

STATE OF NEW YORK
TOWN OF GREENBURGH

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

September 20, 2018 Greenburgh Town Hall
8:00 P.M. 177 Hillside Avenue
 Greenburgh, New York

BOARD MEMBERS:

Laurence J. Doyle
Eve Bunting-Smith (Acting Chairwoman)
Rohan Harrison (NOT PRESENT)
Louis Crichlow
William Losapio
Daniel Martin
Kristi Knecht
William Bland (NOT PRESENT)

STAFF MEMBERS:

Carole Walker,
Secretary

Anthony Zacarolli
Deputy Town Building Inspector

Edward Lieberman, Esq.
Deputy Town Attorney

Debra L. Rinaldi
Official Court Reporter

9/20/2018 - Case No. 18-10 & 18-20

MS. BUNTING-SMITH: Good evening all. Welcome here this evening. The meeting of the Zoning Board of the Town of Greenburgh will come to order now. We have eight cases scheduled for tonight's agenda; however, Case No. 18-10, Rocco Salerno, is closed for decision only, and Case No. 18-20 has been adjourned as-of-right. In case you don't know, that's the one with New Castle Building Products.

Please note that the Zoning Board will have our next regular meetings on Thursday October 18th. As usual, if we cannot complete hearing any case tonight that's on our agenda it will be adjourned to another meeting, hopefully to be completed at that time. As is usual, to save time we will waive the reading of the property location and the relief sought for each case; however, the Reporter will insert this information in the record. This information is also in the agenda for tonight's meeting.

After the public hearing of tonight's cases the Board will meet in the conference room directly behind us to discuss the cases we've heard tonight. Everyone here is welcome to listen our deliberations, but the public is not permitted at that time to speak or participate. After our deliberations we come back into this room to announce our decisions on the formal record on for it to be broadcast to the community. If you're going to speak tonight you must come up to the microphone, clearly state your name and address or your professional affiliation; if you're not a named applicant please spell your name for the record. We've heard testimony on some of the cases that we've had here on the agenda tonight at prior meetings; any prior testimony is already in the record and should not be repeated.

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9/20/2018 - Case No. 18-19

MS. BUNTING-SMITH: Therefore, we move forward to our first case of the evening. Case No. 18-19, White Hickory Associates, 600 White Plains Road.

Case No. 18-19 - White Hickory Associates, LLC, for property at 600 White Plains Road, (P.O. Tarrytown, N.Y.). Applicant is requesting variances from Section 240-3(A)(b) of the Sign & Illumination Law to decrease the open space below two yard (2) signs from 5 ft. (Required) to 1 ft. (Proposed); and from Section 240-3(D)(3)(b) to increase the number of yard signs from two (2) (permitted) to four (4) (proposed). The property is located in an OB-Office Business District and is designated on the Town Tax Map as Parcel ID: 7.230-100-1.2.

(No response.)

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9/20/2018 - Case No. 18-21

MS. BUNTING-SMITH: And I guess with that we move to the second case on tonight's agenda, which is Case No. 18-21, Stephen Wise Free Synagogue for Westchester Hills Cemetery.

Case No. 18-21 - Stephen Wise Free Synagogue for Westchester Hills Cemetery, for property located at 400 Saw Mill River Road, (P.O. Hastings-on-Hudson, N.Y.). Applicant is requesting variances from Section 285-36(B)(1) of the Zoning Ordinance to reduce the front yard setback from 100 ft. (Required), 25.17 (existing) to 25.17 ft. (Proposed); to reduce one side yard setback from 100 ft. (Required), 41 ft. (Existing) to 32 ft. (Proposed); from Section 285-36(B)(4) to reduce the minimum size lot for a mausoleum from 50 acres (required) to 11.7 acres (proposed), granted in ZBA case 97-66; and from Section 285-42(C)(1) to enlarge a nonconforming structure so as to increase such nonconformance, in order to expand an existing nonconforming building and convert it to a mausoleum.. The property is located in an R-30 One-Family Residence District and is located on the Town Tax Map as Parcel ID: 8.490-349-2 & 3.

MR. TRAMUTOLA: That was quick. Good evening.

MS. BUNTING-SMITH: Good evening.

MR. TRAMUTOLA: At the last zoning meeting we had presented the Westchester Hills Cemetery Administration Building renovations. I can present again, although you've seen the --

MS. BUNTING-SMITH: Unless you've changed something, we've seen it.

MR. TRAMUTOLA: We have not changed anything. We are still pursuing the same variances from the Zoning Board. Since then, since the last meeting we have met

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with Planning and with the Historical Buildings committee. The Planning Board has stated that they will be issuing, if they have not already -- issuing a positive declaration, that they are in favor of the project to the Town Board, as is the same with historical building. We had a site visit with them late last week on Thursday, and we walked the building. We discussed the issues with the existing buildings, its current state of unusability, and they were in favor of all of the renovations and the small addition.

We discussed actually with Aaron to go, or actually to take down one additional -- two. I'm sorry, two additional trees, beyond what we had initially applied for. He actually urged us to put those through as well, as he thought that those were -- should also be removed.

If there are any questions about the project, I'm happy to answer those.

MS. BUNTING-SMITH: Anyone?

(No response.)

MS. BUNTING-SMITH: We don't have any questions at this point. I believe, however, we may have to put this over, but we'll discuss that.

MR. TRAMUTOLA: Okay.

MS. BUNTING-SMITH: Okay.

MR. TRAMUTOLA: What would be the -- if I could ask a question. What would be the reason to hold over?

MS. BUNTING-SMITH: It's just administrative; not you.

MR. TRAMUTOLA: Okay. And the approval for the variances would be required prior to the Town Board meeting. Correct?

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MS. BUNTING-SMITH: Which you're asking me this question?

MR. TRAMUTOLA: Yes.

