TOWN OF GREENBURGH
ZONING BOARD OF APPEALS Meeting Results
Thursday, October 15, 2026

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TOWN OF GREENBURGH
2026 OCT 20 A 11:52

The Meeting of the Zoning Board of Appeals (ZBA) of the Town of Greenburgh was held on October 15, 2026, in Greenburgh Town Hall and online via Zoom. Chairperson Bunting-Smith called the meeting to order at 7:14 P.M.

Members Present: Chairperson Eve Bunting-Smith, William Bland, Peter Blier, Howard Jacobowitz, Diane Ueberle, Kristi Knecht, Louis Crichlow

Absent: Shauna Denkensohn

Staff: Ed Lieberman Esq., Deputy Town Attorney
Elizabeth Gerrity, Assistant Building Inspector
Jais Skaria, Building Plans Examiner
Cathleen Lockwood, Secretary to the Zoning Board of Appeals

1. **Case No. ZBA 26-16: CNLI AMF II LP A.K.A White Plains Bowl, *47 Tarrytown Road (P.O. White Plains, NY 10607) – Sign Variance***
Applicant is requesting a sign variance from Section 240-3D(7)(a) of the Sign and Illumination Law to increase the maximum height of an illuminated wall sign (Lucky X Strike) from 2 ft (permitted) to 2 ft. 6 in. (proposed) to replace wall signage on the subject property. The property is located in the IB - Intermediate Business District and is designated on the Town Tax Map as parcel ID: 8.80-42-7

CASE 26-16 ON A MOTION BY MR. JACOBOWITZ, SECONDED BY MR. CRICHLOW, THE BOARD VOTED TO GRANT THE REQUESTED VARIANCES. VOTING WAS AS FOLLOWS: CHAIRPERSON EVE BUNTING-SMITH: AYE, LOUIS CHRICHLOW: AYE, KRISTI KNECHT: AYE, WILLIAM BLAND: AYE, PETER BLIER: AYE, HOWARD JACOBOWITZ: AYE, DIANE UEBERLE: AYE

2. **Case No. ZBA 26-17: Kindred Maison LLC, *1440 Saw Mill River Road Ardsley, NY 10502* – Area Variance**
Applicant is requesting an area variance from Section 285-36G(3) of the Zoning Ordinance which restricts swimming pools to the rear yard only, in order to allow for the pool to be in a side yard (proposed). The property is located in the R-20 One Family Residence District and is designated on the Town Tax Map as parcel ID: 8.100-53-35

CASE 26-17 ON A MOTION BY MS. UEBERLE, SECONDED BY MR. CRICHLOW, THE BOARD VOTED TO GRANT THE REQUESTED VARIANCES. VOTING WAS AS FOLLOWS: CHAIRPERSON EVE BUNTING-SMITH: AYE, LOUIS CHRICHLOW: AYE, KRISTI KNECHT: AYE, WILLIAM BLAND: AYE, PETER BLIER: AYE, HOWARD JACOBOWITZ: AYE, DIANE UEBERLE: AYE

3. **Case No. ZBA 26-23: Guy and Debra Kohn, *9 Blueberry Hill Road, Irvington, NY 10533* – Area Variance**
Applicant is requesting an area variance from Section 285-40C(5) of the Zoning Ordinance to permit an increase in the maximum allowable fence height within the front and side yards from 6 ft (permitted) to 8 ft (proposed). 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

CASE 26-23 ON A MOTION BY MR. BLIER, SECONDED BY MR. CRICHLOW, THE BOARD VOTED TO GRANT THE REQUESTED VARIANCES. VOTING WAS AS FOLLOWS: CHAIRPERSON EVE BUNTING-SMITH: AYE, LOUIS CHRICHLOW: AYE, KRISTI KNECHT: AYE, WILLIAM BLAND: ABSTAIN, PETER BLIER: AYE, HOWARD JACOBOWITZ: AYE, DIANE UEBERLE: ABSTAIN

4. **Case No. ZBA 26-24: Raship Celo, Manhattan Park Apartments,** *66 Beech Street, White Plains, NY 10603* – Area Variances
Applicant is requesting renewal of previously granted area variances in order to complete development of the site. The prior ZBA variances include relief under Section 175, Attachment 4:1 of the Zoning Ordinance to increase the number of stories from 2-1/2 stories (permitted) to 3 stories (proposed); to increase the height of the building from 25 feet (permitted) to 30.4 feet (proposed); to reduce the rear yard setback to the principal building from 25 feet (required) to 17.75 feet (proposed); and from Section 285-40(C)(2) to reduce the rear yard setback from proposed decks from 20 feet (required) to 10 feet (proposed). The variances sought to be renewed herein were approved when the lot was located in the UR - Urban Residential District. The property is presently located in the R-5/LMF, One Family / Limited Multi-family Residence District and is designated on the Town Tax Map as parcel ID:7.410-222-10

CASE 26-24 WAS CLOSED FOR DECISION ONLY BY THE BOARD TO THE NOVEMBER 19, 2026, MEETING

5. **Case No. ZBA 26-25: Cohen Revocable Trust,** ***30 Woods End Road, Hartsdale, NY 10530*** **– Area Variances**
Applicant is requesting area variances from Section 285-12B(4)(c) of the Zoning Ordinance, which requires a minimum total of two (2) side yards of 40 feet, where 29.3 feet is proposed; and from Section 285-42C(1), to permit an enlargement of an existing nonconforming structure so as to increase its nonconformity, in order to allow for a home extension. The property is located in the R-20 - One Family Residence District and is designated on the Town Tax Map as parcel ID:8.190-137-21

CASE 26-25 WAS ADJOURNED FOR ALL PURPOSES BY THE BOARD TO THE NOVEMBER 19, 2026, MEETING

DATE FOR NEXT MEETING
The next regularly scheduled meeting of the Greenburgh Zoning Board of Appeals will be held on Thursday, November 19, 2026, beginning at 7:00 pm.

Respectfully Submitted,

Cathleen Lockwood

Cathleen Lockwood
Secretary to the Zoning Board of Appeals

RECEIVED
Planning & Zoning
October 20, 2026

STATE OF NEW YORK
TOWN OF GREENBURGH
----------x
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
----------x

October 15, 2026
Greenburgh Town Hall
7:00 p.m.
177 Hillside Avenue
Greenburgh, New York

BOARD MEMBERS:

*****

Eve Bunting-Smith, Chairperson
Kristi Knecht
Louis Crichlow
Diane Ueberle
Peter Blier
Howard Jacobwitz

STAFF MEMBERS:

*****

Edward Lieberman, Esq., Deputy Town Attorney

Jais Skaria, Building Plans Examiner

Liz Gerrity, Deputy Building Inspector

Cathleen Lockwood, Secretary to the ZBA

MICHAEL A. DeMASI, JR.
OFFICIAL COURT REPORTER

(Whereupon, at 7:14 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: It is now time for us to go to our Zoning Board meeting.

(Cellphone interruption.)

CHAIRPERSON BUNTING-SMITH: Can we have the roll call?

MS. LOCKWOOD: We're going to begin our roll, Madam Chair.

CHAIRPERSON BUNTING-SMITH: Yes.

MS. LOCKWOOD: Eve Bunting-Smith?

CHAIRPERSON BUNTING-SMITH: Here.

MS. LOCKWOOD: Kristi Knecht?

MS. KNECHT: Here.

MS. LOCKWOOD: Louis Crichlow?

MR. CRICHLOW: Here.

MS. LOCKWOOD: Diane Ueberle?

MS. UEBERLE: Here.

MS. LOCKWOOD: William Bland -- is absent. Shauna Denkensohn -- is absent. Peter Blier?

MR. BLIER: Here.

MS. LOCKWOOD: Is here. Howard Jacobwitz?

MR. JACOBWITZ: Present.

MS. LOCKWOOD: Is present. And that concludes our

roll call, Madam Chair.

CHAIRPERSON BUNTING-SMITH: All right.

MR. LIEBERMAN: Madam Chair, in view of the fact that there are some absentees tonight, I think you should formally authorize the alternate member to vote and participate.

CHAIRPERSON BUNTING-SMITH: All right.

(Cellphone interruption.)

MR. LIEBERMAN: Let the record reflect that Mr. Bland has appeared and correct the roll call.

CHAIRPERSON BUNTING-SMITH: I'm sorry. What did you say at the end?

MR. BLAND: Correct the roll call to reflect.

MS. LOCKWOOD: Yes. I have him as present. Thank you.

CHAIRPERSON BUNTING-SMITH: Thank you, so now the meeting of the Zoning Board of Appeals for the Town of Greenburgh will now come do order. We have five cases scheduled for tonight's meeting, however, do we have any --

(Cellphone interruption.)

CHAIRPERSON BUNTING-SMITH: Madam Secretary, is there anyone of the cases that have been?

MR. LIEBERMAN: No.

MS. LOCKWOOD: No, there is not.

CHAIRPERSON BUNTING-SMITH: Thank you. Looking

forward, the ZBA will have our next meeting on Thursday, November 19th. Please, mark your calendar accordingly.

We may limit the time to hear each case. If we could not finish hearing a case, it will be adjourned to another meeting to be completed at that time.

As in the past, in order to save time, we waive the reading of the property location and the relief sought for each case, however, the reporter will inert this information in the record. This information also appears in the agenda for tonight's meeting.

After the public hearing of tonight's cases, the Board will come to meet to discuss each case. At that time, everyone is welcome to listen to our deliberations, but the public will not be permitted to speak or participate at that time.

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've heard testimony on one of these cases at a prior meetings. All prior testimony is already in the record and should not be repeated.

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Case No. ZBA 26-16: CNLI AMF II LP A.K.A White Plains Bowl, 47 Tarrytown Road (P.O. White Plains, NY 10607) – Sign Variance.

Applicant is requesting a sign variance from Section 240-3D(7)(a) of the Sign and Illumination Law to increase the maximum height of an illuminated wall sign (Lucky X Strike) from 2 ft (permitted) to 2 ft. 6 in. (Proposed) to replace wall signage on the subject property. The property is located in the IB - Intermediate Business District and is designated on the Town Tax Map as parcel ID: 8.80-42-7.

CHAIRPERSON BUNTING0SMITH: The first case tonight we have is 26-16, White Plains AKA White Plains Bowl.

MS. ARCURI: Hi. My name is Tina Arcu -- Arcuri. I'm at 5374 Greggs Landing, in North Charleston, South Carolina.

CHAIRPERSON BUNTING-SMITH: Yes. Go ahead.

MS. ARCURI: We actually made the modifications as suggested by the Board. And we are hoping that these will satisfy any of the issues that you guys had with the signage.

CHAIRPERSON BUNTING-SMITH: Any questions from the Board with respect to what they have now provided?

MR. JACOBWITZ: Yeah. I mean, I'm looking at the drawings and it appears that you're -- you've revived your

request to two feet -- two-and-a-half-feet; is that correct?

