

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS
JANUARY 23RD, 2025**

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, January 23rd, 2025. The meeting began at 6:30 p.m.

The following members of the board were present:

John Meisterich, Chairman
Anthony Altimari
Robert Fahey
Anthony Tripodi

Also present are, Nisreen Khoury, Legal Assistant and Steve Fraietta, Assistant Building Inspector.

The meeting was aired on Channel 20 Cablevision and Channel 33 Verizon Fios.

It was announced that the next public hearing would be held February 27th, 2025, site visits are scheduled for February 22nd, 2025. Mailings are to be sent from February 3rd to February 12th, 2025.

NEW BUSINESS

No New Business

CONTINUED PUBLIC HEARINGS

DAMIANO **#01/24** This is an application for a special use permit for a new accessory
Property Address: apartment that requires a special use permit as per 300-38 of the
756 Hanover Town Zoning Code.
Section 59.11, Block 1, Lot 19
Adjournment requested by applicant.

CUNHA **#05/24** This is an application to construct a new two-family dwelling with
Property Address: a lot size of 10,000 sq. ft where 20,000 sq. ft is required as per
Summit Street section 300-21 and Appendix A of the Town Zoning Code.
Section 37.19, Block 1, Lot 78
Application withdrawn by Applicant.

76 Route 6 Holdings Inc **#18/24** As per the Zoning Boards interpretation that residential districts
Property Address: outside of Yorktown must be considered under section 300-97(A)
76 Route 6 to determine proper setback, the applicant must request a
Section 6.18, Block 1, Lot 37 variance for construction of a new building with a 101 ft setback
from a residential district that requires 200 ft as per 300-97 and
300-21 of the Town Zoning Code.
Adjourned by applicant.

VELLUCCI **#32/24** This is an application to construct an addition to create an
Property Address: accessory apartment that will require a side yard variance of
3675 Curry St 12.95 ft where 15 ft is required per section 300-21 and Appendix

Section 17.06, Block 1, Lot 32 A of the Town Zoning Code.

Chairman Meisterich said there was a little bit of confusion, I think we might have talked about a variance.

Ms. Vellucci said a variance is not needed anymore.

VELLUCCI #33/24 This is an application to create a NEW accessory apartment that requires a special use permit as per 300-38 of the Town Zoning Code.
Property Address:
3675 Curry St

Section 17.06, Block 1, Lot 32

Laura Vellucci appeared before the Board.

Chairman Meisterich said I recall from the last meeting we had a situation where the accessory structure, the accessory apartment was in a semi-detached structure and we had asked you to take a look at how to attach it to the house.

Ms. Vellucci said the plans have been modified, it is now simply an addition with an ADU.

The new plans was shown.

Chairman Meisterich said, with regards to the new plan, I see that there is a zoning table that was provided. As far as all the parameters for a special use permit, the size of 799 sq.ft. where 800 is allowable, the setback requirements, the off street parking is provided. I do not see any situations that we have to address in regards to the special permit, it seems to comply with everything.

Chairman Meisterich asked if there is anyone in the audience with a comment.

Peter Freyer, nearest neighbor, appeared before the Board. Mr. Freyer had concerns, and wanted to discuss the parking on the street, the distance of the deck to the property line.

The matter with the deck was discussed.

Chairman Meisterich said we do not really know right now whether the variance is needed for that deck and what I am going to suggest to the applicant, is that since she has an application for a variance open, to amend the plan and provide details on the deck. Then review with Steve Fraietta, and determine whether the deck needs a side yard or combined side yard variance. The deck itself has no bearing on the apartment. So it is two separate applications, the deck is attached to the main house, it is a separate issue.

Chairman Meisterich discussed what needs to be done for the deck with the Applicant.

Chairman Meisterich said parking was brought up.

Ms. Vellucci said parking is a none issue.

Chairman Meisterich said is everything going in the driveway there or he was saying that you are all over the place. As a general rule, how many cars do you own?

Ms. Vellucci said I am less one now because my son is in college.

Mr. Fahey said if your son was home, how many cars would you have at the house at one time.

Ms. Vellucci said two (2).

Chairman Meisterich said and the apartment, you legally need to have a space for that.

Ms. Vellucci said I will clear the garage out.

Mr. Fahey said how many cars can you park in that driveway now.

Ms. Vellucci said eight (8).

Mr. Freyer came back to the podium, he was concern about the excessive lighting from the path to the door.

The Board discussed the lighting with the applicant. The board informed the applicant that special permits must be renewed, and it's in her best interest to ensure that the project with regard to lighting, parking, and the neighbor's concerns are kept in harmony with the neighborhood.

Upon motion by Meisterich, seconded by Fahey and unanimously voted in favor by Altimari, Fahey, Meisterich, and Tripodi, the application to create a NEW accessory apartment that requires a special use permit as per 300-38 of the Town Zoning Code, was granted for a period of two (2) years, and the addition be built in substantial conformity to the plans submitted.

