



Planning & Zoning  
April 21, 2026

STATE OF NEW YORK  
TOWN OF GREENBURGH

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Public Hearings and Decisions Before  
The Zoning Board of Appeals of  
Greenburgh, New York, in Connection  
with Various Applications in Relation  
to the Town Ordinance of the Town of  
Greenburgh

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April 16, 2026  
7:00 p.m.

Greenburgh Town Hall  
177 Hillside Avenue  
Greenburgh, New York

BOARD MEMBERS:

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- Eve Bunting-Smith, Chairperson
- Shauna Denkensohn
- Diane Ueberle
- Kristi Knecht
- Louis Crichlow
- William Bland
- Peter Blier

STAFF MEMBERS:

- EDWARD LIEBERMAN, Esq.  
Deputy Town Attorney
- Kyra Jones, Secretary to the ZBA
- Liz Gerrity, Deputy Building Inspector
- Jais Skaria, Building Plans Examiner

MICHAEL A. DeMASI, JR.  
OFFICIAL COURT REPORTER

(Whereupon, at 7:15 p.m., the meeting of the Zoning Board of Appeals for the Town of Greenburgh was called to order.)

(Recording in progress.)

CHAIRPERSON BUNTING SMITH: Good afternoon, all. Just a moment. Madam secretary, can we have the roll call, please.

MS. JONES: Yes, Madam Chair. Going to begin roll call. Eve Bunting-Smith?

CHAIRPERSON BUNTING SMITH: Here.

MS. JONES: Is present. Kristi Knecht?

MS. KNECHT: Here.

MS. JONES: Is present. Louis Crichlow?

MR. CRICHLLOW: Here.

MS. JONES: Is present. Diane Ueberle?

MS. UEBERLE: Here.

MS. JONES: Is present. William Bland?

MR. BLAND: Present.

MS. JONES: Is present. Shauna Denkensohn?

MS. DENKENSOHN: Present.

MS. JONES: Is present. Peter Blier?

MR. BLIER: Here.

MS. JONES: Is present. And that concludes our roll call, Madam Chair.

CHAIRPERSON BUNTING SMITH: There presently exists a vacancy in the number of members of the Board -- I'm

sorry. I take that back.

We have the numbers, however, in light of the vacancy that Mr. Bleir is our alternate member, he will be voting on any matter that requires a vote at tonight's meeting.

The meeting of the Zoning Board of Appeals for the Town of Greenburgh will come to order. We have six cases scheduled for tonight's meeting, however, looking forward, the Zoning Board will have our next meeting on Thursday, May 21st. Please, mark your calendar accordingly.

We may limit time to hear each case. If we cannot finish hearing each case, it will be adjourned to another meeting to be completed, hopefully, at that time.

As in the past, in order to save time, we will waive the reading of the property location and the relief sought for each case, however, the reporter will insert this information in the record.

This information also appears in the agenda for tonight's meeting. After the public hearing of tonight's cases, we will meet to discuss each case. Normally, we will sit at that table there.

Everyone is welcome to listen to our deliberations, however, the public will not be permitted to speak or participate.

After our deliberations on all the cases, we will

announce the Board's decision for the formal record and for it to be broadcast to the community.

If you're going to speak tonight, you must come up to the microphone and state your name and address, or your professional affiliation.

We have heard testimony on two of these cases at prior meetings. All prior testimony is already in the record and should not be repeated.

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Case No. ZBA 25-39: CENTRO HERITAGE SPE 6, LLC  
A.K.A. SPROUTS FARMERS MARKET, 393 N. Central Avenue (P.O.  
Hartsdale, NY 10530) - Sign Variances.

Applicant is requesting sign variances from Section 240-3C(8) of the Sign and Illumination Law to increase the maximum height of insignia or key letters from 4 ft (permitted) to 4.5 ft. (Proposed); and to increase the maximum stacked height of insignia or key letters from 4 ft (permitted) to 7.16 ft. (Proposed), in order to install wall signage on the subject property. The property is located in the CA - Central Avenue Mixed-Use Impact District and is designated on the Town Tax Map as parcel ID: 8.150-96-4.

CHAIRPERSON BUNTING-SMITH: The first case we will hear testimony on tonight is Case 25-39, Sprouts Farmers Market.

MR. SANTOLIVIDO: Good evening. Michael Santolivido, with San's Signs and Awnings, Yonkers, New York. I'm here on behalf of Sprouts Farmers Market regarding a visibility base variance request at 393 Central Park Avenue.

I was in front of you last month -- or the month before, presenting a sign at seven-feet overall height. You all requested that more information and a size reduction. I'm here tonight to present such and now seek a six-inch variance.

I have members of Sprouts joining me. We have Linwood and J.R., managers of Sprouts.

If we can start our slides; slide one: Next one --- slide two. Sorry.

This exhibit shows the parcel outlined at the shopping center property. As you can see, the tenant space is located within existing multi-tenant retail center, with frontage along Central Park Avenue.

This site is not positioned directly parallel with the roadway, which becomes an important factor in visibility.

MS. UEBERLE: I don't think the red slide is up. You have a map up.

MR. SANTOLIVIDO: One up. Yeah. That's it. The parcel map.

MS. UEBERLE: Thank you.

MR. SANTOLIVIDO: Now, we'll go to slide three. Slide three is to provide a macro context of the site. This map provides a regional context showing the site's location within Westchester County and its proximity to major corridors and surrounding communities.

Central Park Avenue serves as a primary commercial space for the area. Commercial spine for the area, carrying significant, daily traffic volumes.

Slide four, please. This exhibit highlights the

immediate trade area within approximately 15-mile radius. There are approximately 14 grocery store options in the surrounding area.

While this is a highly-competitive corridor, Sprouts represents a unique offering within this market. With the closest comparable retailer being of Whole Foods, located further from the site. And its clear and effective identification is critical for the environment.

Slide five; this closer view shows the full shopping floor layout and the specific location of the Sprouts tenant space within the building. Importantly, the tenant frontage is orientated on a diagonal relative to Central Park Avenue, which significantly impacts the visibility for both northbound and southbound traffic.

Slide six; this image shows the current conditions of the tenant space, which is undergoing redevelopment. As a part of this renovation, the facade is being modernized and new signage is being introduced to establish the tenant identity.

Slide seven; this rendering illustrates the proposed facade and signage design. The sign has been intentionally designed to be clean, linear, and architecturally integrated, however, due to the scale of the facade and visibility constraints, we'll review the additional six inches in height is necessary for functional

legibility, not aesthetics.

Slide eight; this exhibit shows the proposed Sprouts signage in detail, including, the overall dimensions.

And, as you can see, the signage has been designed to be clean, linear, and proportionate to the building facade.

The total width aligns with the architectural elements of the storefront, and the height, at four-foot six-inches remains modest relative to the overall scale of the building.

Importantly, this slide demonstrates that the requested increase is not an attempt to create oversize or dominant signage.

At four feet, relativity, the signage becomes visually compressed relative to the facade and more importantly reduces legibility at the exact distances where drivers need to be making a decision.

The additional six inches allows for earlier recognition without changing the character of the signage.

Slide nine; this exhibit addresses important question which often comes up: Whether the existing pylon sign can service sufficient identification for the tenant.

On the left, we've shown a mock-up of the proposed face on the top -- I'm sorry -- of the proposed face.

Changed the existing multi-tenant pylon, which would include Sprouts as one of the several listed tenants, however, as shown in the shared sign structure with multiple tenant panels competing for visibility, the Spouts panel would be one of many.

And due to its size and placement within the overall sign, it does not provide strong or dominant identification, particularly at a distance.

You can see the existing conditions along Central Avenue -- Central Park Avenue, including, tree obstructions, corridor geometry, and a general visual environment that drives the -- that drivers experience.

Even with the addition of the Sprouts sign to the pylon, these conditions limit the ability for motorists to clearly identify the tenant in advance.

The pylon functions as a supplemental directory, but it does not replace the need for clear-building mounted identification.

Slide ten -- that was nine. That shows -- that shows the pylon sign and we gave it to you in options, which you saw at the last meeting.

Slide ten --

MR. BLIER: Sorry. The pylon sign does not exist at this time?

MR. SANTOLIVIDO: It does exist.

MR. BLAND: It's there.

MR. BLIER: Where do you see it in the picture?

MR. BLAND: He's just saying, they're going to be competing with --

MR. SANTOLIQUIDO: On page nine.

MR. BLAND: Closer to the main street.

MR. BLIER: I know. I'm looking at the -- where the sidewalk is. I don't see a sign.

MR. BLAND: Oh, no. This is it right here. That's physically there now.

MR. BLIER: I see. That's physically there now.

MR. BLAND: It's physically there now.

MR. BLIER: Thank you.

MR. SANTOLIQUIDO: Thank you for clarifying that. Slide ten; before we move to the visibility analysis, I want to briefly reference the industry standards from the United States Sign Council, which outlines the relationship between letter height and readable distance.

As shown here, there's a direct correlation between the size of the lettering and the distance at which a sign can be effectively read and recognized by motorists.

This is important context for the site, because it will demonstrate in the visibility study, drivers do not have ideal viewing -- do not have ideal viewing conditions.

Meaningful recognition of the Sprouts tenant does

not occur until approximately 150 feet or less from the site as you're driving on Central Park Avenue. And the store is another 300 feet from Central Park Avenue.

This creates a condition where drivers must -- must rely on clear, legible signage, which is very limited. In these situations, even modest increases in sign height -- in sign height, and, therefore, letter scale and spacing can have a meaningful impact on how quickly and effectively a driver can recognize and process the information.

So this chart provides a baseline of understanding that adequate letter size is not just a design preference. It's directly tied to visibility, recognition, and, ultimately, safe decisionmaking along the roadway.

Slide 11; now, I'll walk you through the visibility study which evaluates both directions of travel along Central Park Avenue. We'll begin with the southbound approach towards the site.

Slide 12; at approximately 690 feet north of the, Sprout's tenant's space is not visible at all. Intervening commercial buildings fully obstruct the line-of-sight, meaning, drivers have no awareness of the site at this distance.

Slide 13; at 475 feet, this image shows the building mass begin to appear, however, due to the diagonal orientation of the facade, the tenant's frontage is not

facing the roadway. And no signage or identifying features are visible, so while the building is technically visible, it is not recognizable.

Slide 14; at approximately 150 feet, this is the first point where the tenant becomes identifiable, however, this occurs immediately adjacent to the site access point.

Drivers must simultaneously recognize the destination process and the information and maneuver into the appropriate lane. At corridor speeds, this results in only a two-or-three second reaction time.

Slide 15; at the site itself full visibility is achieved, however, this represents the final opportunity for access, not the appropriate distance for initial recognition.

This creates a condition where drivers miss the main entrance and make abrupt movements to continue past the site and reroute.

Slide 16; we see a similar -- we see a similar and in someways more constrained condition in the northbound direction. This section evaluates the neighborhood approach.

Slide 17; this is the northbound approach, which establishes -- established obstruction northbound. As you can see, Shake Shack is affixed obstruction reinforced and also a not self-created hardship. At 675 feet south of the

site, the Sprouts tenant space is completely obstructed.

The Shake Shack building sits directly in the line-of-sight blocking all visibility of the facade and signage.

Slide 18; at 450 feet the obstructions continue. Even though the corridor is visible, the tenant space itself is not and drivers still have no awareness of the Sprouts location.

Slide 19; at 250 feet, the building begins to emerge, however, existing trees, landscape can partially obstruct the facade, and the tenant is still not clearly identifiable.

At this point, the drivers have already within approximately 180 feet of the signalized entrance, leaving only about three or four seconds to react to the driveway.

Slide 20; at approximately 150 feet, the tenant finally becomes identifiable, however, this occurs immediately before the signalized entrance - entrance, where drivers must already be positioned to turn. If missed, drivers must travel approximately 700 feet to the next entryway, which is the next wall and intersection to turn into the McDonald's parking lot.

Slide 21; this exhibit shows examples of signage which fully complies in height requirements. While these signs meet code, they illustrate an important point that

compliance that is not always result an effective signage. As you can see, many of these signs appear to be undersized relative to the scale of their buildings, and are not easily readable from the roadway.

From a driver's perspective, the lettering can be difficult to distinguish at a distance, limiting the ability for quickly identifying the tenant. This is particularly important in commercial corridor like, Central Park Avenue, where drivers are making decisions in real-time and rely on clear, legible signage.

These examples help demonstrate that while code establishes a baseline, it does not always account for site-specific conditions, such as: Building scale, orientation and visibility constraints.

In the case of Sprouts, applying the district four-foot limitation would create a similar condition, where the signage is, technically, compliant, but, functionally, dismissed.

The requested six-inch -- the requested six-inch increase is intended to avoid the outcome and ensure that the signage is both proportionate to the building and readable within the limited visibility conditions we have identified.

Slide 22; this exhibit shows examples of signage that do not meet strict code height requirements, but was

approved by this Board through deviations or variance process.

The approvals were granted for reasons very similar to what we're presenting here today, specifically, in the need for appropriate proportionality to the building. Improved readability for motorists and the relationship between the signage and the distance from the roadway.

In each of these cases, the jurisdiction recognized that that strict application of the code would result in signage that was not fully effective. And the modest increase in height was necessary to ensure visibility and usability.

This highlights an important point that sign codes are intended to provide a framework, but they are also allow for flexibility, where site-specific conditions create practical challenges.

In the case of Sprouts, we're asking for a much more limited adjustment, just six inches in height to address similar conditions relative -- related to visibility, building orientation and recognition distance, so this request is not unique or excessive in its -- in its consistent in how similar the situations are evaluated and approved and practiced.

Slide 23; this exhibit shows existing tenant signage within the same shopping center as proposed the

Sprouts location. As you can clearly see, the signs are not visible from the right-of-way along Central Park Avenue, and, instead, rely on the cross-range visibility once a driver has already entered the site.

This reflects how the plaza currently functions. Tenant identification occurs internally, not from the roadway.

For Sprouts, however, this creates a challenge, because visibility to the site is already delayed. Drivers must be able to clearly identify the destination at the building frontage, as early as possible.

Since the pylon sign functions as a shared-directory and internal signage is only effective. Once inside the site, the building-mounted sign becomes a primary method of identification for us.

This is why it is critical that the wall signage is legible, appropriately scaled so that drivers can recognize the tenant in time to safely access the site.

The requested six-inch ensures this primary identification element functions effectively within the existing conditions of the plaza.

Based on the visibility analysis, the Sprouts tenant is not identifiable to drivers until approximately 150 feet or less from the site in both directions. At prevailing speeds along Central Park Avenue, this results in

a reaction window of approximately two-to-three seconds, which is insufficient for safe and predictable maneuvering.

The requested six-inch increase in sign height is a minimal and reasonable adjustment that will improve legibility at earlier distances, allowing drivers to identify the site sooner and make safer and more informed decisions.

This request is directly tied to site-specific constraints, including: Building orientation, intervening structures, and roadway conditions, and represent a minimum relief necessary to address these challenges.

We respectfully request your approval. If you have any questions, I'll be happy to answer them.

MR. BLIER: Could you look at slide 17, please. Slide 17 is labelled, Northbound, and it's -- is it available?

MS. JONES: Give me just a moment. I'm sorry.

MR. CRICHLLOW: Do we know what slide 17 is?

MR. BLIER: It's a picture of Central Avenue facing northbound where -- at the entrance to the H Mart Shopping Center. It says, 17, on the bottom corner.

MR. SANTOLIQUIDO: Yep. What's your question about that, sir?

MR. BLIER: Okay. Well, it looks to be -- this is describing the site lines that you would get -- face --

driving in the northbound lane and your -- the picture is taken from the northbound lane; correct?

MR. SANTOLIQUIDO: Correct.

MR. BLIER: Okay. If you turn to page 18, where you're highlighting the obstruction of Shake Shack, you have moved a few feet further north, and now you're taking a picture from the extreme southbound lane, so I am saying that this picture is not an accurate representation of what you're trying to prove here.

MR. SANTOLIQUIDO: I understand your point.

MR. BLIER: Okay. Thank you. There's one other question: Do we know yet who the tenants will be that are sharing the space that -- that was All the Christmas Tree and now it's something else?

MR. SANTOLIQUIDO: Yeah. The tenant that will be sharing the space is Best Buy. And they're going to be in front of you shortly after me tonight.

MR. BLIER: Thank you.

MS. DENKENSOHN: I do have a question and it basically has to do with the last slide which shows all the other businesses in the same shopping center.

MR. SANTOLIQUIDO: Not in the same shopping center.  
Oh --

MS. DENKENSOHN: Within the same shopping center.

MR. SANTOLIQUIDO: Okay. The last slide. I'm

sorry. Yes. Slide 23.