MS. ARCURI: So the -- the -- the actual -- so there -- the size of the letters are different sizes and that's what we tried to depict --

MR. JACOBWITZ: Right.

MS. ARCURI: -- and the -- the letters on the inside, we made them what -- what's per Code. And then, obviously, they do go out and some of them are a little larger, but the initial letters, as suggested by the Board, we made to Code.

MR. LIEBERMAN: Let me suggest that the Board, that the applicant be required to at least explain on the record what changes were made between last month's submission and tonight.

CHAIRPERSON BUNTING-SMITH: And this month's submission. Can you do that for us?

MS. ARCURI: Sure. Can you guys bring up the other page of the signage to show the letters?

MS. LOCKWOOD: Yes. I'll do that.

CHAIRPERSON BUNTING-SMITH: Yes.

MS. LOCKWOOD: This is the previous signage that you had for the last meeting and then this is the new signage. Is there one that you want me to show?

MS. ARCURI: Yeah. Yes. Can you show the page that actually shows the letters? Just the letters, not the

elevation. Yes, there we go.

MS. LOCKWOOD: Okay.

MS. ARCURI: Okay, so these -- I can't make them bigger -- oh, there you go, so is this the -- is this last month or --

MR. BLIER: That's this month.

CHAIRPERSON BUNTING-SMITH: This month.

MS. LOCKWOOD: This is this month.

MR. JACOBWITZ: Present.

MS. ARCURI: Can you show the last month?

MS. LOCKWOOD: Sure.

MS. ARCURI: Please, sorry.

MS. LOCKWOOD: Yep. No problem. Let me try to make it a little bigger for you.

MR. JACOBWITZ: Right.

MS. ARCURI: Right. There you go, so last month they had the three-foot on the inside of -- so you could see the -- the X and the outer L and E, were three feet.

What we did, if you can switch to now this month -- what we did was we reduced, on recommendation of the Board, we reduced the X and the E and the L, the outer letters, and the -- that one X, down to two-and-a-half feet, so it was -- yeah. I mean, it was on recommendation of the Board, so that's -- that's how we did it.

MS. UEBERLE: Okay, but just a question: You had

said that the smallest letter meets Code, but it looks like the smallest letter --

MS. ARCURI: Right. No.

MS. UEBERLE: -- doesn't meet Code.

MS. ARCURI: I'm sorry. It -- it doesn't meet Code. I apologize. It -- it was -- we just brought it down on recommendation because the -- the Board recommended that we reduce the larger letters down to, you know, more of a -- a -- a -- I mean, listen, the -- the larger letters -- is it -- the way the logo is, it's very difficult, so if you look at the S and the Y, those are only two-feet-and-change, so those are -- are closer to the Code.

The X and the outer letters are going to be larger, because that's just how their logo is, so it's very difficult to -- to bring this whole sign down to Code.

MR. BLIER: What -- what we asked you to do was to start from being within Code, you got close, but you didn't manage to do it. I don't know mean to be nit-picky. I don't know what -- it sounds to me, from what you're saying, that this may even be a mistake, because the difference between starting at two feet versus 2.1-and-something, doesn't seem to be significant and yet that is where you started.

MS. ARCURI: Right. It's -- it's -- it's really a matter of the -- what's the word I'm looking for? The -- so

I -- I -- I feel, like -- I feel like this has been a lot of confusion with this whole -- this sign, because it is not just a symmetrical sign that all the letters are the same size, you know what I mean, so you guys had asked us to bring the outer letters down to two-and-a-half, so the interior letters were closer to Code.

MS. UEBERLE: I think my understanding is what Peter was and we thought that -- we understood that the current sign is in Code; right, but that there's a potential for readability, because there's a variance in size, so it was, like, well, start at Code, and work your way up.

And then you get to maybe two-and-a-half feet, but it wasn't like we were -- we weren't not saying to you, oh, we won't go any higher than two-and-a-half feet, so work your way down. It was the reverse, work your way up for readability.

MS. ARCURI: Right. To -- to make it symmetrical. To make the Y and the S at exactly two feet, it -- it doesn't work, like we worked the numbers. We tried to figure it out. And it -- it just didn't work, so that's why the Y and S are just slightly over Code at two-feet-one-and-a-half inches.

MS. UEBERLE: I don't want to be nit-picky, but why wouldn't it work?

MS. ARCURI: The -- I mean, you could see the --

the -- the numbers, like you could see the -- if you look at the -- the drawings, you could see it's, two, like -- like it's just the symmetry of how the logo goes. It -- it just -- they started at two-feet-six-inches and went down.

MS. UEBERLE: Yeah. We were saying, Start at two and go up. You did the opposite. We understand the scaleability.

MR. BLIER: Yeah, but the largest letters here are 2.6, not even 2.5, so I think -- I think there's a mistake here and she didn't even realize it.

MS. ARCURI: Well, no. Its -- two-and-a-half feet would be two-feet-six-inches.

MR. BLIER: Oh, I see.

MS. ARCURI: So the outer letters are in fact two-and-a-half inches.

MR. CRICHLOW: That's not what you were saying.

MS. UEBERLE: I don't have anymore questions.

MR. JACOBWITZ: I have none.

MS. ARCURI: So just to be clear, because if we're going to have to come back again, we just want to make sure that we get this right. You guys are looking for the outer -- the inner letters to be at two feet at Code. And then work our way out from there. And even if the -- so -- so it doesn't matter the outer letters are two and-a-half feet. It's -- it's whatever they come in at for symmetry because

that's -- that's what this -- this sign it's -- again, it's a very difficult sign, because of the symmetry of it. That it goes from bigger to smaller and then bigger, again, so just to be clear, because we're going to -- obviously, have to come back again. I want to make sure we get it right this time.

You guys are looking for the Y and the S to be at Code at two-feet --

MS. UEBERLE: I think.

MS. ARCURI: And work our way out versus what they did?

MS. UEBERLE: Let us have our discussion and see if we need you to come back again.

Ms. ARCURI: Okay.

MS. UEBERLE: And if we do, then we can give you the instructions. Okay.

MS. ARCURI: I appreciate that.

CHAIRPERSON BUNTING-SMITH: Okay.

MS. ARCURI: Thank you.

CHAIRPERSON BUNTING-SMITH: Is anyone in the audience -- is there anyone else who wanted -- okay.

MS. UEBERLE: Thank you.

CHAIRPERSON BUNTING-SMITH: Thank you.

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Case No. ZBA 26-17: Kindred Maison LLC, 1440 Saw Mill River Road Ardsley, NY 10502 – Area Variance.

Applicant is requesting an area variance from Section 285-36G(3) of the Zoning Ordinance which restricts swimming pools to the rear yard only, in order to allow for the pool to be in a side yard (proposed). The property is located in the R-20 One Family Residence District and is designated on the Town Tax Map as parcel ID: 8.100-53-35.

CHAIRPERSON BUNTING-SMITH: The next case this evening is 26-17, Kindred Maison, LLC.

MR. ESCALADAS: Good evening. Emilio Escaladas, Escaladas and Associates. Let's make this quick, because you have a long night.

What we did after our last meeting was to meet. We met, actually, here and in our office -- in my office, with the client, who lives right immediately to the left. And we explained to him -- that's -- that's very interesting -- I saw him as a client -- the neighbor -- and that we explained to him what the -- the particulars were. We repeated. We made sure that everything was understood.

He was happy to, clearly, see what we had said and what we had already agreed at the meeting that we had after our meeting with the Board, so he was -- he was happy, so was the other gentleman that lives further west, with the -- with the issue with the wall.

They were assured that what we were presenting was not going to turn into a more than a one-family house, which it turned out to be his real fear. He thought that we could sell it and people -- two, three, four families, would move in there, so we guaranteed, that that's just not possible, because of the zoning and so on. And that was it, so that was the first issue.

The second issue was to -- I asked the Building Department -- not the building inspector that you see here -- the ladies and gentlemen in the front, who are quite well versed, and I said -- and she said, If you remove as much coverage as you possibly can and -- and guarantee that the -- not guarantee, but show that the pavement is in reference to the accessibility requirements for the garage. I'm sure that the building inspector will -- and that's exactly what we did in this building -- that drawing that you see here was submitted.

And it was agreed that the 30-by-30 footprint was adequate and it was allowed because the rest of the pavement is needed to -- to enter the setback, the front yard setback, so that, of course, doesn't count, so the 30 by 30 maximum footprint is -- is -- was -- we reduced the pavement that we had shown earlier.

And it turned out that he accepted it, and, therefore, only one variance was being requested officially

from your Board, which is the location of the pool, so, officially, the -- the 30 by 30 maximum is met. We don't need that variance.

And what we need from you is the -- accepting the location of the pool in the front of the house, which was the reason why we're here.

It is -- it is in -- it is in the front side. Front side, yeah, because -- and the Codes require it to be in the rear.

MS. UEBERLE: And you haven't made any changes to the position of the pool or the size of the pool?

MR. ESCALADAS: No. Everything stayed the same, except the -- the narrowing of the driveway.

MS. UEBERLE: Okay. Thank you.

CHAIRPERSON BUNTING-SMITH: Anyone else on the Board have any questions?

MR. BLIER: Do you have anything in writing from the neighbors who you spoke with?

MR. ESCALADAS: We had such a good time that I didn't think of that. We should have had -- we talked about the type of drinks that we were going to have in the pool. We did. We went through -- he was raised in Queens, so was I. Woodside. We talked about that -- you were too?

MR. JACOBWITZ: Yeah.

MR. ESCALADAS: Oh, my God. You're on the good

list now. Woodside? What street?

MR. JACOBWITZ: No, not Woodside. In Queens.

MR. ESCALADAS: Oh. Woodside's a special place.

MR. JACOBWITZ: I know.

MR. ESCALADAS: If you're from Woodside --

MR. JACOBWITZ: We didn't have a pool in Queens.

MR. ESCALADAS: -- you're one of the guys. And he was one the guys.

MR. JACOBWITZ: So you're asking -- the only variance you're asking for is the location of the pool?

MR. ESCALADAS: Correct.

MR. JACOBWITZ: Okay.

MR. ESCALADAS: Correct.

MR. JACOBWITZ: Got it.

MR. ESCALADAS: Remember the song, When you're a jet, you're a jet all the way. That's the neighborhood.

MR. CRICHLOW: You don't want that to go on the record, do you? He's having a hard time even keeping up with you.

MR. BLAND: For building: The only variance now is the pool?

MS. GERRITY: Yes.

MS. UEBERLE: Anybody here who wants to speak to that on the phone?

CHAIRPERSON BUNTING-SMITH: What type of -- did you

have in mind, would there be anything that would have to be, I guess, with some type of visitation? I'm not sure how the neighbor -- would the neighbors be able to see the pool without any kind of vegetation?

