

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS
JUNE 26TH, 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, June 26th, 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
Anthony Tripodi

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 July 24th, 2025, site visits are scheduled for July 19th, 2025. Mailings are to be sent from June 30th to July 9th, 2025.

NEW BUSINESS

BIEBEL #22/25 Property This is an application for a special use permit for a renewal of an
Address: 1331 Echo Hill Rd accessory apartment that requires a special use permit as per
Section 47.19, Block 1, Lot 20 section 300-38 of the Town Zoning Code.

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

BUGNI #23/25 Property This is an application to allow an 8 ft deer fence in the rear of the
Address: 447 Waverly Rd. property where 6' 6" height is allowed per section 300-13F of the
Section 27.17, Block 2 Lot 17 Town Zoning Code.

Upon motion by Meisterich, seconded by Fahey and unanimously voted in favor by Altimari, Fahey, Gregory, Meisterich, and Tripodi, this item was scheduled for a Public Hearing on July 24th, 2025, Site Visit on July 19th, 2025, and referred to the Building Department.

DIAZ #24/25 Property This is an application to (1) legalize an existing shed, which
Address: 1465 Hiawatha Rd requires a variance of 1 foot where 10 feet is required; (2) legalize
Section 25.08, Block 3 Lot an existing gazebo, which requires a side yard variance of 2 feet
135 where 10 feet is required; (3) legalize an existing deck, which
 requires a side yard variance of 9 feet where 10 feet is required;
 and (4) construct a new balcony with a side yard of 9 feet where
 12 feet is required and a combined side yard of 21 feet where 24
 feet is required. All requests are made in accordance with
 Section 300-21 and Appendix A of the Town Zoning Code.

Upon motion by Meisterich, seconded by Fahey and unanimously voted in favor by Altimari, Fahey, Gregory, Meisterich, and Tripodi, this item was scheduled for a Public Hearing on July 24th, 2025, Site Visit on July 19th, 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

Christopher Damiano appeared before the Board.

Chairman Meisterich said this was a long time ago, and I believe we had a memo from the Building Inspector that there were multiple issues that need to be resolved.

Mr. Damiano said the septic engineer finally got the deposit, waiting on him to make an appointment, hopefully he is going to get back to me tomorrow.

Chairman Meisterich said basically we are here now to look at the apartment, and as far as the building, I will make sure that if we grant something tonight it is subject to you finalizing all your approvals with the Building Department. So as far as the apartment, can you just give us an idea, you have an existing house you are fitting it in.

Mr. Damiano said yes, it is a cape style home, and it is going to be upstairs, separate entrance.

Chairman Meisterich said so originally, there was no apartment.

Mr. Damiano said no.

Memo from the Assistant Building Inspector, dated June 25th, states:

In review of the plans submitted I have no objections to the Board issuing the special permit. This application requires Westchester County Board of Health approval and a building permit.

Chairman Meisterich asked and the size of the apartment.

Mr. Damiano said 600 sq.ft. roughly.

Chairman Meisterich said I did see there was 30x30 parking area.

Mr. Damiano said correct.

Chairman Meisterich said this house had existed this way for a long time with the two doors, it was not adding an apartment with a second front door. So it is not really changing the character or the nature of the structure of the neighborhood. I think the second front door requirement is just to avoid the appearance of a two family in a R1 district.

Mr. Damiano said the second front door was there when I purchased the home

Upon motion by Meisterich, seconded by Fahey and unanimously voted in favor by Altimari, Fahey, Gregory, Meisterich, and Tripodi, the 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, was granted for a period of three (3) years. With the stipulation that the applicant must obtain all required permits approvals, including the Board of Health approval and Certificate of Occupancy in order to occupy the apartment.

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

Anthony Tripodi recused.

Chairman Meisterich said we took a lot of testimony over time on this application, and we Closed and Reserved the hearing back in March or April, and as we were deliberating, we wanted to

research an issue of lot merger doctrine to determine whether these lots were merged legally. the situation is that 3301 and 3307 Lookout Street have lots attached owned by the same owners, and they are attached, and they front Hollywood Street, and the application here is to merge the two 50x100 sq.ft. lots that are on Hollywood Street, presumably to eventually build a home on a 10,000 sq.ft. lot where it is required the lots be 20,000 sq.ft. So we asked our Attorney Adam for an opinion as to whether there is legal doctrine that says if one owner owns two lots are the deemed merged when there is an upzoning which is what happened in this case.