MS. DENKENSOHN: Do you have any information whether those stores are struggling because they comply with the existing Zoning Law?

MR. SANTOLIVIDO: No, ma'am. I don't have any of that information, but as you can clearly see, you can't read any of those signs on the building from Central Park Avenue.

I'm sure if I was to interview each those tenants, they would all tell me that their signs are too small. And I think we can all clearly see --

MS. DENKENSOHN: I don't know that we would if their businesses are not struggling and --

MR. SANTOLIVIDO: If you could pull up slide 23, please. I think we all can clearly see that you can't read any of the existing signs on the building that this Board approved. Now, a lot of those signs don't have height or the -- or the size of our location.

MS. UEBERLE: So one of the things I wanted to comment, so I have some other questions: I was driving down there tonight, and I could read every single one of the signs from the street.

And the pictures you presented look much further away. Okay. There is something, especially, when you take pictures with an iPhone, called, Perspective distortion, where the camera goes to a wide-angle lens and it

automatically looks further away, so the pictures that you guys are presenting -- and I'm not saying that -- but I don't want people to come away with the idea that the Code that we have doesn't allow for readability, because it does. I just literally drove --

MR. SANTOLIVIDO: No, ma'am. With all due respect, the last page is a picture that I took. And I did not take it with that perspective on my camera. And you can clearly see that you cannot read them in those photos.

MS. UEBERLE: I can tell you, I was there today, and you can. And your iPhone, when you take those pictures, it automatically adjusts for wide angles, called, Perspective distortion. Okay.

The one question I have is: You are asking for two variances. I think now you're only asking for one; is that correct?

MR. SANTOLIVIDO: We were only asking for one in -- on the original one as well.

MS. UEBERLE: It was. Okay.

MR. SANTOLIVIDO: Because the sign size was an overall of seven-foot and the Board requested that we bring the size down and reorientate it into a linear fashion, instead of a stacked fashion.

And in my denial letter, where -- and the Code, that we can have a four-foot logo, which is our Sprouts

name, and we're requesting it at four-foot-six, so we're only requesting a six-inch variance.

MS. UEBERLE: Okay. But is that just one variance now? Or is it because the words are taller too that it adds to the overall height and the word?

MS. KNECHT: Because that's not what this says.

MS. UEBERLE: That's what it said on the original paperwork. That's why I'm asking. We don't have new paperwork, so I just want to make sure, but I want to thank you very much for addressing the concerns that we expressed to you and presenting us with these new options, so thank for that.

MR. SANTOLIQUIDO: I appreciate that.

MS. DENKENSOHN: It was also one of the clearest sign presentations we've ever received.

MR. SANTOLIQUIDO: Thank you for that.

MR. BLAND: I do have a question just for our deliberation: Do you know what the percentage is of the increase that you're asking for?

MR. SANTOLIQUIDO: No.

MR. CRICHLow: It's not much.

MR. BLAND: Okay. Number two: I do appreciate the new drawing, because I did ask this in the last meeting: As to whether or not you were going to be the sole tenant and that's why, initially, I was confused because I thought you

were going to be placing your sign where the old Christmas shop was --

MR. SANTOLIQUIDO: So did I.

MR. BLAND: -- therefore, you could have put the markings inside --

MR. SANTOLIQUIDO: So did I.

MR. BLAND: But now that I see that it's the section of the store that's going to be closer to the road, that's why I wanted to just know what exactly the percentage is, so we'll try to ascertain on that.

MR. SANTOLIQUIDO: Try to commit that. Thank you. I appreciate that.

MR. BLAND: All right. Thank you.

CHAIRPERSON BUNTING-SMITH: Anyone else?

MR. CRICHLLOW: Yeah. I'd like to express some things that I know we will be talking about during our deliberations. One, is that you're in a location where your old Christmas tree store was.

MR. SANTOLIQUIDO: Correct.

MR. CRICHLLOW: Almost everybody knows where the old Christmas tree store was, so being that Greenburgh is not that huge most people would say, Oh, it's where the old Christmas tree store was.

MR. SANTOLIQUIDO: Well, we're not going to advertise that, We've come to where the old Christmas tree

store was.

MR. CRICHLLOW: I'm sure you won't be, but in terms of people who can't wait for Sprouts to open, they're not going to have any problem at all finding it. My wife keeps bugging me --

MR. SANTOLIQUIDO: So approve the sign.

MR. CRICHLLOW: I'm not sure if we really need to approve it for an additional six inches. I do appreciate the fact that it went from a stacked-height to a single, linear height.

MR. SANTOLIQUIDO: Yeah. Originally, it was stacked.

MR. CRICHLLOW: It was stacked. I'm sorry. I missed that session, but I did -- I now recognize that it went from a stacked to a single. Now, you're asking for six-inches more. That's what we're going to deliberate on.

Also, I'm pretty sure that almost all of us here have GPSs in their cars, so you're not really going to get lost.

Also, once you pass the location where the store is going to be, there are additional areas where you can turn into that parking lot, so if you missed this Sprouts --

MR. SANTOLIQUIDO: Only it's into another parking lot. The next turn would be at McDonald's at the light, so that entryway is only as you're coming southbound that

you're speaking of. You can't cross that double-yellow line.

MR. CRICHLow: That's what I'm talking about. You're going southbound. There are additional entrances into the parking lot. I'm sorry. When I go, I always drive southbound.

MR. SANTOLIQUIDO: That's okay.

MR. CRICHLow: But, you know, I will appreciate the issues the people will have when they're driving northbound, but these are the things that we're going to be deliberating on when we're deliberating.

MR. SANTOLIQUIDO: And if I may, people --

MR. CRICHLow: And I want to say, you're from Sprouts?

MR. SANTOLIQUIDO: Yes.

MR. CRICHLow: You should be happy to hear the comment that I made that people just can't wait for you to open, so whether it's the six inches more on the signage or not, that's what we're going to be deliberating on.

MR. SANTOLIQUIDO: And we're not trying to go ahead and advertise necessarily for, like you said, people who are coming to us and have GPS. It's everybody else who doesn't know our brand, that doesn't even know that we are there or that we're coming there, so it's -- it's -- that's our market which we're gearing towards.

MR. CRICHLLOW: Okay.

MR. SANTOLIVUIDO: Okay.

MR. CRICHLLOW: Thank you.

MR. SANTOLIVUIDO: Thank you.

CHAIRPERSON BUNTING-SMITH: Is there anyone else in the audience who wants to make a comment? Yes, come up, please.

MR. SIMON: Good evening, Madam Chair, ladies and gentlemen, and members of the Board. My name is Walter Simon. I live in High Point that overlooks this site. I'm also a member of the Board of -- at High Point and the former Chair of the Planning Board.

Attracting businesses to this Town and good planning for residents are not mutually exclusive considerations. I think, over the years, this Board has demonstrated that balance. That we want to support businesses and we're also concerning about the effect it has on residents.

I came here this evening because the agenda doesn't have the updated information, so I thought it was, both, for the height and the width. The height of the key letters, and this is -- it represents from four feet to over seven feet, which is a 59-percent increase.

Now, is that accurate, that this is no longer the case? That they're not looking for, so --

MR. CRICHLLOW: That is no longer the case.

MR. SIMON: So -- okay, so we are talking about the letters going from four feet to four-and-a-half-feet, and that's the six inches, but I am getting totally confused about the six inches.

And I think based upon -- you know, I drive down there regularly. And I don't think it's justified to make it any bigger. I think the current size is adequate. You have, as the Board exercised flexibility when it was justified. And I don't think it's justified in this particular case.

And also, I know that individual cases you have to make your judgment individually, but you also should consider what I see is a trend. That application, after application, is going for bigger, and bigger signs.

You'll see that in the next application and you'll see that in the new application, where I think the differential is about a 160-percent increase, so, whereas, you have to make a decision on individual cases, I think it should be a concern of this Board of what's the trend on Central Avenue, so I'll just ask you to consider that.

Even though, I know, by law, they're individual cases, but you always considered the impact on residents and business in total, so at least consider that. This trend that I see in these last, at least three applications.

Thank you.

CHAIRPERSON BUNTING SMITH: And just so you know, the place where you had indicated on Tarrytown Road, that was something that was necessarily this Board that you see here.

And I tried to explain to them -- they were brand new. And I tried to explain to them that what they were -- what they wanted to do, because they outvoted me, was inappropriate, because it wasn't needed, but they thought that that was something that they wanted to do.

And the next day, the signs went up on everything that was open. And they were astounded by how it looked, so you can't rely on that.

We had a consistency here, as much as we can, to make sure that people who have businesses, do -- are able to function. And for many years, they have functioned, so that's all I have to say.

All right.

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Case No. ZBA 26-02: Hilmar Holdings, LLC a.k.a. Dunkin' / Jimmy John's, 182 Saw Mill River Road (P.O. Elmsford, NY 10523) - Sign Variances.

Applicant is requesting sign variances from Section 240-3C(8) of the Sign and Illumination Law to increase the maximum height of insignia or key letters on a sign from 4ft (permitted) to 4.83ft (proposed); and from Section 240-3D(7)(b) to increase the maximum square footage of an illuminated yard business sign from 20 sq. Ft. (Permitted) to 30 sq. Ft. On the subject property in order to obtain a sign permit. The property is located in the CB - Close Business District and is designated on the Town Tax Map as parcel ID: 7.190-79-19.

CHAIRPERSON BUNTING-SMITH: The next case is 26-02, Hilmar Holdings, LLC, A.K.A. Jimmy John's.

MR. POLINSKY: Good evening. My name is Jason Polinsky, Signs, Inc., a sign company, representing --

CHAIRPERSON BUNTING SMITH: Can you get a little bit more on the -- there you go.

MR. POLINSKY: Okay, so this is our third trip to the meeting here. We -- last time we had feedback that it seemed like that the wall sign was okay. That you wanted to see the pylon sign shrink down to be 50 percent. We were at about 75 percent, so we took the Board's consideration.

We removed about a foot from the -- well, yeah,

about a foot from the sign height itself. We went down from the 35-square feet down to 30-square feet, so that brings us to the 50 percent that I think the Board was requesting.

Our first application that you asked us to make all the signs smaller. And what we did was we removed one sign completely from the front of the building and kept the side sign.

And further feedback at the last meeting, about the pylon sign being still too large -- or too large. We reduced it even further. We tightened up some of the white space as was asked of us, so the sign now it is currently one-foot shorter than the -- or I should say, the width is one-foot less than the existing sign.

The sign cabinet itself that exists is about 40 inches and has a rounded, dark brown topper on it. It almost is about 46 inches, so we're a little bit taller than the other sign, but the width is about a foot less.

This is also advertising for the two businesses that are within the store, so we're trying to keep the readability of the letter heights being large enough that it can be seen, so this is the main sign that you will see if you're driving north.

Since we were asked to either shrink or what we decided to eliminate completely the front sign. And this would serve the purpose of that front sign, so we're asking

for the two signs, as is.

I am hoping that we can -- it's very -- it's a little bit difficult with this Board as you can't really speak after the fact that you deliberate.

Most boards you have a dialogue and figure things out, so now this is the third month that we've been here. The store is ready to open shortly.

It was something that, you know, I hope we pleased everybody. And that we made the -- whatever recommendations you asked for, we made, so we are trying to -- you know, just get the signs approved as you requested.

CHAIRPERSON BUNTING SMITH: Do you have any -- any, I guess, that we can see this as it would appear on the road?

MR. POLINSKY: When you do that, it's very easily manipulated. You're talking about perspective in size and whatnot, so the best thing is we gave pictures of what existed there now, so we can say that the sign is, you know --

CHAIRPERSON BUNTING-SMITH: Smaller.

MR. POLINSKY: -- smaller. It's a little bit taller, because we have two businesses we're advertising there, but the width itself is shorter, is -- is narrower.

MS. DENKENSOHN: I appreciate that you listened last time. And I know I said, at least 50 percent. I

didn't say 50 percent was right. I had -- when I heard your presentation the other two times, I was left with the impression that it was an area with quick-moving traffic and that there was a setback of the -- of some sort, and so I went out and I went to -- and I drove a mile on either side.

MR. POLINSKY: Okay.

MS. DENKENSOHN: And I could not find any signs that were over the four-foot square dimension other than a few gas stations that were near highway entrances.

And it struck me that even at the 50 percent, this was not in conformance with anything nearby and --

MR. POLINSKY: There was --

MS. DENKENSOHN: -- I see why you say, For northbound traffic, because the placement of the sign over the door faces -- is on the north facade, and whereas other businesses put their signs on the street-side, you put yours on the north-side where the parking lot is.

MR. POLINSKY: For a purpose.

MS. DENKENSOHN: That's a choice you make.

MR. POLINSKY: Because the building is very close to the street.

MS. DENKENSOHN: But it -- it seems to me that the sign, even reduced from 20-square feet to 30-square feet, is still extremely different from everything within a two-mile area.

MR. POLINSKY: Well, the existing sign that is there now is 24.5-square feet, so we're asking for 5.5-square feet. We're not asking for a large -- you know, from what's there now, but there was other Board members as, well, Peter, I believe you asked for, you know, if we got it down to 50 percent, that, you know, you were on the -- you were on the line last time.

You asked us to further shrink the white space and we did that, so I hope the Board members who also, you know, spoke about bringing it down a little bit and when you deliberated, I understand what you said, but there was other Board members as well, that said if we got it down to about that 50-percent mark, that -- that that seemed to be the number.

I don't -- like I said, also, with the way your Board operates, it's very hard to come back now for the fourth month, because business needs to open, so we followed what the recommendations were.

MR. BLIER: Can I characterize something and ask you if I'm correct in my understanding?

MR. POLINSKY: Sure.

MR. BLIER: So there's an existing roadside sign that's been there for a long time.

MR. POLINSKY: Correct.

MR. BLIER: You are going to keep it

approximately the same width you're going to add about four feet in height and then the lettering --

MR. POLINSKY: No. We're not going to --

MR. BLIER: No?

MR. POLINSKY: No. No. We're going to reduce the sign by 12 inches in width.

MR. BLIER: Okay. It will be narrower and higher?

MR. POLINSKY: And it will grow about 12 inches in height to allow for the reading of Jimmy John's and Dunkin'.

MR. BLIER: So it's going to be a narrower sign by a foot and a higher sign by a foot --

MR. POLINSKY: Yeah. About, yeah.

MR. BLIER: But you're saying that it still needs a 50-percent variance?

MR. POLINSKY: Correct, because the sign that was there has been there before the code of 20- square feet.

MR. BLIER: And would you say that the lettering that's in the current sign and the lettering now for two stores and the new sign are about the same height?

MR. POLINSKY: The Dunkin' lettering, itself, will be a little bit larger. The height of the letter, because, as we spoke about last time, it was Dunkin' Donuts prior and it was stacked.

This is happening with all the Dunkin's. Now it's just Dunkin', so everywhere in Westchester, where we've done

Dunkin', the Dunkin' has now grown, because there's no more Dunkin' Donuts. We've dropped the Donuts portion, so that fills more space. The Jimmy John's, itself, will be smaller than what exists.

MR. BLIER: Okay. So the variance you're asking for, while it's technically 50 percent, you're saying that it's much more like 25 percent over the existing?

MR. POLINSKY: I -- I would -- I calculate. I don't work very well with percentages, but it's 5.5-square feet we're asking for, so that's, you know, two foot by --

MS. DENKENSOHN: Do you know the dimensions of the existing sign?

MR. POLINSKY: Yes, they're in the paperwork that we submitted. It's seven-foot wide. The box is 40 inches and then there's a little, rounded cap on the top, so the total -- if you look at the sign and you measure the entire space that's up there, it's about 47 inches by 84 inches.

MS. DENKENSOHN: 47 by 84?

MR. POLINSKY: Correct.

MS. DENKENSOHN: So it's four-and-a-half by seven now?

MR. POLINSKY: Yes. No, about four. Four by seven. The box is 40, with another, let's call eight, so four-foot -- four-foot -- no, I'm sorry. 40 inches and six inches -- we're at 46 inches, so a little under four feet.

A little under four-foot by seven-foot wide.

MS. DENKENSOHN: And you want five by six feet?

MR. POLINSKY: Correct, which is 30-square feet, so usually in the sign industry we work in square footage, because that's where a lot of the codes are written by and your code is written by square footage, so we're asking for a 5.5-square foot.

And I we think we discussed last time as well, that this is, you know, two -- two businesses, you know, similar to the Baskin'/Dunkin'. And we're just, you know, obligated to give these sizes -- they're readable and not overpowering one another.

MR. BLIER: So you've made the argument that this is your third appearance and that you need to open the store and I just want you to know that we've been aware of that and we want you to open the store.

At least I believe -- nobody is looking to drag this out for any punitive purpose. I don't know how people will vote. I'm just saying --

MR. POLINSKY: No. I understand. I understand.