MR. ESCALADAS: Good question. And they asked that. And we showed them, successfully, the fact that the building, that middle finger, is two-and-a-half stories tall, so he cannot see through the building. He will never see.

His concern also is the sound of the pool. That's normal. And I said, That building mass will not allow you to hear anything. You'll hear the road trucks before you hear anybody laughing on the pool, so that was a question that they asked. And they asked it here, in fact.

And we guaranteed. We showed them. We said -- we said to them, No, this is a three-story element that blocks directly, not only their view, but the sound. The sound will bounce right off. They were happy.

I'm sure they're listening or they would be here.

MR. CRICHLOW: Where is the safety and security wall around the pool?

MR. ESCALADAS: You mean the room? The security room? I don't understand what you mean by that.

MR. CRICHLOW: No. I said, Wall.

MR. ESCALADAS: For a pool?

MR. CRICHLOW: Yes.

MR. ESCALADAS: We don't need a wall for a pool, we need a hole. I don't know why you're referring to a wall. You mean -- the -- oh, the wall. The essence of what -- the wall is the building itself.

The wall -- the -- the -- sound travels in a direct path, like light, so if you put an object, between the observer and the sound source, you won't hear it. That's why noise barriers work.

If you drive next to a noise barrier, you see that the height is the imaginary sound traveling from the wheel over the fence protecting the house on the other side, which is on a lower elevation. That's how they're designed. Sound is, totally, directional.

And mass, heavy, break, bar, concrete, is an excellent blocker of sound. It's like a -- it bounces it right, like a board, so there is absolutely no sound going to go through. None of it.

The linear patterns of the sound from the road will get -- will get your attention before the sound from the pool. Yeah. No. The distance. Yeah, of course. The distance, of course. I would say about 80 --

Oh, from the house to the property line, is 50-something. Yeah. That also is cleared up with them. We went over the trees that were -- were originally planned for

location, locating them in the back.

He seemed -- he seemed happy when he left. And remember, we're planting a lot of trees in the front as well as on the side.

Keep in mind, that the only other choice that we have for the pool location is closer to him, so we -- we've done the best with the neighbors in the rear.

Think of it this way, the pool in this location does not affect the neighbors in the rear, so if we had the pool in the back, an -- an additional expense of wall and excavation, now you would have the neighbor in the back, much closer to the pool activities, than where the pool is. That pool is the furthest away from everybody.

MR. CRICHLOW: Okay. I guess maybe you're not understanding my question or I'm not understanding your answer. What I'm talking about is the security fence.

MR. ESCALADAS: Oh, the -- the fencing. Oh, the fencing for the pool, yes. That hasn't been addressed yet. It's -- that's -- that's going to be dealt with the Building Department, but, of course, it has to meet -- you to have very specific rules about that.

And that -- that is handled when the Building Department issues the permit. They're very specific as to the details of the fence, it has to be located.

And, in fact, most people don't know this, but if

you put a fence around the outside, the -- the building line, itself, is considered a fence if the doors -- if the slides doors --

MR. CRICHLOW: Oh, come on. Come on. I understand that. I'm talking about the --

MR. ESCALADAS: Well, it would be located, of course.

MR. CRICHLOW: And is that -- is he telling the truth?

MS. GERRITY: So by -- by State quote, the fence -- the pool has to be fully enclosed with a self-latching gate. The pool, it has to be fully alarmed. And it has to have -- because they're using the structure as a barrier, they're going to have to alarm all the doors and windows on the exterior of the building, but we'll pick that up when it comes in, but they are required to have a minimum four-foot fence around the pool.

MR. CRICHLOW: Okay, so we don't need to see this plan presented to us this evening?

MS. GERRITY: No. We'll -- we'll pick that up when they come in for a building permit.

MR. CRICHLOW: Okay. That's a perfectly good answer. Thank you.

MR. ESCALADAS: What do you mean, Is he telling the truth? You shouldn't say that, Are you telling the truth?

That's a real bad thing to ask.

MR. CRICHLOW: Okay.

MR. ESCALADAS: I know what you meant to say, but you shouldn't have said it that way.

MR. CRICHLOW: Okay.

MR. ESCALADAS: I'm a licensed architect/engineer. Are you an attorney? Do you lie? I'm sorry, but I don't like that. You also said -- you asked a question -- and the building inspector -- and I -- and I did discuss the location of the green areas with -- with the Building Department. It was in the hallway.

It wasn't a formal drawing and request, but I did ask them that question, so I don't like that. And I should let you know, Don't ever say that in front of my -- I'm a licensed engineer/architect. I tell you exactly the truth. And you have to judge me by what I say.

CHAIRPERSON BUNTING-SMITH: All right. All right. That's not necessary.

MR. ESCALADAS: It is very much so. I'm 80-years old. I've been practicing for 47 years. What type of question is that? Is he telling the truth? Analyze that when you go to bed tonight. And you'll see that I'm right. We're still friends, but I can't let you get away with that.

MR. CRICHLOW: Oh, okay. That's good, but you realize, of course, that you're making that not sit very

well with me.

MR. ESCALADAS: It doesn't matter.

MR. CRICHLOW: Okay.

MR. ESCALADAS: You already offended me, so what do I have to lose? I'm 80-years old. I really don't care. I'm going to die soon --

MS. UEBERLE: Stop.

MR. ESCALADAS: I will not -- I will not let go.

MS. UEBERLE: Please, stop.

MR. ESCALADAS: Even though you're wrong, but you won't even admit it. Admit it.

MR. BLIER: You're not here to lecture anybody.

MR. ESCALADAS: I'm here to defend my name and I don't lie.

MR. BLIER: No one ever accused --

MR. ESCALADAS: You asked a question as if I'm implying I'm a liar. I don't like that. That's it.

MS. UEBERLE: I think we're done. We have what we need.

MR. ESCALADAS: I'm done. I'm done. Like I said, I'm from Woodside.

CHAIRPERSON BUNTING-SMITH: Anyone else in the audience?

MR. BLAND: Thank you.

* * * *

Case No. ZBA 26-23: Guy and Debra Kohn, 9 Blueberry Hill Road, Irvington, NY 10533 – Area Variance.

Applicant is requesting an area variance from Section 285-40C(5) of the Zoning Ordinance to permit an increase in the maximum allowable fence height within the front and side yards from 6 ft (permitted) to 8 ft (proposed). 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: Next case is 26-23, 9 Blueberry Hill.

MR. KOHN: Good evening, Members of the Zoning Board. My name is, Guy Kohn. I'm an architect and the owner of the property.

I'm here tonight for a variance, a two-foot variance, for a fence, a deer fence, that we're hoping to put up around the property.

I just want to mention that I, actually, don't like fences. I'd rather not put up a fence, unfortunately, necessity is the mother of this particular fence.

We're putting in a, quite extensive landscaping and planting. And the deer are, really pretty much, endemic, to this area. And there's actually no real way -- I'm not going to be out there every day spaying the property.

The other aspect and the other reason we're

requesting the fence is that we've had discussions with the Building Department and Engineering Department about erosion control.

And, originally, we were requested to put in two layers of wire, reinforced silt fencing, which would be thrown away at the end of the project, but in discussions with the Engineering Department, we suggested to put the silt fencing on the chain-linked fence and then just throw away the silt fencing after the property is finished, so we're allowed to put in a six-foot fence, as-of-right.

We're only asking for a two-foot variance, to make it an eight-foot fence. The fence is going to be a basic chain-linked fence, with a black vinyl coating.

I don't know -- do you have a picture of that we can put up there?

MR. JACOBWITZ: Yes.

MS. LOCKWOOD: Yes.

MR. KOHN: Picture -- I see you have a picture right there. I also have some picture -- some plans of the landscaping plan, in case you're interested in seeing that.

You can see, we're putting in over 5,000 new plants, trees, shrubs, various other things. Which is a significant investment and we want to try and protect it.

The fence will have gates around there in various places. We haven't, actually, decided exactly where the

gates are going to be, so you can access the rest of the property. The fence doesn't actually go around the entire border perimeter of the property.

It just encompasses the area where most of the landscaping and planting's going to be.

And that's pretty much it, so we request a two-foot variance, if you would allow.

MS. UEBERLE: So I have a question.

MR. KOHN: Sure.

MS. UEBERLE: You said that the Building Department is asking you put up a fence for erosion. Are they asking you to put up an eight-foot fence?

MR. KOHN: That's -- let me, just, sort of clarify that.

MS. UEBERLE: Okay.

MR. KOHN: As part of the construction process, we have to put in silt fencing. And, originally, the request was two layers of wire reinforced silt fencing, which is quite expensive. And then it will be discarded at the end of the project.

We suggested that we use the deer fence to support regular silt fencing, which is half the cost of one layer of the wire reinforced silt fencing, so the silt -- the -- the deer fence will act as the -- the way -- the way that we'll attach the silt fencing.

We won't need to put in the two layers of wire reinforced silt fencing. And then -- and then the deer fence stays and the silt fencing gets thrown away at the end.

MS. UEBERLE: So do you use a six-foot fence for that or does it have to be eight feet?

MR. KOHN: I could use a six-foot-fence, but deer can jump over six-foot fences.

MS. UEBERLE: I have deer that jump over my fences.

MR. KOHN: And that's -- and that's a problem. We -- we have a two -- two-acre property in Chappaqua, where I do a lot of my own -- I did the landscaping plan. I do my own landscaping and planting. And I'm constantly battling the deer. As you know, they even eat pine trees, so I -- I want to try and protect my investment here.

MR. BLIER: How many linear feet of fencing are you proposing?

MR. KOHN: About 1600.

MR. BLIER: And what -- I can't see on the map where the -- where the fence is. That looks, like it goes around the entire property.

MR. KOHN: Well, if we could pull out a little bit, zoom out a little bit. And -- that's actually not the entire fencing. Is -- is there another drawing that shows the entire? I think, maybe one of the other drawings. It's

not the entire perimeter of the property, but the drawing --

MR. BLAND: So while they find that, that would be my question.

MR. KOHN: Sure.

MR. BLAND: And I'm in a unique position to talk about deer, being in the Westchester County conservation and management program, kind of falls under the division that I work for.

If you're not planing on closing the entire property -- and I've seen deer jump over eight-foot fence, how would this help keeping the deer out of the property?

MR. KOHN: Well, deer cannot jump over an eight-foot fence.

MR. BLAND: I'm here to tell you, yes, they can. I've seen it happen. In person.

MR. KOHN: Okay. Well, you know, Michael Jordan can jump -- you know, he's sort of an unusual case too. It's not the average deer who could do that.

MR. BLAND: The second part to that too is it's not a complete deer enclosure. How do you prevent the deer from coming in the other end? I'm not -- I'm not opposed to having the deer enclosure, but if the entire property is not encapsulated, how do you plan on keeping the deer from coming up the driveway, for argument sake?

