted for a period of three (3) years, with the understanding that this is subject to the submission by the applicant of the completed Notice Form, as well as a photo of the sign. These items to be done within 7 days of today or the permit will be nullified. Also subject to re-inspection by the Building Department as to the storage area.

**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**

Mailings and sign certification in order.

The Applicant stated that this is an existing a.c. unit.

Memo from the Assistant Building Inspector, dated October 23, 2017 cited no objections. 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 an existing a.c unit with a side year setback of 20' where a minimum of 40' is required as per Section 300-13(G) 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.

**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**

Mailings and sign certification in order.

The Applicant stated that the fence is existing.

Memo from the Assistant Building Inspector, dated October 23, 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 to allow an existing 6' fence in a side yard where a minimum of 4.5' is permitted as per Section 300-21 and 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.

**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**

Mailings and sign certification in order.

Martin Henning of Demasi Architects appeared on Applicant's behalf.

Mr. Henning said the existing kitchen is in the L shape portion of the house, looking to square it off to provide a larger kitchen and dining room.

Memo from the Assistant Building Inspector, dated October 23, 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 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, 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 with the plans submitted. The Applicant within 7 days of today, submit the completed Notice Form with the Building Department.

**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. units 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.

Mailings and sign certification in order.

Chairman Fine asked if some of the items are existing and some are not.

Mr. Altimari said the propane tank is not existing, everything else is.

Memo from the Assistant Building Inspector, dated October 4, 2017 states:

The Applicant is requesting area variances for the following:

1. AC units with a front yard setback of 40' whereas 75' are required and a combined side yard setback of 62.5' whereas 80' are required.
2. Pool equipment with a front yard setback of 60' whereas 75' are required and a combined side yard setback of 69.5' whereas 80' are required.
3. An underground propane tank with a front yard setback of 25' whereas 75' are required and a combined side yard setback of 48.5' whereas 80' are required.
4. A split AC unit with a front yard setback of 60' whereas 75' are required and a combined side yard setback of 52.6' whereas 80' are required.

I visited the site on 10/4/17 and have no objections to the granting of the variances listed above.

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 multiple variances was granted:

1. The existing a.c. units 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.

With the stipulation that they pertain only to the requested variances and not the remainder of the property line.

**FICKS, PAMELA & JASON  
#49/17**

**Property Address:**

**2773 Denby Dr.**

**Section 26.16, Block 1, Lot 16**

This is an application to allow a proposed addition with a front yard setback of 29' where a minimum of 40' is required and a fence with a height of 6' where 4 ½' 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.

Steven Basini, Architect, appeared with the Applicants.

This is for an addition to the front of the house that requires a front yard variance as well as the extension of the 6' fence on the side yard out to the extent of the addition. The addition is for a dining room, in addition to that, an improvement of the kitchen and the entry way.

Memo from the Assistant Building Inspector, dated October 23, 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 to allow a proposed addition with a front yard setback of 29' where a minimum of 40' is required and a fence with a height of 6' where 4 ½' 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 with the plans submitted. The fence is not to extend beyond the front of the addition.

Recording Secretary, Glenda Daly

Meeting adjourned at 7:34pm

Happy Zoning!