

**MINUTES OF THE YORKTOWN ZONING BOARD OF APPEALS  
JULY 24<sup>TH</sup>, 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, July 24<sup>th</sup>, 2025. The meeting began at 6:30 p.m.

The following members of the board were present:

John Meisterich, Chairman  
Robert Fahey  
William Gregory  
Anthony Tripodi

Also present is Katie Krahulik, Special Counsel, 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 September 11<sup>th</sup>, 2025, site visits are scheduled for September 6<sup>th</sup>, 2025. Mailings are to be sent from August 18<sup>th</sup> to August 27<sup>th</sup>, 2025.

**NEW BUSINESS**

**RAGUSO #16/25** This is an application to construct an addition that requires a variance for a combined two-yard setback of 28.10 ft where 40 ft is required and an above ground pool with a side yard variance of 8.3 ft where 40 ft is required as per section 300-21 and Appendix A of the Town Zoning Code.  
**Property Address:**  
**2366 Granville Ct.**  
**Section 36.07, Block 1 Lot 18**

Upon motion by Meisterich, seconded by Fahey and unanimously voted in favor by Fahey, Gregory, Meisterich, and Tripodi, this item was scheduled for a Public Hearing on September 11<sup>th</sup>, 2025, Site Visit on September 6<sup>th</sup>, 2025, and referred to the Building Department.

**BARTOLINI #25/25** This is an application for an appeal of a stop work order and notice of violation issued by the Building Dept.  
**Property Address:**

**2145 Hunterbrook rd**  
**Section 36.13, Block 1 Lot 2**

Upon motion by Meisterich, seconded by Fahey and unanimously voted in favor by Fahey, Gregory, Meisterich, and Tripodi, this item was scheduled for a Public Hearing on September 11<sup>th</sup>, 2025, Site Visit on September 6<sup>th</sup>, 2025, and referred to the Building Department, Conservation, and the Legal Team for background.

**CHANG #26/25** 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:**  
**1480 Inspiration Rd**

**Section 16.17, Block 4, Lot 15**

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

**DINEEN-CAREY #27/25** This is an application for a renewal of a special use permit to allow a children's day care center that requires a special use  
**Property Address:**

**2090 Crompond Rd** permit as per 300-53 of the Town Zoning Code.  
**Section 37.14, Block 2, Lot 8**

Upon motion by Meisterich, seconded by Fahey and unanimously voted in favor by Fahey, Gregory, Meisterich, and Tripodi, this item was scheduled for a Public Hearing on September 11<sup>th</sup>, 2025, Site Visit on September 6<sup>th</sup>, 2025, and referred to the Building Department.

**DINEEN-CAREY #28/25** This is an application to allow a sign in front of a building in a residential area for a day care center as per 300-21 and Appendix C of the Town Zoning Code.  
**Property Address:**  
**2090 Crompond Rd**  
**Section 37.14, Block 2, Lot 8**

Upon motion by Meisterich, seconded by Fahey and unanimously voted in favor by Fahey, Gregory, Meisterich, and Tripodi, this item was scheduled for a Public Hearing on September 11<sup>th</sup>, 2025, Site Visit on September 6<sup>th</sup>, 2025, and referred to the Building Department, and ABACA.

**PERVIZI #29/25** This is an application for a building permit to construct a Tier 2 Battery Storage System that requires a Use Variance. Tier 2 Battery Storage systems are a non-permitted use as per 300-81.5 of the Town Zoning Code.  
**Property Address:**  
**3666 Old Yorktown Rd**  
**Section 16.11, Block 1, Lot 60**

Upon motion by Meisterich, seconded by Fahey and unanimously voted in favor by Fahey, Gregory, Meisterich, and Tripodi, this item was scheduled for a Public Hearing on September 11<sup>th</sup>, 2025, Site Visit on September 6<sup>th</sup>, 2025, and referred to the Building Department, Town Board, Town Attorney, and Planning Board.

### CONTINUED PUBLIC HEARINGS

**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 last meeting we had asked the applicant for a set of plans and a storm water mitigation plan.

Letter from Laszlo Kovacs states: Sorry for the redundancy, but I want to make sure, since this case was closed at some point, and then reopened, that all our opposition is recorded in the newly reopened file also. I am not alone with my opposition as you already know, since we have presented a petition from this neighborhood, signed by 15 people. We are opposed to this new building lot on Hollywood Street for a multitude of previously stated reasons. I want to stress it again, we cannot see any hardship presented by the applicant, (have no means to connect to the sewer system ????) that would require a deviation of the zoning ordinance by 50%. There is no reason for the ZBA to go against zoning ordinance and grant this variance. Please consider!!! For what reason would the ZBA increase nonconformity in this area, where there is plenty of it already?!

UI: please examine the photos of "maybe two trees on the property" as described by Mr. Panny. By the way, it seems there is no sign on the properties to show there is a variance procedure in place.