MR. KOHN: Well, I -- that's actually not the

entire fence drawing. That's just a site plan. It doesn't enclose --

MR. BLAND: Well, you said that it would not envelop the entire property.

MR. KOHN: Correct.

MR. BLAND: Whether she brings that up or not, I'm just going on your testimony now. That you said it will not completely envelop the property.

MR. KOHN: Correct.

MR. BLAND: So if we were in agreement with putting up the fence, and it's not for the purpose of keeping the deer completely out of the property, because part of the property is still open, then what's the envelop purpose?

MR. KOHN: Well, so, you know, this is only a partial plan. It encompasses, for some reason, I don't know the -- we don't have the entire plan, but there's going to be a gate at the front of the driveway. And that gate will be closed. It will be, you know, a motorized the gate.

Then the deer fence will come up to the gate, go around on the -- on the -- the fence line around where it's shown. And for some reason, once again the --

MS. LOCKWOOD: It's --

MR. KOHN: It's being cut off.

MS. LOCKWOOD: It's still on the X right here.

MR. KOHN: It's the line with the X. Correct.

MS. LOCKWOOD: And then is the -- the gate here in this section right here where the --

MR. KOHN: Correct. The gate's right there, so there'll -- there'll be a -- a cattle grate on -- on the driveway and there'll be a gate. And then, the fence will go up to the gate and then around on the fence liane.

MR. JACOBWITZ: So will it surround the property or not?

MR. KOHN: Well, once again, it doesn't encompass the entire perimeter of the property. It only encompasses -- it only encompasses the line which is indicated on the drawings.

MR. JACOBWITZ: Right, but couldn't the deer see -- I think what he's asking you about --

MR. KOHN: No.

MR. JACOBWITZ: Couldn't the deer sneak around the fence?

MR. KOHN: No.

MR. JACOBWITZ: Okay.

MS. UEBERLE: So it's an enclosed area?

MR. KOHN: It's an unclosed area. Do you have the plan?

MR. JACOBWITZ: It doesn't cover the entire property.

MR. KOHN: It doesn't cover the entire property.

MR. JACOBWITZ: But if you have an, especially-clever deer, he could not get around that fence?

MR. KOHN: He'd have to be really clever to get around that entire fence.

MR. JACOBWITZ: Right. Okay.

MR. KOHN: Or they'd have to slip -- and that's why we want to put a cattle grate on -- on the driveway to prevent -- just in case, when the gate is open, for some reason. If a delivery truck or we're coming in and out, the deer don't -- a very clever deer doesn't try to slip in because that's -- the cattle grate will prevent that.

MR. JACOBWITZ: I have a much more basic question, so I'm looking at the drawings. I am looking at our --

MR. KOHN: There you go.

MR. JACOBWITZ: I'm looking at the drawing. I'm looking at our agenda and it lists the property as 9 Blueberry Hill Road, Irvington; that's correct; right?

MR. KOHN: Yes.

MR. JACOBWITZ: Because there's a letter of permit denial which says the property location is 0 Peter Bont Road.

MR. KOHN: So let me explain that.

MR. JACOBWITZ: Yeah. What is that?

MR. KOHN: So -- so when he bought the property, it did not have an official address, so the Town assigned it,

Zero Peter Bond Road. We've subsequently gotten the address assigned to the property and now it's got an official address of 9 Blueberry Hill Road.

MR. JACOBWITZ: Okay. And it lists the owner as guy and Debra Kohn and an address in Mount Kisco. What is your -- I don't know if it relates to the variance request, but what is your intent with this property? Are you developing it to sell it? Are you going to live there? What are you going to do?

MR. KOHN: We're building our own home there.

MR. JACOBWITZ: Oh, okay. And when it's done, are you going to move or?

MR. KOHN: Yeah. Exactly.

MR. BLIER: What was the thought process to enclose only a portion of the property and not the whole property?

MR. KOHN: Well, for one, we've got a wetlands, if you noticed -- to the east, so we can't encroach in on the wetlands. We can go on that area. Then it's really not necessary to encroach the entire property because the rest is -- is basically forest and vacant land, so the whole -- the entire site is a wooded site.

And we're going to be doing most of the landscaping within the fence line. And -- so the -- there was no need -- and since the fence is black, it will, basically, disappear.

The neighbors are far away. There are no neighbors that actually can see, so I didn't want to put a fence right up to a -- a property line, especially, to the -- to the south, because we've got a neighbor there, so the -- the idea is to kind of hide the fence. And weave it in around the existing forested area and to cover it by -- by new landscaping.

And there's really no need to cover the rest of the property. The rest of the property is very hilly. And it's kind of, like a valley, so it would -- it wouldn't serve any purpose, really, to do that.

MR. BLIER: Thank you. You've been here before. We discussed because I remember --

MR. KOHN: Yes.

MR. BLIER: -- it's a hilly piece of property. Is the approach to the eight-foot fence from outside the fence, flat going up hill or going down hill into your property?

MR. KOHN: It's, essentially, flat.

MR. BLIER: It's essentially flat.

MR. KOHN: Yeah, so there's a driveway -- there's a driveway that -- there's a cul-da-sac at the end of Blueberry Hill Road.

And then there's a shared driveway with two houses currently on it. And then when it goes down to the bottom, it levels out. And so when you start going into the

property, it begins to gently slope, because there was -- there was an old Girl Scout camp in this site.

And prior to that, it goes back to Revolutionary War times. And there was an old road that, actually, went through it, so we're following the old road that went through there.

And it's, essentially, just, gently sloping at that point. It's pretty much, flat, and then sort of slopes up as you kind go up into where the driveway is.

MR. BLIER: Okay. When you excavate, are you going to look for artifacts?

MR. KOHN: We hired a archeologist right before we bought the property. And they did extensive testing and, thankfully, didn't find anything.

They dug fifty test holes around the property, sifted through it. Wrote a long report. I'm happy to give you the report, if you want.

MR. BLIER: The Girl Scouts were very very clean?

MR. KOHN: Well, I don't -- I can't vouch for that, actually, at this point, but it's been a long time since the Girl Scouts.

I think they left in, probably, '63, when the Blueberry Hill development was -- was built.

MR. JACOBWITZ: So is this property east or west -- where is the located in Irvington? East or west of Route 9?

MR. KOHN: Well, I can give you a better -- you know where Mountain Road is?

MR. JACOBWITZ: Yes.

MR. KOHN: So it's at the top of Mountain Road.

MR. JACOBWITZ: Oh, okay.

MR. KOHN: There's -- there's a conservation -- there's a large conservation area. I -- I forget the name of it.

MR. JACOBWITZ: So that means it's east of Route 9; right? It's -- its's not on the Hudson side of Route 9?

MR. KOHN: No.

MR. JACOBWITZ: It's on the other side. Okay.

MR. KOHN: This -- you know where that dangerous entry off the Saw Mill is?

MR. JACOBWITZ: Yes.

MR. KOHN: You -- you know, you go up the Mountain Road. And then it's on -- it's pretty much at the top of the hill, before you go down.

MR. JACOBWITZ: I do. Okay. Thank you.

MR. KOHN: Yep. Any other questions?

CHAIRPERSON BUNTING-SMITH: Anyone want to talk about the fence anymore? Height of it?

MR. KOHN: You can see that once you that -- that's the -- the full property. And you can see the boundary lines.

And then the line of the fence around it, so it's just, basically, around the area where we're doing the work and landscaping.

CHAIRPERSON BUNTING-SMITH: All right. Thank you.

MR. KOHN: Thank you for your time.

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Case No. ZBA 26-24: Rashid Celo, Manhattan Park Apartments, 66 Beech Street, White Plains, NY 10603 – Area Variances.

Applicant is requesting renewal of previously granted area variances in order to complete development of the site. The prior ZBA variances include relief under Section 175, Attachment 4:1 of the Zoning Ordinance to increase the number of stories from 2-1/2 stories (permitted) to 3 stories (proposed); to increase the height of the building from 25 feet (permitted) to 30.4 feet (proposed); to reduce the rear yard setback to the principal building from 25 feet (required) to 17.75 feet (proposed); and from Section 285-40(C)(2) to reduce the rear yard setback from proposed decks from 20 feet (required) to 10 feet (proposed). The variances sought to be renewed herein were approved when the lot was located in the UR - Urban Residential District. The property is presently located in the R-5/LMF, One Family / Limited Multi-family Residence District and is designated on the Town Tax Map as parcel ID:7.410-222-10.

CHAIRPERSON BUNTING-SMITH: And the next case is 26-24, 66 Beech Street, White Plains.

MR. MERHEB: Good evening, everyone. Let me just share my screen. I'm getting a password request.

MS. LOCKWOOD: Tech support. Share screen.

I can bring up the presentation here.

MR. MERHEB: Okay. It's only -- it's only going to be three things that I show. It's not much.

MS. LOCKWOOD: Okay. Sure. I can do that now.

MR. MERHEB: All right. Good evening, everyone. Jonathan Merheb. JMER Engineering, here with --

MS. UEBERLE: Could you -- could you speak up a little.

MR BLAND: Yeah.

MS. UEBERLE:

MR. MERHEB: -- here with Tho Anici Fowler [ph.], LLC, for Manhattan Park Apartments, 66 Beech Street, so we're here to request the renewal of four previously-approved area variances.

Originally, approved as Case Number 11-25, back in February of 2012 and then approved again in May 2014, as Case Number 14-02.

The project was -- actually, began in 2022. Construction had halted, so the four variances we are seeking to renew are the story height of -- the story number, from two-and-a-half permitted up to three, so a variance of an extra half story.

The height, from 25 feet, to 30.4, which is a -- a variance of 5.4-feet. Reduce the rear-yard setback from 25 feet to -- down to 17.75. And, the rear-yard area to the

deck, from the required 20-feet, down to ten feet, so the project is five town-homes, two and family -- two and three-bedroom.

If you want to go to the next -- the next page, so, as I've previously mentioned, construction began. This is the current state of the -- of the property, so the proposed renewals are keeping the -- the old plans. No changes.

Just a continuation and completion of the project that's already began. And that's --

MR. BLIER: You said this began in 2022?

MR. MERHEB: Yes.

MR. BLIER: Weren't the variances expired by then?

MR. MERHEB: I -- all the records show that the -- I mean, they were approved, renewed, and then the permit -- the building permit was from 2022, so I don't know what happened in between then, but that's the -- the records of the variances and the renewals.

MR. BLAND: So I guess a question in just simpler terms: You were already issued variances to begin construction?

MR. MERHEB: Correct. And this was a previous owner at the time. My client is hoping to purchase the property and continue the project, but, yeah. I can't speak to what they did at the time, but -- but yes.

MR. BLAND: Building, is that accurate? That we

had approved this?

MS. GERRITY: So the -- the history of the property, it started out with one developer, who got variances, let that lapse.

