

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS  
JUNE 22<sup>ND</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, June 22<sup>nd</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, Kristin Wilson 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 July 27<sup>th</sup>, 2017, site visits are scheduled for July 22<sup>nd</sup>, 2017. Mailings are to be sent from July 3<sup>rd</sup> and July 12<sup>th</sup>, 2017.

**NEW BUSINESS**

**ROMER, FREDERICK #31/17** This is an application to allow a single-family dwelling with a  
**Property Address:** frontage of 100' where a minimum of 150' is required as per  
**1775 Darby St.** section 300-21 and Appendix A of the Town Zoning Code. This  
**Section 48.05, Block 1, Lot 38** 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 July 22<sup>nd</sup>, 2017, a Public Hearing on July 27<sup>th</sup>, 2017, and referred to the Building Inspector.

**CHANG, VICTOR #32/17** This is an application to allow 2 lp tanks with a side yard setback  
**Property Address:** of 12' where a minimum of 15' is required as per section 300-21  
**1264 Williams Dr.** and Appendix A of the Town Zoning Code. This property is in a  
**Section 16.05, Block 1, Lot 61** 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 July 22<sup>nd</sup>, 2017, a Public Hearing on July 27<sup>th</sup>, 2017, and referred to the Building Inspector.

**LOCHER, WILLIAM #33/17** This is an application for a proposed structure with a front yard  
**Property Address:** setback of 25.75' where a minimum of 40' is required as per  
**880 Ferris Place** section 300-12 and Appendix A of the Town Zoning Code. This  
**Section 26.16, Block 1, Lot 14** 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 July 22<sup>nd</sup>, 2017, a Public Hearing on July 27<sup>th</sup>, 2017, and referred to the Building Inspector.

**TOLLI, GEORGE #34/17** This is an application to allow an accessory structure with a side yard setback of 9'6" 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:**  
**504 Granite Springs Rd.**  
**Section 27.13, Block 2, Lot 44**  
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 July 22<sup>nd</sup>, 2017, a Public Hearing on July 27<sup>th</sup>, 2017, and referred to the Building Inspector.

**HAGER, DONNA #35/17** 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 located in a R1-20 zone.  
**Property Address:**  
**763 Blackberry Ln.**  
**Section 26.08, Block 1, Lot 71**  
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 July 22<sup>nd</sup>, 2017, a Public Hearing on July 27<sup>th</sup>, 2017, and referred to the Building Inspector.

**GATTO, FAYE/WHITAKER TRUST #36/17** This is an application to allow an existing detached garage with a front yard setback of 8.3' 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:**  
**1410 Hayes Dr.**  
**Section 47.18, Block 1, Lot 41**  
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 July 22<sup>nd</sup>, 2017, a Public Hearing on July 27<sup>th</sup>, 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**

Application before the Planning Board for site plan approval.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, this item was adjourned, waiting on site plan approval.

**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**

Application before the Planning Board for site plan approval.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Gregory, and Meisterich, this item was adjourned, waiting on site plan approval.

**DeSANTIS, PHIL & PAULINE** This is an application for an existing carport with a side yard

**#11/17** setback of 10' where a minimum of 15' is required and a  
**Property Address: 3215** combined side yard setback of 30.23' where a minimum of 40' is  
**Gomer St.** required as per section 300-21 and Appendix A of the Town  
**Section 17.17, Block 3, Lot 34** Zoning Code. This property is located in a R1-20 zone.  
Applicant not present. Legal office asked to contact applicant and let them know that the plans  
must be submitted for the July meeting. The matter is marked final for then.

### **NEW PUBLIC HEARING**

**BASILE, MIKE & PETRILLO,** This is an application for a proposed accessory structure with a  
**DEBBIE** #14/17 side yard setback of 4.2' where a minimum of 10' is required as  
**Property Address:** per Section 300-21 and Appendix A of the Town Zoning code.  
**232 Sparkle Rd.** This property is located in an R1-10 zoning district.  
**Section 27.10, Block 1, Lot 40**  
Not open. Applicant not present.

**ROY, ANTHONY & DONNA** This is an application for a special use permit for a new accessory  
#26/17 dwelling. Previous one expired 2004. This property is located in  
**Property Address:** an R1-20 zoning district.  
**940 Union Rd.**

**Section 16.11, Block 1, Lot 41**

Mailings and sign certification in order.

Memo from the Assistant Building Inspector, dated June 21, 2017 states:

The subject premises were inspected on June 20, 2017. During the inspection, the inspector observed a spiral staircase going to an attic (loft) space. The building department files do not have any record of a building permit being filed for this work or a certificate of occupancy issued and the owner was advised of same. The owner states that they purchased the home from the previous buyer with this loft space already built.