MR. BLIER: We're aware of --

MR. POLINSKY: No. It's just other Boards do it differently, where you have a dialogue and hash things out, usually, in one meeting. You don't not get to speak again or have a dialogue to, you know, make changes in one

meeting, so we went.

And then the only thing we can do is listen to your comments, receive the letter, and then try to do our best to accommodate what everybody asked for, which I think, we did.

We eliminated one sign completely. We -- and then this would kind of replaced that one sign. And we're down to just the 5.5-square foot variance for that, so I think it's a pretty good compromise.

And this would allow traffic, both north and south, to see the building equally, like we discussed in the past, many truck that drive this route and they do drive at a high rate of speed.

MS. UEBERLE: Okay. Just -- I just want to ask a question, so I'm clear: So you're allowed to have 20-square feet.

MR. POLINSKY: Correct.

MS. UEBERLE: Today you have like, 25?

MR. POLINSKY: No. We have -- oh, 24.5, if you calculate the whole thing.

MS. UEBERLE: And then you're asking for 30?

MR. POLINSKY: Correct.

MS. UEBERLE: Okay. Thank you.

MR. BLAND: And just for my clarity --

MR. POLINSKY: Sure. A couple gentlemen, I believe this is the first time we're seeing one another, I believe.

MR. BLAND: Yes, so -- but, again, I have the reports here.

MR. POLINSKY: Yes, sir.

MR. BLAND: You're saying that you're now going to remove from the main building the Jimmy John's altogether?

MR. POLINSKY: So in the previous meeting, we were requesting one sign that's over the main entrance in the parking lot side and there was one side on Route 9 or Saw Mill River Road.

We -- so that is actually going back two meetings. At that meeting, the Board asked for things to be shrunken down. And I spoke with the owner. We would rather eliminate that sign completely off the front of the building and Dunkin' we would -- you know, and Jimmy John's, the franchise that we'd like to get rid of that completely.

Keep our sign over the main entrance, because it looks proper and then the need would be to have this large sign that would substitute the sign that was on the building, because the building is close to the road, so it might be hard to see that sign as you're driving past. This -- the one that was -- the building sign that was on Saw Mill River Road.

MS. UEBERLE: So I think -- so I can clarify you.

MR. BLAND: No. No. Before you do it, I just want to say, so the reason why I'm asking is: I did hear a

discussion regarding tonight of 50 percent. This still is 50-percent above code.

MR. POLINSKY: Correct.

MR. BLAND: That's my question.

MR. POLINSKY: Correct. Yeah. Yes.

MR. BLAND: That's it. It's real simple. Yeah. Because I didn't know initially where 50 percent was on the building that he's now saying is being removed.

MS. DENKENSOHN: No.

MR. POLINSKY: No. The sign was 75-percent larger than code. We were at 35 point whatever and the Code, it was -- we reduced it down.

At the last meeting, we were asked to tighten the things up and tighten up the lettering, get rid of some of the white space.

MR. BLAND: Remove the sign, but this is now --

MS. UEBERLE: So the first meeting there were three signs and they were asking for variances for all three. We said, you know, you can't ask for a visibility and you have two sides in the same area, like, kind of pick and choose what you want to go for.

And then, the last meeting, when they came back, and then said, We'll take the sign off the building, there were some Board members who felt that the pylon side was still too big, and wanted it reduced 50 percent up at -- in

size and this is the proposal they came back with.

MR. POLINSKY: Yeah, so first meeting, remove the sign down to two signs and then 75 percent -- at the last meeting, this sign was six-foot by six-foot, roughly, at 35-square feet.

Now we reduced it. We tightened up some of the white space that was asked of and went from the 35-square feet down to 30-square feet to bring us to that about 50-percent overage.

We also spoke of, you know, this is, you know --

MS. DENKENSOHN: The law is 20- square feet, so that would be four-by-five. They're doing six-by-five is the proposal.

MR. CRICHLow: So you can understand, especially, from the previous case, where we have to be very careful about setting a precedent, because it always comes back to haunt us, because it did so tonight, so that is probably, again, something that we're going to discuss in our deliberation.

MR. POLINSKY: Right.

MR. CRICHLow: Just so that you know.

MR. POLINSKY: Yeah, I understand that, but we were also asked by the members who were present at the last meeting to bring it down to this 50-percent mark and shrink things, which we did.

CHAIRPERSON BUNTING SMITH: We're aware of that. Any other member of the Board want to comment on this?

MS. DENKENSOHN: We suggested that.

MR. POLINSKY: It was actually in the memo that it was 50 percent.

MS. UEBERLE: Thank you for looking at our suggestions.

CHAIRPERSON BUNTING-SMITH: Anyone in the audience want to comment on this?

MR. SIMON: I would like to comment. Walter Simon again. I think there -- there's several things going on here. We should look at what is there now and what's being proposed.

Now, in between that, we change the code and so part of the problem or the -- I shouldn't say, problem. The issue is comparing the new code to the application wishes.

And I think it requires I think some reasonableness to look at that. I think to have a business where you don't have a sign on the business itself. I think that's problematic. If I am interpreting this correctly.

MR. BLUER: There's a sign on the business.

MR. BLAND: There's a sign there.

MR. SIMON: Okay, so fine. So the other issue becomes the effect of the fact that what is the downside of the current sign? What's the downside? Have that been

obnoxious to residents? Have it been obtrusive? Have it impede the business? And I think we have to look at it that way and/or rather than just saying, it is the new code, and not taking into effect that it -- most of that effect is because the code changed.

Now, I don't know how here -- again, your issue of -- of extending and grandfather if you might be setting the precedent, so I don't know if you can do that, but at least in the thinking, that should be a consideration in your approval process, without setting a precedent, so I just would think that you consider that.

MR. BLAND: Correct.

MR. SIMON: Thank you.

MR. BLAND: I think your point is well taken in the fact that that's exactly what our forum factors will be to review this. Are we creating a precedent for which we could not uphold throughout the Town, but then, at the same time, is it di minimus or excessive in terms of what the community may want, so your points are well taken, so thank you.

MR. SIMON: Thank you.

MR. CRICHLAW: That plus the fact that the existing sign is old and ugly and doesn't show everything that they're now selling, so before it was just Dunkin' Donuts. Now, they've removed the donuts and they've added the Jimmy John's sandwiches, so we have to try and find a way to make

the sign what the customer is selling -- not the customer --  
what the company is selling, but then, do it in such a way  
that it's not going to look ugly right from the get-go.

MR. POLINSKY: Understood. Thank you.

CHAIRPERSON BUNTING-SMITH: Anyone else in the  
audience? Okay. Thank you.

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Case No. ZBA 26-05: CENTRO HERITAGE SPE 6, LLC  
A.K.A. Best Buy, 393 N. Central Avenue (P.O. Hartsdale, NY  
10530) - Sign Variances.

Applicant is requesting sign variances from Section 240-3(C)8 of the Sign and Illumination Law to increase the maximum height of insignia or key letters from 4 ft (permitted) to 4.5 ft (proposed); and to increase the maximum stacked height of insignia or key letters from 4 ft (permitted) to 10.41 ft (proposed) in order to install wall signage on the subject property. The property is located in the CA - Central Avenue Mixed-Use Impact District and is designated on the Town Tax Map as parcel ID: 8.150-96-4.

CHAIRPERSON BUNTING-SMITH: 260-5, Centro Heritage SPE 6, LLC, A.K.A. Best Buy.

MS. URION: Hi, good evening.

CHAIRPERSON BUNTING-SMITH: Good evening.

MS. URION: Am I good -- all right. I'm Tracy Union -- U-R-I-O-N, with Easy Signs, the sign vendor for Best Buy. Our company is out of Dallas -- Houston, Texas, goodness gracious.

I'm sorry, so we submitted a four-foot-six letter stacked set. I want to -- listening to you guys and, especially, hearing somebody who can potentially be there, we don't want to come in as a bully.

I don't know if there is -- I know a four-foot

stacked would be something better, or even a four-foot linear letterset would be something.

I have drawings that render both of these. If I could so present them instead of the -- I mean, because I want to, again, we hear what you're saying, so we actually want to try to work together and be a community together. That's -- I don't know if I can bring these up?

MR. BLAND: Sure. The easiest way to answer the question that you asked and, you know, without being so direct, whatever you can present to us that would minimize any variance that we would have to approve, makes our job easier.

And not to be in comparison to anything else, we are not in a position to create any additional precedents at this time above what our code is.

MS. URION: And that's our goal, is I kind of feel like some of the Board members voiced a little bit of -- I don't know if buyer's remorse is the proper word. We don't want hard feelings here, so we want to present some kind of -- we want to adhere to Best Buy's national brand integrity; right?

Typically, it is a stacked letter. Typically, it is like, a four-foot, four-foot-six. I've had eight-foot stacked letters. I know that's not going to fly here. Okay.

MS. UEBERLE: Well, I think so -- let's just take a step back. Okay. I think what we need is to understand -- I mean, that's why we're here, is to -- to hear the business case of why potentially the code doesn't work. Like, is it readability as people proposed from the highway, but understanding, like, so I -- just like I said, I drive by there all the time.

Your old location, which is just like, not even a half a mile down the road, has Best Buy in one line. It's not stacked. That was going to be one of the questions I asked is: Is there an option for the logo where you don't have to stack it so it doesn't have to be ten feet?

MS. URION: It's not favorable, so Best Buy is re-branding. Their brand currently is a stacked logo, as we submitted. And I have a four-foot option of it being stacked here as well.

That is -- you Google Best Buy, you go to their website, it is a stack logo. Has it always been a stack logo? No, it used to also just be a tag, so they're trying to get conformity with the their brand with having a stacked logo.

Would a linear option be a compromise? It would hurt, but I feel like, we got to hurt a little bit too, so let's be the community and work together to get to a resolution that will work.

MR. CRICHLLOW: Well, you heard what we just did to your next-door neighbor.

MS. URION: I know. I know. I hope I'm being a little more kind.

MR. CRICHLLOW: I didn't want to call you out -- I saw you running towards the doors --

MS. URION: I didn't know if I was going to get sick -- no. I just spit out my gum.

MR. CRICHLLOW: So I don't know where to begin. It looked like you just put this together and said, well, let's start.

CHAIRPERSON BUNTING-SMITH: Let's write it out -

MR. CRICHLLOW: Start and see what happens.

MS. DENKENSOHN: She has new drawings for us I believe.

MR. BLAND: She has new drawings.

MS. URION: I do. I do have new drawings, so what was submitted was the -- the requested of the shopping center trying to see what Best Buy, how it falls in line with the rest of the shopping center, our proposal.

And, I mean, I do have -- I had a little speech, but once Sprouts went, and once the previous one went, I was like, I can't really stand up here at this and strongly adequate.

MS. DENKENSOHN: Have you looked at what the code

is?

MS. URION: Yes.

MS. DENKENSOHN: Okay. Let's start there.

MS. URION: Yes.

MS. DENKENSOHN: Because you're from Houston, so --

MS. URION: Well, actually, I'm from our next-door neighbor. I work remote. I work for a Houston company, but I'm actually from New Jersey so --

CHAIRPERSON BUNTING SMITH: They have big signs over there too.

MS. DENKENSOHN: Well, everything's big in Houston.

MS. URION: Yes. Yes.

CHAIRPERSON BUNTING SMITH: I was talking about Jersey.

MS. URION: No, I'm in, like the south part of Jersey -- more like --

MR. BLAND: So my rough math right now, not looking at your new rendition, is about 86.375 above what is permitted.

MS. URION: Correct.

MR. BLAND: So just -- as we said, just coming out the gate, it's a problem, so that's why I said, I'd like to at least do the computations in terms of what was submitted and then we can make a conversation from that at some point, because we haven't had a chance to see it.

MR. BLIER: Do we need? She's basically withdrawing -- we need to discuss what you want now.

MR. BLAND: Yes.

MS. URION: Okay. Can I present them? I don't know who to go to.

MS. UEBERLE: Do you have them?

MS. URION: I do. I do. I have the -- well, these are the two --

MR. BLAND: Well, the questions is: Does engineering need to look at that first?

MR. BLIER: Have you seen it?

MR. BLAND: Liz, would you need to review it first?

MR. BLIER: Our biggest question is going to be: Tell us what you're showing now and tell us how it deviates from the code. That's what we need to know.

MS. URION: So the four-foot linear I think is roughly a 20-percent variance from the code. Actually, no. I'm sorry. I have the --

MR. BLIER: So according to what you just handed us, it seems that you're asking for a four-foot high letters of the -- I'm looking at your proposal, which you said is your less -- the one you like less, but it's linear.

MS. URION: Correct, but it kind of sounds, like that's what --

MS. DENKENSOHN: On three and four, if you look on

the upper-right corner, did you just say which one you're talking about?

MR. BLIER: As soon as I figure that out.

MS. DENKENSOHN: So those are four-foot letters?

MS. URION: It would because the tag dips down bigger than four-foot. That's --

CHAIRPERSON BUNTING-SMITH: Just so you know, people still are looking for Best Buy.

MR. BLAND: Yeah. We are.

CHAIRPERSON BUNTING-SMITH: Absolutely.

MR. CRICHLow: I mean, I've said this for all the other signage so I'll say it for this one: It's like, what the hell happened to Best Buy? You know, it was just down the street and everyone said, Why did they close?

And now we're saying it's just relocated, everyone's happy to see Best Buy, so when you see the sign, everybody's going to know where to go.

CHAIRPERSON BUNTING-SMITH: Correct.

MR. CRICHLow: So I know this is your moniker and this is what Best Buy standards signage is, but everybody just wants to know where can I go and get some, you know, apple components and stuff like that.

MS. URION: Correct.

MS. DENKENSOHN: Or a laptop.

MR. CRICHLow: So we just want to make sure that

you don't exceed what is our signage parameters.

MS. URION: Correct. And that's kind of why I was like -- I knew from the start what we initially submitted wasn't going to fly from every comment here, so we want to -- there's a blue wall that it goes on.

We don't want the signage to look like a mistake either. We want everything to look intentional, in line with our buddy next door, Sprouts, as well, depending on a no-key, I think they're latest proposal is a four-foot six linear, because, even if they do go with the four-foot-six, our four-foot linear is a slightly smaller letter than theirs, but because our tag does dip down overall, that's the concern that you have, so it looks kind of cohesive and intentional for the shopping center.

MS. UEBERLE: So I have a question on placement.

MS. URION: Yes.

MS. UEBERLE: When you're showing it on the building --

MS. URION: Correct.

MS. UEBERLE: -- that's not really where it goes? Isn't it much further down where the Christmas tree shop sign used to be on the building?

MR. BLIER: That's a very good point. It's centered where it used to be, but it's not centered above the new-rented space.

MS. UEBERLE: Who has the right and the left side of the building?

MS. URION: We're on the left, so we're tucked further back.

MS. UEBERLE: Okay. I think your sign is much further over, so if you look at the building, I'll show you the building if you want to come and look at this, because right away I was like, wait, see this is -- I think Sprouts is over here and you're over here.

MS. URION: So I actually took a photo.

MS. UEBERLE: Because it just --

MS. URION: So where we show it, that's the entrance that is currently like, the double entrance being built.

MS. UEBERLE: So if you're facing the building, you're on the left side?

MS. URION: Yes, so like you can start to see the beginning of the storefront, like where Spouts is. And then that's the entrance for Best Buy.

MS. UEBERLE: Okay. Okay.

MS. URION: So it's a little closer to --

MS. UEBERLE: That helps. That helps. Thank you.

MS. URION: You're welcome.

MR. CRICHLow: So in the -- looking at the one I kind of like, but it doesn't really matter, it looks like

the blue of the sign extends higher than the building itself

MS. URION: That blue --

MR. CRICHLLOW: Whereas, when I look at this one, where you've -- it looks like you rendered your sign on the facade of the building, this looks like it's at the top of the sign aligns with the top of the building, so that's one of the things that I need to clarify as to what we're looking at.

MS. URION: Yeah, so the blue wall, though, is not -- that's part of the architectural feature. Isn't the sign, like that's not --

MR. CRICHLLOW: Repeat yourself, please.

MS. URION: I said, that blue -- the blue wall is -- we don't -- that's not part of the sign. That's like, an architectural feature with the building that I believe would have already have been -- because we don't -- we don't do anything with the blue panels.

MS. DENKENSOHN: It's kind of the same size as Ulta.

MS. URION: Yeah. We're trying to compare the -- it's apples to oranges, with the liquor store, the Italian store, even, I think, the Paris Baguette -- Paris Baguette was actually tiny.

CHAIRPERSON BUNTING SMITH: Let's of food going around Best Buy.

MS. DENKENSOHN: The only thing that requires a variance is, essentially, is the yellow tag.

