

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS
MARCH 16TH, 2023**

The regular monthly meeting was held for the Zoning Board of Appeals, Town of Yorktown, at the Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, March 16th, 2023. The meeting began at 6:30 p.m.

The following members of the board were present:

William Gregory
Gordon Fine
Robert Fahey
Anthony Tripodi

Also present is Steven Fraietta, Assistant Building Inspector, and Nisreen Khoury. The meeting was aired on Channel 20 Cablevision and Channel 33 Verizon Fios.

It was announced that the next public hearing would be held April 27th, 2023, site visits are scheduled for April 22nd, 2023. Mailings are to be sent from April 3rd to April 12th, 2023.

NEW BUSINESS

SAVASTANO #8/23 This is an application for a non-conforming structure that requires the following variances: Building coverage of 12.66% where 10% is allowed; width at main building of 100 ft where 200 ft is req; Depth at main building of 100 ft where 200 ft is req; Road frontage of 100 ft where 200 ft is req; Front yard setback of 10 ft where 75 ft is req; Rear yard setback of 32 ft where 75 ft is req; Side yard setback of 14.9 ft where 30 ft is req; and Total of two sides setback of 64.9 ft where 80 ft is req. For Garage: front setback if 60 ft where 75 ft is req; and building height of 18 ft where 15 ft is req. This property is non-conforming with a lot area of 15,000 sq. ft where 80,000 sq. feet is req as per section 300-21 and Appendix A of the Town Zoning Ordinance.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, and Tripodi, this item was scheduled for a Public Hearing on April 27th, 2023, Site Visit on April 22nd, 2023, and referred to the Building Department.

PERSICHETTI #9/23 This is an application for a renewal of a special use permit for an accessory apartment.

Property Address:
1344 Edcris Rd
Section 36.10, Block 2 Lot 34

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, and Tripodi, this item will be handled administratively.

URBAN #10/23 This is an application to allow construction of an 8 ft fence in the rear yard where 6' 6" is the maximum height permitted as per 300-14F and Appendix A of the Town Zoning Code.

**621 Rachel Drive
Section 16.20, Block 1 Lot 46**

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, and Tripodi, this item was scheduled for a Public Hearing on April 27th, 2023, Site Visit on April 22nd, 2023, and referred to the Building Department

CONTINUED PUBLIC HEARINGS

CARVALHO #44/20 This is an application to subdivide a lot creating 2 lots under the required 10,000s.f. where a minimum of 20,000 s.f. is required. This property is located in a R1-10 zone.
Property Address:
1681 Summit St.
Section 48.07, Block 2, Lot 9

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

GRACE #45/20 This is an application to allow a caretaker's cottage as per 300-47 of the Town Code. This property is in a R1-80 zone.
Property Address:
959 Hanover St.
Section 59.07, Block 1, Lot 4

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

ELEZAJ #39/22 This is an application to legalize three (3) accessory apartments in a single-family home with an existing non-conforming cottage making the total of four (4) dwelling units in a single-family district.
Property Address:
1658 Amazon Rd.
Section 25.12, Block 2, Lot 32

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

ELEZAJ #40/22 This is an application to allow two (2) primary structures on a lot where one (1) is permitted as per section 300-21C(1)(a)[1], to allow a combined floor area of 3 accessory apartments of 1835 square feet where 800 square feet accessory apartment is permitted as per section 300-38B(5), to allow usage of property that is not owner occupied as per section 300-38B(8), and to allow four (4) accessory apartments where one (1) is permitted in a R1-40 zone as per section 300-38B(9).
Property Address:
1658 Amazon Rd.
Section 25.12, Block 2, Lot 32

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, and Tripodi, this item is adjourned as requested

O'DONNELL #51/22 This is an application to allow a 6'6" fence located in the front yard where 4'5" is permitted as per section 300-13F and Appendix A of the Town Zoning Code.
Property Address:
1405 Turus Ln.
Section 16.17, Block 1, Lot 48

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

NEW PUBLIC HEARING

VUKAJ #2/23 This is an application for an addition that will require a variance for a front yard setback of 24.26 ft where 30 ft is required as per section 300-21 and Appendix A of the town Zoning Code
Property Address:
3838 Kent Lane
Section 27.10 Block 2 Lot 15

Mailings and sign certification in order.

David Tetro, Architect, representing the applicant.