POGGIOREALE #35/24 This is an application for a NEW children's day care center that requires a special use permit as per 300-53 of the Town Zoning Code.
Property Address:
2829 Crompond Rd

Section 26.20, Block 2, Lot 3

Vincent and Christina Poggioreale appeared before the Board.

The application is still before the Planning Board.

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

NEW PUBLIC HEARING

PANBAR REALTY #39/24 This is an application to combine two (2) lots to create one (1) single lot that will require a variance for a total amount lot area of 10,000 sq. ft where 20,000 sq. ft is required as per section 300-21 and Appendix A of the Town Zoning Code.
Property Address: 3301 & 3307 LOOKOUT ST
Section 16.17, Block 4, Lots 20 & 22

Mailings and sign certification in order.

Anthony Tripodi recused himself, stating he represents parties in contract with the applicant with regards to this specific property.

John Barile & Louis Panny, contract vendees appeared before the Board.

Mr. Barile said we are looking to do as you said 3301 & 3307 are 100x100 each on Lookout. Behind them they both have 50x100 lots that adjoin each other, we are looking to purchase both from them, combine them to create 100x100 and get a variance for the substandard lots. We going to take their septic systems, abandon them and tie them as well as our own into the town sewer system.

Chairman Meisterich said we did ask for some histories on the properties, all four (4) of these lots. We have accessor cards, and one of the thing that strikes me is first off the bat is one of the permits pulled on one of the houses that is there is a sewer permit.

Mr. Panny said the homeowner may have considered doing but then the expense was too great for them and decided that they were not going to do it at that point, and that is part of the arrangement of us taking the two lots and merging them. Will be connecting the two properties into the sewer system and the two that we merge, so three will become part of the sewer system.

Chairman Meisterich said one of the things I asked for last time was a memo from Engineering on this and have not gotten it. We need to understand whether they feel that the sewer permit that was originally pulled by somebody has already got a sewer lines running through these properties or something like that.

Mr. Panny said I do not think so.

The matter of the sewer was discussed, and the proposed new sewer line plans showed.

Memo from the Assistant Building Inspector, dated January 21, 2025 states:

This is an application to combine two (2) lots to create one (1) single lot that will require a variance for total amount lot area of 10,000 square feet where 20,000 square feet is require as per section 300- 21 and Appendix A of the Town Zoning Code.

In review of this application most of the properties surrounding the subject property are of 10, 000 square feet with a few that are larger. Most of the larger properties are still below the 20,000 square feet zoning requirement for the R1- 10 district. Plus, most of the homes were constructed prior zoning or the change in zoning requirements for this District. Being that said I would have no objections to granting said relief.

Memo from Planning Board, dated January 22, 2025 states:

At its meeting on January 13, 2025, the Planning Board discussed the lot area variance request. The applicant or its representatives were not in attendance at the meeting. The Planning Board respectfully requests that the Zoning Board of Appeals grant it more time to review this referral so that they may place it on the January 27, 2025, meeting agenda.

Letter submitted to the file from Henry Obligado, dated January 16, 2025 states:

The application to combine two lots to create a single lot of 10, 000 s/ f in an area that requires 20, 000 s/ f is a cynical move to disrupt the current character of our neighborhood. Once granted, a developer would return with yet another request to build a house, maybe two or three, on this substandard lot. Apparently, zoning requirements mean little; after all, they can be changed anytime. Any subsequent construction would necessitate the removal of trees and vegetation, causing runoff downhill into Hollywood Street. Our street and the properties along it already experience excessive flooding, especially when it rains a lot, with cars splashing passersby and people getting their mail. In the winter the puddles freeze, endangering everyone. Any further construction uphill will only make a bad situation worse.

Please see the accompanying pictures.

We love our neighborhood as it is. Please reject this variance change.

Letter submitted to the file from Lazlo & Valeria Kovacs, dated January 10, 2025 states:

I am concerned very much with the above- mentioned application. I cannot see any other reason for combining these two small lots, only as a first step to be able to apply for variance again, to start some construction on that sub-standard lot. Since even after combining the two lots, by current zoning laws it would be HALF the size required for building a house on it.

Not 10% or 20% less, but 50% smaller than what is required. If this would be allowed, then I have to ask why do we even bother having zoning laws?

I, and other residents in the area are very much opposed to this, for more than one reason. It would change the natural appearance of Hollywood Street which is currently set as a well- spaced neighborhood, with enough buffers, trees, greenery between houses. We love it this way, and like to keep it the same way.

Other very serious concern is the water runoff, that would be caused by losing those trees and shrubs on that property since this section of Hollywood Street has no storm water catch basins.

Another negative is the potentially increasing traffic on this short section of the street.

That would affect the properties on the opposite side of the street very negatively.

Please help keep our area enjoyable, as it is now!

Thank you for your attention, in the hopes you will consider our concerns, uphold the current laws and decline the application.

Semi-petition with a number of signatures submitted to the file.

Chairman Meisterich asked if there was any comments from the audience.

