

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS  
APRIL 26<sup>TH</sup>, 2018**

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 26<sup>th</sup>, 2018. The meeting began at 6:30 p.m.

The following members of the board were present:

Robert Fahey  
Gordon Fine  
John Meisterich  
William Gregory

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 May 24<sup>th</sup>, 2018, site visits are scheduled for May 19<sup>th</sup>, 2018. Mailings are to be sent from April 30<sup>th</sup> to May 9<sup>th</sup>, 2018.

**NEW BUSINESS**

**CATALIOTI #15/18** This is an application for a special use permit for the renewal of an accessory apartment.  
**Property Address:**  
**1543 Hanover St.**  
**Section 48.11, Block 3, Lot 20**

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.

**O'NEILL #16/18** This is an application for a special use permit for the renewal of an accessory apartment.  
**Property Address:**  
**3719 Mill St.**  
**Section 16.05, Block 3, Lot 2**

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.

**TERHUNE #17/18** This is an application for a special use permit as per section 300-81.3 for the keeping of fowl.  
**Property Address:**  
**2422 Susan Ct.**  
**Section 36.5, Block 2, Lot 32**

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 May 19<sup>th</sup>, 2018, a Public Hearing on May 24<sup>th</sup>, 2018, and referred to the Building Inspector.

**TERHUNE #18/18** This is an application to allow the keeping of fowl on the lot with an area of 21,350 s.f. where a minimum of 40,000 s.f. is required as per section 300-81.3 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 scheduled for a Site Visit on May 19<sup>th</sup>, 2018, a Public Hearing on May

24<sup>th</sup>, 2018, and referred to the Building Inspector.

**RYAN #19/18** This is an application to allow an addition with a front yard setback of 29.42' 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:**  
**2827 Hedge St.**  
**Section 26.11, Block 1, Lot 67**

Upon motion by Fine, seconded by Fahey and unanimously voted in favor Fahey, Fine, Gregory, and Meisterich, this item was scheduled for a Site Visit on May 19<sup>th</sup>, 2018, a Public Hearing on May 24<sup>th</sup>, 2018, and referred to the Building Inspector.

**HASAIN #20/18** This is an application for a special use permit as per section 300-81.3 for the keeping of fowl.  
**Property Address:**  
**1440 Journeys End Rd.**  
**Section 69.06, Block 1, Lot 16**

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 May 19<sup>th</sup>, 2018, a Public Hearing on May 24<sup>th</sup>, 2018, and referred to the Building Inspector.

**SCINTO #21/18** This is an application to allow the keeping of fowl on a lot with an area of 36,537 s.f. where a minimum of 40,000 s.f. is required as per section 300-81.3 of the Town Zoning Code. This property is located in a R1-20 zone.  
**Property Address:**  
**3060 Radcliffe Dr.**  
**Section 27.05, Block 1, Lot 19**

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 May 19<sup>th</sup>, 2018, a Public Hearing on May 24<sup>th</sup>, 2018, and referred to the Building Inspector.

**SCINTO #22/18** This is an application for a special use permit as per section 300-81.3 for the keeping of fowl.  
**Property Address:**  
**3060 Radcliffe Dr.**  
**Section 27.05, Block 1, Lot 19**

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 May 19<sup>th</sup>, 2018, a Public Hearing on May 24<sup>th</sup>, 2018, and referred to the Building Inspector.

**OUR MONTESSORI SCHOOL #23/18** This is an application for a special use permit to operate a day care facility. This property is located in a R1-20 zone.  
**Property Address:**  
**2300 Crompond Rd.**  
**Section 37.09, Block 1, Lot 59**

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Fahey, Fine, Gregory, and Meisterich, this item was scheduled for a Public Hearing on May 24<sup>th</sup>, 2018, and referred to the Building Inspector, County Planning, Planning Board and Fire Inspector.

**EDUARDO #24/18** This is an application to allow an a.c. compressor with a side yard setback of 11.5' where a minimum of 15' 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:**  
**360 Barway Dr.**  
**Section 27.14, Block 3, Lot 15**

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 May 19<sup>th</sup>, 2018, a Public Hearing on May 24<sup>th</sup>, 2018, and referred to the Building Inspector.

**AT&T** #25/18 This is an application for a renewal of a special use permit for the wireless telecommunications facility.  
**Property Address:**  
**2651 Strang Blvd.**

**Section 26.19, Block 1, Lot 2**

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.

**BOWEN** #26/18 This is an application to allow a structure with a combined side yard setback of 35.8' 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:**  
**1930 Glen Rock St.**  
**Section 37.18, Block 1, Lot 43**

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 May 19<sup>th</sup>, 2018, a Public Hearing on May 24<sup>th</sup>, 2018, and referred to the Building Inspector.