Then, another person came in, took it over, came back to the Board, got that approved. They procured a building permit. Started construction, and then, construction ceased. And it -- that has been dormant for quite some time.

MR. BLAND: Thank you.

MR. BLIER: So you're now looking to increase the scope of the project all over --

MR. MERHEB: No. No. No. We're just looking --

MR. BLIER: Well, this looks like a -- a two-and-a-half story building, not a three-story building.

MR. MERHEB: This is a three story. This is exactly what was approved under the building permit and previously submitted.

MR. BLIER: So the footprint would remain the same as what you have here?

MR. MERHEB: Correct, which is what was previously approved. There are -- there are no changes from the original approvals to the building to the site proposed here today. Just -- we're just looking to complete the project.

MS. UEBERLE: And is this the same owner/builder

from '22?

MR. MERHEB: No. This is a new -- my client is here today, Val [ph.] He's looking to purchase the property and complete the project.

MS. UEBERLE: Okay.

MS. KNECHT: Do you need to get another -- a new site plan approval?

MR. MERHEB: No, so it was previously before Planning Board for steep slopes. The steep slopes were for the retaining wall area in the back. That construction's already completed, so steep slopes is -- work is completed, so, Planning -- we do not have to go back before before the Planning Board. Just before you and then, of course, back to the Building.

MS. UEBERLE: Has anything changed between 2022 and now?

MS. GERRITY: The only thing that has changed is the Zoning District.

MS. UEBERLE: Okay. Are there any differences in the zoning distract that we need to be aware of that would impact this?

MS. GERRITY: The current zoning would not permit the structure.

MS. UEBERLE: Okay.

MR. BLIER: And the previous zoning did?

MS. GERRITY: The previous zoning did. It allowed multifamily. The new zoning, which is, a limited-two-family, does not.

MR. BLIER: And it seems that the other structures around this structure are single-family homes?

MS. GERRITY: They -- there is a mix. There's; single, multi-family, two-family. It -- most -- most of them are -- are two-family, limited-two-family, which is why the Zoning District was changed.

It was previously the UR District, so it did allow multi-families throughout the district, depending on the -- the lot size, but since then, the -- the zoning changed. And they're just trying to renew the variance to continue the construction of the -- the -- I think it's four families.

MR. MERHEB: It's five.

MS. GERRITY: Five.

MR. MERHEB: It's five units. It's not a multifamily, per se. They're going to be co-ops and sold as separate single families, so it's not -- it's not a multifamily structure. It's -- they're going to be single-family co-ops.

MS. GERRITY: It's considered a five-family attached structure.

MS. UEBERLE: And they don't need another variance

for that because the zoning changed?

MS. GERRITY: If there -- if the Board is -- considers that they're just -- you're just renewing the previous variance that -- and not disturbing it, and just renewing their extension of the time, since they're not modifying anything on the original construction, other than constructing what was already approved, it just expired by time limitations, I don't see that if the Board determines that based on the current zoning, it's no longer permitted, they would need to come back for a use variance.

MS. UEBERLE: Okay. Thank you.

MR. JACOBWITZ; I'm confused. From your prospective, this is a do-over. You just want a variance to extend the -- to extend the prior variances, but the issue that Ms. Gerrity raised, is that the Zoning Law changed, whereby, the structure was legal, under the old Zoning Law, but not under this, the present Zoning Law, so this is your theory that it would relate back?

MS. GERRITY: What the applicant has presented is they are requesting the Board to consider renewing the previous variances.

MR. JACOBWITZ; okay.

MS. UEBERLE: If we don't, then they'd have to have a use variance.

MR. MERHEB: Right, so we're just -- yeah. Again,

we're just trying -- we're just renewing the -- the -- the old variances that were granted in order to complete the project as already designed and previously approved.

MR. BLIER: Since we're just being asked to consider the variances that were already granted, can you just give us a quick synopsis as to why the variance grant -- variances were granted in the first place or why they were requested?

MR. MERHEB: So the -- for the height, there's the high-water table, so that's why instead of having a basement level, it's on grade. The bottom -- bottom floor is solely for a garage basement storage.

And only the two floors above are being used, so instead of having to -- instead of being to have a two-and-a-half, it had to be raised and on piles for the height.

For the back, the Planning Board, actually, requested that the -- that the property be moved to the back for driveway -- for the driveway reasons. The driveway's in the front.

If you -- if you could go back to the previous drawing, please. It used to be further -- it used to be further up and not requiring that rear variance, but as a previous request by the Planning Board, the building was moved back for that driveway.

MS. UEBERLE: Okay. And does -- this has all been sitting open like this for four years; correct?

MR. MERHEB: Correct. Under the previous or current owner --

MS. UEBERLE: And there's nothing that has to be redone because of that?

MR. MERHEB: No. It has been inspected. The foundation, the steel structure, is all in good condition. Built, per plans, so it's just pretty seamless to -- to continue the project.

MR. BLAND: And just for point of clarity: From the last approval of those variances, this property has transferred two hands or one?

MR. MERHEB: Val, it was -- yeah. He can speak more to it.

MR. BLAND: Just, please, give us your name when you come up.

MR. ANICI: My name is Val Amici. Thank you so much for your time. And thank you for a great presentation. I am purchasing -- purchasing from a -- there were two partners, initially.

The reason why the project stopped is because one of them died, unfortunately, and the project has been there for a couple of years. We -- the goal here is, like to finish. Like Jonathan said, we're not changing anything.

Currently, the project serves no purpose to the community. It doesn't look good.

We have done projects in the area as well. We hear from the neighbors saying that once this project is finished, if it doesn't look good, then, it decreases the value for other properties as well.

Again, hopefully, you can take this under consideration and approve it, because if this is not approved, we have no intention to move forward.

And I don't think anybody else will do anything with this project, with this stricture, so just be there, unfortunately. And we're not changing anything out.

If we give permission, because I asked Mr. Escaladas to stay after his presentation. He's the one who did the project initially, so he can also give some feedback as well, better than anybody else here.

MR. BLAND: So again, I'll just raise my question again just very simply. Since the last approval, how many times has the property changed hands?

MR. ANICI: I'm the next one. Nobody else.

MR. BLAND: So upon your purchase, the approvals were intact?

MR. ANICI: Yes.

MR. BLIER: I think I misunderstood.

MS. UEBERLE: No. I don't think that's correct.

MR. BLIER: It isn't purchased yet.

MS. UEBERLE: I don't think he hasn't bought it yet.

MR. MERHEB: No. No. No. It's been the same owner since the last approval. He is now purchasing it from that owner, so it will be first time it changed hands.

MR. ANICI: First time. Yeah.

MR. MERHEB: Once he purchases.

MR. BLAND: So I believe the testimony that was given is that there has been two extensions to the original variance?

MR. ANICI: Probably, the previous owner asked for extension.

MR. BLAND: Okay.

MR. MERHEB: Yes, that's correct. Emilio designed the building. He did the original approvals for the previous owner, so he can speak to the --

MR. BLIER: Before he speaks to that, can I ask a question of the attorney? Does the potential owner have standing to make this type of request?

MR. LIEBERMAN: Yes.

MR. BLIER: Okay. Thank you.

MR. BLAND: Mr. Escaladas?

MR. ESCALADAS: Emilio Escaladas. Escaladas Associates. It's -- it's really sad to see the building, as

you probably have seen it for years, waiting for a resolution. Your questions are right on target.

You want to know what the history is of the favors that the previous boards have donated to the previous owner. And that last question is the key: The person that built the structure that is present inherited from the original applicant who was given all the required setbacks and variances.

Because of the need of the neighborhood, the community, to get that project started before the laws changed, the zoning changed, it was agreed by the last purchaser, to hurry up, buy it, therefore, gaining the right to maintain the easements and favors to the land that was issued.

They -- they knowingly bought it. The Patreti [ph.} drawings, which are excellent, were the basis of the approvals of the geometry, of the drainage, of the footprint, of the coverages, of the green spaces.

And because of the -- similar questions that you just asked from the new engineer. These were very precise variances that were given, because we wanted that kind of quality building built in that area. It was all a community effort back then.

The question of the value of that building, since it's so well built, that is very well built, Albanian

structure, beyond -- everything's concrete there.

And there is an additional steel frame that has to be worked out with the new Building Department, because that's not the originally-approved design, but it doesn't matter. I gave the letter to them saying that that steel frame is totally adequate for the structure.

And I would be willing to signoff on it and design the wood with the steel frame, but that's a forthcoming issue. If we're successful -- or if they're successful. I'm not involved in the project anymore, but I'm at their disposal if they need me, so in your minds, the questions are clear, you are saying: Is this a third or a fourth inheriter of the project -- no.

The gentleman -- the partnership that was there, one of them died. And the other person, simply, decided to financially do away with the project or whatever. I don't know the reasons. And it sat for a while.

There was an estate issue payment. Whatever it was. It was -- it was something that required that amount of time because of the untimely death.

And then, the project became available. And these gentlemen stepped up and -- and there's a very nice drawing of the elevation on the front. Do you have that?

MR. BLAND: All right. No that was my question. And again, there's no need to really overelaborate the need

for affordable housing and things of that nature.

MR. ESCALADAS: No, it wasn't affordable. It was going to be sold --

MR. BLAND: I'm a proponent for where the project is. The question that's before us right now and I'm just trying to establish a timeline, that due to the Zoning Law change, certain school districts still have speed limits of 15 miles-an-hour, others may have 20.

When the law changes, if I violates that law, then I have to the make a jurisdictional vote -- a decision based on what the rules are, so that's why I'm trying to establish a timeline. That's all I was asking. Thank you.

MR. ESCALADAS: All I can offer to that is that the -- the -- the builder of the project inherited all of the favors and all of the variances.

MR. BLAND: Thank you.

MR. ESCALADAS: And they are hoping that that is extended, but bus of the time or the new ownership, I think this is why we need to go through this whole new blanket of approvals. And that's -- that's -- we're repeating in essence, what we asked for --

MR. BLAND: So, again, you're actually saying exactly what I'm saying, so to go through those levels of approvals, the benchmark will, unfortunately, be what the new rulings are. Thank you.

MR. ESCALADAS: That's it. I have nothing else.

MR. JACOBWITZ: This gentleman --

MR. BLAND: One second, please. I think, Liz -- the building has something that they'd like to offer.

MS. GERRITY: So I just want to the give the history of the property. Going back around 2007, this property was a boarding house. It had a massive fire and was demolished.

In 2014, the new owner, the same owner that owned the boarding house, went to the Zoning Board and obtained a variance to do the five-families. That expired by time limitations and was never built.

In 2021, another owner came in, filed for a permit for the five families. That was then issued in 2022 as five separate buildings. The variance were granted. It started construction as, Emilio, and the applicants have descried. It stalled because of the situation.

MR. BLAND: Thank you.

MR. JACOBWITZ: I have a question: Is this gentlemen the contract vendee or is he title owner?