Adam Rodriguez said we researched the issue and there is no common law merger, anything like that. Unless there is an ordinance, an applicable governing ordinance that would merge the lots, they do not merge by operation of law and here there was not any, so they not merge.

Mr. Fahey said we have precedence for that over in that part of the world, Mohegan, this type of situation.

Mr. Rodriguez said we have done what?

Mr. Fahey said combining of lots and mergers, implied mergers. We have never had that issue, I am agreeing with you.

Mr. Rodriguez said unfortunately I hear a lot that things have been done before, and all I can say is well, I was not here then, but our research indicates clearly that absent an ordinance compelling a merger, it does not just merge.

Chairman Meisterich asked Mr. Gregory, was there ever an ordinance?

Mr. Gregory said no there was not.

Mr. Gregory asked Mr. Rodriguez, I understand that there is some septic systems on the property for both lots, that does not affect what you are saying in terms of merger.

Mr. Rodriguez said no.

Chairman Meisterich said we have factors that we have to apply and weigh in terms of making a determination as a Zoning Board. 1st factor is whether an undesirable change will be produce in the character of the neighborhood or detriment to nearby properties will be created by the granting of the area variance. So this is probably the most important factor and we just talked about the merger. 3301 and 3307 Lookout Street are 10,000 sq.ft lots, the lots on Hollywood are nothing to do with those lots even though they are owned by the same person. So when you look at the property on Hollywood Street that would be a 10,000 sq.ft. lot, there are two houses right behind it that are 10,000 sq.ft. lots, again they have not legally merged in any way. One of the argument I think that we heard was we are creating more of a deficiency in the lot size, but we are not doing that because these are separate lots and nothing to do with each other, and in fact adjoining this property are two houses with 10,000 sq.ft. lots. There is also record, a house next door to this that was legalized in 1984 on a 10,000 sq.ft lot. So really right in this adjacent area, we are pretty commonly looking at 10,000 sq.ft lots, and in fact you know this area of town was built on 5,000, 10,000, 15,000 plus, so question is, is a 10,000 sq.ft. lot out of character with the neighborhood? From the lot size point of view, I cannot personally feel that it is because there are many other 10,000 sq.ft lots in this neighborhood and the concept of character of neighborhood is not the aspiration of the Town when they upzoned it, it is the existing character of the neighborhood.

Henry Obligado, lives in the area, said my concern, we live down the hill from there, so my concern is water coming down, the trees are going to be cut down to build houses, and water is going to come down. Already we have plenty of water on Hollywood, we have lakes on the road already.

Chairman Meisterich said I also do not think the lot size if the only determination of character. We do not have a building to look at, so if I saw the building I would be able to make a better judgment of the character of the neighborhood. Lot size I do believe we are consistent with the character of the neighborhood but if somebody came in and wanted to build, legally we are allowed to go 35ft. high and that would not be in keeping with the character of the neighborhood. So I think I would like to at least put a condition of the height of the building if we are allowed to do something like that, because if you look at the neighborhood we do not see sky scrapers, and there is a hill, so when you measure the grade where would you take it from, legally right now you take it from the average of the grade and you could go 35ft. from the average. I personally do not think that will be in character

of the neighborhood. So I might consider a condition on height at least.

Mr. Gregory asked do we have renderings of the building.

Ms. Khoury said no.

Chairman Meisterich said there is no building, architectural plans as of yet.

Louis Panny came to the podium. Mr. Panny said it is basically a one story house, it is a basement, one floor, ranch style. It is pretty much everything that is in the area. We are not building a mansion there, it is going to comply with the area.

Mr. Fahey said that will be a requirement in my book.

Mr. Panny said like I said, it is not going to be a macmansion, it is a regular raised ranch style house.

Mr. Fahey said I am assuming there has been water mitigation plan put in place.

Mr. Panny said yes, water management, all of it.

Mr. Fahey said I know there has been a lot of conversation about the water run off and that type of thing, so maybe alleviate, can you expand on what the water mitigation might be,

Mr. Panny said we are to contain everything on the site. The Engineering Department here requires us to do storm water management. We have to contain every area that is not porous.

Mr. Fahey asked how do you do that.

Mr. Panny said infiltrations under the ground to contain it.

Mr. Gregory asked how far along have you gotten with the actual plans to construct.