MS. URION: Because it dips lower than the four-foot.

MS. DENKENSOHN: Yep.

MR. BLAND: Correct.

MS. DENKENSOHN: That's what causing the variance, so it's the four-foot letters and the little tag.

Now, Ed, I have question for you: We don't have a formal variance request for this new one, how do we work that?

MR. LIEBERMAN: You can discuss it and you can grant it as long as it's not larger than the original variance. If they're putting it back just so long as you put you the final dimensions that you're approving in the resolution. That's okay.

MS. DENKENSOHN: That matches option four as presented on this day, kind of thing.

MR. LIEBERMAN: Yeah.

MS. DENKENSOHN: Okay. We actually appreciate the concept of multiple options, because I think that speeds up the process.

MS. URION: Well, and that's why I was watching your hearings for -- like since we filed, so -- because I think we just missed last month's cutoff, so I watched the

previous month's and last month's, so -- just trying to do my homework.

CHAIRPERSON BUNTING-SMITH: We love things that are -- well, we have this, but that doesn't fit our pot, we have this, we have that, and usually they get same time they're here.

MS. URION: Yeah, so I want to be cognizant of everyone's time. No one wants to hear me or see me again. That I'm sure, so --

CHAIRPERSON BUNTING SMITH: All right. Thank you.

MS. URION: Thank you.

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Case No. ZBA 26-06: SLAC Holdings, LLC c/o Zarin-Steinmetz, LLP, 86 Dromore Road (P.O. Scarsdale, NY 10583) - Appeal Determination of Building Inspector/in the alternative a Use Variance.

Applicant is appealing a determination of the Building Inspector that under Zoning Code 285-5 the definition of "Family" permits the principal use of the subject property as a one-family detached dwelling for more than five unrelated individuals. In the alternative, if its appeal is denied, the Applicant requests a use variance from Town Law 267-b(2)(b) permitting such use on the subject property. The property is located in the R-20 One Family Residence District and is designated on the Town Tax Map as parcel ID: 8.471-346-10.

CHAIRPERSON BUNTING SMITH: All right. Yes. The next case is 26-06, SLAC Holdings, LLC.

MS. CROSS: Good evening. My name is Jody Cross, from the firm Zarin and Steinmetz and we are not here on a sign variance. We are here on behalf of SLAC Holdings, the owner of 86 Dromore Road.

And with me today is Shepherd Baum, the sole of the member of the LLC, and John Bernz, from Hudson Property Advisors.

We're here tonight seeking an interpretation of the Zoning Code, specifically, the definition of the word,

Family, or in the alternative, a use variance to permit the property to be used for more than five unrelated individuals who would be residing in the home as the functional equivalent of a family.

And as a single not -- I'm sorry -- a single, nonprofit housekeeping unit, so I just want to start with a little background on the property. If we can bring up the GIS map.

86 Dromore is a little over six-and-a-half acres and it's shown right there. It abuts the Greenburgh Nature Center to the north, the Edgemont Junior/Senior High School to the south, and a multifamily housing development to the west. And it's located in the R-20 District.

It is presently improved with a very large, unusually large, one-family detached dwelling, with accessory structures. It has over 11,000-square feet in living space -- or over 14,000 if you count the partially-finished basement and the attic.

There are 31 rooms, including, 17 bedrooms, six full bathrooms, two-and-a-half bathrooms, with no primary suite. Importantly, this home's historically been used for residential purposes for multiple, unrelated individuals.

The applicant purchased the property about a year ago from the Sisters of the Blessed Sacrament, who had been occupying the property as a convent, and the sisters had

purchased the property in or about '97 from the Paulis [ph.] Fathers, who owned and operated a monastery on the site, so relevant here: Single-family homes are as-of-right uses, as are places of worship, which includes, in the definition, convents and monasteries.

So why are we here? Shep is the director of Camp Summit. Camp Summit is a sleep-away camp in Pennsylvania for children, teens and young adults with developmental disabilities.

Some of the families whose young adults went to the camp are now aging-out of both camp and school, and they're looking for somewhere to live.

They got together, they decided to pool their resources and to purchase this house to find a forever home for their family, for their children.

The goal was to recreate what they went through in the summer, where they lived together as a family, and -- but, instead, on a permanent, year-round basis.

Each of the families contributed to the purchase of this home and they'll continue to contribute to their children's well-being, so to be clear, what we're not here asking for is a group-home, a community residence or what we consider a Padavan house, which is a community residence.

This isn't a licensed facility from OPWDD or OMH or any other governmental agency. There's no staff or

employees, no programming, therapy. Medical care is provided as a service. There's no requirement for someone to be awake 24/7, like there would in a community residence, and there's no fee to live there.

These are individuals who know each other and want to live together. They're not people who are on a wait-list with OPWDD, waiting for a room to open up in a community residence.

There will also be two-to-four guardians who will act as the heads-household for the family. It would be operated as a single, nonprofit, housing unit and the functional equivalent of a family.

Not unlike how the property functioned for years and not unlike any other extended family or large family, so before I continue, I want to introduce the Board to Shep. He can better explain what the -- why they bought this property and what the purpose is.

MR. BAUM: Hi, Shepherd Baum. I live in New York City. I'm not a professional lawyer, so if I don't say something, correctly, I'm not doing it to offend. I apologize.

MS. CROSS: I'll correct him.

MR. BAUM: You'll correct me. You can wave at my kids. You guys can wave, so every parents dream, I think, is that your kids outlive you. That's what's supposed to

happen. That's natural recall.

My biggest fear is that my daughter outlives me, because my daughter has special needs. Sorry. And who's going to take care of her and where is she going to live? And what's going to happen to her when my wife and I are gone?

And every night, that keeps me up. And instead of seeing all these families, not knowing what to do, we got together with families who are in the same situation who send their kid to my camp every summer and trust me because, their kid lives at my camp and said, We're not waiting around. We can't wait until we're on our death bed to do something.

And we met the sisters and they're amazing. And Sister Mary is like, we want this place to continue to be used for good. Please, keep it going.

And we got together, and everyone chipped in, and we bought this beautiful property that was already turnkey from what we wanted and we moved these six, beautiful, young individuals in.

And they were thriving and that was their home. And one of them started working at the Greenburgh Nature Center. And we'd walk over, and then we were told, we had to leave. They thought we just went on trips.

And if you ask, James, he will tell you where we've

living, a lot of different places. They want to be home. This is their home. From the day my child was born and diagnosed, I changed everything. I was in finance and whatever, and I gave it all up and I fight for my kids.

And I'm not going to stop fighting for my kids. All they want is to live in safe place with their family. My daughter's not going off to get married and live in a home. She just wants to have a family.

You ask her where her home is, she will tell you, Scarsdale.

I don't understand the whole legal stuff and why this is all happening for six, beautiful, young, kind adults that just want to live together, where it would be okay if it was five, but it's not okay for six. And there was 20 beautiful sisters that lived there beforehand.

I can go on all day talking about the importance of this, but my daughter and my other kids, because, if you see my email every night that I send home at camp, it's signed, Shep, Summer Dad. And they call me, Summer Dad.

They deserve the same opportunities as my son who's neurotypical and he will be able to have a wife and kids and maybe eight kids and live in this house, because he birthed them.

This is family; this is not strangers that are coming off the street. This is family. We originally were

thinking about opening up a school and all this stuff. That changed, that all changed. This is people that have been with us 12 years, 12 years, five years, four years, before -- before I even owned Summit and six years; right?

They're not friends, they're siblings. And they need to be in a place that's safe. And not a group-home, where I've seen too many times -- my daughter is not going to a group-home over my dead body, because she's not being put in a room.

They go on trips, they go to -- out for meals. James will tell you where our first meal was that we ever went to. And my daughter, and these kids, deserve the same as my son.

And I'm sorry that I got emotional before. I said I wasn't going to cry. I said I wasn't going to get worked up, but it's not for me. It's for my kids. And I get mad and I will fight and not stop fighting for my kids, so thank you.

And I hope that -- I don't know what I hope. That you say, approved. I don't know if that's happened. Thank you.

MR. CRICHLLOW: Unfortunately, it won't, because, unfortunately, you really stepped in some really deep you know what. If it's not the Zoning Board and the use of getting an area variance, and the definition of the word,

Family, which if you kept going, I was going to shed a tear. And any other one to make it even worse was a use variance, which is even more difficult to get approved, so, you know, we came in a little later.

We were supposed to start at 7. We came in a little later, because we were being instructed as to what we can or cannot do, because your tears -- we want to say, okay. I can't take this anymore. Let's approve it, but, unfortunately, we cannot.

And, unfortunately, we're going to have to figure out how long this is going to take or how quickly this is going to take. And we're going to have to rely on our help from our legal department to see what we can or cannot do, so just to let you know, your speech really got to me hearing in my heart, just so that you know that.

MR. BAUM: Thank you.

MS. CROSS: Thank you.

MR. BLAND: Just as a point of clarity: How would the deed operate for the family or the household structure, so 20 years from, now 30 years from now, if dad is not here, what then happens to the property?

MS. CROSS: It remains a single-family house.

MR. BLAND: No, but whom does the dead then transfer to?

MS. CROSS: Just like any -- anyone who owns a

house. Whoever buys it next, so I'm not sure I understand the question.

MR. BLAND: No, I mean --

MS. CROSS: It's in the LLC name.

MR. BLAND: That's where I was going. Okay, so meaning that once dad and others are out the way, the young people are still living there, 20 years, 30 years from now, what happens?

MS. CROSS: Oh, because -- oh, I see what your question was, so if something happened to Shep?

MR. BLAND: Correct.

MS. CROSS: Which we hope doesn't, but --

MR. BLAND: I'm saying, 20, 30, 40 --

MS. CROSS: In 40 years, it's in an LLC, and the LLC would be continued.

MR. BLAND: Continues. And then just in terms of its day-to-day operation as the young people begin to develop and some may decide, okay, you know what, I want to go live by the beach.

Do additional families now come in or will it just stay kind of entrust to that group of five to six that are there now?

MS. CROSS: It's -- I can't answer that question, just like I couldn't answer if you asked me, you know, what happens if you have another child, so that's what we're

presenting here. Is that this is just like any other single-family.

MR. BLAND: Okay. Thank you.

MS. CROSS: You're welcome. I wanted to present our application. We haven't even gotten a chance to do that yet.

MR. CRICHLLOW: Except that it's not like any other single-family home, because it has like, 17 bedrooms and so many other rooms, so I think that's part of what William was attempting to get at which is, you know, it's -- and it said somewhere how much was paid for this.

And that if you were going to renovate it so that it could be separate or like, apartments, it would be like, another one-and-a-half to \$3-million in construction costs.

You know, we can make a decision now or, actually, it won't be now -- on what can be done, but then William is saying, all right, so what happens in 15, 20 years, a decision that we make soon, how will that affect what happens to this residence, quote unquote "residence" as time goes on?

MS. CROSS: So just to address that -- and I will get to that in my presentation -- the Town right now is looking at a Zoning Code amendment that will actually make this a conforming use. We wouldn't even have to be here.

The problem is that you're in the process and it's

going to be at least the end of this year, if not next year, because I sit on both sides of this dais. I know it could take a while.

And I just don't want these kids -- these -- and, Shep calls them, The kids. They're young adults. Everyone's over 20; right? Correct -- over 21.

No one drives, just to be clear also, other than the heads-of-the-household, just like a family, it would be like, the parents who drive.

And they take them to, you know, a doctor's appointment or something like whatever we all go, bring our kids to, so the answer to your question really is what happens in 15 years, assuming this is adopted -- your Zoning Code's adopted, it's legal.

If it's conforming to the code, and as I'll get to, I think it's legal now too, but I'll get to that in a minute, so I think that's the answer to your question.

MR. BLAND: Thank you.

MS. CROSS: So --

MR. CRICHLow: And I'm sorry I interrupted.

MS. UEBERLE: No. You were reading my mind. That was exactly the same question I had: Was the size of the building. The 17 room, so thank you.

MS. CROSS: So we are, again, here for an interpretation, or, in the alternative, a use variance. We

are seeking an interpretation that the use of the property as a one-family detached dwelling, where more than 500 related individuals constitutes a permitted use.

The Courts in the state have regularly found that these types of living arrangements constitute -- are -- are a functional equivalent of a family, because it's designed to create a stable family environment when the blood-relatives can't do it themselves, but at issue here is, as we've been discussing, the definition of, Family, so in part, your code defines, Family, as one or more persons occupying a dwelling unit as a single, nonprofit housekeeping unit.

But then it goes on to say that more than five persons exclusive of domestic employees, not related by blood, marriage, adoption or guardianship, shall not be considered to constitute a family.

As we've been talking about, we're talking about 11 to 13 unrelated individuals, living as a single nonprofit housekeeping unit. With these heads-of-household, just like, parents or grandparents and extended family, but that distinction is ultimately irrelevant because the language of the Code has actually been found to be illegal and unconstitutional.

The Court of Appeals has said that if you treat unrelated families different than related families by blood,

that's a violation of the State Constitution, so we cited a bunch of cases in our submission. I'm not going to do oral argument here, so we cited those cases.

And, so, respectfully, the Courts have already held that this provision is unconstitutional and unenforceable, since it limits the number of unrelated individuals, but not the number of related individuals.

And, as I said, the Town seems to have acknowledged that, because they've changed that in their Code. It removes the limitation on the number of unrelated people and, instead, focusses on how the group of people live.

And that's where we talk about the functional equivalents, so -- sorry. That's my -- I already gave that spiel. It also doesn't make sense, if you think about it logically, why you can make a difference between blood related and unrelated.

And we put a hypothetical in our submission letter about, you know, someone joins a Facebook group and, you know, cousins of this family or descendents of whoever, and they're all related by blood, but they've never met before, but they can decide to get together, buy this house, live there, hardly know each other and it would be legal under the Code, where these young adults who have known each other for years couldn't.

To me, that doesn't make any sense, so, you know,

these young adults have grown up together, they know each other. They love and respect each other. And they have shared experiences, yet under this -- the strict reading of the code, they're not a family, but to paraphrase Robin Williams at the end of Mrs. Doubtfire, families all look different. They come in different forms, and if there's love, those are the type that bind.

That love is here, so we submit that that portion of the definition that would reinstruct unrelated people to live together has already been deemed by the Court to be inapplicable and unenforceable and should be disregarded and can be severed from code your code, because your Code has a severance provision for this exact type of situation, so accordingly, our first request is that you issue an interpretation that this is a permitted use under the zoning code and that these individuals may live in this home, but we understand precedent.

We understand that this group of individuals would otherwise -- who would otherwise meet the definition of family are asking for something -- are asking this Board to acknowledge and agree that your code is unconstitutional. And you may not want to go there, so that's why we made our alternative argument with the use variance.

And as the Board knows, that demonstrates that we're entitled to use variance, we have to demonstrate that

being required to use the property for anything other than what we're proposing, would cause an unnecessary hardship.

And Town Law 267-(b)(2) sets forth a test that we have to fulfill in order to get a use variance, so the first prong of that use variance is whether there would be a reasonable return of the property if it's used in conformance with one of the as-of-right uses in the code.

I'm going to defer to, John, who will discuss that as soon as I'm done with this and I'll get through it as quickly as possible.

Going to the second prong; applicant must demonstrate a unique hardship, or as the court's have called it, they say that, The conditions of the property are peculiar to and inherent to the subject property in comparison to the other properties in the same zoning district.

Here, the property is unique, both in its historic use, its location, and its size. John will touch on this as well in his presentation, but it's a 31-bedroom dwelling, it's located adjacent to a school. The nature center and multi-family.

Just being located next to multifamily makes it unique for a house like this, because, typically, you'd find estate homes like this in homogenous, low density, single-family neighborhoods.

Also, we're not aware of any other convents or monasteries that are on the market in the R-20 Zoning District so that makes this unique and it bears noting that these individuals are unique. This is a unique family and we are coming in to demonstrate that they are going to act as a functional equivalent of a family, as opposed to a boarder house or something like that, so we submit that we fulfilled that prong of the test.

The third prong of the test is to demonstrate that the character of the community would not be adversely impacted. This has been a single-family house for probably over a century. It's consistent with the neighborhood character. It will continue to be a residential dwelling.

And just like the monastery in the convent, it will have multiple individuals who are not related, living as the functional equivalence of a family. There would be no impact from these individuals living in an 11,000-square foot dwelling, on six-and-a-half acres. Nothing will change in the neighborhood.

Lastly, as the -- the last prong is a self-created hardship prong. Now, I understand, typically, if you buy a property for a use that's not permitted, you're dead-in-the-water. You don't get your use variance because it's a self-created hardship, and unlike an area variance, that is dispositive, but in this case we submit that that's

not what happened here.