Mr. Tetro said we had adjourned this from last month because we found out information that there was a previous zoning application on it. So we had to adjust what we were considering in the front yard. This was brought back with corrected setbacks. The project is we are adding a second story to the existing house and on the eastern rear corner of the house we are squaring it off on the ground level and the second floor level. The addition consists of an expanded portion of the kitchen and moving the bedrooms upstairs and opening up the floor plan on the first floor for living and dining.

Memo from the Assistant Building Inspector, dated February 21, 2023, states:

I inspected this property on February 21, 2023 and found no apparent violations. I have no objections to granting relief. This application will require a building permit and certificate of occupancy.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, and Tripodi, the application for a variance was granted for an addition that will require variances for a rear yard setback of 24.26 feet with 30 feet required, side yard variance of 10.70 feet with 12 feet is required and combined side yards of 24.98 feet or 42 is required, with the stipulation that this pertains only to the requested variance and not the remainder of the property line and that it be built in substantial conformity to the plans submitted.

CURCIO #5/23 This is an application to allow construction of an accessory building that requires a front setback of 18 ft where 75 ft is allowed as per 300-21 and Appendix A of the Town Zoning Code.
Property Address:
1458 Old Logging Rd
Section 47.17 Block 1 Lot 23 This property is located in a R1-80 zone.

Mailings and sign certification in order.

Louis Curcio present.

Chairman Fine said, in looking at the survey that was submitted it was pointed out that because of the location where you are putting the shed although it is in front of the main entrance but it is also to the side, it is actually a side yard setback not a rear yard setback.

Memo from the Assistant Building Inspector, dated March 13, 2023 states:

I have inspected this property on March 13, 2023 and found no apparent violations. I have no objection granting relief for requested variances. The applicant will need a building permit and C.O. for this project.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, and Tripodi, the application for a variance was granted to allow construction of an accessory building that requires a side yard setback of 18 feet with 30 feet is required, with the stipulation it pertains only to the requested variance and not the remainder of the property line.

DIFROSCIA #7/23
Property Address:
1724 Central Street
Section 48.14, Block 1, Lot 38

This is an application to allow construction of an addition of attached garage with a side yard variance of 5.06 ft where 12 ft is required and a combined side yard setback of 17.91 ft where 24 ft is required as per 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.

David Tetro, Architect, representing the applicant.

Mr. Tetro said on the right side of the house we are looking at adding a one-story and say an oversized one car garage with a laundry room and storage. Currently there is a built in place storage shed along the side of the house that is going to get incorporated into this and we are adding a little bit of a roof across the front entrance to tie the garage to the main entrance of the house. We are just projecting the garage forward a little bit for the character of house and not make it look like a box.

Chairman Fine said there is a driveway to the left of the house now, what is happening with that Mr Tetro said the owner is most likely going to keep that driveway just as a parking spot and then request a new curb cut for this.

Chairman Fine said you need a permit for another curb cut.

Mr. Tetro said correct, which we will handle obviously when we move forward this.

Chairman Fine asked if there is any comments.

Miguel Martinez, neighbor, said I am just interested in how this is going to work this is like my first time.

Chairman Fine asked did you take a look at the plans.

Mr. Martinez said I did not get a chance to see the plan, right now am looking at it. I just want to know how it is going to affect us and the street side for like parking or anything like that.

Chairman Fine said they have to apply to the highway department for an additional curb cut to put another driveway, so it would be about another 12 feet taken out for the driveway. Not on your property but it is going to affect the street parking for that is 12 feet obviously.

Mr. Martinez asked, how much of the property would it be on my side.

Chairman Fine said nothing is on your side, it is coming closer to your property line it is not going on your property.

Memo from the Assistant Building Inspector, dated March 13, 2023 states:

I have inspected this property on March 13, 2023 and found no apparent violations. I have no objection granting relief for requested variances. The applicant will need a building permit and C.O. for this project.

The Board discussed the application and applied the statutory factors.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Gregory, Fahey, Fine, and Tripodi, the application for a variance was granted to allow construction of an addition of attached garage with a side yards of 5.06 feet where 12 feet is required, combined side yard of 17.91 feet with 24 is required, with the stipulation that this pertains only to the requested variance and not the remainder of the property line, and it is subject to them obtaining a second curb cut permit from the building department.

Meeting adjourned at 6:47pm

Happy Zoning!