### CONTINUED PUBLIC HEARINGS

**PROVE** #2/18 This application is to allow a building lot with an area of 10,000 s.f. where a minimum of 20,000 s.f. is required as per section 300-21 and Appendix A of the Town Zoning Code. This property is in a R1-10 zone.  
**Property Address:**  
**Allen Ave.**  
**Section 37.18, Block 2, Lot 31**

Joseph Riina, Project Engineer appeared before the Board.

The last time we were before the Board, we were waiting for an opinion from the Town Attorney on whether a merger of the lots was done.

Chairman Fine asked if the Applicant before the Board is a Contract Vendee.

Mr. Riina said yes.

Chairman Fine asked who currently owns the lot in question.

Mr. Riina said he does not have that information.

Chairman Fine asked who owns the contiguous vacant lot, it is own by the same person who owns the lot the application is for.

Mr. Riina said no, his client stated at the last meeting it's a different owner.

Chairman Fine said there was a memo from Al Capellini from back in February stating that the lots were sold or transferred November 10, 2017. It may not have shown up in the Assessor's office as two separate owners.

Section 200-11 of the Town zoning code deals with lot merger. If the same owner owns 2 contiguous substandard lots it does not mean that the lots automatically merge by law, there has to be some triggering event to cause a merger. The triggering event generally speaking, is the application for a building permit. In this case, the application for a building permit would be the triggering event to have the lots merge, if they were owned by the same person. Now, if the 2 lots were sold prior to two separate owners and there was no triggering event, then you have a buyer beware type of situation where you could sell the substandard lots with the understanding that you couldn't build on it without some kind of variance. If the current applicant had purchased it and not just the Contract Vendee, they would have purchased it with that mind, that they're buying this lot but may not get a variance. Mr. Capellini's memo states that the lots were transferred to 2 separate owners prior to the permit being applied for.

Chairman Fine asked Mr. Riina if he knew when the permit was applied for.

Mr. Riina said he does not know, his client was held up.

Chairman Fine said it's an important issue regarding the triggering event.

Mr. Meisterich said we don't know if the prior owner could have applied for a building permit, maybe they applied at some point over the history.

Special Counsel, Mark Blanchard said a search was done for that particular question. One thing he was concerned about was, let's say for example, there was a thought say 10 years ago they wanted to build a house, wanted to pull a permit for infrastructure and they did not execute the permit, there's nothing in the Assessor's record that show any type of activity ever took place. So, it appears the properties when they were in common ownership and subject to this statute, just sat as existing without any activities on those properties.

Mr. Riina said it does not make sense that an application would be made prior to the Contract Vendee going into some type of legal agreement with the property owner.

Mr. Blanchard said the 2 parcels were sold and the 1 was sold very soon thereafter, a second sale. They broke out of the common ownership and one was sold very soon after, maybe because for buyer beware of understanding fully of what the purchase entailed with the variances. As discussed, because the triggering event does not occur, there's no imposition on this Board, still undertake its own independent analysis.

Chairman Fine asked Mr. Riina what's the name of his client, because the application is under Prove.

Mr. Riina said Phil Sanders, they're the builders.

Chairman Fine said the question regarding Prove is whether or not he or she owned the other lot. That's the first hurdle, because the first concern is does the merger rule apply. So if we can't get past that, if the merger rule apply don't have to think of anything else. If the merger rule does not apply, then we have to get on with the variance application.

The question is does Prove own both lots at the time the permit was applied for.

Mr. Sanders came to podium.

Chairman Fine told him there are a couple of questions regarding ownership, dates of ownership.

Mr. Sanders said Mark has the deed but that's all he knows from the Assessor's office.

Mr. Blanchard told Mr. Sanders they need clarification on his status as Contract Vendee.

Mr. Sanders said Lindauer conveyed it to Prove, the person they're buying lot 31 from.

Chairman Fine asked if Lindauer owned the 2 contiguous lots.

Mr. Sanders said as far as he knows.

Mr. Fahey asked if Prove bought both of those lots.

Mr. Sanders said no, the other is in the name of Mazzilli. Prove only owns lot 31. Al actually had them contact the other owner, sent a letter to them, that would eliminate the need for a variance. Never got a response from them.

Mr. Blanchard asked if his submission of the application was under Prove ownership, not under Lindauer ownership.

Mr. Sanders said correct, just Prove. They found out the lots were available and that's how they got involved.

Chairman Fine asked Mr. Blanchard if they have the deed or anything to show all that.