MS. BUNTING-SMITH: I'd have to refer to counsel.

MR. LIEBERMAN: I believe that is the case. That said, the Planning Board's recommendation with the Town Board, I don't believe -- I'm not sure has been finalized. Is that correct?

MR. TRAMUTOLA: From Planning?

MR. LIEBERMAN: Yes.

MR. TRAMUTOLA: That is in process.

MR. LIEBERMAN: Right.

MS. BUNTING-SMITH: We don't have -- the Town Board doesn't have it yet.

MR. TRAMUTOLA: I don't think so, although I'm not sure at what -- they said that they would be preparing that immediately.

MS. BUNTING-SMITH: We'd like to find out.

MR. TRAMUTOLA: They said that they would have at the meeting on Monday, although my colleague attended that meeting. You were here.

MS. BUNTING-SMITH: All right. I wasn't there.

MR. TRAMUTOLA: I'm not sure.

MS. BUNTING-SMITH: I think we have a word on this.

MS. DIVACK MOSS: -- on Monday. Hi. I'm sorry. Maybe I can be helpful.

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MS. BUNTING-SMITH: Sure.

MS. DIVACK MOSS: I don't know hype had emotion not wasting time.

MS. DIVACK MOSS: Sandy Divack Moss Sandra Divack Moss, executive director of Stephen Wise Free Synagogue. It is our Cemetery, Westchester Hills Cemetery. What they said on Monday was that they needed, well, the two trees that were mentioned, but also that we needed to add some handicapped parking spots, and pending doing that they would issue the approval.

MS. BUNTING-SMITH: Okay. All right. Thank you.

MS. DIVACK MOSS: We hope to comply.

MS. BUNTING-SMITH: Do you have any additional plans, or?

MS. DIVACK MOSS: We weren't asked specifically. What they said was we should mark spots, but that we could use them generally; but when we had a service they would need to be available for the service. I'm not sure how we would mark them exactly.

MS. BUNTING-SMITH: All right. Okay. All right. Okay. Anything else? Any questions?

(No response.)

MS. BUNTING-SMITH: Oops. We'll still conferring over here.

MR. TRAMUTOLA: For the holdover for the administration purposes, is there any information on timing for that? I know the client is worried about the timing for construction. The temporary roof, the temporary provisions that were made for the roof at the moment, were wondering if they

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need to be patched as it's --

MS. BUNTING-SMITH: I see what you're saying.

MR. TRAMUTOLA: It's the current issue.

MS. BUNTING-SMITH: As I said, we will discuss that when we deliberate.

MR. TRAMUTOLA: Okay.

MS. BUNTING-SMITH: Okay.

MR. TRAMUTOLA: Thank you very much. T-R-A-M-U-T-O-L-A.

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9/20/2018 - Case No. 18-22

MS. BUNTING-SMITH: And the next case on tonight's agenda is Case No. 18-22, Brendon and Aileen Riordan.

Case No. 18-22, Brendon and Aileen Riordan, for property located at 211 Woodlands Avenue, (P.O. White Plains, N.Y. Applicant is requesting area variances from Section 285-12(B)(5)(b) of the Zoning Ordinance to reduce the distance from an accessory structure to the side lot line from 16 ft. (Required) to 4.97 ft. (Proposed); from Section 185-40(B)(4) to increase the height of an accessory structure from 12 ft. (Permitted) to 19.75 ft. (Proposed); and from Section 285-10(3)(J) to increase the number of vehicle spaces from 7 (permitted) to 8 (proposed), in order to construct a new garage. The property is located in an R-20 One-Family Residential District and is designated on the Town Tax Map as Parcel ID: 8.110-61-49.

MR. GIORGIOUDAKIS: Good evening, board members. I am George Giorgioudakis. I'm the architect representing Brendon and Aileen Riordan. At our last meeting it was held over, and we've received -- actually Mr. Riordan received a letter from the Zoning Board to provide some documentation to the Zoning Board and to the Building Department, which we have done, including a full set of plans, and we provided all that information. So we'll take questions, if there are any questions to the application, but nothing changed since we had our last meeting, except for providing the documentation that was requested in the letter.

THE COURT REPORTER: Please spell your last name.

MR. GIORGIOUDAKIS:
G-E-O-R-G-I-O-U-D-A-K-I-S:

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MS. BUNTING-SMITH: I guess the only -- okay. All right. Any questions from the Board?

MR. DOYLE: I have a concern over, is there any way you can move that a little further away from the property line?

My concern is, you're moving -- the new building will be, in effect, closer, but also much higher, won't affect the intrusion on the side property, much stronger. Is there any way you can address that, either modification or?

MR. GIORGIOUDAKIS: So we're keeping the existing wall of the garage that's there now, and that just extending that line in order to.

MR. DOYLE: Right.

MR. GIORGIOUDAKIS: Make it, you know, rectangular. If we move it to the -- moving it to the west, as you suggest, there is a change in grade there in the retaining wall.

MR. DOYLE: Yes.

MR. GIORGIOUDAKIS: And it's not really feasible to do that. It would also add more, you know, driveway and increase the size of the catch basins as well, and there is also a tree there. There is an old tree, so we can't really move it to the left, to the, I'm sorry, to the west. There is a change in grade there within the timber retaining wall.

MR. DOYLE: I think, to me, the key aspect of it, for your need, using that wall in the existing garage, because if you didn't use that you would pretty much have to tear the whole thing down and build a new wall on that side.

MR. GIORGIOUDAKIS: Right.

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MR. DOYLE: I assume.

MR. GIORGIOUDAKIS: Yes. And the front, partial of the front.

MR. DOYLE: And I hesitate to say this, but this is the one where you're stacking house; correct?

MR. GIORGIOUDAKIS: Yes.

