

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS
MAY 22ND, 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, May 22nd, 2025. The meeting began at 6:30 p.m.

The following members of the board were present:

John Meisterich, Chairman
Anthony Altimari
Robert Fahey
William Gregory

Also present is Adam Rodriguez, Special Counsel, and Nisreen Khoury, Legal Assistant. The meeting was aired on Channel 20 Cablevision and Channel 33 Verizon Fios.

It was announced that the next public hearing would be held June 26th, 2025, site visits are scheduled for June 21st, 2025. Mailings are to be sent from June 2nd to June 11th, 2025.

NEW BUSINESS

GEBHARD **#17/25** This is an application to construct a second story addition that will
Property Address: requires a variance for a front yard setback of 23.81 ft where 30 ft
3177 Mohegan Ave. required as per section 300-21 and Appendix A of the Town
Section 36.07, Block 1, Lots Zoning Code.
18

Upon motion by Meisterich, seconded by Fahey and unanimously voted in favor by Altimari, Fahey, Gregory, and Meisterich, this item was scheduled for a Public Hearing on June 26th, 2025, Site Visit on June 21st, 2025, and referred to the Building Department.

PETERS **#18/25** This is an application to construct a covered front porch that
Property Address: requires a variance for a front yard setback of 35.31 ft where 40 ft
1295 Judy Rd required as per section 300-21 and Appendix A of the Town
Section 25.08, Block 3, Lots Zoning Code.
35

Upon motion by Meisterich, seconded by Fahey and unanimously voted in favor by Altimari, Fahey, Gregory, and Meisterich, this item was scheduled for a Public Hearing on June 26th, 2025, Site Visit on June 21st, 2025, and referred to the Building Department.

REYES **#19/25** This is an application for a special use permit for a renewal of an
Property Address: accessory apartment that requires a special use permit as per
2974 Sherman Court 300-38 of the Town Zoning Code.
Section 25.12, Block 1, Lot 9

Upon motion by Meisterich, seconded by Fahey and unanimously voted in favor by Altimari, Fahey, Gregory, and Meisterich, this item will be handled administratively, and scheduled for a Public Hearing on June 26th, 2025.

OLIVEIRA **#20/25** This is an application for a NEW special use permit to construct

Property Address: 2667 Ridge St. and allow a chicken coop as per 300-81 of the Town Zoning Code.

Section 27.13, Block 3, Lot 12

Upon motion by Meisterich, seconded by Fahey and unanimously voted in favor by Altimari, Fahey, Gregory, and Meisterich, this item was scheduled for a Public Hearing on June 26th, 2025, Site Visit on June 21st, 2025, and referred to the Building Department.

CONTINUED PUBLIC HEARINGS

DAMIANO #01/24 This is an application for a special use permit for a new accessory apartment that requires a special use permit as per 300-38 of the Town Zoning Code.

Property Address: 756 Hanover
Section 59.11, Block 1, Lot 19

Adjournment requested by applicant.

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

Application before the Planning Board.

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

Chairman Meisterich said I had Closed and Reserved the hearing last month, and we had a series of questions on this application related to the merging of lots, because this application involves two existing houses and two existing back lots, and the lots in question are owned by the same person and there are certain legal precedents based on lot merging that we still need further research on with our attorney on this. Without the research we are not prepared to render a decision tonight, and if we left it Closed, we only have 62 days from the time that I Closed it to render a decision, and that will not time out with our meeting next month. My only choice here is to make a motion to reopen this hearing and put it on the agenda for our June meeting.

Upon motion by Meisterich, seconded by Fahey and unanimously voted in favor by Altimari, Fahey, Gregory, and Meisterich, this hearing is reopened.

GAUR #07/25 This is an application for a special use permit for a renewal of an accessory apartment that requires a special use permit as per 300-38 of the Town Zoning Code.

Property Address: 1798 French Hill Rd
Section 37.18, Block: 1, Lot: 7

Mailings and sign certification in order.

Memo from the Assistant Building Inspector, dated May 19th, 2025 states:

I inspected this property on May 16, 2025 and found no violations. I have no objections to granting a renewal for a special permit.