Mr. Blanchard said they do, have the property cards and the deeds, was just the chronology needed clarification on, will submit them.

Chairman Fine said based upon what we're hearing now, the merger rule does not apply.

Mr. Blanchard said yes, as long as we have that clarification of the Contract Vendee relationship, who that was with and it had nothing to do with the common ownership. There's nothing in the file to indicate a triggering effect for the mandatory merger.

Chairman Fine asked Mr. Riina if there was anything new to the application.

Mr. Riina said no, other than Mr. Gregory wasn't at the last meeting and they added vegetative buffer between the properties to the rear. This was a concern of Mr. Gregory's at the February meeting to have vegetative screening. They've added that to the plan, otherwise the other thing they discussed at the last meeting was making the building permit application subject to the sign off by the Town Engineer and Building Inspector on the drainage.

Michael Epting came to the podium, he asked if the triggering event can be explain because the 2 lots were owned by the same owners. Traced it back to 1970, Nielson purchased the lots from

Tunanson. 1986 Lindauer & Edwards purchased the lot from Nielson. Then last November 1 lot was sold to Prove and the other lot was sold the same day to Mazzilla. What he understand that's being said is even thou those lots were own by the same owners since 1970 at least. If you separate them, sell them to different individuals.

Chairman Fine said it's covered by Section 300-11. What the code says is if you own 2 contiguous lots under same ownership and both of those lots are substandard lots, the lots would be considered merged but it's only considered merged after some triggering event. The Town does not have the authority to say because you own 2 contiguous lots that are each substandard they are automatically merged for all times and forever. Something has to happen for that determination to be made, that's the triggering event.

The triggering event generally speaking, is if the owner of both those lots or Contract Vendee of the owner of both lots come in and ask for something from the Town that requires a permit, like a building permit.

So, if Mr. Sanders had come in while Lindauer owned both those lots, lets say lot A and B, and said they want to build a house on lot A and only want to buy lot A, that's the triggering event for the Town to say no, Mr. Lindauer owns 2 substandard contiguous lots, they merge as a matter of law. So at that point going forward the lots would have been merged. In this case however, no triggering event has taken place while there was contiguous ownership, that's why the merger rule does not apply.

It doesn't mean that if you own 2 substandard lots and you sell them off to 2 different people, that those 2 people automatically have the right to build on it, they're still buying them subject to all the zoning rules, they would still have to come for a variance, which may or may not be a smart move on that person part to buy a lot not knowing if you're going to get a variance or not. What we're saying for the purposes of the law there was no triggering event during that period of time when the lots were in contiguous ownership. Therefore the merger rule does not apply, doesn't mean the automatically get a variance, it just mean we can't merge the lots or say they were merged.

Mr. Epting went through the 5 factors. He asked the Board to take into account the 5 factors he went through.

Mr. Riina said he does not have anything to add, as far as the character of the neighborhood, a 10,000 s.f. house on a 10,000 s.f. lot is not out of character. Many of the neighboring property are 10,000 s.f. houses.

They've agreed to making any building permit application subject to review of the stormwater system and approval of the stormwater system by the Town.

Mr. Fahey asked what is the square footage of the proposed house.

Mr. Sander said approximately 1900 s.f., 2 stories with a basement.

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

**CELESTRIAL HOLDINGS  
#8/17**

**Property Address:  
822-824 Pines Bridge Rd.  
Section 70.17, Block 1, Lot 5**

Applicant not present. Counsel to send applicant a letter requesting status.

This is an application for a special use permit for the keeping of fowl as per 300-81.3 of the Town Zoning Code. This property is located in a R1-80 zone.

**A & E FUNERAL SERVICES  
#12/18**

**Property Address:  
2118 Saw Mill River Rd.  
Section 37.10, Block 1, Lot 1**

The proposed apartment will be located in a separate dwelling whereas two families in an R-2 zone are required to be located in a single dwelling per 300-21(c)(2)(a)(2) of the Town of Yorktown Zoning Code.

Joseph Riina appeared before the Board with the Applicant, Eric DiBartolo.

When the application came in last month, the application was listed as a use variance, after much discussion it was determined it was an area variance, so the Applicant had to re-notice for an area variance which have different standards than a use variance.

Chairman Fine said what the Applicant is for is that this is 2-family zoning. The main structure which is supposed to be a 2-family house, only has 1 dwelling unit and there's a rear structure which is a garage/barn that they're looking to put a 2<sup>nd</sup> dwelling in. The 2<sup>nd</sup> dwelling in the back is the one that need the setback variances.

Mr. Riina said correct.