MR. DOYLE: I was wondering if there is any way you could go further in without the stacking, or, either without the stacking, or can that be done in a partial? I'm just concerned because of the fact that it not only goes so much higher.

MR. GIORGIOUDAKIS: This is a minimum height required. And actually the total height is actually lower than the existing garage now because it has that steep --

MS. BUNTING-SMITH: The volume is much greater.

MR. GIORGIOUDAKIS: Correct.

MR. DOYLE: Yes. Now, I am just trying to see if there was any other alternatives, within that area, obviously that's where you want to be.

MR. GIORGIOUDAKIS: It would have to kind of like --

MR. DOYLE: I have a feeling it's a combination of the existing garage and the stacking aspect of it.

MR. GIORGIOUDAKIS: Yes. There is a minimum height required because of the stacking, correct.

MR. DOYLE: All right. That was my concern.

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MS. BUNTING-SMITH: Any other questions from the Board?

(No responses.)

MR. DOYLE: No.

MS. BUNTING-SMITH: I did hear Mr. Giorgioudakis say that he presumed that you're going to use the wall of the existing garage, but I guess we should ask. Is that actually the case or are you simply trying to --

MR. GIORGIOUDAKIS: It is. And it's reflected in the floor plans, the plans that were created.

MS. BUNTING-SMITH: No. So is that, in other words, that wall is of such condition that you not have to rebuild it, is really what I'm asking?

MR. GIORGIOUDAKIS: Correct. And you know partial of the front wall as well.

MS. BUNTING-SMITH: That was the only question I had.

MR. GIORGIOUDAKIS: Okay.

MS. BUNTING-SMITH: Anyone else?

(No response.)

MS. BUNTING-SMITH: Someone in the audience? Come up, please.

MR. SMITH: Thank you. Good evening. First, I'd like to start with the question.

MS. BUNTING-SMITH: Identify yourself first.

MR. DOYLE: Name and --

MR. SMITH: Matthew Smith. You

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need the address?

MS. BUNTING-SMITH: If you live in the area, yes.

MR. SMITH: I'm not from this area.

MS. BUNTING-SMITH: Okay.

MR. SMITH: My question is, I understand you're stacking cars, but what else will be the use of this large -- very large structure?

MS. BUNTING-SMITH: I'll let the Applicant answer that.

MR. GIORGIOUDAKIS: It's a private garage that will store classic vehicles. Mr. Riordan is a collector. And we submitted the documentation that the Board requested attesting to that fact.

MS. BUNTING-SMITH: And you listed the cars?

MR. RIORDAN: And we listed the cars also, and when they were purchased, what years they were, the kind of classic cars. So they will be stored there, and then the center part of the garage will be used as storage for all his lawn equipment. So it's just a parking garage and storage for lawn equipment.

MS. BUNTING-SMITH: Does that answer your question, Mr. Smith?

MR. SMITH: Yes, of course. That's an answer. I appreciate that. I'm just wondering if there is going to be any commercial use or any use related to working on the cars, mechanic, oil draining off of cars that could leak into the, you know, down the hill. I mean, I appreciate the answer is purely to store things; I'm just concerned that that actually -- can you elaborate on that concern?

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MS. BUNTING-SMITH: Well, I will answer part of that. Because you do have a statement from the applicant saying that the resident and/or this construction on the property will not be used as a commercial business once the garage is built, and they will not use the commercial business. So we've gotten that statement from them. But I think what you're asking about the oil, whether there will be any mechanical work done on the cars there, that might create any other issues. So I'll let the Applicant answer that.

MR. GIORGIODAKIS: No. We don't believe so. Not more than any other parking, you know, garage, residential garage would have, just parking cars.

MS. BUNTING-SMITH: Well, my grandsons do a lot of work on cars.

MR. GIORGIOUDAKIS: Other than, you know, he won't be running a commercial business out of the garage.

MS. BUNTING-SMITH: No. No. I don't think that was the question. I think the question was, because you have several cars, do you plan to have any work done on the cars in the garage, or in and about the garage, that might result in, as you said, oil spills or something of that nature?

MR. DOYLE: Or even noise.

MS. BUNTING-SMITH: Or noise, right.

MR. GIORGIOUDAKIS: The answer is no. They want you to elaborate.

MR. RIORDAN: I'm Brendon Riordan, the owner of the property. And the answer is no, there won't be any work done on the vehicles because they are old cars and they are very temperamental, so I'm sure two or three of them are leaking some fluid right

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now. But it's not in mass. It's not huge quantities. It's, you know, drips pretty much so. And I don't know, other than what, you know, what questions he has regarding it.

MS. BUNTING-SMITH: You're not planning to do oil changes and things of that nature?

MR. RIORDAN: No. Not right now, no. Definitely not. As I said, it is to store -- like, I have a garage right now, where they are stored. But I'm losing my garage as of January 1st, so I'd rather just keep them on my property than continue paying rent on other people's property. So I don't do work where they are right now; they are just stored.

MS. BUNTING-SMITH: You don't?

MR. RIORDAN: No.

MS. BUNTING-SMITH: All right.

MR. DOYLE: It wouldn't be disposing of oil and things like that?

MR. RIORDAN: No.

MS. BUNTING-SMITH: Any other questions, sir? Mr. Smith?

MR. SMITH: I'm just a little concerned about the drips. And I guess this might be a question for the applicant or the Board or whomever, there is going to be an inspection on regular basis to ensure that? I'm just a little skeptical.

MS. BUNTING-SMITH: What?

MR. SMITH: There is not going to be work, though, would be doing work on the cars? I'm just concerned about spills. And if you could just --

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MS. BUNTING-SMITH: I'm not sure that we can impose restrictions on someone doing minor repairs on their car, because that's done by every resident. They have that right to do that. This is a number of cars, obviously. What I could suggest perhaps is that there is a product that is used that is put on the floor to absorb any type of spill, that since he's indicated that there is some dripping, maybe that would solve that issue.