MR. ANICI: Contract vendee.

MR. JACOBWITZ: Okay.

MR. BLIER: The last variance I read about here was from 2014. How did -- how did building start in 2021?

MS. GERRITY: They renewed the variances after. In

2021.

MR. BLIER: Variances are for a year; right?

MS. GERRITY: The -- so the variances last for the last approval required for a building permit. In 2014, they got the building permit, but they never constructed, so the variance expired.

That required the next owner to reapply and go back to the Zoning Board, seek a new variance, which they did. And then, they started construction. That had then lapsed a few years ago.

And it just had sat dormant, which is requiring them to come back to the Board to seek the re-approval, because in this instance, unlike the 2014, they actually started construction, whereas, in the 2014-case, they did not.

MR. BLIER: We are the third Zoning Board hearing the same facts?

MS. GERRITY: Correct.

MR. BLAND: Yes.

MR. BLIER: Except for what has changed because the zoning has changed?

MS. GERRITY: That's correct.

MR. BLIER: Thank you.

MR. ESCALADAS: And I should also mention that, all the drainage improvements have been made and inspected by

the Building -- the Engineering Department. Which is one of the key things in that -- on that lot. It was very specific, all the requirements. And it has been built and it has been approved.

MR. BLAND: Thank you. Thank you, Mr. Escaladas, because that's not what's before us, so it's important to understand and know that, you know, it's a sound structure. We're okay with that.

The simple issue of facts before us now, as I was stating, is that on -- this now being the third occasion, variances had been approved, which expired for whatever the matter might be.

And now this is a third bite at the apple for us now to issue variances once again after a zoning change has occurred. That is something that we as a Board now have to consider how we approach that. That was simply the question I was raising.

MR. MERHEB: No. Understood. You don't want -- you don't want to give these variances out without this project being sought through. And my client's not going to invest this kind of money into it without that intention.

MR. CRICHLOW: I'm sorry. I can't hear you. Can you speak into the microphone, please?

MR. MERHEB: Sorry, so, like I said, I mean, you want to give out these variances, only, like with the

intention of this project is completed. You don't want to just keep handing out variances, especially, with the change.

I could assure you that my client has every intention of investing this kind of money into this project in order to complete it. And I think he could speak to that as well.

And, yeah, as he mentioned before, I mean, if we can't get the variances, he's not at all interested in the property, so --

MR. CRICHLOW: Is the plan to complete this project --

MR. MERHEB: Yes.

MR. CRICHLOW: -- if this Board were to decide to say, yes, to the variances?

MR. MERHEB: Yes. Absolutely.

MR. CRICHLOW: And in what timeframe?

MR. ANICI: Absolutely. And we have --

MR. CRICHLOW: Into the microphone, please.

MR. ANICI: We have the LLC specifically for this project. We have the money there. We can also show the bank statement. And if necessary, the money is there. We're just waiting for the approval and starting the building, so the goal is to complete by July or August, everything --

MR. CRICHLOW: Okay.

MR. ANICI: -- else is lined up. We'll definitely make the street, the neighborhood, look, beautiful. It will add value. It will put, you know, tax, more money to the Greenburgh. And they're small condos, so they'll be sold as condo, so we're not overcrowding schools or anything like that.

MR. JACOBWITZ: So July -- so July and August of 2027?

MR. MERHEB: Yes.

MR. CRICHLOW: I was on the Board when you -- when this project initially came before it. And I remember the condition of the site. And it was, at least in my mind, one of the reasons why I wanted this to go forward, because it would have made a tremendous improvement to the community.

That's why I'm asking the question now: If this is -- if there -- if this is an extension, is this just to let it go on for another nine, ten, 14 years?

MR. MERHEB: No. This is a new owner --

MR. CRICHLOW: Into the microphone, please.

MR. MERHEB: Sorry. This is a new owner, investing money into it.

And I mean, not -- not to just sit there for another few years. It's full intention is to complete the promise as previously designed.

MR. ANICI: And the previous -- previous owner would finish this project as well, but, unfortunately, his partner, money-guy, died, so that's why we're here out of the picture.

I know them personally.

MR. JACOBWITZ: So do you have a contractor lined up, are you going to self-contract?

MR. ANICI: The contractor is the partner in this project.

MR. JACOBWITZ: Okay.

MR. ESCALADAS: In fact, the gentleman that's going to build it, if we are successful in this, he has already finished built -- he finished the house.

It's for sale, hopefully, within a week. Within -- what -- a couple -- it sold already, so, in other words, he's investing in and he believes in the neighborhood. And he's been successful.

And he -- while he was doing that house, he saw the project and he fell in love with it. Then he said, let's -- let's try to do it, so these approvals are important.

As -- as -- as the gentleman just said, it is so important to that neighborhood. It's -- it's -- every time we drive by it, we -- we -- we always ask, When is this going to be finished? I also ask that, but the finances didn't come through, now we have that opportunity.

And -- and, as you said, the site was extremely difficult and -- and the quality of the construction. Now, I keep saying everything is done, because my job, of course, is as the architecture, the quality of the foundation, of the structure, that is already in place, is above any of the other structures that I built in that area or any area.

It's all reinforced concrete, first floor, and floor, so whoever buys that -- and I'm considering maybe buying one of them, because it's an excellent design. It's a beautiful design. It has open floor.

You'll love it. And it's a -- it's just a good -- a good project for the neighborhood and we're stuck here.

MR. ANICI: And, Mr. Louis, just -- I'm not sure if this helps, it could help, but to show that we are serious. We have built single-family homes on Warren Avenue as well. They were complete last year, 209 and 215 Warren Avenue, so if we start something, we'll definitely finish it. I'm not sure if you guys are aware of those houses, but --

MS. GERRITY: I just want to make a clarification, for the record. When I spoke before, there was two variances, one from 2011 and one from 2014. The Planning Board is the one that extended the original site plan approval before it was built. The Zoning Board has not extended since 2014.

CHAIRPERSON BUNTING SMITH: Anything else? Is

there anyone in the -- no one in the audience? All right. Okay. Thank you.

MR. BLIER: Thank you.

MR. MERHEB: Thank you.

MR. ANICI: Thank you.

* * * *

Case No. ZBA 26-25: Cohen Revocable Trust, 30 Woods End Road, Hartsdale, NY 10530 – Area Variances.

Applicant is requesting area variances from Section 285-12B(4)(c) of the Zoning Ordinance, which requires a minimum total of two (2) side yards of 40 feet, where 29.3 feet is proposed; and from Section 285-42C(1), to permit an enlargement of an existing nonconforming structure so as to increase its nonconformity, in order to allow for a home extension. The property is located in the R-20 - One Family Residence District and is designated on the Town Tax Map as parcel ID:8.190-137-21.

CHAIRPERSON BUNTING SMITH: And the next case is 26-25, 30 Woods End Road.

MR. BENNETT: Good evening. My name is Larry Bennett, President of Lawrence Alan Home Design Studio, representing Jonathan and Barbara Cohen.

The project you have before you, the picture shown on the screen is a Frank Lloyd Wright style Prairie house. The five -- six houses built in this little section on Woods End Road, are all this architectural style.

And our main concern was to maintain the integrity of the architecture. If you look at the next slide, I'm pretty sure it's the house in question. This is our house, number 30. This is taken in the winter, as you can probably tell. And the next five slides show you the two neighbors

to their side and the three across the street -- oh, this is the -- oh, is that the 95?

MS. LOCKWOOD: Yes, that was --

MR. BENNETT: The one you just had -- oh, if you go back. The -- the house that you looked at before, this is the house with the seven-and-a-half foot extension.

It's a complete continuation of the exact house, so the only difference in the architecture is one was 85-feet long -- I'm sorry -- 87.5 -- and we're now at, like 95 feet.

We're making absolutely no change to the character of the neighborhood. And if you look at the next -- the following pictures, you can see the other houses -- and that's not a house.

MR. JACOBWITZ: Was that the subject house?

MR. BENNETT: I'm sorry?

MR. JACOBWITZ: Was that the subject house for which you're seeking the variance?

MR. BENNETT: I guess --

MR. JACOBWITZ: Was that the subject house?

MR. BENNETT: Yes.

MR. JACOBWITZ: Okay.

MR. BENNETT: Both -- both the before-and-after.

MR. JACOBWITZ: Okay. And you're the architect?

MR. BENNETT: I am an architectural designer. My -- my partner is a registered architect.

MR. JACOBWITZ: Okay. You're Lawrence Bennett?

MR. BENNETT: I'm sorry?

MR. JACOBWITZ: What's -- what's your name?

MR. BENNETT: Lawrence Bennett.

MR. JACOBWITZ: Okay. Thank you.

MR. BENNETT: The next few pictures are pictures of the five houses surrounding ours. And, as you see, they're all of the same style. I know that the photographs aren't very good. In this particular one, is the most important because it's 28 Woods End, our right-side neighbor.

Most of Frank Lloyd Wright's Prairie houses are built into the environment, and that's why so many of them are completely covered with trees. And, in some case -- cases, hidden by trees.

Okay. Next, it's another one. Okay. Oh, that's just a slide showing that all these houses were built between 1956 and 1960. Obviously, by the same architect, as you can tell.

He must have been a -- he must have been a protege of Frank Lloyd Wright, using the Prairie style.

Our seven and-a-half foot extension will be continuing the exact style and finish increasing the linear scale of our home to enhance the architectural integrity. This is the slide showing the right side of the house. And as we projected to seven and-a-half feet, the appearance

will be exactly the same.

Okay. The four-foot flying cable, the transom windows, the triangular, transom windows, to avoid having -- looking directly onto the neighbor's house. Okay.

The other options, this is the underside -- this is the underside -- can -- can we show the rear? This is the rear elevation. From the basement elevation to the rear yard is a ten-foot drop. This side, not as steep as the right side, but you could see the projection on the screen. That's a cantilevered living room.

And it creates a little foyer underneath, where they have a TV and a fireplace, et cetera, but you cannot build anything on the ground there. It's going to be flying in the air.

The next slide. That's your -- that's your view. The sidewalk there goes to a staircase structure. It's a steep decline. And that's 80 inches from the house.

And if we were to build there, it would block all the sun from going to the underside of the cantilever. And if we built it any further than the 80 inches, we would have a ten-foot foundation visible.

Next slide. These -- those are the steps leading up to the right rear. Next. And those are the steps coming down from the left side rear, which is much steeper.

Next slide. That's the top portion of the left

side, and, as you can see, it drops off three feet from the house, so, again, there's no way of coming out without cantilevering everything. And it also is the only staircase that's going -- oh, no. It's the staircase that goes to the patio underneath the cantilever.

The next. That shows you the grade. Again, very steep. The ten-foot drop goes in, like eight feet, instead of much more on the other side. Next. The funny thing about this property -- not that one -- the other -- cover-sheet. Cover-plan. Cover --

MS. LOCKWOOD: Yep. One second.