Mr. Panny said we have a building plan, I thought it was here, I thought we sent it to you guys but maybe we did not.

Mr. Gregory said and what about the storm water management.

Mr. Panny said we have not done anything with it yet, it will comply with the state whatever the state requires for storm water management.

Mr. Gregory said because basically that is under the review of the Engineering Department.

Mr. Panny said yes.

Mr. Fahey asked what is the square footage on that house, what are we looking at, what size.

Mr. Panny said 2500 sq.ft.

Mr. Fahey responded, seriously?

Mr. Panny said up and down, remember, there is a basement.

Mr. Fahey said half these houses on that street are like 1500 sq.ft.

Mr. Panny said upstairs, it they have a garage. We have a garage and half of the basement.

Mr. Fahey said so we are including that square footage.

Mr. Gregory said dimensionally how big, what by what.

Mr. Panny said the house is 32x50.

Mr. Altimari said like the house next door.

Chairman Meisterich said the height is basically going to be about 20ft., 9x2x6.

Mr. Panny said you have to remember the house is cut into the hill, you have about 4-5ft. that is already buried into the hill the way the property grade is.

Chairman Meisterich said so the front it is less than 25ft. high.

Mr. Panny said yes, because you have maybe 5, 10, 6 or 7ft. for the roof, you are talking about maybe 20ft., 22ft. tops.

Mr. Fahey said I think we should see the plan.

Mr. Panny said I should have a plan on my phone, I can put it up.

Mr. Rodriguez said we should have that submitted.

Chairman Meisterich if we do not have a plan in the record, I cannot make it subject to a plan we do not have. So I can make it subject to a few things such as height.

Mr. Fahey said once we receive the plan, we can apply the restrictions we would like to make, to make sure they conform with what you are going to propose. If the do not, we can have them change the plan.

Mr. Gregory asked can you submit a plan to us.

Mr. Panny said absolutely.

Mr. Gregory said and can you also submit at the same time a propose flood mitigation plan.

Mr. Panny said yes, for sure.

Mr. Gregory said at the end of the day, I think maybe we should review that before we consider granting any variance.

Mr. Altimari asked where will the infiltrators be, like in the front of the house.

Mr. Panny said yes, probably in the front because that is the lower side, we could pick up the storm water management off the driveway and then take the roof.

Mr. Gregory said and you also discussed with the Engineering Department your proposal for the sewer connection.

Mr. Panny said our Engineer has talked to them, and we have worked with the Sewer Department on making connections We can get permits, we are just waiting to find out if we are going to be going forward to get those permits.

Mr. Gregory said okay, because I would like something from the Engineering Department as well indicating they are okay with these.

Mr. Panny said Joe Riina has been doing the engineering for the sewer work so I do not think it is too much of a problem with the sewer work and if the sewer have a problem with it, them everybody is getting on it.

Chairman Meisterich said so what do you want to do.

Mr. Fahey said let us adjourn it again.

Mr. Gregory said I am thinking I would really like to see the documentation that we are talking about before we make a decision on the variance and some indication from the Engineering Department concerning (1) your sewers, (2) your storm water prevention plan. Is there any other permits you may think you need at this juncture, anything about log clearing, trees.

Mr. Panny said I think there are only two trees on the lot. I do not think there is much, it is somebody yard. I do not think there are trees that are a problem.

Mr. Altimari asked would not be fill you are taking away?

Mr. Panny said yes, we would take out but not much either because we basically have to cut in for the foundation and the material that comes out we would of course remove from the site, there is not much going back in. Once we put the foundation it is pretty clean cut.

Chairman Meisterich said so at this point then since we have requested and the applicant has agreed to provide further documentation, which is a good thing, we do not have to keep deliberating on the factors until next time.

Ana Obligado came to the podium. Ms. Obligado said I just think that you people who are going to decide, when you make the decision, have in mind that the houses on the other side of the street, they are lower than the street itself, so the new house will be on the hill, right.

Chairman Meisterich said yes.

Ms. Obligado said so my house is all the way down below the street, not jut mine house, there are other houses.

Chairman Meisterich said I was getting at that, the height. In the character of the neighborhood we are talking about the size of the lot that is the variance that they are asking for, but I do not believe that it is a good idea or permissible to build a very tall house on that street.

Ms. Obligado said it is not a question of being tall, it is a question of the water that is going to come down.