Upon motion by Meisterich, seconded by Fahey and unanimously voted in favor by Altimari, Fahey, 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.

NEW PUBLIC HEARING

CANTONE **#11/25** This is an application for a special use permit for a renewal of an accessory apartment that requires a special use permit as per 300-38 of the Town Zoning Code.
Property Address:
1818 Amazon Rd
Section 25.11, Block 1, Lot 5
Mailings and sign certification in order.
Memo from the Assistant Building Inspector, dated May 19th, 2025 states:
I inspected this property on May 16, 2025 and found no violations. I have no objections to granting a renewal for a special permit.
Upon motion by Meisterich, seconded by Fahey and unanimously voted in favor by Altimari, Fahey, 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.

DISISTO **#12/25** This is an application for a special use permit for a renewal of an accessory apartment that requires a special use permit as per 300-38 of the Town Zoning Code.
Property Address:
1678 Amazon Rd
Section 25.12, Block 2, Lot 31
Mailings and sign certification in order.
Susan and Joseph DiSisto appeared before the Board.
Chairman Meisterich said basically this is an existing situation, I do not know for how many years, but it is a renewal.
Memo from the Assistant Building Inspector, dated May 19th, 2025 states:
I inspected this property on May 16, 2025 and found no violations. I have no objections to granting a renewal for a special permit.
Upon motion by Meisterich, seconded by Fahey and unanimously voted in favor by Altimari, Fahey, 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.

DIAZ **#13/25** This is an application to construct a second story addition that will require a front yard setback of 24 ft where 30 ft required as per section 300-21 and Appendix A of the Town Zoning Code.
Property Address:
1465 Hiawaitha Rd.
Section 15.12, Block 2, Lots 21
Mailings and sign certification in order.
Joel Greenberg, Architect, representing the Applicant.
Mr. Greenberg said what we are doing is adding a second story onto the house, and because there is a slight overhang, that is the reason it is not going to be a full 30ft., and also there is an existing porch that they want to increase, so the setback is actually 24ft. from the deck to the front yard property line. The house is further back but again because we have to go to the closest part of the structure which is the deck, so that is the 24ft. and the requirement is 30ft., so we need 6ft. variance.
Mr. Fahey asked, to your knowledge, was there a prior variance granted on this house for any other work.
Mr. Greenberg said not to my knowledge.
Chairman Meisterich said I was looking at the plans and it says 23ft. to the steps and you just stated 24ft., so I just want to clarify that.
Upon review, the zoning application says 24ft. but 23ft. was written on the plans.
Chairman Meisterich asked how big is the porch.
Mr. Greenberg said coming out from the edge of the house it is about 6ft.
Chairman Meisterich said so 24ft. is correct. I would rather have it less of a variance. The other I did notice was a balcony, it is in the plans on the right side of the house, 3.5X12ft. deck above. So that

is a side yard variance and a combined side yard. I do not know what was noticed.

Mr. Greenberg said let me explain. I discussed this with the Assistant Building Inspector, and for some reason he thought that the balcony was in the back and in the back you encroach upon the setback, and then he realized it is in the side. That is going to be one of the last things that we do, and we may have to come back for a variance for something else completely different, so if you could go on and approve this variance we can get started and then we will come back. There is a structure in the back that has to get a variance, and if they still want the balcony, we can add that. Chairman Meisterich said I do have the notice here and it just says second story addition to the existing house.

Mr. Greenberg said to be honest with you, the balcony was a last-minute thing, that is why I discussed it with him and for some reason he thought it was in the rear.

Memo from the Assistant Building Inspector, dated May 19th, 2025 states:

I inspected this property on May 16, 2025 and found a shed in the rear yard that does not meet the 10' side yard setback and an expansion of a deck in the rear yard that was not permitted. The shed will require a variance. I have no objections to granting relief for the addition once applications are received to legalize the shed and deck. A building permit and a certificate of occupancy will be required.

Chairman Meisterich said so basically, they would have to start fresh to add the balcony and the shed.