MR. SMITH: Has the architect or the --

MS. BUNTING-SMITH: Come up to the microphone.

MR. SMITH: Have you guys considered that?

MR. RIORDAN: Yes. I already have them placed where my cars are stored right now; there is mats put under where possibly it could be leaking. As I said, it's not a continuous thing. It's not, you know, they may not leak ever, but they are older cars, not driven as much as a regular car. So they do, from time to time, have drips, but they are protected; the floors are protected. Where if I damage the floors where they are stored right now there are going to be issues. So they are pretty much -- it's covered. All the leaks, that don't leak on the floor. If there is any sort of leaks it's disposed of properly; it's not just poured down the drain. It's disposed of, if there is a leak of any kind.

MS. BUNTING-SMITH: And I would imagine if you're stacking them you don't want the cars that are above leaking.

MR. RIORDAN: It's my property. I live there. I don't want any issues with any of my property, that's going to diminish my property's value in any way, shape or form.

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MS. BUNTING-SMITH: I like to hear that.

MR. LOSAPIO: I have a question for you. So you have six automobiles. Have you ever had, since 2013, with your six automobiles, have you ever had any kind of major situation where it's a threat to --

MR. RIORDAN: No, not at all. It's just, to tell you the truth, most cars just in a normal driveway would probably leak more than my cars would be. Because as I said, they are not in use, you know; I store them for that reason but, you know, I'm not going to tell you they are not going.

MS. BUNTING-SMITH: You don't have them drain necessarily?

MR. RIORDAN: No, they are not drained, no. The gas tanks are drained because the gas will go bad, but the oils and other fluids are not. But, as I said, most vehicle in a normal driveway would probably leak more than these cars would in a year. As I said, well they are well protected from the leaking on floors, staining the floors, and then they are disposed of properly where need be.

MR. CRICHLLOW: Excuse me. I do have a question. So can we suffice to say that, I mean, every car needs an oil change. Do you do it yourself or would you send it to the station?

MR. RIORDAN: Since I've owned these vehicles, as you can see the list, I haven't changed the oil on any of them, because they are not driven.

MR. CRICHLLOW: So they are due?

MR. RIORDAN: No.

MS. BUNTING-SMITH: They are not

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driven?

MR. RIORDAN: Five or six years, they are just not driven. So there is no point in investing money in oil changes that are just going to sit there. When I do decide to drive the vehicle or bring it out for a summer, a specific car for the summer, I brought to a garage. They will do all the maintenance on it, check the brakes all safety on it, then I'll drive it for the summer. But while they are in storage, it's kind of not cost-effective to do a lot of maintenance on them, while they just sit there.

MR. GIORDIOUDAKIS: And also just to address the -- if there is a concern with something leaking. We can paint the floor of the garage with an epoxy deck paint, which would also help with any minor leakage. That wouldn't be a problem.

MS. BUNTING-SMITH: So obviously -- you would let us put a condition in, if we were to approve this, to take such steps to mitigate any, you know, I guess, leakage or drips as we call them. Right?

MR. GIORGIOUDAKIS: Yes, ma'am. Usually we put, like, an epoxy deck paint, yes.

MS. BUNTING-SMITH: Anything else, sir?

MR. SMITH: Honestly, I'm a little concerned. I have nothing else. I just note my concern for the Board's --

MR. LOSAPIO: Excuse me. You said you don't live in the area?

MR. SMITH: I don't.

MR. LOSAPIO: What aroused your curiosity, if I may?

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MR. SMITH: I have family members in the area, but they wish to remain anonymous.

MR. LOSAPIO: That's fine.

MS. BUNTING-SMITH: I assumed that.

MR. LOSAPIO: That's fine.

MR. RIORDAN: I just want to say one thing to the Board, and all my neighbors. And as previous to the other meeting have signed documents, and they are agreeing to what I -- they all know what I'm trying to do here. So it's not as if I'm trying to upset the neighborhood in any way, shape or form. The question regarding moving the garage more behind the house, would affect -- it would affect -- you would see more of the garage from the street than if it was directly behind it, where it is right now. So as I said before, I'm trying to protect the neighborhood as much as I can. I own a house that I do not want to be negatively affected in any way possible. And that's why I spoke to all my neighbors, and they are extremely happy with what I want to do, so.

MS. BUNTING-SMITH: Anyone else in the audience?

(No responses.)

MS. BUNTING-SMITH: Welcome. Thank you.

MR. RIORDAN: Thank you.

MR. SMITH: Thank you.

MRS. RIORDAN: Okay. Thank you.

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9/20/2018 - Case No. 18-23

MS. BUNTING-SMITH: The next case on tonight's agenda is the first new case, Jonathan and Margarita Zippin, Case No. 18-23.

Case No. 18-23 - Jonathan & Margarita Zippin, for property located at 11 Thomas Lane, (P.O. Scarsdale, N.Y.). Applicant is requesting area variances from Section 285-12(B)(3)(d) of the Zoning Ordinance to increase the maximum impervious surface area from 33.5 % (permitted), 39 % (existing) to 39 % (proposed); from Section 285-13(B)(4)(b) to reduce one side yard from the principal structure from 14 ft. (Required) to 7.8 ft. (Proposed); from Section 285-13(B)(4)(c) to reduce two (2) side yards from 30 ft. (Required) to 26.55 ft. (Proposed); and from Section 285-5 to decrease a side yard from a patio from 10 ft. (Required), 1.8 ft. (Existing) to 1.8 ft. (Proposed), in order to construct a one (1) story addition. The property is located in an R-15 One-Family Residential District and is designated on the Town Tax Map as Parcel ID: 8.470-332-16.