Chairman Fine read what the new setback variances request are.

Mr. Riina said the application is to convert an existing barn to a dwelling unit. Asking for an area variance to have a dwelling unit in a separate building. So, will have 2 buildings with dwelling units on the same property. There are some variances required with that rear yard and front yard. The buildings are all existing, there's adequate parking around the buildings.

Mr. Fahey asked if the main house is set up as 1-family.

Mr. DiBartolo said it's 1-family, a large family.

Chairman Fine asked if it was always a 1-family.

Mr. DiBartolo said since he bought it.

Chairman Fine asked how long ago that was.

Mr. DiBartolo said he bought it in 2015.

Building Inspector, John Landi said he did send an inspector out to the property and has verified it is a single family dwelling.

Chairman Fine asked about the plans, which Mr. Riina showed the Board.

Chairman Fine asked Mr. DiBartolo what was he going to do at the back of the house by way of windows.

Mr. DiBartolo said he was not going to put anything at the back of the house for the people in the back, know there was some concerns from one neighbor whose deck is over 100+ feet away from the property line, but to be a good neighbor was going to put no windows on the back of the structure.

John Sarogini, owner of the property directly behind, said his concerns are that it changes his relationship to the property owners across from him.

Chairman Fine asked in what way?

Mr. Sarogini said what happens in the structure is going to change, it's going to be another family, a family as opposed to what was happening in he past where it was used for storage.

Chairman Fine asked him how you see that affecting you in a negative way.

Mr. Sarogini said depending on who the family is. Concerns about privacy, concerns about just the change that can happen to his property. What's happening in that development, it's a modest development. Concern if a variance is granted for the property in question, does that open the window for multi-use.

Chairman Fine said every application is taken on its own merits, whether we grant this or not doesn't mean it's opening the door to anything else.

There are other properties on that same strip that have accessory buildings for some time that have other uses going on in them other than garages. There's a property couple houses down or more that had an office in the back for years.

Nancy Seabolt, next door neighbor to the property. She said she has lived there most of her life.

There has always been multi-families in that main house, 2 if not 3. There may be only 1-family in there right now, but there's always been multi-families in that house. That's her opposition to this.

Although there may be 1 large family in there right now, there's 8 cars on the property with that large family, you're going to add another family. Don't know where the people will park. It is a large parking lot, but there's enough traffic there right now.

Mr. Landi said it's used as a 1-family right now.

Ms. Seabolt said there' are 2 electric meters.

Mr. Landi said 1 is the landlord's meter.

Ms. Seabolt said if there's 1-family now there's nothing to stop them from adding to that main dwelling.

Chairman Fine said except they will be in violation of the decision that's made.

Ms. Seabolt said as you know, there's situations where that happens.

Mr. Meisterich said he could do the same thing with the barn right now you're implying. We can't really address somebody's intent to violate the statutes. We could control through this variance in fact what's being applied for, would only limit this property to have 2 families, 1 in each.

Ms. Seabolt asked, so it's already zoned 2-family and not asking for more than that, just want to verify that.

Chairman Fine responded yes.

Neighbors had also stated that it would decrease their property values. Chairman Fine stated that you cannot simply state that without providing some evidence of it. Improving a neighboring property often increases the property values of neighboring properties.

Mr. DiBartolo said when he purchased the house, it was in need of help. Went and renovated the entire place, also put a fence around the entire structure to make nice. Have no lighting, 1 small light that shines very low. The vehicles that were spoken about, 4 of those vehicles are his, do take them in and out from time to time.

Mr. Fahey asked about the fencing at the back of the barn. Mr. DiBartolo showed on the plans where the fencing is.

Chairman Fine read a letter that was submitted to the file dated, April 26, 2018 from Kyle Gulitz, with his opposition to the application.

Mr. Sarogini came back to the podium, he said there is a light on the existing house that shines into his bedroom and have noticed it before. It isn't always on.

Mr. DiBartolo said he used a spectrometer for the light meter, and it goes to the ground, does not make the barn. It's a 3-phase security light. Can tip it down more, but it's security for the people that's living there.

Chairman Fine asked Mr. DiBartolo, if the application were to be granted, would he have a problem if there was a stipulation in the decision that said that you couldn't erect any lighting on the property that would illuminate any neighboring properties.

Mr. DiBartolo said sure. If you want to put regulation there about the light he's fine with that.