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, Gregory, and Meisterich, the application for a variance was granted to construct a second story addition that will require a front yard setback of 24 ft. where 30 ft required as per section 300-21 and Appendix A of the Town Zoning Code. With the stipulation that the balcony and the shed will require a separate variance, and in substantial conformity and plans submitted (with the stipulation removing the balcony from plan as noted).

**FRANCHI #14/25 Property
Address: 2936 Meadowcrest
Dr Section 26.12, Block 2,
Lots 43**

This is an application to construct an addition that will require a variance on a corner lot with a setback of 31.08 ft where 40 ft required as per section 300-21 and Appendix A of the Town Zoning Code.

Mailings and sign certification in order.

Ronnie Franchi present with her daughter, son-in-law Michael and grandchildren.

Ms. Franchi said her son-in-law Michael is going to be speaking.

Michael said we have a house in Yorktown as well as Ronnie, we are looking to consolidate into one house. We looked and there is really nothing that fits our needs so we thought of investing in Yorktown to do an extension would made sense.

Chairman Meisterich so is there an accessory apartment involved in this.

Mr. Gregory said no, it is just an addition.

Michael said we want Ronnie to have her own space, and she primarily going to be living with us.

Mr. Fahey said couple of questions, when you look at that house from the street, to the left you got that beautiful shrubbery, but why are you going out to the left, how does that pick up more room. Could you come from the garage out the front and pick up the same space.

Michael said no, there is about the same distance on each side of the house to do an extension.

Unfortunately when they built the house originally, they did not leave much room on either side. So it just made more sense and most of the other houses in the neighborhood put their extension on that side, the living room side, so we try to follow that aesthetic.

Mr. Fahey asked, is there a fireplace.

Michael said yes and that is going away. So we are looking to go out to the side a little, and then also up.

Memo from the Assistant Building Inspector, dated May 19th, 2025 states:

I inspected this property on May 16, 2025 and found no apparent violations. I have no objections to granting relief. A building permit and a certificate of occupancy will be required.

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, Gregory, and Meisterich, the application for a variance to construct an addition that will require a variance on a corner lot with a setback of 31.08 ft where 40 ft 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.

LAMP #15/25 Property

Address: 357 Crow Hill Rd

Section 70.08, Block 1, Lots 8

This is an application for a proposed 2 Lot subdivision will require a variance with a frontage of 25.15 ft where 200 ft required as per section 280-A of the Town Zoning Code.

Jody Cross from Zarin and Steinmetz, with Paul Lynch project engineer and Applicant.

Ms. Cross said we are before the Planning Board on a two (2) lot minor subdivision. Specifically we are seeking for the proposed new lot a variance to permit 25.15ft. frontage on Crow Hill Road where 200ft. is required. For the existing lot, a variance to permit zero frontage on Crow Hill Road where 200ft. is required, and also either an exception and/or a variance from NY Town Law 280A that requires direct access on a public street. By way of background, Mr. Lamp's property is 4.463 acres, it is in the R1-80 zoning district, it is currently improved with a single-family house. He is looking to divide the property into two (2) separate lots. The existing lot will be 2.6 acres, the new lot will be 1.837 acres, both will comply in area and both with the zoning codes. The new lots will be more consistent with the lots surrounding them. So close to 4.5 acres now but most of the lots in the neighborhood is 1 or 2.5 acres based on my review of the GIS maps. So except for these variances they will be zoning compliant. Mr. Lamp owns the driveway and there is an easement, there are 3 other homes that share that driveway, lots 7, 9, & 10 also know as 355, 367 & 371 Crow Hill.

Mr. Fahey said I am looking at this and we know two (2) lots, is there an existing house on one of these lots already.

Ms. Cross said yes.

Mr. Fahey said there has been some lot clearing already, some logs or something, some trees taken down.

Ms. Cross said there was some trees taken down, that complies with the code.

Mr. Fahey said we thought the development was going to be out closer to Crow Hill Road.

Ms. Cross said we widen the driveway, so it was 14ft., we improved it to 16ft.

Mr. Fahey said does that allow for fire access.

Ms. Cross said we did get a state variance for fire access which we did submit to you, and state found that there was no danger to health, safety or welfare by adding another house to this driveway.

