

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS
DECEMBER 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, December 14th, 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 Special Counsel, Mark 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 January 25th, 2018, site visits are scheduled for January 13th, 2018. Mailings are to be sent from January 2nd and January 10th, 2018.

NEW BUSINESS

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

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 January 13th, 2018, a Public Hearing on January 25th, 2018, and referred to the Building Inspector.

THE GODDARD SCHOOL #60/17 This is an application to renew as special permit required under section 300-53 of the Town Zoning Code to operate a day care facility. This property is located in a C-1 zone.
Property Address:
62 Triangle Center

Section 37.14, Block 2, 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 Public Hearing on January 25th, 2018, and referred to the Building Inspector, Planning Department and Fire Inspector.

SUKUMAR ALAMPUR #61/17 This is an application for a special use permit to allow a professional office in a residence. This special permit is required as per section 300-76 of the Town Zoning Code. This property is located in a R1-80 zone.
Property Address:
804 Syska Rd.
Section 70.13, Block 1, Lot 26

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 January 13th, 2018, a Public Hearing on January 25th, 2018, and referred to the Building Inspector and Planning Board.

SAMI MUMINOFF #62/17 This is an application for a proposed 2nd floor addition with a front yard setback of 24.6' where a minimum of 30' is required, a side
Property Address:

**1896 Maple St.
Section 37.19, Block 2, Lot 1**

yard setback of 9.9' where a minimum of 30' is required, a side yard setback of 4.2' where a minimum of 12' is required and a combined side yard setback of 14.1' where a minimum of 24' is required. These are required under sections 300-13(G), 300-21 and Appendix A of the Town Zoning Code. This property is located in a R1-10 zone.

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 January 13th, 2018, a Public Hearing on January 25th, 2018, and referred to the Building Inspector.

**WEST. SEVENTH DAY
ADVENTIST CHURCH #63/17
Property Address:
1243 White Hill Rd.
Section 36.15, Block 1, Lot 20**

This is an application to allow 2 free standing signs where only 1 is permitted and a church sign with an area of 15 s.f. where a maximum of 6 s.f. is allowed as per section 300-54(c) and Appendix C of the Town Zoning Code. 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, and Meisterich, this item was scheduled for a Site Visit on January 13th, 2018, a Public Hearing on January 25th, 2018, and referred to the Building Inspector and ABACA.

**JDG BUILDERS #64/17
Property Address:
1455 Hiawatha Rd.
Section 15.12, Block 2, Lot 19**

This is an application to allow a single family dwelling on a lot size of 14,000 s.f. where a minimum of 20,000 s.f. is allowed as 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, and Meisterich, this item was scheduled for a Site Visit on January 13th, 2018, a Public Hearing on January 25th, 2018, and referred to the Building Inspector.

CONTINUED PUBLIC HEARINGS

**DINEEN, KATHLEEN #48/16
Property Address:
2090 Crompond Rd.
Section 37.14, Block 2, Lot 8**

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.

Applicant before the Planning Board.

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

**DINEEN, KATHLEEN #49/16
Property Address:
2090 Crompond Rd.
Section 37.14, Block 2, Lot 8**

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.

Applicant before the Planning Board.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, 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 accessory dwelling. This property is located in a R1-20 zone.
Property Address:
1587 Cross Rd.

Section 15.8, Block 1, Lot 52

Mailings and sign certification in order.

Memo from the Assistant Building Inspector dated, September 7, 2017 cited no objections. Applicant is to be made ware that they have to come to the Building Department and be issued a Certificate of Occupancy for the accessory apartment.

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 dwelling was granted for a period of three (3) years.

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.
Property Address:
423 Bonnie Ct.
Section 17.13, Block 2, Lot 22

Applicant not present. Chairman Fine asked that the Applicant be sent a letter requesting status.

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

Mailings and sign certification in order.

Memo from the Assistant Building Inspector dated, October 4, 2017 states: On 10/4/17 I visited the site and found a shed in the front yard setback that was installed without a building permit. This shed will be taken down to make room for the new garage. There are also 2 propane tanks and 2 AC compressors located on the left side of the house, which are in the required yard setback. Variances are required for these as well las mechanical permits.

The Applicant is requesting an area variance to allow a detached garage with a front yard setback of 30' whereas 50' are required and an area variance for the existing AC units and propane tanks which have a front yard setback of 10.1' whereas 50' are required.

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 a proposed structure with 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, with the stipulation that it 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, and the shed that is currently in the front yard setback must be removed.

ORNSTEIN & REYES #50/17 This is a special use permit application for the renewal of an

Property Address: accessory dwelling.
2974 Sherman Ct.
Section 25.12, Block 1, Lot 9

Mailings and sign certification in order.