As mentioned before, the Court of Appeals has held that the very provision we're here about is unconstitutional, so the applicant didn't create the hardship. The fact that the language in the code still exists, even though it's been deemed unconstitutional, created the hardship.

It's unenforceable, it's illegal and we maintain that that's not a self-created hardship, so I've gone through the four prongs. I want to cede the floor to, John, who prepared the report, the zoning feasibility analysis that was submitted. And he's here to discuss that and answer any questions you may have.

MR. BERNZ: Madam Chairperson, Members of the Board, my name is John Bernz. Jonathan Bernz - that's B-E-R-N-Z. I own and operate a company called Hudson Property Advisors. We're real estate appraisal consulting, advisory services firm, located in Mount Kisco, New York. Okay.

I was tasked with evaluating the feasibility of this property as a single-family residence or actually -- to -- let me be clear -- clearer, to evaluate the different uses in the Zoning -- R-20 Zoning to see if they're financially feasible, so we prepared this report, which I believe you all have been given a copy of it.

And I'm not going to read it word-for-word. I'm not going to reiterate what's been said over and over again about the location, what the surrounding land uses are. You're all well aware. I know you're all well aware of Dromore Road, in particular.

And that the size of the house is so out of character, but very briefly, the report has a description of the location, the area, the specific location. And then there's a lot of detail on the physical aspects of the site, the land and the building itself.

I'm going to jump over to -- excuse me -- I'm going to jump over to my page 20, where, again, at 11,000-square feet, with 31 rooms, and 17 bedrooms, it is not a -- clearly, not a traditional or typical single-family house, but it's not just the size of the house, it's the layout.

I'm going to jump through all the photos and everything and get to the viability of all the principal permitted uses, so many of the uses that are allowed in the R-20 District are not financially feasible because they're not -- how do I put this -- they're not typically purchased on the basis of income generation or they're nonprofit uses; churches, schools, things like that, so the only one that is potentially a viable use is a single-family residence, so what we did was we looked over the past ten years in this particular area of Town of Greenburgh.

And we found that there were -- I forget the number of sales -- somewhere like, 50 or so sales and listings of houses. We focussed the search on houses -- large houses for comparison purposes, over 5,000-square feet, with no upper limit, upper square foot limit, so there was one house that we found that it was around 14,000-square feet, but that's sort of an outlier, because the next closest one is 8800 and there's only four or one to four or five that are over 8,000-square feet.

And all the others are less than 8,000-square feet, so at 11,000, it's clearly, you know, way out of scale with the rest of the houses, but it's not just the size. It's the number of bedrooms.

Out of that sample, we found only one of them had reportedly had nine bedrooms, but that was information taken from the multiple listing service which, if you look at the -- the Town of Greenburgh's property record card, that actually has less than nine bedrooms. I think it's like six, so I don't know if the broker or whoever put that number in, maybe counted basement rooms, but we're not counting basement rooms at the project site, at this property, at the Dromore road property.

Those are -- those are rooms that are on the first and second and third floor and one other point that I want to make is that it's not just three stories. There's also a

basement, and an attic above the third floor.

And the quality of the finish on the third floor is similar to the quality of the finish on the first and second, so it truly is a three-story house. Again, an unusual layout, so the size of the house, that's one reason that -- you know, it just doesn't make any sense.

I give a couple of examples; financially, heating would be more than a typical house. Maintenance would be more than a typical house, things like that, but the layout is really one of the critical things.

At 17 bedrooms is too many bedrooms, but they're all small rooms, compared to high-end luxury residences in this area. If you -- I don't know if you have a way of putting it up on the screen, but we have a map, layout that was prepared by an engineer that shows that these bedrooms are all relatively small.

There is no principal or -- thank you. There's no primary bedroom in this house, so that's another thing that detracts from its potential marketability as a regular, normal -- you think of as a normal house.

The location; it's not -- as Jody had mentioned, it's not in a neighborhood or market, submarket area with similar houses surrounding it. It's a one-of-a-kind. It's the only one there, so looking at the potential financial feasibility, in order for it to compete with other large

estate residences, they give you -- put things in perspective, the applicant purchased the property for \$3,750,000. It was marketed through a broker, so it was an arm's length sale between buyer and seller.

The -- to put it into perspective, the 2025 final assessment roll for the Town of Greenburgh had the property assessed at \$3-million 815. Greenburgh is a hundred-percent equalization, so, you know, it's within -- within about two percent of the sale price, indicating that the assessor's purported full value is similar to the recent sale price, so even though the property has been maintained, in order for this -- because of the reasons I mentioned, the layout, the small rooms -- yeah, I didn't mention.

The kitchen and bathrooms, they're not of the quality that you would see in a luxury residence in this market. They're okay, they're average, but they're not high-end appliances, high-end countertops. Custom cabinetry.

It's not like that, so in order to bring this house to a marketable standard where it would be competitive with something -- a high-end luxury residence in the market, that would have a high-end kitchen, high-end bathrooms, good size -- you have the plan up there great -- good size bedrooms, a primary bedroom, a suite.

To do all that, it would require pretty much a gut

renovation. And we had an engineer give us an estimated cost to do that. And they estimated between 400 and 800 a square foot. We used a figure below the average, an even \$500-a-square-foot, which would cost over five-and-a-half million dollars above the \$3,750,007 purchase price.

That would be a total cost of \$9-million, whereas the sales that we found over the last ten years of the largest houses, the highest one was three-million-six. And the average -- the average was two-million-two, the median was two-million 0.40. Again, this is not time-adjusted, but just to give you a sense.

With the highest price a little over \$3-million, the \$9-million just is not financially feasible. It's just cut and dry. I have to say: When I first took on this assignment, I said to Jody, Do you really need me to prove that this house is not financially feasible? It's just self-evident. It's so obvious, but she said, We need it, so there you are. I'm open to questions.

MR. CRICHLLOW: This is the -- coming close to the end of April, which is the dreaded time of the year for most Greenburgh residences, which is when our taxes are due, so I guess previously when it was a convent or religious establishment, there was some kind of arrangement made for taxes to be made.

MR. BERNZ: Tax exempt.

MR. CRICHLLOW: Or there were no taxes at all?

MR. BERNZ: I believe -- I did not look that up, but I'm guessing that the special district taxes were probably applicable, but the Town and the school are not. That's frequently how it is. I don't know for sure. That's public record. You can look that up.

MR. CRICHLLOW: So under this new arrangement, would that still be the case?

MR. BERNZ: That's a legal question for Jody, but I believe --

MS. CROSS: Again, this is a regular, single-family house. They'll be paying real estate taxes, school taxes, county taxes. All the taxes.

MR. CRICHLLOW: So an 11,000-square foot house would be paying --

MS. CROSS: A lot.

MR. CRICHLLOW: A lot in taxes.

MS. CROSS: Give or take.

MR. CRICHLLOW: And who would be paying that?

MR. CROSS: It's the LLC and the families all chip in.

MR. CRICHLLOW: Okay, so I'm wondering what happens when the end of the month comes by and everyone sees what the tax bill would look like.

MS. CROSS: So respectfully, I don't think this is

relevant to the land-use issues, but it's a fair question just to answer.

MR. CRICHLLOW: Sure.

MS. CROSS: They'll pay their taxes when the taxes come due, so when the taxes come due, they'll pay them, like any other house.

MR. CRICHLLOW: Okay.

MS. KNECHT: I have one question.

MS. CROSS: Sure.

MS. KNECHT: Can you just --

MR. BERNZ: For me or Jody?

MS. KNECHT: Jody, or Shep, maybe. Can you just explain the household heads, who are they and?

MS. CROSS: I'll let Shep answer that.

MS. KNECHT: Or whatever you call them.

MR. BAUM: Shepherd Baum, so the head of households are individuals that have worked with these kids for decades. Literally, decades at Summit Camp. And these are their kids, you know --

MS. KNECHT: They live in the house?

MR. BAUM: They live in the house. They don't pay to live in the house. That's part -- they live rent-free. They don't pay for utilities, they don't pay for anything, but they get to live there for free. You know, that's the -- their --

MS. KNECHT: Compensation?

MR. BAUM: Compensation, if you will. It's not compensation, because it's a family; right, so that's just how a parent would live there, but they act as the parents, but these are not people that were just looking out off the street and hailing people down to come.

These are people that have been with -- Laura and Alex have been together for 11 years in the same bunk. And, you know, and Manny, you know, 13 years, so they've been with them since they've been little and it's -- their family

MS. KNECHT: They've watched them grow.

MR. BAUM: They've showered them, they've changed them when they needed to, and -- when they were little and they've done everything as a parent would.

MS. KNECHT: But they have a salary -- you pay them, they have a salary?

MR. BAUM: No, so they are -- they have a stipend to help offset some of their costs, but, no, there is not a salary. Just like, you don't have a salary to be a mom -- I don't know if you're a mom, but I don't have a salary to be a dad, but they don't have to pay for utilities or for electricity, or any of those stuff.

MS. KNECHT: And is the idea that at some point you could have more kids move in?

MR. BAUM: No. We're not really looking to, you

know, grow, but I also wasn't looking to have a second child and then I did, so I don't want to sit here and say this is it, but, no. We're not looking to --

MS. KNECHT: You're not marketing?

MR. BAUM: No, we're not marketing it out. We're not going out there and saying, Oh, send your kid. If somebody from our family says, I would like to do this, we'll address it at that point, but that's not our intentions.

MS. KNECHT: And one more.

MS. CROSS: And I just want to point out one thing that Shep just said.

MS. KNECHT: Yeah, go ahead.

MS. CROSS: I understand that at some point some of you may have heard that this was being marketed and there was a website, but that was a long time ago. That's not the case anymore, so I just wanted to be clear and put that on the record.

MS. KNECHT: And then the cottage that's on the property, will anybody live in there or it will just?

MR. BAUM: Yeah. There may be a -- a -- right now, no, you know, somebody was talking like, years and years ago, a caretaker lived there. Our caretaker happens to be a fireman, with a full family in the Town, so it's not going -- not necessarily, no.

CHAIRPERSON BUNTING SMITH: I had a question and now I've forgotten it.

MS. UEBERLE: So I have question, because there were different numbers I see in the paperwork and either one of you can probably answer it, 11, plus kids, but you said you have six kids?

MS. CROSS: So it started off as nine, and, unfortunately, because of them having to move out and find other arrangements, it's now six.

MS. UEBERLE: Okay. And there are six there now?

MS. CROSS: Well, no one's there now.

MS. UEBERLE: Well, okay. You had to leave.

MS. CROSS: Right. They're right here.

MS. UEBERLE: Hi. Okay. But five could be there now along with --

MS. CROSS: There were other violations on the property for when they moved in so we're taking care of everything at once, but theoretically, yes. Five could move in today.

MS. UEBERLE: So you could have five people who are under the current definition of a family and then --

MR. BAUM: Correct.

MS. UEBERLE: And then the caretakers could be domestic service providers --

MS. CROSS: But they're not --

MS. UEBERLE: Like we don't count.

MS. CROSS: But they're not --

MS. UEBERLE: They could be like, nannies or temporarily, caretakers, temporarily.

MS. CROSS: What I want to say is one, what you said, yes, that's true, but, you know, pick which one you don't want to live there, two, the -- it's still unconstitutional. When it comes down to it --

MS. UEBERLE: No. I -- I totally understand that.

MS. CROSS: Okay. Then I won't beat that dead horse, but --

MS. UEBERLE: You know --

MS. CROSS: So the answer is, yes.

MS. UEBERLE: It could take a while before it's redefined. I'm just thinking is there a way to do something which we can discuss at our meeting until that happens? That's --

MS. CROSS: Five people, unrelated, can live there right now.

MS. UEBERLE: Yes.

MS. CROSS: With their caretakers, but that is not what we're looking for and that's not what they are, so we can come here and we can try and shoehorn them into a definition. We could have tried to get a special permit as a group-home.

This is what they are, so we're coming in being honest and open exactly what we want to do here.

MR. BAUM: I can't pick. You look at them and tell me why one can't come home. That's their home. All they want to do is go home.

MS. DENKENSOHN: As someone who setup a transportation system for mentally-disabled adults, and ran it for a number of years called, IATS, so I know what it's like. I've dealt with these families. And before that I spent seven years doing transportation for disabled toddlers under the age of five, under their IEP program, so I get it.

And I just want you to understand a little bit why you're in this position somewhat. I think we all saw the Seth Rogan movie where the fraternity moved in next door.

And there is something to be said -- and that was part of the question of what happens in 30 and 40 years and what happens with all of this, so we are trying to do that very delicate, balancing act of compassion and understanding and understanding the history and all that with realities and with legal -- the same legal issues that you're wrestling with.

MS. CROSS: So -- and we understand that and that's also why we made the alternate argument rather than just asking for the interpretation, which we feel we're legally entitled to, but we know that there's a slippery slope

issue.

And that's why we've said this family has demonstrated they're the functional equivalent of a family. A fraternity couldn't, so could they move in there and not get caught? That's different, that's illegal. If they move in there, they have to demonstrate that they are the functional equivalent of a family.

We can't assume that someone's going to move in there illegally, but, you know, there's a permanence issue here. You know, a fraternity, they're there for four years, they go, or less. These people are going to be living there. This is their forever home.

CHAIRPERSON BUNTING-SMITH: Where did the companions do for either, I don't know, they can't stay there an entire year. Do they have some type --

MS. CROSS: This will be their home. This will be their legal address.

CHAIRPERSON BUNTING-SMITH: What about when they want to take a vacation or see their parents or something happens in their families?

MS. CROSS1: These people who live there also have families, so there's -- you know, there is always someone who's going to be in the house and taking care of them just like -- or they'll go on vacation together as a family.

MR. BAUM: Shepherd Baum, New York.

CHAIRPERSON BUNTING-SMITH: We know who you are.

MR. BAUM: I'm going on vacation in a couple with my gorgeous wife. First time away from our kids. Our grandparents, her parents are taking care of the kids. All right, so it happens in families, so they go on vacation. There's other people that --

CHAIRPERSON BUNTING-SMITH: Well, I know they can go on vacation, but I'm talking about the people who are there to --

MR. BAUM: That's what I'm saying. The staff, the -- or the -- the -- the head-of-households. The head-of-households just like me. I'm a head-of-household. I go on vacation. A babysitter in our case, grandparents, have come in.

We have parents of one of our residents here with us tonight who, you know, are -- are in that same situation, so, yeah. Does that answer?

CHAIRPERSON BUNTING-SMITH: Yes, it does.

MR. BLIER: I understand the idea of family of choice. I live it, I understand it, and I support it, but I have to -- I don't understand LLC as head of family. That I'm having a problem with understanding.

MS. CROSS: The LLC just ones the property.

MR. BLIER: Okay, so the property is going to be very expensive for a very long time. I think that everybody

can -- so and I -- once the people who earned the money to pay for it aren't there, how will it continue?

MS. CROSS: I'm not sure I understand how the finances are relevant to the land use issues here.

MR. BLIER: Well, they're relevant to the -- to the forever home and they're relevant to the family. You know, I know that if I can't provide for my family, my family has a problem.

And I'm just trying to understand this because it -- to me it sounds like, people have pooled their resources for present expenses and they'll probably pool them for future expenses, but I just want to have an understanding as to how we've planned for the future.

MR. BAUM: Yeah, so the same way that I -- that you may plan if you have kids for your future; right? There's insurance; right? Life insurance, if I go, there's life insurance that will take care of my family.

All of us, parents, this is where our kids -- this is where my daughter is going to live for the rest of her life; right, so just like if she was living at my house, what happens when I go?

I have to have a plan, a succession plan for my family. And so the -- this is not just one family though, luckily. These are multiple families that this is their kids; right? And so they have -- we all have pooled our

resources and we'll continue to do that.

And when we go, the money is left into the -- whatever is left in the insurance goes into the trust, which you know, my daughter's is a trust that activates once I pass, so once I pass, my daughter's trust is activated and the money gets transferred into her trust.

And then the trust will put the -- the money in to continue her living expenses, just like, I mean, if she lived at my house, what would happen? The same thing.

MR. BLIER: Are there stockholders in this LLC?

MR. BAUM: There is no stockholders. No. No.

MR. BLIER: Who owns the LLC?

MR. BAUM: It's a sole entity, LLC who owns the LLC and then the LLC will then pass down afterwards.

MS. CROSS: I -- I -- again, like any single-family house, I can put it into an LLC if I want to and own it and still live there as a family, so I'm -- respectfully, I just don't think it's relevant to the determination of whether this is a single family. A functional equivalent of a family.

MR. BLIER: I understand.

MR. CRICHLLOW: I may disagree with you because whether I was a single family has to be what we need to determine because the property that we're talking about is huge.

MS. CROSS: And they can afford it.