Chairman Meisterich said so with the street address, would they still both remain at 357 Crow Hill Road?

Ms. Cross said it would be assigned another address.

Chairman Meisterich said if I grant something do I have to specify a different address?

Mr. Gregory said no, you do not have to worry about the Post Office.

Mr. Fahey said would the rename the private Road.

Ms. Cross said it was suggested but I do not think the Planning Board is requiring that.

Chairman Meisterich told Mr. Fahey there is a requirement that the applicant went through for the fire apparatus.

Mr. Fahey said that is a paramount thing, they have to be able to get to it.

Ms. Cross said that is why the Planning Board required us to do that before we came to you.

Mr. Fahey said that is why I asked about the width of the road.

Ms. Cross said I understand, and it has been 14ft. for decades so it has actually been improved, and I think site line has been improved as well.

So what is going to happen is the new lot will have the driveway and will have that 25ft. of frontage give or take, the old lot will now have an easement right over that driveway like those other homes. So that is why technically it has zero frontage and that is why also we need the 280A variance.

Letter from Peter Linnea Elliott, and Christine Broccoli, dated May 14th, 2025.

Since the purchase of 357 Crow Hill Road, Mt. Kisco, NY (Town of Yorktown) by Evan Lamp:

#1. Mr. Lamp repaved the common driveway which he owns through the ownership of 357 Crow Hill Road without any of the proper permit(s). In so doing he violated the town code(s) calling for specific width requirements and providing a turn- around area for fire apparatus. He was offered the opportunity to install a cul- de- sac This went away.

#2. Mr. Lamp' s legal team has constantly brought up the fact that " other" homes in the area do not meet the current codes... ie, the full two- acre requirement for this zone and 200' of frontage on town roads. The legal team never mentions that those homes were grandfathered into legality of current codes....The change in the zoning codes were put into place to avoid exactly what Mr. Lamp is trying to do..... Mr. Lamp' s property abuts the four-acre zoning code.

#3. It is our understanding that Mr. Lamp' s legal team is trying to finagle a current code requirement of 200' of town road frontage down to 25' for the proposed new lot.... 8x LESS than code. At the same time requesting a variance for zero feet (0') of road frontage for 357 Crow Hill Road and transferring ownership of the driveway to the yet to be approved new building lot in order to obtain that subdivision. We feel that these requests are inappropriate.

Memo from the Assistant Building Inspector, dated May 19th, 2025 states:

I inspected this property on May 19, 2025 and found no apparent violations. I have no objections to granting relief.

Memo from the Planning Board, dated May 21, 2025 states:

At its meeting of May 5, 2025, the Planning Board discussed the subject referral for variances granting relief from Yorktown Town Code frontage requirements and New York Town Law Section 280-a. The applicant proposes a minor subdivision of two lots. Information and comments are as follows:

Proper Information 70. 08- 1- 8

Owner of Record: Evan Lamp

Structure: Single family home.

Site Description: 4.463- acre lot consisting of one single family home, a driveway, and pool.

Plan Review

The supporting subdivision plan shows the creation of an 80, 004 square foot lot with 25. 15 feet of frontage on a private driveway accessed from 357 Crow Hill Road. The existing property will lose its frontage on Crow Hill Road and therefore have no direct frontage. The proposed lot meets the minimum area requirement for the zoning district. Environmental resource maps do not predict the presence of wetlands within the confines of this neighborhood nor the subject parcel.

Neighborhood and District Conditions

The subject property exists in a shared drive via an easement that serves three other single- family homes and is mapped as part of the R1- 80 zoning district. The district requires a minimum of 80, 000 square feet. The buildout of the surrounding neighborhood predominately meets the requirement, as most lots exceed the 80,000 square foot minimum. This area is not served by municipal water or sewer.

Planning and Zoning Considerations

While it is recognized that the proposed subdivision exceeds the minimum area requirements, a variance for each lot is necessary for them to be legal building lots. The existing lot, lot # 2, requires a variance from New York Town Law Section 280- a, as it does not have any frontage on a Town road. The new lot, lot# 1, requires a frontage variance as it only has 25. 15 feet of frontage where

200 feet is required.