Chairman Meisterich said just a quick comment, we Closed and Reserved but reopened the hearing, so the record from all the original hearing is all part of it. Regarding the sign, I guess Steve should inform the applicant about that. I would say that the sign issue on a long, many months adjourned hearing someone could have taken it, they did have a sign on there when we opened the hearing, so I do not see that as a major showstopper.

Laszlo Kovacs came to the podium. He said I understand that this case was referred to the Planning Board in January, and as a result of that there was an inter-office memo created, I would like to read a couple sentences of that.

"While it is recognized that the two developed lots were both existing at 10,000 square feet, they both have distinct abutting 5,000 square feet lots which could have, and possibly should have, been combined to be less nonconforming developments. The requested variance therefore appears to this Board to have the effect of increasing the nonconformity of the two existing houses and creating a new developed, non-conforming lot where there was no ability to develop prior.

The question, therefore, is whether it is desirable to permit development of this zoning district at a density that is contrary to its expected developed density under the zone's current requirements. If so, and if the zoning district's infrastructure characteristics and neighborhood characteristics support density at 10,000 square feet zoning variances. Further, if infrastructure alone is determinative, then other neighborhoods may expect such opportunity even though set in an R1-20 zone or an R1-40 zone".

So we agree with this very much obviously, and respectfully ask the Board to adhere with the zoning ordinance current, and if the Board feels that it should be zoned back the original 10,000 square feet why not let the Planning Board mitigate the underlying facts. So we ask you respectfully to deny.

Chairman Meisterich said thank you for your input. So in addition I have a plan here, this was submitted by the applicant who I do not believe is here tonight. As I was reviewing the plan, I noticed that the way this plan is drawn the topography does not really match that street, Hollywood. What I recall is that the properties that we are looking at, they go from Hollywood and rise up, and this right elevation we see the topography is going down. So I then looked at this title block and it says 3081 / 3084 Uncas Street. So I do not have the applicant here to explain it but either he sent the wrong plan or he is trying to say this is kind of the house we might build there. I just do not know, but this is what we have in the record, and again I would have trouble making a decision because what I am very concerned about, curious about on this one is the character of the neighborhood and whether this house appears larger, higher, taller, because the zoning would permit it to go up 35 feet which would be very high, and would not look in character with the neighborhood. So I need a more accurate kind of depiction of what the plan is with respect to the topography and I do know we asked for storm water mitigation plans, I do not know if that is an undue burden on the applicant because they are looking for a variance and they do not necessarily want to create an entire building permit approval package if they do not even know if they can build, spend money on the Engineers, Architects and all this. I would say we will request it again and hopefully we will get it. A better plan and a storm water mitigation. I feel I could solve that with a subject to kind of thing but that is just putting ourselves ahead of the game here, we are not even there.

Henry Obligado came to the podium.

Mr. Obligado said I just want to remind you about the problems of the runoff. Our house is below the property in question, and so we get a lot of runoffs already from all sides and from the hill that is directly across the street from us and the runoff runs through the top of the street and underground and raising the water table level under our house. So to build a house there it means they are going to have to be cutting trees, and the developer before said that there were only couple of trees there, and many more trees there and to cut that and to cut all of the shrubbery is going to cause more runoff into our property. I think also you should be able to provide us with storm water management plan so our geologist, engineer could review it.

Chairman Meisterich said we did request it.

Mr. Fahey said require it, not a contingency, not any thing else. This is an important factor for the neighborhood and I think it has been a little bit flip, we have asked for this like three times now, he

has not shown up, we have not gotten it. At what point do we expect it, I would require that that be part of the consideration and he does submit it, not a consideration after the fact.

Cathy Chang came to the podium.

Ms. Chang said these are my neighbors, we have been here for decades, paying taxes to this Town. Obviously we are very concern, especially concerning the runoff of the water. Now the applicant has not submitted adequate plans, I just want to know how many times are we going to have to meet and go through this before hopefully the permit would not be granted.

Chairman Meisterich said your opposition and the general opposition with the storm water, the character of the neighborhood, it is noted by us. So I would not tell you what to do, but if you feel that the same comments do not need to be made month after month cause we have that in our record, we have that in our deliberations and so forth, and I appreciate your persistence to come every time to really show how important it is, but a technical point of view we have the input at this point. What you are alluding to month after month, a lot of it has to do with us. We first wanted to make an interpretation as to whether the lots were deemed merged by the way they were owned, and meaning the two lots in question merged with the lots on Lookout. Whether Hollywood was merged with Lookout, so ended up researching that and reopening the hearing. So some of the month after month has to do with our actions. We did finally reopen the hearing last month and then requested detailed building plans, and storm water mitigation, so we have like a 25% performance on that request right now, because this plan does not really look correct to me and we do not have storm water. Will we provide infinite time, no, but we have an obligation to let him continue to provide information for another month at least.

Ms. Chang said if he does not have the integrity to show up for these meetings what kind of integrity is he going to have by building this correct.