The inspector also noted that owner filed a building permit to legalize an aboveground pool and deck on 5/22/17, that application is currently under review by the building department.

The special use permit for an accessory dwelling unit expired in 2004.

During the inspection of the accessory dwelling space, it was observed that smoke and carbon monoxide detectors were not installed as required. Once this has been completed, the use will be in substantial compliance with applicable building and zoning regulations.

After conferring with Michael Quinn, Town Engineer and Building Department Head, the building department has no objection to the granting of a special use permit provided that the violation observed on 6/20/17 is properly legalized prior to issuance of the certificate of occupancy. This approach is consistent with Chapter 300-35 of the Town Code, which states that no permit shall be issued for a special use if there are existing violations.

The Applicant should be advised that the space may not be occupied until a new Certificate of Occupancy is issued for use of the accessory dwelling.

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 a new accessory dwelling was granted for a period of three years, subject to the applicant getting the permit and certificate of occupancy for the stairs.

**DeLUCIA, DENA** #27/17 This is an application for a proposed addition with a front yard  
**Property Address:** setback of 8' where a minimum of 30' is required and a rear yard

**1697 Parmly Rd.** setback of 12' where a minimum of 30' is required, as per section  
**Section 25.08, Block 2, Lot 14** 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.

Joel Greenberg, Applicant's Architect, appeared before the Board. This is an application for a variance to extend the house 12 feet, to create a new kitchen/dining room.

Memo from the Assistant Building Inspector, dated June 21, 2017 cited no objection.

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 with a front yard setback of 8' where a minimum of 30' is required and a rear yard setback of 12' where a minimum of 30' is required, as per Section 300-21 and Appendix A of the Town of Yorktown Zoning Code, with the stipulation that it pertains only to the requested variance and not the remainder of the property line, and be built in substantial conformity to the plans submitted.

**AOUKAR, ELIAS #28/17** This is an application to allow an existing lp tank and a.c.  
**Property Address:** compressor with a combined side yard setback of 36' where a  
**2860 Saddle Ridge Dr.** minimum of 40' is required as per Section 300-21 and Appendix A  
**Section 26.12, Block 1, Lot 52** of the Town Zoning Code. This property is located in a R1-20  
zone.

Mailings and sign certification in order.

Memo from the Assistant Building Inspector, dated June 21, 2017 states: I have inspected the property on June 19, 2017 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, and Meisterich, the application for a variance was granted to allow an existing lp tank and a.c. compressor with a combined side yard setback of 36' where a minimum of 40' is required as per Section 300-21 and Appendix A of the Town of Yorktown Zoning Code, with the stipulation that it pertains only to the requested variance and not the remainder of the property line.

**PETTIT, JOSEPH #29/17** This is an application for an existing pool deck and ramp with a  
**Property Address:** side yard setback of 5' where a minimum of 10 is required as per  
**3434 Deerhaunt St.** Section 300-21 and Appendix A of the Town Zoning Code. This  
**Section 17.10, Block 1, Lot 77** property is in a R1-20 zone.

Mailings and sign certification in order.

Albert Capellini, Attorney, representing the Applicant. This application for a variance was due to the deck of the pool being 6ft. away, 4ft. variance being sought. The deck was constructed at the time the pool was put in in 1986. The variance is actually for the deck alone.

Memo from the Assistant Building Inspector, dated June 21, 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, and Meisterich, the application for a variance was granted for an existing deck and ramp with a side yard setback of 5' where a minimum of 10' is required as per Section 300-21 and Appendix A of the Town of Yorktown Zoning Code, with the stipulation that it pertains only to the requested variance and not the remainder of the property line.

**DUGGAN, DOMENIC #30/17** This is an application for a proposed front yard structure that has a setback of 30.83' where 40' is required as per Section 300-21 and Appendix A of the Town of Yorktown Zoning Code. This property is in a R1-20 zone.

**Property Address:**

**3239 Poplar St.**

**Section 17.14, Block 3, Lot 16**

Mailings and sign certification in order.

Theodore Strauss, Applicant's Architect appeared before the Board. The application is for replacement of a front entrance platform and the new steps to go along with it as access to the house.

Memo from the Assistant Building Inspector, dated June 21, 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, and Meisterich, the application for a variance was granted for a proposed front yard structure that has a setback of 30.83' where 40' is required as per Section 300-21 and Appendix A of the Town of Yorktown Zoning Code, with the stipulation that it pertains only to the requested variance and not the remainder of the property line, and be built in substantial conformity to the plans submitted.

Recording Secretary, Glenda Daly

Meeting adjourned at 7:09pm

Happy Zoning!