MR. SECON: Good evening. My name is Steven Secon. I'm the architect working with Jonathan and Rita Zippin. We're here before you to request several variances. I understand several of you visited the site earlier today. Part of the reason for the project is simply that three young children, they are outgrowing their house.

MR. CRICHLLOW: I'm sorry, but I can't hear what you're saying. Could you speak more directly into the microphone.

MR. SECON: Sure. Is this better?

MR. CRICHLLOW: Yes.

MR. DOYLE: Yes.

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MR. SECON: So part of the reason for the project is three young children, growing. And the grandparents of one Rita's family and Jonathan's family is from in Florida, so they had prolonged stays at the house little bit, and need a little bit more elbow room, and so that gave rise to the need for the addition. Part of the geometry of the property, as you can see it's skewed and gets tighter as you head toward the rear. So putting almost any rear addition where sort of a sensible place to expand created a need for side variances.

In addition to that, there was some work that was done before the Zippins took ownership of the property, that created a variance situation that needed to be legalized in terms of impervious coverage. So what we've -- thank you, Carole. So what we're trying to do is the minimum amount of variance and disturbance and storage meet the goals. We submitted earlier letters of support from the neighbors, including the neighbor to the east, who would potentially be the most adversely affected, and everybody was on Board with the improvements.

The variances are quite minimal. They represent, you know, us taking a very hard look at what we can do, things that accomplish the goals that the Zippins set out to do. And at a minimum, and we're hoping that, you know, we could answer any questions and make anything clearer if needed.

That picture that you see there is -- actually what started the job was that the balcony is -- thank you -- (indicating) is in very bad shape and in disrepair, and that actually started the ball rolling, the need to replace that; and then basically you're going to expand it from there.

This illustration is not in your

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package, but it perhaps helps a little bit with the description.

So what you saw before was that canopy that had to be removed, basically the proposed addition and the proposed covered patio.

MR. CRICHLLOW: There is a very beautiful specimen tree in that planted garden just to the left of the curved patio. That doesn't have to be removed, does it?

MR. SECON: It's going to be relocated.

MR. CRICHLLOW: It is going to be relocated?

MR. ZIPPIN: It's actually outgrown --

MS. BUNTING-SMITH: You have to get on the microphone.

MR. ZIPPIN: It's actually outgrown the planter. It is quite beautiful. We're going to relocate to the front. It's a Wheaton Cherry.

MR. CRICHLLOW: A Wheaton Cherry.

MR. ZIPPIN: Unfortunately it's actually outgrown the planter as is.

MR. CRICHLLOW: And that's because the extension comes out that far, or the revised patio is going to encumber that planted garden?

MR. SECON: The construction activity would severely damage the roots. And it didn't seem to make sense to take that risk, because it was so close it would definitely encroach into the crown of the tree. It would make the most sense to relocate it, you know, take a specimen tree, put it out front, give it a little more curb

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appeal.

MR. CRICHLLOW: Okay. I have no more questions.

MR. DOYLE: Pardon me. Do you have any sort of before/after comparison?

MR. SECON: Do you mean graphically, or?

MR. DOYLE: Yes. Something that would -- I mean, I see there, you know, addition, it sounds like the patio -- I'm looking at page A-2. And then I guess A-3 or so, and I'm having trouble lining it up. I don't see any covered patios on the charts. That's why I'm asking for comparison between what exists now and how it will be -- where it will be added.

MR. SECON: I'm not sure if this helps to address that.

MR. DOYLE: Probably. The area in red.

MR. SECON: The area in red, the solid line is the new enclosed area, that's about 450 square feet. And the area with the dotted red line represents the covered patio, which is about 300 square feet. And the part that naturally encroaches the most is the covered roof part (indicating).

MR. DOYLE: Yes.

MR. SECON: So that's the side variance that we're requesting.

MR. DOYLE: The thing that sort of threw me off was, on the illustration that you had first with the -- just the general -- the building, that curved covered patio; I don't see that there. That's why I'm -- what you are pointing to me, there is a square object and I see a curved object in the illustration he showed before. That's where I'm having trouble.

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MS. BUNTING-SMITH: Well, let's find out.

MR. SECON: Okay.

MS. BUNTING-SMITH: Put that back up again, the curved.

MR. MARTIN: The previous.

MS. BUNTING-SMITH: The mock-up. The one that we don't have. That's it.

MR. SECON: That's --

MS. BUNTING-SMITH: Okay.

MR. SECON: This is really a montage of new over the existing. The curved portion --

MR. CRICHLLOW: Bless you.

MR. SECON: -- will be gone. That will be leveled off so that it makes sense.

MR. DOYLE: All right. That's where I was confused at. Okay. So that, I thought you were giving an illustration of what the final product was going to look like.

MR. SECON: No.

MR. DOYLE: I was saying, where is that?

MR. SECON: No. I'm trying to just simplify it.

MR. CRICHLLOW: Okay. So I do have another question. Sorry.

MR. SECON: Sure.

MR. CRICHLLOW: Your patio side yard setback is already existing at 1.8 feet, and

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it remains in your new proposal. So could you explain for the record, how did it get to 1.8 as an existing side yard setback?

MR. SECON: I would have to defer to the previous owner, because this is --

MR. CRICHLLOW: So it existed.

MR. SECON: Correct. Correct.

MR. CRICHLLOW: When you purchased the home.

MR. ZIPPIN: Yes.

MR. SECON: How long have you had possession, Jon?

MR. ZIPPIN: Five years.

MS. BUNTING-SMITH: How old is the house?

MR. ZIPPIN: I think it's about 50 years old.

MR. DOYLE: One of the prime reasons for whatever structure would be there, is the slant of the property. In fact, even if you -- I'm guessing that even if you didn't have a patio you would probably still need the setback requirement.