MR. CRICHLLOW: And we actually are, you know, asking you these questions, Peter is asking you these questions, because I do believe that it's pertinent in terms of what happens to this property if anything were to go wrong. And that's the precedent that we need to --

MS. CROSS: Again, I understand that, but like any family, if something happens to a parent, they have a succession plan. They have estates and planning. They have a plan for this and that usually doesn't come up and that usually doesn't have to be disclosed in a public hearing.

MR. CRICHLLOW: I'm saying this because it's pertinent to our interpretation when we're going to be deliberating, these are questions that are going to come up, so it's better to ask these questions now.

MS. CROSS: Absolutely.

MR. CRICHLLOW: So that we know the answers. Okay. And, so, therefore, thank you for the answers.

MS. DENKENSOHN: And because this is about the land, a decision we make isn't just for right now. It's in perpetuity and this changes the land and the use of the land. And that's why we're being so careful.

MS. CROSS: I understand that. I would also argue that it really doesn't change the use of the land because look, if we were to go to Court and litigate over, you know,

the definition of, Family, I think that they would find in our favor and they would be able to live there. That's, obviously, not the route we want do go.

We want to be part of this community -- they want to be part of this community. That's why we came in here to explain to you exactly what's going on, but we understand that this runs with the land. We also anticipate that the law is going to change and it's going to become conforming any way, and this is about, you know, a year-gap that we need to take care of for these kids.

MR. BLAND: If I could, and I think we probably should move on from here, but I'll ask it in a converse way. And I never want to be negative so, knock on wood. In terms of the whole tax issue, basically, if the taxes were not paid, then this property would end up going into foreclosure?

MS. CROSS: Correct.

MR. BLAND: As any other family home would?

MS. CROSS: Correct.

MR. BLAND: Thank you.

MS. CROSS: You're welcome. If you have any other questions before you deliberate, I'm happy to answer them or John or for Shep.

CHAIRPERSON BUNTING SMITH: We may not deliberate tonight because we have to wait to see what they're going to

do and say. I know what you're saying, but we don't have that in our power at this time. We have to wait until it's passed to see what exactly it is.

MS. CROSS: Well, but that's not relevant. We -- I found out today about the amendment to the Zoning Code. Our application isn't reliant on that. It just underscores how reasonable what we're asking for is because it will be legal as soon as this is adopted.

CHAIRPERSON BUNTING SMITH: I hear what you're saying. We don't have that information in front of us. That's all.

MR. BERNZ: That argument was for the variance.

MS. CROSS: Yeah. Exactly. That's why the interpretation argument and the use variance in the alternative, so thank you for your time.

CHAIRPERSON BUNTING SMITH: Thank you. Anyone in the audience.

MR. SIMON: Yes. Walter Simon. I would like to speak to the issues.

Walter Simon again. Issue of the definition of, Family, came about about two years -- about a year or two years ago, when we were discussing the ADU law. And the fact that the -- it was inconsistent with the state law and there was a decision, which the attorney referred to by the Appellate Division, that clearly states that our code is

inconsistent with the law.

I recognize and that's why the Town is going back to change that definition, so it is a matter of timing and as the attorney for the LLC explained, rather than taking the Town to Court, spending the money and the time, they came here, to try to short-circuit the process.

And the other issue in -- is -- is that it's highly unlikely that a religious institution is paying taxes. I, a member of Grace Episcopal Church, that we have a rectory and in between -- and we don't pay taxes on that rectory, because that's the residence of the priest, so we don't pay taxes on.

And so I assume, seeing how that building was occupied from -- for a religious institution, I will -- I'm pretty much sure, but you can check the records, that they're not paying taxes on that property now.

Whereas when you turn it over to a nonreligious institution, you pay taxes, because in between the time when we were in search for a new rector and the property was vacant, we rented it, and, sure enough, we had to pay taxes on it. And so that's --

MR. CRICHLLOW: I'm sorry, Walter, but that was my point, which was they weren't paying taxes when it was a convent and a rectory, and now they will be paying.

MR. SIMON: Yeah. They will be paying taxes on

that.

MR. CRICHLLOW: And a lot of taxes.

MR. SIMON: That's right. That's true. Okay. And the other issue, like I said, the issue of family. You know, that's -- I think that's clear that our code is incorrect.

And the questions about how the family operates and who would -- who would look after their finances, as a parent, as a grandparent, you do that now. You plan for the education of your children, you plan for an insurance. You plan for the welfare of your family, so as a family, that -- they have the same responsibilities and obligation.

No one's asking me how I'm planning -- how I plan for my daughters or asked me daughters or my son-in-law what's their plan for my grandchildren. That's the responsibility of a family, so we should consider that.

The -- the -- the other issue is this temporary -- they're saying -- let me see -- the alternative of -- of variance, but that's the use variance. I recognize that's a steep hill -- a steep --

MR. CRICHLLOW: Slope to climb.

MR. SIMON: But we should -- you know, because the building inspector makes a regular -- makes a rule, you have set a precedent already on that. Overruling a building inspector's interpretation, because when you overruled the

building interpretation, about the battery storage law, which myself and Hugh Schwartz argued, that was the first time in the history of this Town, in the hundred-something-five years, a -- a building inspector's interpretation was ever challenged, let alone changed, so you have done that, so it's -- it's not something that would -- that precedent already been set. That you can challenge a building inspector's interpretation of the code.

Thank you.

MS. BECKMAN: Good evening, everyone. My name is Shari Beckman, and I'm here simply to say that I grew up in Edgemont and went to Edgemont High School. And I have lived with my family in Scarsdale for over 30 years.

And I am familiar with what this group is trying to do. And I just want to say that I think it's wonderful, and they are a very special group of people.

And I hope they will be allowed to come back and live as they were living before. Thank you.

MR. BLAND: Just one question before you go, excuse me, before you go, your home in proximity to this property is how far?

MS. BECKMAN: It's close, actually. We live on Garden Road. And we are, maybe, ten minutes -- five-to-ten-minute drive through the Town of Hartsdale onto Central Avenue.

MR. BLAND: All right. Thank you.

MS. BECKMAN: Okay.

CHAIRPERSON BUNTING-SMITH: Anyone else? Okay. We will see what we will do tonight. Thank you.

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Case No. ZBA 26-07: Pavan Gadiyaram, 74 Ardsley Road (P.O. Scarsdale, NY 10583) - Area Variances.

Applicant is requesting area variances from Section 285-40B(4) of the Zoning Ordinance to increase the maximum height of an accessory structure from 12 ft (permitted) to 18.91 ft (proposed); and from Section 285-42C(1) to alter and enlarge a nonconforming structure to increase its nonconformance in order to convert an existing barn to a pool house with new dormers and creation of loft space on the subject property. The property is located in the R-20 One Family Residence District and is designated on the Town Tax Map as parcel ID: 8.540-371-59.

CHAIRPERSON BUNTING-SMITH: The next case is Case 26-07, Pavan Gadiyaram, 74 Ardsley Road. Yes.

MR. GADIYARAM: I have a small presentation on Zoom that I can pull up if that's okay. It's only a couple of pages. It's not a lot to discuss. Am I allowed to the share the screen?

CHAIRPERSON BUNTING-SMITH: You have to ask the secretary.

MR. GADIYARAM: Pavan Gadiyaram, Edgemont. It's -- it's everything that's within the packet. There's nothing that's not in it. I tried just it in some slides, tried to make it look better.

Okay. So just to kind of give a quick review of

kind of the project that we're doing. I have a barn on my property. The barn was probably built, maybe 1920. The person who built it was an architect. You know, it's been sitting there, and it's been kind of going into a state of disrepair and I want to revitalize it, so, basically, I put in a permit on -- at the end of December of 2025 to renovate it.

Building Department came back to me and said because we were considering adding dormers onto the second story, that would increase the average height of the building, and given that the building predates most rules, they also said it's an alteration of an existing -- preexisting, nonconforming structure.

So on the right you kind of see what the barn looks like today. The idea is in the middle section was to add dormers. This actually comes into dealing with some of the rules we have with height as it relates to the rules.

The minimum-height requirements for a barn, because it's a 45-degree angle, most of the space wouldn't have been able to be used, which means you couldn't go upstairs. I wanted to retain the second floor because it looks pretty neat, and so that was our way to kind of deal with that.

This is what the barn looks like today. It's towards the middle and back of our property. It's not really seeable from the road or any road really. The three

neighbors that have direct visibility to it, I know well.

We actually had our Edgemont PTA event last weekend. I was chatting with them at the event. Everyone's supportive, mostly because it's going to make the building look a little bit nicer and will look more like the houses in the neighborhood.

This is just an overview of the barn. The maximum height, we're not changing the maximum height. It's a way that the Town does the math, that the average height is increasing.

We're not changing the actual top-line of the barn. As I noted earlier, the exterior is going to look a little bit nicer. The footprint is not changing. We're not changing anything on it.

The idea was to retain as much of the barn character as we could, while just really bringing everything so it can still stand and look nice. And that's really it.

CHAIRPERSON BUNTING SMITH: So what is it --

MR. GADIYARAM: Following that, I know this is really simple. Sorry.

CHAIRPERSON BUNTING-SMITH: What is going to be on that second floor?

MR. GADIYARAM: I haven't really -- right now, it's setup to be just kind of like a -- to be in a new bathroom, but I haven't really gotten into that, honestly.

The cost of this unbelievably prohibitive, but I need to save the barn before it gets any further damage, so the original -- the plans included everything that we're planning on doing, which is going to have a bathroom on the back section of it and the open area in the front can be used for, either a studio, a bedroom, whatever. We haven't really put more thought into it beyond that.

MS. DENKENSOHN: What is the ground floor used for currently?

MR. GADIYARAM: Storage.

MS. DENKENSOHN: Because it had a door and windows and stuff, so it's not used as living space or work space?

MR. GADIYARAM: It's 1910, 1920, so it was used for horses back then. There are two horse stalls in the back. The open air I think is where they kept -- maybe they washed the horses.

There used to be water and sewer that used to run to it. We found it underneath when we were kind of going through there. We're not at -- we're not filling it in, so there will not be a garage of any kind.

It's joisted, wooden boards, we're planning on retaining those elements, so very much trying to keep as much of the character as possible. And even the stalls, I plan on reusing the wood inside if I can.

MR. BLAND: The renovation will bring you up to how

many square feet?

MR. GADIYARAM: It's basically same. It's 800-square feet on the bottom floor, so it's the same. It's about 1600, but I don't know with the angles if it becomes less.

MS. UEBERLE: So we got a letter from the Historic and Preservation Board. Have you -- do you have plans to go before them?

MR. GADIYARAM: I can. I honestly don't know. I'm just trying to navigate this to save the thing, to be honest. There's no agrarian aspect to it, whatsoever.

I looked into the historical records of this place. It was by Wright, they guy who actually designed a bunch of the homes in Scarsdale, he was an architect.

I even read articles about how they road the horses down into Rye and got into an accident. Like, it was never agrarian, so I'm not sure what characteristics they would want to retain, but I am trying my best, just from a personal perspective, to find a way to keep as much character.

In fact, I -- it took me almost five months to find a contractor who had my vision. Most of them were telling me to take the whole thing down, rip all the floor-boards out, do all this.

I really want to retain a lot of that character, so

I am trying, so I don't expect to have any issues with them if I do, but the main reason is the second-story loft, that's existing. I'm not creating it. If we have to adhere to the current building code, it will completely become inaccessible, so it's kind of -- there's a line to cut there.

MS. UEBERLE: Okay. And you were going to put a kitchen in, but you took it out?

MR. GADIYARAM: I put in a kitchenette. Honestly, I just want to make sure I can save the thing first. If I ever want to add a stove, I'm going to come back here and do what I need to do to get it done. They just sent that letter this morning, so I didn't know what way to react other than to kill the stove out of the project.

MR. CRICHLLOW: Am I the only one who thinks he speaks really fast?

MR. GADIYARAM: I speak really fast and the funny thing is, I was actually born and grew up in the south, and I don't know how I ended up such a fast talker.

MR. CRICHLLOW: But I do want to clarify; did you say you wanted to do this because it would really neat?

MR. GADIYARAM: I do think it will look nice.

MR. CRICHLLOW: Okay, so if asked to determine why you want to do this, so that if you were denied the ability to build these dormers, you'd say, Okay?

MR. GADIYARAM: If --

MR. CRICHLLOW: Or is there this heart rendering, need to add these dormers just to add more square footage, because you're not adding to the height in any way.

MR. GADIYARAM: Yeah.

MR. CRICHLLOW: So I'm trying to make sure I understand the absolute need for you to do this.

MR. GADIYARAM: So there were two architectural decisions that came into. One, was a rule of Town which said that you have to maintain a minimum of eight-square -- eight feet in height in order to use the space.

And so what happened is because of the 45 degree angle roofs, you have a very tight area that you can work with. Basically, it becomes an alley, you can't do anything with it.

The second thing is, in order to create stairs and come up, we would have to reconfigure the stairs that are there. The stairs that are existing are about this far in width, its about two feet, maybe two-and-a-half feet at most, with very tight steps.

Again, 1920s. And so in order to kind of make the steps code, we would need more space and so what will happen is, the stairs right now just go straight. We would, basically, need to add a landing. In this process, you need head-space to turn, so it was the only financially feasible

way to make it work.

MR. CRICHLLOW: Now, you see, that's the kind of reasoning that we need, other than, it will look really neat. You understand that; right?

MR. GADIYARAM: Yeah. The dormers, that's not what I meant neat. I meant, the whole project is neat to me, like, restoring and the barn and keeping it from falling down to me is very interesting. I want to keep that barn as best I can. I really like the aspect of it.

MR. CRICHLLOW: As a pool house?

MR. GADIYARAM: It will be as a pool house, pretty much the main reason. My parents, also, I'm trying to convince them to stay closer to us, which is factoring into my decision as well.

MR. CRICHLLOW: Oh, did Walter leave?

MR. BLAND: Yeah.

MR. CRICHLLOW: Oh, because I was going to ask, so we're not touching on any like, ADUs, in this? You know what an ADU is?

MR. GADIYARAM: Yeah. And one of the reasons is, as I was planning, I saw that the ADU rules were changing. I already put a lot of work to try design the thing, so I tried my best to get it in within the existing rules, so I didn't have to pay all these people again to do it again, but when I went it the building, one of the things they said

was that the kitchen would be -- is allowed in the ADU, but not in the existing rules, so that's why I asked them, How do you want to deal with it?

I actually asked them back in January. I apologized for the last minute. I did ask previously and it somehow just didn't make it in until this morning, so that's why I just said, Kill that, and let's go with that for now.

MR. BLIER: So, excuse me for talking slowly for a second; I want to congratulate you on trying to save this as opposed to tear it down. I know how hard that is when, practically, every builder says, Let's start again.

And I also believe that this is virtually invisible to the street. In fact, it's very close to Walbrooke Road; right?

MR. GADIYARAM: You can't really see it from that side either, so we have -- so we're on three acres. We have trees completely covering it.

The only side that is close, which is that three-foot -- the one that's actually out a variance if we were to turn into an ADU, is on Sarah and Mark's property, which is the one next to us, and they have woods there, completely, so you can't really see it much, unless you're the two houses, like you said, on Walbrooke, they can kind of see it, but that's only during the winter when the foliage isn't grown in.

We have six feet -- more than six feet, in fact, between the wall, which is it the actual boundary, to a metal-link fence that we have. And so that's -- we let that be free-growth foliage, so like, right now, no one can really see it, but during the winter, they can.

And in any of the -- even with the dormers, I made sure that nothing new is visible to anyone, so the only way those windows face is one directly into our property, which, again, has almost has almost 60 -- probably 40 -- 40 or 50 feet of woods.

On the other side is Mark and Sarah's property, which is nothing but woods, so there's no loss of privacy. I even chatted with my neighbors last weekend, just to make sure that they were all comfortable and everyone seems -- they're pretty happy with the project.

MR. BLIER: So you said that -- I would assume your house is built around 1901. Is that not what the plans say?

MR. GADIYARAM: It's hard to tell. Me and Mark have been actually trying to figure it out because our two properties used to be one.

It was built in either 1901 or 1902, the main property, 1920, based on the drawing.

MR. BLIER: The main property was built around 1901. I don't know your particular house, but most of the houses back there. And Wright -- Wright was a local,

Edgemont resident builder. It's a family that went back hundreds of years. They were related to the Sealy's and of that property originally belonged to the Sealy's. It was a quarry back there.

MR. GADIYARAM: That would have been -- so I think that's further up the road, because, based on the drawings --

MR. BLIER: That's one driveway further up?

MR. GADIYARAM: Yeah.

MR. BLIER: Do you have the stairway that goes down to Edgemont Road that's --

MR. GADIYARAM: Yes, that's mine.

MR. BLIER: That's a beautiful stairway.

MR. GADIYARAM: I know. That's another project for the future.