MR. BENNETT: Okay. If you look at the site plan, the portion -- there used to be a straight line from the street to the backyard. The homeowner to the right purchased the property in 1968.

And what it created was that angle, so the fact of the matter is, the portion that is actually over this setback is only seven-and-a-half by ten feet, that red line that you see, so the encroachment is only 37-and-a-half-square feet.

Okay. Next. Okay. The -- the bottom line is, the need for the extension is, they have a very tight powder room with a washer/dryer, which is very difficult to function. And they want to get a full two bathrooms.

And the existing master bathroom is very small and

inconvenient. The fact of the matter is, we're looking to go out 11-and-a-half feet, but the homeowner, after we discussed everything, agreed to go with the minimum that they -- that would make it practical without disturbing too much of the setback. And that's why we're here today.

Additionally, if you look at the basement -- do we have those basement pictures?

MS. LOCKWOOD: The bathroom?

MR. BENNETT: Oh, if you go into the bathroom in the basement, you have to walk up two steps. The bathroom -- you walk in, and then walk up two steps to the shower and the toilet. It's a very precarious situation.

And that -- it extends into a large storage area. The fact of the matter is, obviously, when they were building the house, they hit bedrock that was immovable. Of course, if we hit that today, that's -- that's the bathroom.

It's a very dangerous bathroom, so the basement is just very small.

MS. KNECHT: How many square feet would you say the extension is, in total?

MR. BENNETT: The extension, it's seven and-a-half by 24 feet. And I can tell you exactly in a minute.

MS. KNECHT: 7.5 by 24?

MR. BENNETT: It's 375-square feet -- I'm sorry. That side would be -- it's 183.75-square feet, which

represents. .006 of the 27,000-square foot property.

MS. KNECHT: And of that, it's only the 37-and-a-half-square feet?

MR. BENNETT: That's actually over, yes, because of the triangulation on the property line.

Additionally, the -- the neighbor most affected by this, at number 28, on the right side, my client and that homeowner, have talked.

And they agree -- they do not -- they do not object to the project. As we will be putting landscaping in to provide closure. And we will work directly with them.

Any questions?

MS. UEBERLE: Do you have a letter from that neighbor?

MR. BENNETT: I'm sorry? Yes.

MR. JACOBWITZ: You're the neighbor?

MS. UEBERLE: You're the neighbor?

MS. REITTER: I'm the neighbor. Can I come to the microphone?

MS. UEBERLE: Yes.

MS. REITTER: I am Douglass Reitter, at 28 Woods End Road. And I am party -- one of the parties of the Reitter-marital trust, who owns the property.

Initially, we were very concerned because this extension comes right at us. And there's not a tremendous

amount of space in between the two houses.

However, I had an idea that might, actually, work for both of us. What John and Barbara and I have agreed to -- excuse me -- is to get Green Giant trees in between the two properties.

And that we were trying to arrange a -- a financial agreement about this, so the trees will go from the beginning of their addition, all the way to the end of my deck.

We -- and so that would be agreeable to me, because it should -- there should be some noise abatement. We each have a pool. We have guests over.

And also we wouldn't have to look at their pool or their house. These are very large trees. If you're not familiar with them, they start at about ten feet, but what I would stipulate, is that the trees be maintained in perpetuity and put into each of our deeds, so that a -- a future buyer couldn't just remove the trees, if they decided to do that, so -- and then I think each of us would be happy. Do you have any questions?

MR. BLAND: Yes. How close in proximity to your deck or your home is this extension, roughly, in your impression?

MS. REITTER: In my impression, it's very close, but the tress ought to take care of it.

MR. BLAND: More than ten feet, five feet?

MS. REITTER: Wasn't it, like 12 feet?

MR. BENNETT: The property line or the pool?

MR. BLAND: No. To her property -- for her comfort level. To the property line.

MR. BENNETT: Eight-and-a-half feet at one point and then it gets larger.

MR. BLAND: And then it gets larger?

MR. BENNETT: Yes.

MR. BLAND: Okay.

MR. BENNETT: It goes from eight-and-a-half to 16 on one side --

MR. BLAND: Some are going to complain that you're not on the microphone, so if you just scoot over a little for us.

MR. BENNETT: Oh.

MR. BLAND: Thank you.

MR. BENNETT: Right at the corner, it's eight-and-a-half feet from their property line. If you come into the beginning of the rear, it's 16.2 feet.

MR. BLAND: Okay.

MR. BENNETT: If you go to the front, the ten feet -- after ten feet, it's within the setback, so it goes from the eight-and-a-half to 19.2.

MR. BLAND: Okay.

MR. BLIER: What -- what is the existing setback for the neighbor's house from the building to the property line?

MR. BENNETT: The distance from the neighbor's house to the property line?

MR. BLIER: No, so the neighbor's house, which is not the subject here. I'm just curious: What is the space between the house and the property line?

MR. BENNETT: I'm not sure. That wasn't a -- a -- asked at meeting --

MR. BLIER: I'm guessing, it's twice, as what the other is?

MR. LIEBERMAN: Cathy, while they're looking for that, why don't you pull up the plan that we're --

MR. BENNETT: It's -- it's over 20 feet to the property -- to the building, to the house. Yes, it's 20 feet.

MR. BLIER: Okay. Thank you.

MR. BENNETT: Over 20 feet.

MS. REITTER: To my house?

MR. BENNETT: Yeah. Yes. He's house. He's the property line.

MR. REITTER: There's a swimming pool.

MR. BLAND: Just come to the microphone, please.

MS. REITTER: This is one the other parties of the

Reitter marital trust. My stepson, Nicholas.

MR. REITTER: Hello. Nicholas Reitter. There's a swimming pool behind 28 Woods End Road, so even though the building is 20 feet away from the property line, some areas where people congregate and so on are -- are closer, so --

MR. BLAND: Okay.

MR. CRICHLOW: Did you understand that?

MR. BLAND: Yes.

MR. CRICHLOW: You did.

MR. REITTER: Do you -- do you want me to repeat into the mic?

MR. CRICHLOW: Yes, please.

MR. BLAND: If you care to, yes, please. Repeat it.

MR. REITTER: Okay. There's a swimming pool behind 28 Woods End Road and a deck, and so even though the building is fairly far from the property line, areas where people socialize and all are closer.

MR. BLAND: And I just have one other sidebar question and then we're going to go back just one step and that's in reference to that bathroom that had those elevated steps. That would be on the lower level that we see, not the cantilevered portion? The rest -- the bathroom that you showed that had the multiple steps in it.

MR. BENNETT: Right.

MR. BLAND: That's on that lower corner towards where the extension would be.

MR. BENNETT: I'm -- I'm sorry. Say that -- I have a hearing problem.

MR. BLAND: Oh, I'm so sorry. The bathroom --

MR. BENNETT: Yes.

MR. BLAND: The photograph that was shown, with the steps going up towards the shower stall --

MR. BENNETT: Correct.

MR. BLAND: -- is that to the right of the building where the extension will be?

MR. BENNETT: No. No. That's in the -- the existing. We're just getting the space so that we can replace it elsewhere so that you don't have those steps in the bathroom.

MR. BLAND: Copy that. Thank you.

MR. BENNETT: Sure. The entire area that's 16 inches above the floor is being turned into a storage room.

MR. BLAND: And would be where the washer and dryer would be?

MR. BENNETT: The washer/dryer is being brought upstairs. If you look at A2, it's right next to the three-piece bathroom. Before the master closets.

MR. BLAND: So -- okay, so maybe that's why the

drawing is throwing me off and I had to ask the question regarding the bathroom.

If I look at A2, in the scaled drawing to the right, it says, Existing and proposed.

MR. BENNETT: Correct.

MR. BLAND: And this, if I'm not mistaken, is a single-story structure or will that be above it?

MR. BENNETT: Well, it's a single-story structure, but the -- the basement is the first floor.

MR. BLAND: Okay, so then what I was asking is correct then, so --

MR. BENNETT: Yes.

MR. BLAND: -- if I'm looking at the scale drawing to the left, that has the cantilevered living room, are these not transposable in A2 or are we looking at two different elevations?

MR. BENNETT: I'm sorry. Say that once more.

MR. BLAND: Okay. I asked a question regarding the shower stall that had the steps that went up towards the shower stall. You said that that was on the lower level.

In A2, I'm looking at a relief to the right that I was assuming was going to transplant what I'm looking at to the left, but you're saying that these are two different levels, because when I said, The washer and the dryer would be on the same level as the new extension, you said, no,

that's being moved to another level, because is says, Washer/dryer, next to the bathtub.

MR. BENNETT: Oh, no. The washer -- the washer/dryer, if -- if you're on A2, the washer/dryer is the powder room. And that's the concern, because it's just too tight. And it's being re-built.

The -- the full bathroom's going to be taking the place of the powder room. And powder slash laundry room and then the bathroom -- I'm sorry -- the new -- there will be a new three-piece bathroom. Then a separate laundry room.

MR. BLAND: Okay.

MR. BLIER: On the -- on the drawing that you showed us where -- where the addition goes, it looks to be more than one story. It's a very high stop there. There's not something built underneath the main floor?

MR. BENNETT: I'm sorry. Say that again.

MR. BLIER: If you go to the picture where you're -- you -- you showed us a side-view saying, That we're going to extend this view and make it look just the same, but ten-feet further over. That looks to be more than one-story high, existing.

MR. BENNETT: Well, it's -- from the front, it looks like one story. From the rear, it's two story. The basement --

MR BLIER: Oh, it is actually two -- there are,

actually, two floors there now?

MR. BENNETT: Yes. Yes.

MR. BLIER: And everything in the drawing, on A2, is what's on the main floor, not the lower floor?

MR. BENNETT: Correct.

MR. BLIER: And what is currently on the lower floor?

MR. BENNETT: The lower floor right now has two -- three bedrooms. One of which is below the HUD-standard and one is -- the other one is at the HUD-standard, minimum.

And you have -- that's where you have the bathroom with the steps in it and the storage closet with an elevated floor.

And then, on the right of the staircase, you have a playroom, plus, of course, the utility room, next to the stairs.

MR. BLIER: Okay. Thank you.

MR. BENNETT: Thank you.

MR. BLAND: So just one last question for me, and then I'll rest, so looking at this drawing in A2, the portion that we're looking at now, to the right, as I was explaining, that has the dotted line, talking about existing and proposed, that portion then would be cantilevered off of the edge of the property?

MR. BENNETT: No. I mean, there is a two-foot

cantilever. If you look at the -- the -- actually, you'd have to look at the photograph.

The -- what you would call, The first floor cantilever, is about two feet over the basement, which we would call the first floor.

MR. BLAND: And that would be -- the new construction would be cantilevered also?

MR. BENNETT: Yes.