MR. SECON: Correct. The enclosed portion of the new addition, which encroaches as well.

MS. BUNTING-SMITH: You have mentioned that there were letters from the neighbor, I thought?

MR. SECON: Yes. There are three letters.

MS. BUNTING-SMITH: And they are in here?

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MR. LOSAPIO: I didn't see them.

MS. BUNTING-SMITH: I didn't see any.

MR. SECON: I think I --

MS. WALKER: You did.

MR. SECON: I submitted it a while ago. I'm happy to -- can I approach?

MS. BUNTING-SMITH: You can pass them up.

MS. WALKER: It looks like --

MS. BUNTING-SMITH: See what it looks like. It's definitely letters.

MR. SECON: The top one is from the adjacent.

MS. BUNTING-SMITH: We have one from the adjacent property, you mean the next door neighbor?

MR. SECON: Right.

MS. BUNTING-SMITH: Okay.

MR. SECON: The one who is the tightest.

MS. BUNTING-SMITH: And you have one which is -- here is 9 Thomas Lane. And then you have neighbors at 12 Thomas Lane. Then you have the individuals who own 7 Thomas Lane. Essentially they have all signed the same letter.

MR. SECON: Correct. Right.

MS. BUNTING-SMITH: And we assume that you showed them the plans of what you plan to do.

MR. SECON: Right.

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MS. BUNTING-SMITH: I hope they understood them better than we did.

THE COURT REPORTER: Please spell your last name.

MR. SECON: S-E-C-O-N.

MS. KNECHT: It's a one story addition?

MR. SECON: Correct.

MS. BUNTING-SMITH: Any other questions?

(No response.)

MS. BUNTING-SMITH: Anyone in the audience?

(No response.)

MS. BUNTING-SMITH: Okay.

MR. SECON: Thank you.

MR. ZIPPIN: Thank you.

* * * * *

9/20/2018 - Case No. 18-24

MS. BUNTING-SMITH: The next case on tonight's agenda is Case No. 18-24, Ellen Rosenberg and Marvin Price.

Case No. 18-24 - Ellen Rosenberg & Marvin Price, for property located at 6 Algonquin Drive, (PO Irvington, N.Y.). Applicant is requesting area variances from 285-14(B)(4)(d) of the Zoning Ordinance to reduce the rear yard from the principal structure from 28 ft. (Required) to 21 ft. (Proposed); and to reduce the rear yard from a deck from 23 ft. (Required) to 13.46 ft. (Proposed), in order to legalize a sunroom and construct a new deck. The property is located in a R-10 One-Family Residential District and is designated on the Town Tax Map as Parcel ID: 7.370-189-27

MR. WILE: Good evening. My name is Arnold Wile. I'm the architect for Ellen Rosenberg, who is here. And what we're proposing to do is to add on to an existing deck larger. The resulting full-sized deck would be about 25 by 14 and we also proposing to remove an existing sunroof which imposes visually on to the backyard very considerably.

This is that photograph showing the sunroom that we're proposing to remove and replace with just plain deck, extend the deck to completely remove that Sunday room sunroom and the upper deck which it's a split level house that's why there are two levels, the your upper deck is the one it that was off the existing kitchen and we're proposing to extend it so it's also off of the existing dining rooming. And the resulting size would be approximately 14 by 25.

MS. BUNTING-SMITH: And the need to do this is what?

MR. WILE: Well, the only place that they really have to get out from the

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living room/dining room/kitchen level is this area, and that existing deck is in horrible condition, needs to be rebuilt. So that forms, in effect, the land that they have for daily use, they can go down to the backyard, but the backyard is a complete floor all the way down.

MS. BUNTING-SMITH: And the increase in square footage from what is there now that you're replacing and what you're adding on is approximately what?

MR. WILE: Um, it's about 150 square feet of deck area. The sunroom that we're removing is also about 150 square feet. Also we believe that by removing that sunroom, the backyard will be much more open feeling. Well, you can see what it looks like.

MS. BUNTING-SMITH: I notice in the letter that was written, it talks about not having walked out on the deck for about four years because of the structure falling apart, I guess.

MR. WILE: Yes.

MS. BUNTING-SMITH: How long have you owned the house?

MS. ROSENBERG: 17 years.

MS. BUNTING-SMITH: 17 years?

MS. ROSENBERG: It's probably more than 14. Oh, sorry. Hi. Ellen Rosenberg. I'm the homeowner. And we don't walk out on the deck anymore, so it kind of just sits there. And I'd like nothing more. My parents live with me now, and my dad is 88 years old. He sits on the side yard by the driveway, in a little chair there, and the neighbors wave hi to him. And he sits there, because he can't go out on the deck.

MR. LOSAPIO: Is that what the

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wheelchair is doing there? There is a wheelchair there, is that where he sits?

MS. ROSENBERG: Oh, you saw that? That wheelchair I have to get rid of. I have another wheelchair inside. That one is broken.

MS. ROSENBERG: I guess you went to see my house.

MR. LOSAPIO: Yes.

MR. MARTIN: Yes.

MR. DOYLE: So you're replacing the existing deck, you are moving the sunroof, and the existing deck, am I correct, is going to be from one end of the house to the other?

MS. BUNTING-SMITH: No?

MS. ROSENBERG: No.

MR. DOYLE: Where will it end?

MR. WILE: The deck will be just where the sunroom is, on the lower level, yes.

MR. DOYLE: Right.

MR. SECON: And on the upper level there is another photograph. I wonder if --

MS. BUNTING-SMITH: Look up at the screen.

MR. WILE: Yes. Thank you. The window there that does not have a deck in front of it, is the dining room.

MS. BUNTING-SMITH: Okay.

MR. WILE: And we're proposing to extend the deck to cover the dining room and where that window is we're proposing to put

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a sliding door on to the new deck.

