

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS  
APRIL 25<sup>TH</sup>, 2019**

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 25<sup>th</sup>, 2019. The meeting began at 6:30 p.m.

The following members of the board were present:

Gregg Bucci  
Robert Fahey  
Gordon Fine  
John Meisterich  
Alternate: Howard Orneck

Also present is Special Counsel, John Buckley 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 23<sup>rd</sup>, 2019, site visits are scheduled for May 18<sup>th</sup>, 2019. Mailings are to be sent from April 29<sup>th</sup> to May 8<sup>th</sup>, 2019.

**NEW BUSINESS**

**3717 CROMPOND ROAD LLC #10/19**  
**Property Address: 3717 Crompond Rd. c/o Law Office of Grace & Grace**  
**Section 35.08, Block 1, Lot 13**  
Application for an Interpretation of the Yorktown Zoning code as to whether an active main use is required to allow for the use of an approved parking lot (site plan) to be used for parking of vehicles and/or in the alternative for a variance to allow for the accessory use of the subject property for purposes of parking without an active main use.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Meisterich, and Orneck, this item was scheduled for a Public Hearing on May 23<sup>rd</sup>, 2019, and referred to the Building Inspector, Planning Department and County Planning.

**McMORROW #12/19**  
**Property Address: 2880 Boston Ct.**  
**Section 26.12, Block 1, Lot 45**  
This is an application for a renewal of a special use permit for an accessory apartment.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Meisterich, and Orneck, this item was scheduled for a Site Visit on May 9<sup>th</sup>, 2019, a Public Hearing on May 23<sup>rd</sup>, 2019, and referred to the Building Inspector.

**BIEBEL #13/19**  
**Property Address: 1331 Echo Hill Path**  
**Section 16.1, Block 2, Lot 1.7**  
This is an application for a renewal of a special use permit for a renewal of an accessory apartment.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Meisterich, and Orneck, this item was scheduled for a Site Visit on May 9<sup>th</sup>, 2019, a Public Hearing on May 23<sup>rd</sup>, 2019, and referred to the Building Inspector.

**VIDA #14/19**  
**Property Address: 2958**  
**Lexington Ave.**

This is an application for a renewal of a special use permit for an accessory apartment. The old one is expired.

**Section 25.16, Block 1, Lot 2**

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Meisterich, and Orneck, this item was scheduled for a Site Visit on May 9<sup>th</sup>, 2019, a Public Hearing on May 23<sup>rd</sup>, 2019, and referred to the Building Inspector.

**COSTANZO #15/19**  
**Property Address: 305**  
**Cordial Rd.**

This is an application to construct an addition with a combined side yard setback of 37.65' where a minimum of 40' is required as per section 300-21 and Appendix A of the Town Zoning Code.

**Section 17.14, Block 1, Lot 8**

This property is located in an R1-20 zone.

Upon motion by Fine, seconded by Fahey and unanimously voted in favor by Bucci, Fahey, Fine, Meisterich, and Orneck, this item was scheduled for a Site Visit on May 9<sup>th</sup>, 2019, a Public Hearing on May 23<sup>rd</sup>, 2019, and referred to the Building Inspector.

### **CONTINUED PUBLIC HEARINGS**

**LENSETH, ROBERT #9/19**  
**Property Address: 1145**  
**Baldwin Rd.**  
**Section 47.19, Block 1, Lot 12**

The proposed barn has a front yard setback of 15' and a side yard setback of 10.4' where 75' and 30' respectfully is required. The applicant is requesting an interpretation of what constitutes a rear yard on a corner lot as per section 300-13(G) and Appendix A of the Yorktown Zoning Code.

Chairman Fine stated that the board was awaiting the building department records to see if a determination was ever made to what was the front yard, what was the rear yard. We have not received that.

This is the questions that we have to look at. There had also been a prior application to this board. Mr. Lenseth said he had two accessory dwelling renewals.

Chairman Fine said there was something fairly recently that wasn't a renewal, it was for a variance. Mr. Lenseth said he had Zoning Board requirement for an addition to an accessory dwelling, where code said 800ft is the max.

Mr. Bucci said it was a special use permit, you needed an area variance for the special use permit. Chairman Fine said without getting into the machinations of how you determine a front yard, a rear yard, a side yard, whatever the case might be, every time there is a building erected in town, there's a determination made at that time as to what is the front yard. That determination should have already been made.

Mr. Lenseth asked, if the determination is a one-time thing.

Mr. Meisterich said it's a one-time thing.

Chairman Fine told Mr. Lenseth that the determination should be in the building department file. If it is determined that where you are building your barn is the rear yard, which is your position, then you do not need a variance. If it is in a different yard then you might need a variance.

The board does not want to make a determination now if one has already been made. We do not want to change what may have already been done. We have to know what it says in the building department file.

The Building Inspector, Mr. Landi was asked to shed some light on the matter.

Mr. Landi said he asked the applicant to come to his office in the morning to review the file with him. If a determination was already made, then there is no argument and will withdraw the request for interpretation.

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

**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**

Applicant before the Planning Board.

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

### **NEW PUBLIC HEARING**

**SPIRELLI 3545 LLC #16/19** Application for a definitive interpretation by the Zoning Board as to whether the condition by the Planning Board, within the previous decision, which states that no further subdivision is allowed is binding and should have any bearing on the application before them.  
**Property Address: 3545**  
**Buckhorn St.**  
**Two-lot subdivision**  
**Section 16.10, Block 4, Lot 10**

Mailings and sign certification in order.

Joseph Riina appeared before the Board representing the applicant. The applicant was also present. The applicant was informed that in order to render a determination, the board would first have to vote to reopen the original application. If that was done, the original decision could potentially be changed in its entirety. The applicant will seek additional information.

**SANDOVAL, CARLOS #3/19** This is an application for a special use permit to park a commercial vehicle on residential property. This special permit is required as per 300-62 of the Town Zoning Code.  
**Property Address:**  
**2380 Crompond Rd.**  
**Section 37.09, Block 1, Lot 33**

Applicant not present. Marked off the calendar.

**SILVERMAN #11/19** 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 R1-40 zone.  
**Property Address: 1360 White**  
**Hill Rd.**  
**Section 36.10, Block 1, Lot 80**  
Not open. Incorrect mailings.

Recording Secretary, Glenda Daly  
Meeting adjourned at 7:19pm  
Happy Zoning!