Memo from the Assistant Building Inspector dated, December 14, 2017 states:

We have no objection to the granting of this application for renewal as long as the Applicant is 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 Bucci, Fahey, Fine, and Meisterich, the application for renewal of a special use permit for an accessory dwelling was granted for a period of three (3) years.

1065 HANOVER CORP.
#51/17

Property Address:
1065 Hanover St.

Section 48.19, Block 1, Lot 18

Mailings and sign certification in order.

Albert Capellini, Attorney representing the Applicant. Mr. Capellini submitted an Affirmation.

Chris Raffaelli, Architect, appeared before the Board.

Memo from the Assistant Building Inspector dated, November 30, 2017 cited no objections. The Applicant will need a mechanical permit for this work.

Chairman Fine read the Affirmation submitted by Mr. Capellini.

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 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, with the stipulation it pertains only to the requested variance and not the remainder of the property line.

CHASE BANK **#52/17**
Property Address:
1975 Commerce St.
Section 37.14, Block 2, Lot 66

This is an application for the addition of 2 new building signs, 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.

Mailings and sign certification in order.

Larry Schwartz, Senior Project Manager with Philadelphia Signs appears before the Board.

Chairman Fine asked where the signs will be placed.

Mr. Schwartz said the signs will be on the front tower, on either side.

Memo from ABACA dated, November 15, 2017 states: The comments of the Board are as follows:

1. After reviewing the submission, the ABACA has no objections to the installation of the Chase Bank logo, measuring approximately 9.0 sf each, being installed on the front northeast and the east sides of the buildings, referred to as E03 and E24 as shown on the plans.
2. The ABACA recommends the ZBA clarify the exact additional square footage the applicant is requesting before granting this variance, since there was contradictory information in the application.
3. The Board has no objections to this variance being granted for the additional footage to allow for the addition of the Chase logo.

Chairman Fine asked what the square footage of the signs.

Mr. Schwartz said 9 square feet each.

Memo from the Assistant Building Inspector dated, December 11, 2017 cited no objections. The Applicant will need a sign permit for this work.

Mr. Meisterch asked what is the square footage of the existing sign.

Mr. Schwartz said 36.9 on the front and the 1 monument.

After some calculations, the total area square footage was change from 61 s.f. to 55 s.f..

The Board discussed the application and applied the statutory factors, and based upon the proceedings.

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 the addition of 2 new building signs as contained in the plans to each have an area of 9 s.f. that would bring the total of the signs for the building up to 55 s.f. where a maximum of 45 s.f. is permissible.

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

Mailings and sign certification in order.

Edward Basel appeared before the Board on Applicant's behalf.

Memo from the Assistant Building Inspector dated, November 1, 2017 does not indicate whether they have any objections or not.

Letter from neighbor Alan Goldstein dated, December 7, 2017 states:

Our property abuts the requester's property to the south and west. Our home is in the back third of our property and faces south. As such, the side of the proposed solar panel structure will be visible from the entire back of our home. While we commend the requester for his environmental concern, we would greatly appreciate if he would plant some 8-10 foot evergreens on the side of the structure, which would limit our view but not interfere with its designated purpose.

Letter from neighbor Dave Paganelli dated, December 7 2017 states:

I am unable to attend the Zoning hearing on the installation of solar panels on Mr. Bonfiglio's property adjacent to mine, my request is as follow. I am a huge supporter of personal freedom but not at the cost of another's freedom to enjoy property they have worked years to secure. I would request that as a condition of granting this variance, a row of evergreens on the northwest property line to be placed shielding my family from viewing or dealing with any reflective qualities that might present themselves. The evergreens should be 7-9 feet in height and spaced such that my sightline doe snot encompass looking at a field of solar panels.

Chairman Fine asked Mr. Basel to show on the survey where exactly the solar panels will be in relation to the neighbors are located.

Mr. Basel and the Board discussed the screening for the property.

Chairman Fine suggested that Mr. Basel come back next month with a sketch of what they propose to put by the Paganelli and Goldstein properties.

Special Counsel Mark Blanchard suggested Mr. Basel meet with the Building Inspector before the next meeting.

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

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

Mailings and sign certification in order.

David Tetro, Architect appeared before the Board with the Applicant.

Seeking a variance for rear yard setback of 5.54ft. for screened in porch.

Memo from the Assistant Building Inspector dated, December 11, 2017 cited no objections. 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 Bucci, Fahey, Fine, and Meisterich, the application for a variance was granted 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, with the stipulation that it pertains only to the requested variance and not the remainder of the property line, and that the building be constructed consistently with the drawings that was submitted.