MR. DOYLE: And where will it end on the other side, where it ends now?

MR. WILE: Yes.

MS. BUNTING-SMITH: So the steps will be in the same place essentially.

MR. WILE: Yes.

MS. BUNTING-SMITH: And the sunroom will be gone.

MR. WILE: The sunroom will be gone.

MS. BUNTING-SMITH: And no deck on that side.

MR. WILE: Well, where there is a -- what we're going to do is to remove the sunroom completely, and the lower deck would be extended so that we could get out -- where the sunroom is there is a door to the sunroom. That door would go on to a deck. There would be no sunroom; below the sunroom it would be a deck.

MS. BUNTING-SMITH: You have now essentially three areas of deck space.

MR. WILE: Well, they would be of the existing.

MS. BUNTING-SMITH: You have the new one that you're going to add on to, which is a new area.

MS. ROSENBERG: Which will be one.

MS. BUNTING-SMITH: The dining room, which will join the one that you're reconstructing, and then you're going to have another deck on the other side? Okay.

MR. MARTIN: So, in essence, the

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deck would go from one end of the house to the other?

MR. WILE: I don't --

MS. BUNTING-SMITH: It's not the same.

MS. ROSENBERG: On two different levels.

MR. MARTIN: But there would be decking, I should say?

MR. WILE: Yes.

MS. ROSENBERG: Yes; it doesn't go to the end.

MR. WILE: It's not all the way -- it doesn't cover the entire back of the house.

MR. CRICHLLOW: So it ends where the sunroom ends?

MS. ROSENBERG: Correct.

MR. CRICHLLOW: It doesn't extend all the way to the opposite side of the house. That's what I think was the confusion.

MR. DOYLE: Also the deck is the existing large deck, 14 feet.

MR. WILE: No. If you notice on that photograph, what we're doing is, we're not increasing the degree of nonconformity; we're just coming straight across. However, because the kitchen, which that deck is in front of, sticks out about a foot and a half or two feet, when we extend the existing deck it would result in a deck, which is -- that the existing deck is about 12 feet, and that deck, the new one would be about 14 feet, but it would be in a straight line. The only reason there is a difference is

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because the house now sticks out where the kitchen is, but not where the dining room is. So it would be straight. We're not increasing the size -- it's not sticking out any further into the side yard than the existing deck.

MR. DOYLE: I understand that. Now, the deck that's going to be where the sunroom is, how deep is that?

MR. WILE: It's just --

MS. ROSENBERG: The exact print of the foot.

MR. DOYLE: The sunroom right now comes out a portion of what the main deck does.

MS. ROSENBERG: We keep it the same.

MR. DOYLE: Same depth?

MS. ROSENBERG: The same depth as the sunroom.

MR. MARTIN: As the sunroom?

MS. ROSENBERG: Right. No deeper than the sun room.

MR. WILE: It's 9 feet 4 inches. Yes. Not increasing it at all.

MR. DOYLE: Okay.

MS. BUNTING-SMITH: Any other questions? I don't have any.

(No response.)

MS. BUNTING-SMITH: Does anyone in the audience want to comment on this case?

(No response.)

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MS. BUNTING-SMITH: No? Okay. I think we're clear now.

MS. ROSENBERG: Thank you.

MR. WILE: Thank you.

MS. BUNTING-SMITH: All right.

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9/20/2018 - Case No. 18-25

MS. BUNTING-SMITH: And the next case on tonight's agenda is Case No. 18-25, Gary Guo.

Case No. 18-25 - Gary Guo, for property located at 30 Henry Street, (PO Scarsdale, N.Y.). Applicant is requesting an area variance from 285-15(B)(4)(C) of the Zoning Ordinance to reduce a total of two side yards from 30 ft. (Required) to 28.98 ft. (Proposed); and from Section 285-42(C)(1) to enlarge a nonconforming structure so as to increase such nonconformance, in order to legalize an enclosed porch. The property is located in a R-15 One-Family Residential District and is designated on the Town Tax Map as Parcel ID: 8.540-370-12.

MR. SAVIGNY: My name is Charles Savigny. I'm the architect for Gary Guo, at 30 Henry Street. And we are requesting a side yard variance for an existing nonconforming left side yard. And in 2009, prior to these owners buying this house, there was constructed a open porch, which is on the right side of the house, which is not over the setback. But they are selling their house, and to legalize this open porch we realized that the left side yard combined with the right side yard are 13 inches over the 30 foot total setback. So we're requesting a variance of 13 inches.

MS. BUNTING-SMITH: Not 14?

MR. SAVIGNY: One foot one inch. So that's the porch on the left there.

MS. BUNTING-SMITH: Okay.

MR. SAVIGNY: So we have letters from the adjacent neighbors on either side approving.

MS. BUNTING-SMITH: All right. Any questions?

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MR. MARTIN: No.

MS. BUNTING-SMITH: Anyone in the audience?

(No response.)

MS. BUNTING-SMITH: Okay. All right. With that, we will adjourn to deliberate. We'll be in the room behind us. You're welcome to join us but not paramount participate.

While we're still on the record is there anyone here on case -- I'm sorry. On case 18-19, White Hickory Associates? We called earlier, no one was here. Is anyone here now? Okay. Thank you.

(No responses.)

(Whereupon, at nine p.m. the Board adjourned to deliberate; at 9:43 the Board return to the auditorium.)

MS. BUNTING-SMITH: Carol, is he ready?

MS. WALKER: Yes, he is.

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9/20/2018 - Case No. 18-10

MS. BUNTING-SMITH: Thank you. And we are back with our decisions. And on Case Number 18-10.

WHEREAS, the Greenburgh Zoning Board of Appeals has reviewed the above-referenced application with regard to the SEQRA compliance, and whereas the Greenburgh Zoning Board of Appeals has determined the application would not have a significant impact on the environment, now, therefore be it resolve that the subject application is a Type II Action requiring no further SEQRA consideration.