The Board notes that the requested variance may not have an impact on the surrounding area; however, it could potentially set up a precedent allowing for the creation of lots with 0 feet of frontage on town roads. The same can be said for the creation of lots that have as little as 25 feet of frontage. The likelihood is small, however, because having access to a private driveway via an easement creates a unique circumstance. The Planning Board has no objections to the issuance of either variance.

Peter Elliot appeared before the Board. Mr. Elliot said my family and I, and our neighbor Christine Broccoli, we feel that the deviation from town and state code regarding road frontages for the proposed lots of almost 90% less for one lot and 0% frontage for the other lot may be acceptable in an urban setting but certainly not in a 2 acres zone located in Northern Westchester. Also current information available regarding this proposed subdivision is as follows: Mr. Lamp is also seeking permits to increase his current home from three bedrooms to five bedrooms, he is also planning on changing the footprint by adding a two-car garage and Mr. Lamp is also requesting a permit for three additional paved parking space to the right of his home, these are all before the Boards. We felt that there are some red flags here that might be addressed by the Board.

Chairman Meisterich asked where do you live in relation to this.

Mr. Elliott said I live one lot south of Mr. Lamp's property. It is the Broccoli property and then my home. I feel it is a bad precedence.

Chairman Meisterich said I have seen many flag lots in this job, what I call flag lots, which is really for this situation, for whatever reason the property is deeper than it is wide and it does not have the frontage, and they will build a driveway, and they will come in to the side. This is a fairly common situation.

Ms. Cross said we appreciate the comments from the neighbor, this is the first we are hearing of them. We also understand why the town would want to avoid precedent, but we do think this is a unique situation, even to the point where we have the state saying the road would not cause any danger. I respect public concern, I still think the benefit to the applicant of granting the variance would outweigh any detriment to the neighborhood.

Chairman Meisterich said is there any other options in this scenario, if you look at the driveway, let's say if you look at the other houses, the other properties, with those "fingers" to reach Crow Hill Road, I call them, was that not an option here to say divide that driveway, just in half to have part of it be frontage for the one house that is zero frontage.

Ms. Cross said I think the issue is making sure that we also met the minimum area requirements for the zoning district. And it would also complicate the easement agreement because it would have two different grantors.

Chairman Meisterich said with the issue of precedent, again I see multiple houses in this picture, that is already similar to this situation. I have had applications in front of us, as I was describing as flag lots, with minimal access to a town road, can I recall one that is zero, I do not remember.

Mr. Gregory said yes, I have.

Chairman Meisterich said so I do not really worry about precedence on this only because you know there is not a huge incentive for people to try to build with minimal frontage, it just has to be a unique situation, you have to have a driveway, you have to have a private road.

Mr. Altamari said a lot of them in the wooded area like on Hanover.

Mr. Fahey said as land access and requireability diminishes, there will be more applications of this nature.

Chairman Meisterich said I believe this is more in character for the more northern rural suburbs than say a city situation with an irregular property and topography and all this other things that we say at this site.

Mr. Fahey asked what is the square footage of the houses that are proposed.

Mr. Lamp said in the 3000 range.

Mr. Fahey said and are they compatible and similar to what the existing houses are in the

neighborhood.

Mr. Lamp said yes.

Mr. Fahey said the same size or are you going bigger.

Mr. Lamp said it is same size as what is on the existing lot.

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, Gregory, and Meisterich, the application for the requested variances are granted. These variances are as follows: 357 Crow Hill Road, Property A, the variance for road frontage of 25.15ft, where 200ft is required is granted. At 357 Crow Hill Road, Property B, the variance for road frontage of 0ft where 200ft is required is granted, and a variance granted from the NY Town Law Section 280A that requires frontage on a town road. Stipulations applicable to all variances are that the subdivision will conform to the plans that has been submitted and reviewed in this meeting, and formal subdivision approval from the Planning Board to be attained separately from the Zoning Board approvals.

Meeting adjourned at 7:20pm

Happy Zoning!