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
Property Address: 10,985 s.f. where a minimum of 20,000 s.f. is required and a lot
1796 Parmly Rd. frontage of 74.9' where a minimum of 80' is required as per
Section 25.7, Block 1, Lot 30 section 300-21 and Appendix A of the Town Zoning Code. This property is located in a R1-10 zone.

Mailings and sign certification in order.

Albert Capellini, Attorney representing the Applicant. Mr. Capellini submitted an Affirmation.

Steve Roach appeared before the Board.

This application is to legalize the lot.

Chairman Fine asked if this is a pre-existing house and the plans are to take it down and build something new.

Mr. Roach responded, yes.

Memo from the Assistant Building Inspector dated, November 1, 2017 does not indicate whether they have objections or not.

Chairman Fine read the Affirmation submitted from Mr. Capellini.

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 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, with the stipulation that it pertains only to the requested variance and not the remainder of the property line.

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 Address: 1145-115 Baldwin Rd. property is located in a R1-80 zone.
Section 47.19, Block 1, Lot 12

Mailings and sign certification in order.

Mr. Lenseth said they're looking to expand the accessory dwelling unit. Currently about 1100 s.f. gross, looking to expand it to accommodate again in-laws or future handicapped accessibility. The addition will include a full master ensuite.

Memo from the Assistant Building Inspector dated November 9, 2017 does not indicate whether they have any objections or not.

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 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, with the stipulation it pertains only to the requested variance and not the remainder of the property line, and be built in substantial consistent manner with the drawings submitted.

SALTZMAN, DALE #58/17 This is an application for the existing accessory structures to have a side yard setback of 4' and 8' respectively where 15' is required as per section 300-21 (C) [3] and Appendix A of the Town of Yorktown Zoning Code. This property is located in a R1-20 zone.

Property Address:
3091 Hickory St.
Section 17.17, Block 2, Lot 5

Mailings and sign certification in order.
Chairman Fine said this application is to legalize 2 existing sheds.

Memo from the Assistant Building Inspector dated, November 6, 2017 does not indicate whether they have any objections or not.

Craig Hanley who is purchasing the home from the Applicant said the sheds will be important to have.

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 the existing accessory structures to have a side yard setback of 4' and 8' respectively where 15' is required as per Section 300-21(C)[3] and Appendix A of the Town of Yorktown Zoning Code, with the stipulation it pertains only to the requested variance and not the remainder of the property line.

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

Property Address:
366 Underhill Ave.
Section 38.18, Block 2, Lot 85.73, & 74

Mailings and sign certification in order.

Albert Capellini, Attorney representing the Applicant. Affirmation was submitted.

Dan Ciarcia, Engineer, appeared before the Board.

They are currently seeking approval for site plan and subdivision from the Planning Board. The 3 parcels that are involved in the subdivision are the Coldwell Banker lot, Murphy's and the Grace Building. The Sport Attic is the building in question.

Mr. Ciarcia showed the Board the layout of the lots and when through what the plans are for the site.

Mr. Bucci asked if it's lot line adjustments.

Mr. Ciarcia said yes, going from 3 lots to 2 lots. The reason they find themselves here is when they work all the zoning metrics, they came up with the hair salon building being too close to the property line and that non-conformity was created back in the late 50's when the state DOT acquired this property for what's now Route 118, so that lot line was established and that building was existing at the time.

Mr. Ciarcia showed the Board the proposed new structure. He said as it stands right now, the upper 2 floors will be medical use and one of the tenants on the lower floor will be an Urgent Care facility, for the most part it's going to be medical and there'll be space for other tenants.

Memo from the Planning Board dated, December 14, 2017 states: The Planning Board is currently reviewing a site plan and subdivision application made by Unicorn Contracting on the subject property. During, this review it was noted that as a result of a NYSDOT taking along the Route 118

right-of-way, the existing hair salon building located on Lot 73 is 0 feet from the property line where 10 feet is required. To mitigate this situation, as part of the site plan approval the applicant has proposed to remove existing parking areas that are within the state right-of-way, which will vastly improve the appearance of this significant corner property. Therefore, the Planning Board has no objection to legalizing the existing setback condition.

Mr. Ciarcia showed the Board the layout of the parking and screening.

Chairman Fine read the Affirmation submitted by Mr. Capellini.

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 to reconfigure 3 existing tax lots. An existing barn and restaurant will be demolished for the purpose of constructing a new 41,369 sq. ft. retail/office building in the C-2R zone. The existing hair salon building is setback 0 feet from the Route 118 property line. The zoning standard requires a 10 foot setback in this situation, with the stipulation it pertains only to the requested variance and not the remainder of the property line.

Recording Secretary, Glenda Daly

Meeting adjourned at 8:10pm

Happy Zoning!