MR. BLIER: Anyway, but I think you do have to go in front of the Historic Preservation Board, don't you?

MR. GADIYARAM: The barn, I don't think -- I don't know. I honestly don't. If the Wright's built it, probably. Mark seems to think that their house is the one that shows the drawing based on the older -- we really can't really.

My gut is that the main house is built in 1919, and the barn was just listed as a two-story barn. It's not agrarian, if that's their motives. It's un-seeable by the street. No one ever saw it before. I don't think anyone

else knows it's there unless you live in the neighborhood. And, even then, in the neighborhood, most people don't know about it.

MS. UEBERLE: I think it's based on the age of the structure also.

MR. GADIYARAM: Whatever I need to do to save it is where I am right now. We have small holes that are coming in from rain. I have animals that are trying to -- woodpeckers have just eaten through the sides. I've got to do something.

MR. BLIER: Keep at it.

MS. DENKENSOHN: You may want to have coffee with them.

CHAIRPERSON BUNTING SMITH: Well, I imagine you have not seen the letter from the Historic Landmarks and Preservation Board and what they are telling us?

MR. GADIYARAM: They sent something on Sunday.

CHAIRPERSON BUNTING SMITH: Well, they have it in writing.

MR. GADIYARAM: Yeah. That says that they want to review it. And then they had asked you to cancel the meeting, and then when I --

CHAIRPERSON BUNTING SMITH: What they're saying is they want us to adjourn your application. And if the case is not adjourned, they will not ask that no decision be

rendered.

MR. GADIYARAM: I mean, I'm happy to review it with them, but I don't know. I don't know why we should stop whatever you need to approve, even if it's pending their final approval.

CHAIRPERSON BUNTING-SMITH: They say, That any building, barn, house, wall, tree, over 50 years, with plans to alter and add onto we had and it must come before the Historical Board for clearance on the work to be done. I, frankly, don't know what is qualified in their agrarian background.

MR. GADIYARAM: There's no farming or any kind of agrarian.

CHAIRPERSON BUNTING SMITH: Well, horses might have been there for a point.

MR. GADIYARAM: Definitely horses.

CHAIRPERSON BUNTING SMITH: Yeah.

MR. GADIYARAM: -- but they weren't for farm use.

CHAIRPERSON BUNTING-SMITH: Yeah, but who knows --

MR. GADIYARAM: Couldn't have been. It was all architects --

CHAIRPERSON BUNTING-SMITH: I don't know. I'm not one of the --

MR. GADIYARAM: No, I mean, I've spent a lot of time looking through the history.

MS. UEBERLE: Is that correct? That they must review it and approve?

MS. GERRITY: It can be referred to the Historic Board, but -- and I can check with Ed, but the Board can grant the variance and before as a condition. Before the building permit is issued, they have to go through the Historic Board and any recommendation be made.

MR. GADIYARAM: Yeah. I -- that makes sense to me if that's what we have to do. I don't have a hard deadline. My only concern is getting it done before the barn falls down, so if it's a matter of, at least we can get one step checked off and I'm waiting for the next, that feels like progress to me.

CHAIRPERSON BUNTING-SMITH: We'll see what's going on with the table over there.

MR. GADIYARAM: Thank you.

MS. GERRITY: So, what Ed was saying, it should have been referred to them upon the application to the Zoning Board.

MR. CRICHLLOW: What did she just say?

MR. BLIER: Yeah. What does that mean?

MR. BLAND: It should have happened prior to coming before us.

MR. BLIER: So we can't -- we cannot issue --

MR. BLAND: As part of the application process.

MR. BLIER: Right, so we can -- we cannot rule now --

MS. UEBERLE: But we could approve it and have it as a condition; correct, or --

MR. BLIER: He's saying, No.

MR. BLAND: He didn't say anything yet.

MR. LIEBERMAN: I'm not sure that's -- it should be reviewed by the Historic Board before you decide, because what they decide, if they work something out with the applicant, and I have no doubt that they will -- or I shouldn't say that --

MR. GADIYARAM: It's either that or it falls. I don't know what to do.

MR. LIEBERMAN: It may impact the final plan, which may also impact the calculations that go into what they need from this Board.

MR. GADIYARAM: I mean, just -- just so I have it on the table: The variance that we're asking for has to do with the average height. I can't see them allowing me to increase it, so if you do agree to a variance, anything that -- if they try to push me back, it means it goes back down; right, so, again, I don't see how that could actually impact us in a different direction.

MR. CRICHLLOW: But all in all, we should adjourn it for him to review it with Madelin. And then, have him come

back next month?

MR. LIEBERMAN: That's, in essence, what they're asking. That -- I think the letter was, perhaps, in-artfully worded, but that's what they're asking. That you adjourn it. They're not asking you to deny it.

MR. GADIYARAM: Yeah.

MS. DENKENSOHN: Could we adjourn for decision only?

MR. LIEBERMAN: No, because they may have to come back and --

MS. UEBERLE: They may have to make changes.

MS. DENKENSOHN: Okay.

MR. LIEBERMAN: But that doesn't mean that you can't decide it the next time it's on before you. It's not automatic that the case is going to be -- you have to be adjourned.

MS. DENKENSOHN: Right. Okay.

MR. BLIER: I don't think you're going to have that hard a time, but, unfortunately, you have to just follow the process.

MR. GADIYARAM: I mean, I've been trying. I mean, at the end of the day, if the question comes back that I have to retain the exterior as is exactly, I'm okay with that, but the problem is, the Building Department won't let the height requirements work, so you have a code, you know,

if it's maintaining it any further, I run into other issues. You wouldn't believe how many contractors has told me to cut it down. Pretty much every one of them.

CHAIRPERSON BUNTING SMITH: Well, they're not going to tell you to take it down.

MR. GADIYARAM: No, I know, but I'm saying, if they go and tell me, Okay, the dormers, for instance, are not there, and then the stairs are now out of code; right? The height on the second floor is now out of code.

The thickness, for instance, for insulation's out of code. I don't even know if I can bear putting a new roof on. A lot of the things now full apart, so, like, I don't know if you saw in the designs, we actually have a cross-beam across the middle, because, back then, there's no center beam when they put the roof on. It's just two pieces of wood, with a little thin -- going in the middle.

MR. BLIER: Do you know how old the construction -- that's very old construction.

MR. GADIYARAM: Oh, I know. I found out.

MR. BLIER: That's -- that's older than you might think, but there's an old barn at the corner of Doris Drive and Old Army. It's red. It was renovated two years ago. Go knock on their door and ask them what they did to get that to work.

MR. GADIYARAM: Which one?

MR. BLIER: Corner of Doris Drive and Old Army Road. It's a visible, red barn structure. Those people have gone through this. I wasn't here then. I don't how they did it, but they went through it and they succeeded.

MR. GADIYARAM: I'm more than happy to do what's right. I'm just -- I'm -- again, I'm navigating this as we go. And we found some rot. I'm -- I have holes in the barn. I am desperately trying to get it saved.

MS. UEBERLE: There's another barn too that was renovated on Chatterton; right? Two houses up from Central Avenue. And it's -- that barn is probably from the 1700s and it was renovated -- I don't know maybe, ten, 15 years ago.

MR. GADIYARAM: I'm not as familiar with that one. That area.

MR. BLIER: That's in White Plains.

MS. UEBERLE: No.

MR. BLIER: Well, it's Greenburgh --

MS. UEBERLE: No, it's in Hartsdale. It's on the Central Avenue-side on Chatterton.

MR. BLIER: Okay. Chatterton Parkway -- you're talking about Chatterton Parkway off Central Avenue; right?

MS. UEBERLE: Yeah.

MR. BLIER: Okay. That would seem like it's White Plains too.

MS. UEBERLE: It's Hartsdale.

MR. BLIER: It's note Edgemont, it's Greenburgh, further down.

MR. GADIYARAM: Oh, further north.

MS. UEBERLE: Yeah. Like, it's literally two houses in from Central Avenue.

MR. GADIYARAM: The folks on Doris Drive I know well. I can probably figure out -- what worked on that one.

MR. CRICHLLOW: So I don't foresee any problem in us adjourning it. And let you get a chance to review this with the Historic and Landmarks Preservation, just so you can, like you said, check off that one more box, and then you can come back in front of us next month for our decision if that extra month doesn't bother you.

MR. GADIYARAM: No. I mean, like I said, it's been a long process. I was hoping to get somewhere with it, obviously, I have a lot of money sitting in deposits for the last six months, but that's not going anywhere, but costs might be.

CHAIRPERSON BUNTING SMITH: I mean, at this point, if you get at approved, we don't need to.

MR. GADIYARAM: Yeah. The plans don't change.

MS. UEBERLE: I mean --

MR. GADIYARAM: Is it possible to put a conditional approval if no changes from the -- the Preservation Board?

CHAIRPERSON BUNTING-SMITH: No.

MR. GADIYARAM: No?

CHAIRPERSON BUNTING-SMITH: Because we can't. Then you'd have to come back and argue whatever, so when you come back, if they make changes --

MR. GADIYARAM: No. No. I said, Conditional on no changes. Sorry.

MS. UEBERLE: That was what I just asked earlier and he told me no.

MR. GADIYARAM: That's not allowed either? Okay.

MR. CRICHLow: What did our lawyer just recommend?

MR. LIEBERMAN: Adjourning it for -- and have them go before the Historic Board, which meets the second week in --

MR. CRICHLow: In the month?

MR. LIEBERMAN: In the month. Right, in May. I think May 12th.

MR. GADIYARAM: Is there a timing in order to put a submission for that one as well? I know there was one month in advance for this one.

MR. LIEBERMAN: I don't believe so, but I could be wrong on that. Kyra, you would know.

MS. JONES: No, I wouldn't.

MR. LIEBERMAN: I will say that the Historic Board is going to be more concerned with the appearance than it

the exterior and maintaining, so just --

MR. GADIYARAM: Yeah. I would just state the --

MR. LIEBERMAN: I'm not speaking for the Board.

MR. GADIYARAM: Yeah. No one knows what that will look like. There's no -- there's no pictures, there's no records. I looked everywhere, so --

MR. LIEBERMAN: Well, it's there now.

MR. GADIYARAM: Yeah -- no -- as it sits today, but that does not have anything to do with the history of it. Like for instance, there's a tin roof on it. I know 100 percent there was not a tin roof on that before.

MR. LIEBERMAN: All right. These are the things that you'll discuss with them.

MR. GADIYARAM: Yeah. I'll work out with them. Sure.

MR. BLAND: And I think it's more visual more, so then what --

CHAIRPERSON BUNTING-SMITH: Yeah. Take more pictures.

MR. BLAND: -- attempting to do, so don't see it as a pushback. It's just, you know, aesthetically, during the early 1900s, what did a barn look like, so there's a property up at Muscoot Farm that I helped to manage along with some others that are coming our way, but when we went to renovate that property, it was very important that it

looked period, so it's not to say that what you're design and desirous interior-wise, what they would question is more so, me flying in a hot-air balloon over the property. Oh, my goodness, wow.

MR. GADIYARAM: Yeah. I mean, the goal is actually to make sure it matches the house and the community, so I don't expect an issue from that front.

MR. CRICHLLOW: Okay. Next.

CHAIRPERSON BUNTING-SMITH: Anyone want to discuss this? Okay. Thank you.

MR. GADIYARAM: All right. Thanks.

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Case No. ZBA 26-08: Guy & Debra Kohn, 0 Peter Bont Road (P.O. Irvington, NY 10533) - Area Variance(s).

Applicants are requesting an area variance from Section 285-32(C)(9)(a) of the Zoning Ordinance to reduce the street frontage of a lot on a dedicated public street from 25 ft (required) to 0 ft (proposed); and from New York Town Law 280-a(5) to permit by easement, access to a structure over a substandard 14 ft wide shared driveway (proposed) where a 15 ft width is required; in order to improve a shared-access driveway to reach the subject property that does not directly abut a street or highway shown on an official map or plan or on a road that conforms to Town standards. The property is located in the R-40 One Family Residence District and is designated on the Town Tax Map as parcel ID: 7.440-252-4.

CHAIRPERSON BUNTING-SMITH: And the next case we have is Case 26-08, Guy and Debra Kohn. And that's 0 Peter Bont Road.

MR. CHUNG: Good evening, Members of the Board. My name is Andy Chung, AC Engineering. I'm the engineer of record 0 Peter Bont Road, also known as, Blueberry Hill Road. With me is the owner of the property and also the architect.

I will share my screen so you can see, so 0 Peter Bont Road is an existing vacant lot at the end of Blueberry

Hill Road. It's approximately 4.7-acres, and we are proposing a single-family home on this lot, so during the course of our design, we've gone to the Planning Board, we've worked with Aaron Schmidt and Matt Britton in the Planning Department.

We've worked with Vinny and Mr. Coppola from the Engineering Department. We've worked with Liz and in the Building Department, so in our process of dotting Is and crossing Ts, we -- it was determined that there were two variances that were needed for this particular lot.

Just to give a quick overview of this -- of this single-family house, the -- there's a stormwater plan that was designed for it, there's a utility plan which pumps up to an existing sewer. There's going to be an extension of the water main that goes to the house. There are wetlands on the property.

We've procured DEC permits to allow for construction within the hundred-foot wetland buffer, so we've -- we've gone through all of the engineering and everything is done, we're good to go, so the two variances that we're looking for is a 25-foot required street frontage on a -- onto a dedicated public street.

The house is served with a -- the driveway to our proposed house is being served from an existing shared driveway, which is off the end of -- which is at the end of

Blueberry Hill Road, which is a cul-de-sac. If I can zoom in on this, you can probably see a little better.

MR. BLIER: Can you highlight it?

MR. CHUNG: Yes, so where my cursor is now, this is existing Blueberry Hill Road, this is the cul-de-sac. As you follow the cursor, this is the existing shared driveway, which ends right here.

To the -- to the east is an existing house. And our new driveway starts at right here and continues up the path to the existing house.

MR. BLIER: What arrangements do you have to make with these owners of the existing two-family driveway?

MR. CHUNG: So there -- there is an easement to allow access, to be able to use the shared driveway; right. So there's -- there's an easement on the existing shared driveway to be able to used by two existing neighbors, so 0 Peter Bont will be the third house that shares that driveway, so that's the first variance.

MS. DENKENSOHN: Excuse me, just before you go further, and this is just key to us looking at it at all, in the package that we got, the wetland water course form was rejected and the steep slope was also rejected.

MR. CHUNG: Correct.

MS. DENKENSOHN: So I'm trying to understand --

MR. CHUNG: So the wetland.

MS. DENKENSOHN: -- why we're looking at this.

MR. CHUNG: So the wetland clearance form was rejected because it has wetlands on the property, so we -- through -- going through the wetlands permitting and the steep slope permitting with the Engineering Department, the Engineering Department did issue a letter approving it, because we went through the Planning Board.

MS. DENKENSOHN: Okay. Is that -- I did not see that in the package. Is that in the package?

MR. CHUNG: It's not in the package. There is a letter. It's -- it's like a form -- form 5B or something that the Engineering Department issues.

MS. GERRITY: If I may, so when a -- when there's wetlands or steep slopes on a property, the -- administratively, the departments will reject them and refer them to the Planning Board for their review.

That's been reviewed and there's the variances that are required, so it's coming to the Zoning Board. It will then go back to the Planning Board for the completion of the review of the slopes and wetlands.

MR. CHUNG: Right, so at the request of the Planning Board, we were here at the Zoning Board for these two variances.

MR. BLIER: Does the driveway that comes off of the cul-de-sac, does it have 25 feet of frontage on a public

road?

CHAIRPERSON BUNTING-SMITH: What did you say?

MR. BLIER: Does the --

MR. CRICHLLOW: Into the microphone.

MR. BLIER: Does the driveway that they're going to be piggy-backing off of have 25 feet of frontage on the existing public road? That was my question. And, Louis, said, yes.

MR. CHUNG: So our lot does not have -- so we're -- we're proposing zero feet of street frontage, because our driveway goes into the shared driveway.

MS. GERRITY: I believe it's 14 feet at the --

MR. CHUNG: The width, yes, so that's the second -- that's the second variance that we're looking for is, as per New York State Consolidated Town Law 280-a, access to the house, the driveway needs to be 15 feet. The width of the existing driveway now is 14 feet.

MR. KOHN: Sorry, I just want to jump in. My name is Guy Kohn. I am the owner of the property, an architect. Just to answer your question directly: The strip of land that you see -- let me show you right -- if I can get the cursor up there -- that little frontage is 25 feet where the driveway enters into the property already, so there's a Town right-of-way along there that you see.

It looks like two long strips, that's 50 feet.

That's a 50-foot right-of-way. And we, actually, own the property below, to the south of that existing driveway. That came along with the sale of the house.