Mr. Riina said to sum things up, this is a 2-family zone, 2-family on both sides of Saw Mill River Road. The footprint of the barn is 1400 s.f., the existing main residence is slightly larger than that. 25% coverage is 7500 s.f., this is 30,000 s.f. lot. In the R2 zone 20% is required for 2 families, we have 30,000 s.f.. The fence provides privacy, if you would like additional fencing to block the bottom 6ft. of the barn, the Applicant is will to do that. But clearly this use is far less obnoxious than the use next door which is the funeral home. Could have numerous cars coming in and out of there up till 9-9:30pm. With that said, even with leaving the barn there, he can double the size of the existing house and add another family there, is that going to change the nature of the application what he's asking for. Think it make more sense, the existing barn is there. The impact on the land will not be increased in anyway, and legally this property can have 2 families on it. That's all he is asking for.

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

**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 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 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**

Applicant before the Planning Board.

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

### **NEW PUBLIC HEARING**

**DAVIS #13/18** This is an application for a renewal of a special use permit for an accessory apartment.  
**Property Address:**  
**90 Timberlane Ct.**  
**Section 17.06, Block 2, Lot 16**

Mailings and sign certification in order.

Memo from the Assistant Building Inspector dated, April 9, 2018 states:

The subject premises were inspected on April 6, 2018, and no changes have been made to the apartment since the previous approval.

The use will continue to be in substantial compliance with 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 apartment was granted for a period of three (3) years.

**KIEDERER #14/18** This is an application for a proposed garage with a footprint of 720 s.f., that when added with the existing barn, will have a combined footprint greater than 80% of the main dwelling. As per section 300-14(D) of the Town Zoning Code. This property is located in a R1-20 zone.  
**Property Address:**  
**362 Granite Springs Rd.**  
**Section 27.14, Block 3, Lot 4**

Mailings and sign certification in order.

Dan Ciarcia, Engineer, appeared before the Board to represent the Applicants.

Mr. Ciarcia said the property is one of these historic properties. The Kiederer primary residence, built in the mid 1700's and there is also a barn on the property that's not quite as old, figuring it was built in the 1900's. When purchased by the Kiederer in 1983, the property was about 4 acres. This property has been before this Board once before because the Kiederer's were considering subdividing the property and in an effort to retain the historic main area of the property, instead of cutting off the lots and having houses next to the old farmhouse, what they did was came to the Board and requested a variance and 2 houses were constructed behind their house.

In doing so, the property was reduced to 1.8 acres, so the subject of this application is the remaining 1.8 acres that the Applicants still own. Once of the thing that triggered this is the 80% rule on the accessory buildings, what's unusual about this even thou it's nearly 4 times the required area, but because it's an old farmhouse, the other things that sort of hurt them with the 80% rule is it's a small house. So as the code reflects the ratio of the square footage of buildings to the house, a larger house, for example, the footprint of the house is 2300 sf., wouldn't be here. Would have met the 80% criteria, likewise if they added onto the house with an addition, wouldn't be here, but it would

take away from the character of the house.

The Kiederer just want a regular place to park their cars and that's the subject of their application, which is 24x30ft. pole barn.

Chairman Fine asked if they have a barn now but does not use it as a garage.

Mr. Ciarcia said no, it's not big enough. It have a sliding garage door with a dirt floor and the other half is like a workshop sort of area that it was set up to be.

Mr. Meisterich asked what the footprint of the other 2 buildings is.

Mr. Ciarcia said the barn is 1142 s.f. and the new pole barn is 720 s.f.. The house is 1194 s.f., have a total of 1862 s.f. of accessory building on a lot with a house that's 1194 s.f. Prior to asking for this, technically it was beyond the 80%. With these old agricultural properties where the barn square footage usually exceeds the square footage of the residence.

Mr. Meisterich said one relatively straight forward way of not having to get this variance would be attached the garage to the main structure, what would the impact of doing that be, not aesthetically nice.

Mr. Ciarcia said yes, it's a house from the 1700's so there's a certain charm to it, that's hard to replicate with an addition, wouldn't look right.

Mr. Ciarcia showed the Board member the plans for the proposed barn.

Memo from the Assistant Building Inspector dated, April 2, 2018 states:

The Applicant is requesting a variance to allow construction of a new detached garage having a combined total footprint of all accessory structures of 156% of the main building where 80% is allowed as required as per Section 300-14(D) and Appendix A of the Town of Yorktown Zoning Code 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 for a proposed garage with a footprint of 720 s.f., that when added with the existing barn, will have a combined footprint greater than 80% of the main dwelling. As per section 300-14(D) of the Town Zoning Code, with the stipulation it pertains only to the requested variance and not the remainder of the property line and the garage be built in substantial conformity to the plans submitted.

Recording Secretary, Glenda Daly

Meeting adjourned at 8:10pm

Happy Zoning!