Neighbors, Henry Obligado, Lazlo Kovacs; Valeria Kovacs also appeared before the Board to discuss their concerns about the project.

The project was discussed further.

Upon motion by Meisterich, seconded by Fahey and unanimously voted in favor by Altimari, Fahey, Meisterich, and Tripodi, this item is adjourned, with request for surveys, response from Engineering and Planning.

GETLER #40/24
Property Address: 2737

This is an application to construct a two-story addition that requires a variance for a front yard setback of 38 ft where

**Larkspur St.
Section 26.15, Block 2, Lots
37**

40 ft is required and combined side yard variances of 34.83 ft where 40 ft is required as per section 300-21 and Appendix A of the Town Zoning Code.

Mailings and sign certification in order.

Heather Kohn, representing the applicant.

Ms. Kohn said the clients are having another child and need an additional bedroom, and are looking to also expand the living room. That is the intent of the addition. Their home is currently a split level with the middle level is towards the front, and then lower and upper is towards the back of the house. So connecting towards the back where they have a lot of room would prove to be almost impossible without creating a lot of interesting levels. So in order to keep the living area align with the living area going out to the side yard is the only option.

Chairman Meisterich said there is a garage there now.

Ms. Kohn said yes, there is currently the garage. The garage is going away, they primarily park in the driveway already, so we are just increasing the garage square footprint slightly in order to put up the addition, the garage will come down.

Mr. Fahey said looking at it from the street, it is similar to the house on right.

Ms. Kohn said the house on the right and the left already have both have these additions. We are going to keep ours a little bit smaller.

Mr. Altimari said it was coming out just at the roof line.

Ms. Kohn said yes, the front yard variance is for they want to put a covered gable at their existing front door and dress that up a little, it is really just because the overhang requires a covered porch or something.

Memo from the Assistant Building Inspector, dated January 17, 2025 states:

This is an application for a two-story addition that requires a variances for a front yard setback of 38 ft where 40 ft is required and a combined side yard variance of 34.83 ft. where 40 ft is required as per section 300- 21 and Appendix A of the Town Zoning Code.

I inspected this property on January 17, 2025 and found no apparent violations. I have no objections to granting relief. A building permit and a certificate of occupancy will be required.

Letter from neighbor Ramon Srour, dated January 20, 25 citing no objections.

The Board discussed the application and applied the statutory factors.

Upon motion by Meisterich, seconded by Fahey and unanimously voted in favor by Altimari, Fahey, Meisterich, and Tripodi, the application for a variance was granted to construct a two-story addition that requires a variance for a front yard setback of 38 ft where 40 ft is required and combined side yard variance of 34.83 ft where 40 ft 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, and the addition be built in substantial conformity to the plans submitted.

**TEATOWN LAKE
RESERVATION #41/24
Property Address: 1600
Spring Valley Rd
Section 69.14, Block 1, Lots
5,7**

This is an application for an appeal seeking a variance from the Town of Yorktown's Chapter 130-2A(9), which mandates the installation of a sprinkler system in new buildings classified as Educational Group E. The applicant requests an exemption from the sprinkler system requirement as outlined in Section 130-2A(9) of the Town Zoning Code.

Mark Grants with the Firm of DTS Provident Engineers appeared before the Board on behalf of the

Applicant.

Chairman Meisterich said we have also come to find out that you are also going to the Planning Board now for their review and so we are in an automatic adjournment. The Planning Board is requesting some things.

Memo from the Planning Board, dated January 22, 2025 states:

At its meeting on January 13, 2025, the Planning Board discussed the Teatown Lake Reservation's variance request regarding mandatory sprinkler system requirements. The Planning Board requested that the applicant submit the following for review:

1. Determine the optimal location for the dry hydrant on Spring Valley Road.
2. Explain how emergency response vehicles will access the new building in the event of a fire. Where they will enter the property, how they will access the building, how they will leave to refill water, etc.
3. Provide a construction detail for the proposed paved/ gravel path that will connect the bus loop to the new education building. Show the improved path on the site plan as well.
4. Provide a complete list of all fire prevention/ emergency response practices and how they meet or exceed both state and local code requirements.

The Planning Board respectfully requests that the Zoning Board of Appeals grant it more time to review the requested information prior to forming its opinion on the sprinkler variance.

Chairman Meisterich said what this means is that they are not in any kind of final review type of scenario, and you mentioned you prefer us not doing too much of a detail public hearing until you have a chance to do that.

Mr. Grants said correct. Teatown would like to opportunity to meet with the Board and address any of their comments.

Mr. Fahey said I know you are working closely with the Fire Prevention Bureau and they give you a lot of insight, is that information being conveyed to the Planning Board.

Mr. Grants said it was.

The Board discussed the project with Mr. Grants a bit further.

Upon motion by Meisterich, seconded by Fahey and unanimously voted in favor by Altimari, Fahey, Meisterich, and Tripodi, the item was adjourned, waiting for the Planning Board.

Meeting adjourned at 8:45pm

Happy Zoning!