MR. BLAND: Okay. That's the part that I'm missing. Okay.

MR. BENNETT: Our intent is to just to pull it out so that we don't --

MR. BLAND: So in this case, let's say the ground level that we're looking at right now from the front of the street, if I were to walk in the front door, make a right, go down the hallway, that portion would be cantilevered above what you're considering the first floor beneath it?

MR. BENNETT: A two-foot cantilever. Yes.

MR. BLAND: Okay. And that cantilever would be how long over?

MR. BENNETT: How long?

MR. BLAND: Yeah. The overhang of the cantilevered portion.

MR. BENNETT: It goes from the extended -- from the cantilevered living room to the end.

MR. BLIER: The cantilevered living room is not visible in the front of the -- in the front view of the house.

MR. BENNETT: About 32 feet long.

MR. BLAND: Okay. Thank you.

MR. BENNETT: Sure.

(Cellphone interruption.)

MR. BENNETT: Are there any questions?

MR. BLAND: I have no further questions. No.

CHAIRPERSON BUNTING-SMITH: Anyone else in the audience?

MS. COHEN: Good evening. I'm Barbara Cohen, the owner of the property, 30 Woods End. Thank you all for being here and -- and -- and hearing us out.

We bought the property three-and-a-half years ago and -- just about -- and the -- we found that we have three children in various stages of postsecondary education. Two of them are living with us now. It's possible that all three could be living with us, so it's a full house.

The upstairs has a powder room with the laundry in it. And so that's less than desirable. And it's -- so there was a difficulty there.

We don't have much interest in expanding the house, per se. We're sort of shuffling things around enough, so that we can exist.

And -- and -- and have usability and then entertaining people who need to use the facilities don't have to also do their laundry at the same time, so that was one concern.

The down -- since we felt that by expending the house just a touch in order to shuffle the rooms about to get the configuration that we need, we thought that we could also cure the concerns of the downstairs where it's an elevated bathroom.

You have to walk up two steps, and it's also -- it's a little box. And that might have been okay ten years ago when the children were little, but now they're all adults.

And it's -- it's hard to maneuver, so in order to get the configuration appropriate for the downstairs, it was an easy answer to if we're expanding the upstairs just a tad, to expand the upstairs, just a tad. And shuffle around the rooms to accommodate.

And then, the last thing that I'll say is that -- and I don't know if we've gone into it all, is that one of the three bedrooms downstairs, actually, doesn't have a closet.

And also is where the water which knocks and is like I think we -- yeah. Utilities are there. In the room. And it's very small, so if we have the opportunity to

reshuffle the upstairs, then, at the same time, we can make -- one of the bedrooms is incredibly large if you look in the -- one of the downstairs bedroom is very large and then the other two are small. And we can make the rooms more congruent. And that was really the goal of the -- of the downstairs project. To give them a proper bathroom and to make them all be able to co-exist.

MR. BLAND: Okay, so -- so while you're there, I'll ask this question once again.

MS. COHEN: Yes.

MR. BLAND: When I look at this photograph at this elevation, the extension will cover both the top and the bottom?

MS. COHEN: Yes.

MR. BLAND: That top portion will not be cantilevered. It will, actually, be a complete redo of the upper floor.

I don't know to call to first, second, but from the street elevation to this portion and to this section, that will be an enclosed extension of six feet, seven feet or whatever the case may be?

MR. BENNETT: Yeah. Correct.

MS. COHEN: Yes.

MR. BENNETT: We're, basically, just pulling the house.

MR. BLAND: So, what I'm saying, in A2, in the documentation provided to us, that does not demonstrate the reconstruction of both levels. And that's what's drawing the confusion. That's I'm asking.

MR. BENNETT: On A2? If you look -- if you look at the dimensions on the side of A1, it's 23-foot-three.

And A2, is 24-six.

And so I might have -- if -- if you look at the dotted line on page eight-one, it shows you the upstairs.

MR. BLAND: Okay, so then that bathroom that I was asking, whether it was on the first, second floor, that has the elevated little step-up to the shower stall, would be in A1, not in A2?

MR. BENNETT: Correct.

MR. BLAND: Thank you.

MR. BENNETT: It is confusing.

MR. BLAND: Thank you.

MR. BENNETT: You're welcome. And other questions?

CHAIRPERSON BUNTING-SMITH: Any other concerns?

MR. LIEBERMAN: Yeah. I have a question for the owner. If you could back there. You've heard the testimony of your neighbor about a possible agreement. Have you discussed that agreement before tonight?

MS. COHEN: Yes.

MR. LIEBERMAN: Okay. And you're agreeable?

MS. COHEN: Yes.

MR. LIEBERMAN: Has a plan been generated?

MS. COHEN: No.

MR. LIEBERMAN: Okay. Thank you.

MS. COHEN: Sure think.

CHAIRPERSON BUNTING-SMITH: Do you have anything else?

MR. BLAND: Thank you.

MR. BENNETT: Okay. Thank you very much.

MS. UEBERLE: Madam Chair, may we take a break?

CHAIRPERSON BUNTING-SMITH: Yes, we can.

(Whereupon, a recess is taken.)

* * * *

CHAIRPERSON BUNTING-SMITH: Okay. We are back with our discussions with respect to our voting this evening, so we start with Case 26-16.

MS. UEBERLE: Don't we have to make the announcement, first, that we're Howard -- back -- we're back on the record?

MR. LIEBERMAN: Yes.

CHAIRPERSON BUNTING-SMITH: Okay. I thought I said we were back.

MS. UEBERLE: Oh, no. That he's voting as the alternate tonight.

CHAIRPERSON BUNTING-SMITH: Oh, I'm sorry. Yes. Forgive me, because we do have one of our regular Board members not here this evening, Howard -- how do you say?

MR. JACOBWITZ: Jacobwitz.

CHAIRPERSON BUNTING-SMITH: Jacobwitz.

MR. JACOBWITZ: Yes.

CHAIRPERSON BUNTING-SMITH: Yes. Who will vote and also participated, obviously, in this evening's agenda, so --

MR. JACOBWITZ: Okay. Madam Chairman, I move that the application in Case Number 26-16 be granted provided that --

CHAIRPERSON BUNTING-SMITH: Wait. Wait. Wait. We have to go to SEQRA first.

MR. JACOBWITZ: Oh, okay.

CHAIRPERSON BUNTING-SMITH: Yeah. I thought you were going to say something else.

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 second?

MS. KNECHT: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. UEBERLE: Aye.

MR. JACOBWITZ: Aye.

MS. KNECHT: Aye.

MR. BLIER: Aye.

MR. CRICHLOW: Aye.

MR. BLAND: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes, aye.

MS. KNECHT: Now, we're going to the get motion.

MR. JACOBWITZ: Okay. Motion: I move that the application in Case Number 26-16 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 dated -- well, they're filed, September 29th, 2026, submitted in support of this application, or as such plans may hereafter be modified by another approving Board or agency or officer of the Town paren provided that such modification does not require a different or greater variance than what we are granting herein closed paren.

The variance being granted are for the improvements shown on the plans submitted in support of the 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 -- other variances we have approved herein.

MR. CRICHLOW: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

MR. JACOBWITZ: Aye.

MR. BLAND: Aye.

MR. BLIER: Aye.

MR. CRICHLOW: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes, aye. We are going to --

MS. KNECHT: One moment.

CHAIRPERSON BUNTING-SMITH: Oh, what I was going to say is that we will not have the findings this evening, however, they will be in the record and available to all whom wish to see them.

* * * *

CHAIRPERSON BUNTING-SMITH: The next case we have is Case 26-17, Kindred Maison, 1440 Saw Mill River Road, Ardsley. 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 second?

MR. BLAND: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. KNECHT: Aye.

MR. BLIER: Aye.

MR. CRICHLOW: Aye.

MR. BLAND: Aye.

MS. UEBERLE: Aye.

MR. JACOBWITZ: Aye.

CHAIRPERSON BUNTING SMITH: Chair votes, aye. And do I have a motion?

MS. UEBERLE: Yes, Madam Chair. I move that the application in Case 26-17 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 granting of the last approval required for the issuance of a building permit and proceed diligently

thereafter in conformity with the plans dated and stamped received, October 5th, 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.

And, three, the variance being granted is for the improvements shown on the plan 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 have approved herein.

CHAIRPERSON BUNTING-SMITH: Do I have a second?

MR. CRICHLOW: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MR. BLIER: Aye.

MR. CRICHLOW: Aye.

MR. BLAND: Aye.

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes, aye. And again, as I said, we will not be doing the findings.

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CHAIRPERSON BUNTING-SMITH: The next case is 26-23, 9 Blueberry Hill.

And, whereas, the Greenburgh ZBA has reviewed the public -- 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 second?

MR. BLIER: Second.

CHAIRPERSON BUNTING-SMITH: Thank you. All in favor?

MS. KNECHT: Aye.

MR. CRICHLOW: Aye.

MR. BLIER: Aye.

MR. BLAND: Abstain.

MS. UEBERLE: I'm a nay.

CHAIRPERSON BUNTING-SMITH: And do we have a motion?

MR. BLIER: Madam Chair, I move that the application in Case 26-23 be granted, provided that the applicant obtain all necessary approvals and files the 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 dated September 14th, 2026, submitted in support of this

application, or as such plans may hereafter be modified by another approving Board or agency or officer of the Town, provided that such modification does not require a different or greater variances 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 variances we have approved herein.

MR. CRICHLOW: Second.

CHAIRPERSON BUNTING-SMITH: Thank you. All in favor?

MS. KNECHT: Aye.

MR. CRICHLOW: Aye.

MR. BLIER: Aye.

MR. BLAND: Abstain.

MS. UEBERLE: Abstain.

CHAIRPERSON BUNTING-SMITH: All right. Do we have a motion?

MR. LIEBERMAN: I think we just did it.

CHAIRPERSON BUNTING-SMITH: I'm sorry. I just did that. Okay.

* * * *

CHAIRPERSON BUNTING-SMITH: Now, we have 26-24.

MR. LIEBERMAN: It's closed.

CHAIRPERSON BUNTING-SMITH: Yes. Closed for decision only to the next meeting, which is November 19th.

MR. LIEBERMAN: 19th.

CHAIRPERSON BUNTING-SMITH: 19th. Okay. November 19th.

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CHAIRPERSON BUNTING-SMITH: And also, Case 26-25, is also --

MR. LIEBERMAN: No.

CHAIRPERSON BUNTING-SMITH: -- for decision only.

MS. UEBERLE: It's adjourned.

CHAIRPERSON BUNTING-SMITH: I'm sorry. It's adjourned. And with that, does everybody have their candy for Halloween?

(Recording stopped.)

* * * *

(Whereupon, the ZBA meeting for October 15th, 2026, is adjourned to the next meeting of November 19th, 2026, at 7:00 p.m.)

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CERTIFICATE

* * * * *

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