And that was originally put there to allow a Town road to be built. They were planning on doing a five-lot subdivision there, so when we bought the property, that had been sort of, I guess, abandoned back in 2012, I believe.

And so the Town right-of-way still existed, but it made no sense to use the property that we owned already, because there are steep slopes there and it impacts our neighbor's property fairly significantly.

And there's -- there's already retaining walls along there, so if we had to widen that, and not use the preexisting driveway, we'd have to build massive retaining walls, you know, affect the neighbor's property, affect their steep slopes, affect the stormwater, affect -- you know, it would be very, very, disruptive, so the solution was keep using the existing driveway.

And because of this particular Town Code variance or Town Code, we had to ask for a variance, because we don't actually have 25-foot frontage connecting right up to the cul-da-sac, so that's -- I may -- sorry to interrupt, Andy. I think you described it pretty well, but I just wanted to clarify that.

MR. BLIER: Wait. I'm a little confused. You said

there's 50 feet there, some of which you own, some of you don't own.

MR. KOHN: That's correct.

MR. BLIER: And the existing driveway there is 14-feet, not -- not 15 feet, but, obviously, your land, plus the use of the existing driveway, would be in excess of 25 feet.

MR. KOHN: The strip -- if I can just clarify that. The strip where the driveway currently is, is 25-feet wide. That's just the strip of --

MR. BLIER: Land.

MR. KOHN: -- you can the dividing line, but the actual driveway is less.

MR. BLIER: I understand. Okay. Thank you.

MR. CHUNG: So we are requesting these two variances for this lot so we can go back to the Planning Board.

MR. KOHN: Maybe one other thing: Andy has some pictures to kind of show you the condition, to give you a better idea of how it's sort of situated.

MR. CHUNG: So the top picture is us standing on the property looking at shared driveway, the existing house on the left-hand side there. As we scroll down -- so this next picture shows -- we're standing at the top of the hill, looking down the shared driveway. And you can see the

guardrail on the right side. There's a steep slope going down the right side and you can see the -- pretty much a wooded hill on the left side.

MR. BLIER: And the grassy area to the right is the part that goes with the property in question?

MR. CHUNG: The area to the right is the neighboring property. That's an existing --

MR. KOHN: Well that is -- that is that strip that we own.

MR. CHUNG: Yeah.

MR. KOHN: So where the guardrail is, a little bit past that to the right, that's the property line runs along that and then it -- it extends 25 feet, basically, down the hill.

MR. CHUNG: This -- this picture shows the top of the hill, basically, where the existing manhole that we're going to be connecting to. This is a picture of the end of Blueberry Hill Road. That's the cul-de-sac at the entrance of the shared driveway.

And here's a view of the end of Blueberry Hill Road cul-de-sac looking into the shared driveway. And then here are a couple of views of the project site where the proposed house is going.

MS. DENKENSOHN: Can you back up one?

MR. CHUNG: Yep.

MS. DENKENSOHN: Can you backup one more? Okay. Stop. Peter, is that what you were talking about? Is that the 25 feet connecting to the cul-de-sac?

MR. BLIER: Yes.

MS. DENKENSOHN: Okay. And you're saying that is 25 feet?

MR. KOHN: Yes.

MR. CHUNG: Width, yes.

MR. KOHN: Not the actual driveway, but the entire width of that partially -- that right-of-way.

MS. DENKENSOHN: Okay.

MR. BLIER: Yeah.

MS. UEBERLE: And have you checked to make sure like, emergency vehicles can get up here? Like, the fire engines and ambulances and turn around and everything and get back down?

MR. CHUNG: That was actually a comment from the Engineering Department. They were satisfied with our -- with our response.

MS. UEBERLE: Okay. And.

MR. CHUNG: And then the last few pictures are really just pictures of the existing site, what it looks like. It's wooded. There's a lot of barberry and invasive species that will be removed.

We've submitted tree removal plans and landscaping

plans that have been reviewed by the conservation advisory council, so we've -- we've -- I think we've done everything that -- that there was to do.

MS. DENKENSOHN: Just help me understand, if you would; that the second variance you need is says, Access for the proposed structure is over an existing shared driveway by easement, which is substandard requiring variance, so that's the width issue?

MR. KOHN: Correct.

MR. CHUNG: Correct.

MS. DENKENSOHN: Okay. And so the two variances, one is the street frontage of 25 feet and the other is the width issue that you want to make it 14 rather than 15.

MR. KOHN: That's correct --

MR. CHUNG: But existing 14 feet, we're not proposing on adding any additional width to the existing shared driveway.

MR. KOHN: And if you just actually notice from this picture, that the driveway pretty much ends at that guardrail, so if we even widen it another foot, then we'd have to build out and down the slope as well.

MS. DENKENSOHN: Have you seen the letter from your neighbor?

MR. CHUNG: Yes.

MR. KOHN: We have. We have. And that's not

really the issue that we're addressing at this particular meeting.

MS. DENKENSOHN: That's going to all four of the other agencies.

MR. KOHN: That's correct, but I just want to address one other thing is that part of what we plan on doing when we do this -- this project is that we're going to have to trench-out the driveway in order to bring utilities up there.

And so we're -- as part of the easement agreement that we have with all the neighbors, we're going to repave the entire driveway. And there's an issue at the bottom of the driveway where there's flooding. There's, historically, flooding that's gone into our neighbor's garage.

I think our neighbors here and he's aware of that. And we plan on changing the actual drainage slope and put a drain so it no longer floods into his garage, so that's part of the whole project.

MS. DENKENSOHN: And you're paving it with impervious or pervious?

MR. KOHN: Asphalt. The same as it is now. It would be -- to put anything pervious would probably be dirt or, you know, and -- and I don't think that would be an improvement.

MS. DENKENSOHN: How about; stone tiles, concrete

tiles --

MR. KOHN: They're not allowed by the Town of Greenburgh.

MS. DENKENSOHN: Oh.

CHAIRPERSON BUNTING-SMITH: Any other questions? Anyone? Yes.

MR. LIEBERMAN: A couple questions: Did I understand you to say that the easement that presently exists is of -- to two parties and you're going to be tacking onto them; is that correct?

MR. KOHN: Let me just clarify: We have an easement already in place, legally recorded in Westchester. That is with our two neighbors to maintain and also improve the driveway.

MR. LIEBERMAN: I just wanted to make sure that you didn't have to modify that easement.

MR. KOHN: No.

MR. LIEBERMAN: Okay. Secondly, do you have an existing -- is there an existing maintenance agreement -- well, you haven't built anything yet, so I would be surprised to find out that you have a maintenance agreement to maintain something that doesn't exist yet.

MR. KOHN: No. The easement includes the maintenance agreement of the shared driveway.

MR. LIEBERMAN: To the extent that it would cover

this project.

MR. KOHN: For as long as we live there. Before the project and then as long as we live there.

MR. LIEBERMAN: Okay. And I realize this may be a planning issue, but have you discussed this with the fire department in terms of the adequacy of access?

MR. KOHN: Well, as Andy mentioned, we showed this to the Building Department. We have areas carved out for trucks to pass one another, so it's been approved, as far as the Town goes, as far as the site plan.

And they said it complies with the fire department requirements. We haven't actually talked to the fire department, but we depended on their expertise to -- to validate what we had designed.

MR. CHUNG: The Town Engineering Department has reviewed the site access for fire vehicles and they were satisfied with our revisions.

CHAIRPERSON BUNTING-SMITH: Anyone else?

MR. MONK: Yeah. I'd like to speak for a moment. My name is Jonathan Monk. I'm at 8 Blueberry Hill Road on the screen there.

I'm not sure if this is the appropriate forum, necessarily, to raise my concerns, but I know the letter I wrote was mentioned. I was just interested in entering into the minutes my concern about stormwater and drainage, which

there are extensive, encouraging plans regarding all of that.

I'm just not sure what recourse I have as far as having engineering oversight during construction. And I just wanted to say that here. I'm not sure if that's supposed to be mentioned at the Planning Board. The forthcoming Planning Board meeting, but something I wanted to mention tonight.

CHAIRPERSON BUNTING-SMITH: I think you'd have to ask not us.

MR. MONK: Okay.

CHAIRPERSON BUNTING SMITH: We're just here for variances.

MR. MONK: Yeah. Neither of which I have an issue with, so, thanks.

CHAIRPERSON BUNTING SMITH: Anyone else? Going once, going twice -- that's it. We are going to our deliberations.

(Whereupon, a recess is taken before the Board begins their deliberations.)

\* \* \* \*

(Recording in progress.)

CHAIRPERSON BUNTING-SMITH: All right.

We have completed our deliberations this evening. And I'm going to tell you what our decisions were, so, number one Case is 25-39, which is Sprouts Farmers Market.

And whereas the Greenburgh ZBA has reviewed the above-referenced application with regard to SEQRA compliance.

And now, therefore, be it resolved that the subject application is a type-two action requiring no further SEQRA consideration. Do I have a --

MS. KNECHT: Second.

CHAIRPERSON BUNTING SMITH: -- a second. Okay. All in favor?

MS. DENKENSOHN: Aye.

MS. UEBERLE: Aye.

MR. BLIER: Aye.

MS. KNECHT: Aye.

MR. CRICHLow: Aye.

CHAIRPERSON BUNTING-SMITH: And --

MS. UEBERLE: I have a motion.

CHAIRPERSON BUNTING-SMITH: Thank you.

MS. UEBERLE: I move that the application in case 25-39 be granted, provided that the applicant obtain all necessary approvals and file same with the Building

Department. Construction shall begin no later than 12 months after the granting of the last approval required for the issuance of a building permit and proceed diligently thereafter in conformity with the plans.

It says -- it looks as they're dated April 4th, 2025, and revised July 2nd, 2025, but I don't think those are correct, so in the official motion and findings for the record, I will confirm that.

Submitted in support of this application or as such plans may be hereafter modified by another approving Board or agency or officer of the Town, provided that such modification does not require a different or greater variance than what we are granting herein.

The variances being granted are for the improvements shown on the plans submitted in support of this application only. Any future or additional construction that is not in conformity with the requirements of the Zoning Ordinance shall require variances, even if the construction conforms to the height, setback or other variance we have approved herein.

MR. LIEBERMAN: You should also make it clear that you're only granting the one variance. That they've withdrawn the second variance.

MS. UEBERLE: Okay.

MR. LIEBERMAN: You should make that a condition.

MS. UEBERLE: Okay. Well, it has from the section also. Okay. I'll check the dates and I'll put that in there also.

MS. KNECHT: Second.

CHAIRPERSON BUNTING SMITH: All in favor?

MS. UEBERLE: Aye.

MS. DENKENSOHN: Aye.

MS. KNECHT: Aye.

MR. CRICHLLOW: Aye.

MR. LIEBERMAN: Due to the lateness of the hour --

CHAIRPERSON BUNTING-SMITH: Yes. I wasn't an, aye.  
I was a, no.

MS. UEBERLE: Okay. Due to the lateness of the hour, the findings can be found in the record.

MR. LIEBERMAN: Will be found.

MS. UEBERLE: Will be found in the record.

\* \* \* \*

CHAIRPERSON BUNTING-SMITH: And the next case is Case 26-02, Hilmar Holdings, Jimmy John's/Dunkin'.

And whereas the Greenburgh ZBA has reviewed the above-referenced application with regard to SEQRA compliance. And now, therefore be it resolved that the subject application is a type two action requiring no further SEQRA consideration.

MS. KNECHT: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. KNECHT: Aye.

MS. DENKENSOHN: Aye.

MS. UEBERLE: Aye.

MR. CRICHLLOW: Aye.

MR. BLIER: Aye.

MR. BLAND: Abstain.

CHAIRPERSON BUNTING SMITH: Chair votes aye.

MR. BLIER: Madam Chair, I have a motion to read.

CHAIRPERSON BUNTING SMITH: Thank you.

MR. BLIER: I move that the application in the Number 26-02 be granted, provided that, one, the applicant obtain all necessary approvals and file the same with the Building Department.

Number two, construction should begin no later than 12 months after the granting of the last approval required for the issuance of a building permit and proceed diligently

thereafter in conformity with the plans dated September 10th, 2025, and stamped, received, January 12th, 2026, submitted in support of this application or as such plans may be hereafter modified by another approving Board or agency or officer of the Town, provided that such modification does not require a different or greater variance than what we are granting herein.

Three, the variances being granted are for the improvements shown on the plans submitted in support of this application only. Any future or additional constructions that is not in conformity with the requirements of the Zoning Ordinance shall require variances, even if the construction conforms to the height, setback and other variances that we've approved therein -- herein.

MS. KNECHT: Second.

CHAIRPERSON BUNTING SMITH: All in favor?

MS. DENKENSOHN: Aye.

MS. UEERLE: Aye.

MS. KNECHT: Aye.

MR. BLIER: Aye.

MR. CRICHLLOW: Aye.

MR. BLAND: Abstain.

CHAIRPERSON BUNTING SMITH: Abstain -- no, I'm going to deny.

MR. BLIER: And due to the lateness of the hour,

the -- do we say that or you say it? -

CHAIRPERSON BUNTING-SMITH: Each one we have to say it.

MS. KNECHT: Yes.

CHAIRPERSON BUNTING-SMITH: Okay.

MS. KNECHT: Due to the lateness of the hour, the findings will be available on the record at a later date.

CHAIRPERSON BUNTING-SMITH: Thank you.

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CHAIRPERSON BUNTING-SMITH: And the next case is 26-05, Best Buy. There is no variance required. Whereas the Greenburgh ZBA has reviewed the above-referenced application with regard to SEQRA compliance. And no therefore --

MR. LIEBERMAN: If no variance is required --

CHAIRPERSON BUNTING-SMITH: No variance is required. Thank you. And the next case --

MR. LIEBERMAN: Well you should put on the record that you were advised by the deputy building inspector that.

MS. KNECHT: We were advised by the building inspector for Case 26-05, that no variance is required. No area variance is required. Thank you.

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CHAIRPERSON BUNTING-SMITH: And Case 26-06, SLAC  
Holdings, is adjourned to May 21st.

\* \* \* \*

CHAIRPERSON BUNTING-SMITH: And the next case is  
26-07, Pavan Gadiyaram. And that one's also adjourned to  
May 21st, 2026.

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CHAIRPERSON BUNTING-SMITH: And the last case we have is Case 26-08, Guy and Debra Kohn. And whereas the Greenburgh ZBA has reviewed the above-referenced application with regard to SEQRA compliance. And now, therefore, be it resolved that the subject application is a type-two action requiring no further SEQRA consideration.

MS. KNECHT: Second.

CHAIRPERSON BUNTING SMITH: All in favor?

MS. DENKENSOHN: Aye.

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

MR. CRICHLLOW: Aye.

MR. BLAND: Aye.

MR. BLIER: Aye.

CHAIRPERSON BUNTING SMITH: And the Chair votes, aye. And do we have a motion?

MS. DENKENSOHN: Yes, Madam Chair. I move that the application in Case 26-08 be granted -- I move that the application in Case 260-8 be granted, provided that one, the applicant obtain all necessary approvals and file same with the Building Department.

Two, construction shall begin no later than 12 months after the granting of the last approval required for the issuance of a building permit and proceed diligently thereafter in conformity with the plans stamped and received

March 16th, 2026, submitted in support of this application, or as such plans may be hereinafter modified by another approving Board or agency or officer of the Town, provided that such modification does not require a different or greater variance than what we were are granting herein.

Three, the variances granted are for the improvements shown on the plans submitted in support of this application only. Any future or additional construction that is not in conformity with the requirements of the Zoning Ordinance shall require variances, even if the construction conforms to the height, setback or other variances we approved herein. The findings will be available tomorrow or in the next few days.

MS. KNECHT: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. UEERLE: Aye.

MS. KNECHT: Aye.

MR. BLAND: Aye.

MR. CRICHLLOW: Aye.

MS. DENKENSOHN: Aye.

MR. BLIER: Aye.

MS. DENKENSOHN: The findings will be available on the website in the next few days.

CHAIRPERSON BUNTING SMITH: Yes. And the next regular scheduled meeting of the Greenburgh Zoning Board of

Appeals will be Thursday, May 21st, beginning at 7 p.m.

So I wish everybody a Happy Mother's Day. And, hopefully, we will actually have some real spring.

(Recording stopped.)

(Whereupon, the ZBA meeting for April 16, 2026, is adjourned to the next meeting of May 21st, 2026, at 7:00 p.m.)

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\* \* \* \* \*

THIS IS TO CERTIFY THAT THE FOREGOING  
IS A TRUE AND ACCURATE TRANSCRIPTION  
OF THE ORIGINAL STENOGRAPHIC RECORD.

Michael DeMasi

Michael A. DeMasi, Jr.  
Official Court Reporter