Mr. Fahey said if we approve it, the Building Department would enforce what we approve, so be assured that what we are saying has to be done. He is not going to be able to proceed in a different manner after he leaves here. We will address those issues but we want to make sure before he even breaks ground or before he do it, that he complies with what we are looking to have done, we want to make sure it is right.

Ms. Chang said I do not want my neighbors to get hurt, they are wonderful people and have lived here for years and years.

Mr. Fahey said we understand that, it is not an easy decision and we want to do the right thing for everyone involved.

Ms. Chang said it is upsetting that he does not have the courtesy to even show up for these meetings.

Mr. Fahey said I cannot imagine what is going on but that happens sometimes.

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

**REYES #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.  
**Property Address:**  
**2974 Sherman Court**  
**Section 25.12, Block 1, Lot 9**  
Not open.

### **NEW PUBLIC HEARING**

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

Memo from the Assistant Building Inspector, dated July 21, 2025 states: I inspected this property on July 21, 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 Fahey, Gregory, Meisterich, and Tripodi, the application for renewal of a special use permit for an accessory apartment was granted for a period of three (3) years.

**BUGNI #23/25 Property**  
**Address: 447 Waverly Rd.**  
**Section 27.17, Block 2 Lot 17**

This is an application to allow an 8 ft deer fence in the rear of the property where 6' 6" height is allowed per section 300-13F of the Town Zoning Code.

Mailings and sign certification in order.

Chase Bugni appeared before the Board.

Mr. Bugni said we have regular deer transit through the back yard, it is kind of semi forested still, so I thought I would try putting in a deer fence, along the back of the property line, and then coming up about 50 feet to see if I can reduce that, we are also kind of struggling with obviously tick problem in the area, so I bought a kit that ended up being taller than the standard here in town, and I wanted to make sure. Also in terms of deer they are known to jump pretty high, 6½ feet would probably cover it. I am going to do it myself, so if I am going to put the house in and the sweat, I want to do it right to make sure they are not getting over the fence.

Mr. Fahey said the 8 foot fence will definitely get you where you want to go. They cannot see what is on the other side.

Chairman Meisterich said out of curiosity, why only back there, what is blocking the deer on the rest of the property.

Mr. Bugni said we have it grassed most of the rest of the property, so what they like about that particular area is that it is wooded and kind of a protected area, and it is kind of rougher back there. It seem like they avoid the yard and go down the edges of the property and then back into there. We had the property professionally staked so that I know exactly where the property line is.

Mr. Tripodi said you are only coming 50 feet from the back property line, and you are trying to block off the path that they now follow.

Mr. Bugni said yes.

Memo from the Assistant Building Inspector, dated July 17, 2025 states: I inspected this property on July 17, 2025 and found no apparent violations and 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 Fahey, Gregory, Meisterich, and Tripodi, the application for a variance was granted to allow an 8 ft deer fence in the rear of the property where 6' 6" height is allowed per section 300-13F of the Town Zoning Code.

With the stipulation it pertains only to the requested variance and not the remainder of the property line, and in conformity to the plan submitted.

**DIAZ #24/25 Property**  
**Address: 1465 Hiawatha Rd**  
**Section 25.08, Block 3 Lot**  
**135**

This is an application to (1) legalize an existing shed, which requires a variance of 1 foot where 10 feet is required; (2) legalize an existing gazebo, which requires a side yard variance of 2 feet 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, which will require a side yard variance of 9 feet where 10 feet is required. All requests are made in accordance with Section 300-21 and Appendix A of the Town Zoning Code.

Mailings and sign certification in order.

Joel Greenberg, Architect, representing the applicant.

Mr. Greenberg said you stated exactly what the situation is, I know that when we were back for the first variance, this is the second for you. I know you have been to the site, if you walked back there you will see it is pretty well screened back there.

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

This is a building permit application to legalize the follow structures the requires variances:

- Shed requires variances for a side yard of 1 ft where 10 ft is required and a rear yard setback of 2 ft where 10 ft. is required.
- Gazebo requires variances for a side yard of 2 ft where 10 ft is required and a rear yard setback of 2'6" where 10 ft is required.
- Rear deck requires a variance for a side yard of 9 ft where 10 ft is required. Construction of a balcony requires a side yard variance of 9' ft where 12 ft is required.

All variances as per section 300- 21 and Appendix A of the Town Zoning Code. I recently inspected this property and 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 Fahey, Gregory, Meisterich, and Tripodi, the application for a variance was granted to (1) legalize an existing shed, which requires a variance of 1 foot where 10 feet is required; (2) legalize an existing gazebo, which requires a side yard variance of 2 feet 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, which will require a side yard variance of 9 feet where 10 feet is required. All requests are made in accordance with Section 300-21 and Appendix A of the Town Zoning Code. With the stipulation it pertains only to the requested variances and not the remainder of the property line, and new balcony be built in substantial conformity to the plans submitted.

Meeting adjourned at 7:23pm  
Happy Zoning!