Mr. Fahey said we just spent a great deal of time talking about that, and we are going to see what kind of plans that are going to be put forth before we decide and see how they intend to mitigate or prevent that water from damaging property from across the street So we are going to look at that, we do not have that information yet, so we are very much aware that is an issue.

Ms. Obligado said just have in mind that I have a river at the back of my house.

Chairman Meisterich said we do see the pictures, and we believe with the modern approach to building, how things were built and how they exist today, there is no mitigation whatsoever for any kind of storm water, and when this potential project even considered being built, the Engineering Department has to grant the permit that says any water that is on that property has to be absorbed

and mitigated, and cannot flow out in the street the way it currently does, so in many ways it could be an improvement to the storm water, but we have to review.

Mr. Fahey said that is what we are going to find out, we want to make sure it is right, we do not want to impose something that is going to damage your property or the guy down the street. We understand that, we want to do the right thing.

Laszlow Kovacs came to the podium. Mr. Kovacs said I just want to remind everybody that we are talking about drain water, storm water, what not. I just want to remind everybody that these two lots, even if they are allowed to be joined, it is still 50% of what is required to build on, remember that please.

Mr. Gregory said yes.

Chairman Meisterich said I will.

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

REYES Property Address: 2974 Sherman Court Section 25.12, Block 1, Lot 9 Not open.	#19/25 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.
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NEW PUBLIC HEARING

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

Joel Greenberg, Architect, representing the applicant.

Mr. Greenberg said we are proposing to put a second story on the house, unfortunately as you can see from the survey the house is not parallel to the front property line, so one side has 30ft., the other side has about 23ft., so because of that fact it is not parallel that is why we are here for a variance, the requirement is 30ft. and that is the difference.

Chairman Meisterich said so basically you have a house that got somewhat of a dormer, I am looking at a picture of it, but a dormer almost at the roof. Under the roof is that like living space today on this.

Mr. Greenberg said actually it is storage space, nobody living there. I do not know if the solar panels were off when you went for your site visit.

Chairman Meisterich said so this is basically more or less at an or level, it does somewhat increase the non-conformity, because I see the existing house, the eaves, you are basically taking the eaves from the existing roof. So those do not normally count in the setback, so we are increasing the non-conformity, just pointing that out.

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, Meisterich, and Tripodi, the application for a variance was granted to construct a second story addition that requires a variance for a front yard setback of 23.81 ft where 30 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 project be built in substantial conformity to the plans submitted.

PETERS	#18/25 This is an application to construct a covered front porch that
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Property Address:
1295 Judy Rd
Section 25.08, Block 3, Lots
35

requires a variance for a side yard equal to a front yard on a corner lot of 35.31 ft where 40 ft required as per section 300-21 and Appendix A of the Town Zoning Code.

Mailings and sign certification in order.

Thomas Peters appeared before the Board.

Mr. Peters said just putting a porch on the front stoop, covered,

Memo from the Assistant Building Inspector, dated June 24, 2025 states:

I inspected this property on June 24, 2025 and found no apparent violations. I have no objections to granting relief.

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, Meisterich, and Tripodi, the application for a variance was granted to construct a covered front porch that requires a variance for a side yard equal to a front yard on a corner lot of 35.31 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 it be built in substantial conformity to the plans submitted.

OLIVEIRA **#20/25**
Property Address:
2667 Ridge St.
Section 27.13, Block 3, Lot 12

This is an application for a NEW special use permit to construct and allow a chicken coop as per 300-81 of the Town Zoning Code.

Mailings and sign certification in order.

Leandro Oliveira appeared before the Board.

Mr. Oliveira said just want to install a chicken coop.

Chairman Meisterich said and it is going to be in the back yard.

Mr. Oliveira said yes.

Memo from the Assistant Building Inspector, dated June 23, 2025 states:

I inspected this property on June 24, 2025 and found no apparent violations. I have no objections to granting a special permit.

Chairman Meisterich said I personally reviewed your waste management plan, and keeping of the feed, and all this, and it complies with all the requirements as far as distance off the property line, it is in the back yard.

Upon motion by Meisterich, seconded by Fahey and unanimously voted in favor by Altimari, Fahey, Gregory, Meisterich, and Tripodi, the application for a NEW special use permit to construct and allow a chicken coop as per 300-81 of the Town Zoning Code, was granted for a period of one (1) year.

Meeting adjourned at 7:14pm
Happy Zoning!