MR. DOYLE: Second.

MS. BUNTING-SMITH: All in favor?

MR. CRICHLLOW: Aye.

MR. LOSAPIO: Aye.

MR. MARTIN: Aye.

MS. KNECHT: Aye.

MS. BUNTING-SMITH: And the Chair votes aye.

Do I have a motion? Yes.

I move that the application in Case No. 18-10, Rocco Salerno, be granted, subject to the following conditions:

1. The Applicant obtain all necessary approvals and file same with the Building Department;

2. Construction must commence no later than 12 months after the granting of the last approval required for issuance of a Building Permit and proceed diligently thereafter in conformity with the plans dated as received by the Town, submitted in support of this application, or as such

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plans may hereafter be modified by another approving board, agency or officer of the Town (provided that such modification does not require a greater or different variance than what we are granted herein);

3. The variances being granted are for the improvements shown on the plans submitted in support of this application only, or as such plans may be hereafter modified by another approving board or agency or officer of the Town. 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;

4. The parking space and RV that is the subject of this application must be completely screened with evergreen plantings on the property equal to or greater than the height of the RV that is the subject of this application along the front of the premises, to the satisfaction of the Town Forestry Officer or his or her designee;

5. The RV that is subject of this application shall not be used for residential purposes as only one dwelling unit is permitted per lot;

6. Consistent with the testimony before the Board in support of this application, and to minimize the impact of the variances being granted herein, the RV that is the subject of this application shall not be permitted to idle more than 15 minutes at a time; and because of the large size of the RV that is subject of this application, this variance shall terminate upon the sale or removal of the existing RV. These conditions shall be incorporated in a restrictive covenant that shall be approved by the Town Attorney and filed with the Westchester County Office of Land Records before the case that is presently pending in

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the Justice Court of the Town is disposed of.

MR. DOYLE: Second.

MS. BUNTING-SMITH: All in favor?

MS. KNECHT: Aye.

MR. LOSAPIO: Aye.

MR. CRICHLLOW: Aye.

MR. DOYLE: Aye.

MR. MARTIN: Aye.

MS. BUNTING-SMITH: And the Chair votes aye.

FINDINGS: The Applicant is the owner of a large residence vehicle (RV) that is used by his wife in a dog showing business or hobby, which dictates that she be on the road for several months of the year. The Applicant's lot is located on a Steep Slope that rises from the street, and the location of the house on the lot makes parking of the RV in the side or rear of the lot, which is permitted by the Zoning Ordinance, difficult and/or impracticable. The Applicant therefore requests that we grant the variance to permit him to park the RV in the front yard, without screening. We hereby grant a variance for the reasons set forth below, but deny that part of the variance that requests that no screening be provided. The lot abuts a summer camp on one side and a golf course in the rear. A site visit revealed that the parking area being used for the RV is virtually invisible from all but one of the neighboring residences on the street, and that the house across the street can be effectively screened from view.

The Zoning Board has balanced the benefit to the applicant from the proposed

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variance against any detriment to the neighborhood and finds that:

Number 1. The variance will not alter the character of the neighborhood and will not adversely affect the use and enjoyment of nearby properties. As set forth above, the parking area is not visible from all but one of the neighboring residences, the owners of which have supported the application, and, with respect to the opposing neighbor, we find that the parking area can be screened along the front of the property, which screening will eliminate most if not all of the RV from view of the house across the street.

2. Although the variance can be considered substantial, permitting the parking of the RV front yard, which is not permitted, the impact is mitigated by the fact that we are requiring that the vehicle be screened year around along the front of the property and be limited in duration.

3. The Applicant has no feasible alternatives to the variance. As notes, the property consists of Steep Slopes and any effort to comply with requirement to park in the side or rear of the property, which are considerably higher than the street, could result in increased visibility of the vehicle and is not practical given the location of, and access to, the house.

4. With respect to environmental impacts -- visibility and noise -- the conditions we are imposing on the variance are designed to mitigate such impact to the maximum practicable extent by requiring evergreen screening, limiting the duration of the use and restricting idling.

5. Finally, the applicant's difficulty is self-created, since he purchased the property with knowledge of the physical constraints of the property and the requirements of the Zoning Ordinance, but

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such fact does not require denial of an area variance.

For the foregoing reason, we hereby GRANT the variance, as conditioned herein.

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9/20/2018 - Case No. 18-19 & 18-20 & 18-21

MS. BUNTING-SMITH: The next case we have on tonight is Case No. 18-19, White Hickory Associates, for property at 600 White Plains Road, we are going to adjourn to the next meeting for all purposes of October 19th.

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MS. BUNTING-SMITH: The next case is Case No. 18-20, New Castle Building Products, for property at 535 old Tarrytown Road, also adjourned, at the request of the applicant, to October 19th.

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MS. BUNTING-SMITH: Case No. 18-21, Stephen Wise Free Synagogue for Westchester Hills Cemetery, is closed for decision only, and will be adjourned to the meeting of October 19th.

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9/20/2018 - Case No. 18-22

MS. BUNTING-SMITH: The next case on tonight's agenda is Case No. 18-22, Brendon and Aileen Riordan.

And WHEREAS the Greenburgh Zoning Board of Appeals has reviewed the above-referenced application with regard to SEQRA compliance, and whereas, the Greenburgh Zoning Board of Appeals has determined the application will not have a significant impact on the environment, now, therefore, be it resolved, that the subject application is a Type II action requiring no further SEQRA consideration.

MS. WALKER: Madam Chair, correction. The next meeting is on October 18th.

MS. BUNTING-SMITH: The 18th? Did I say 19th?

MR. LOSAPIO: Yes.

MS. BUNTING-SMITH: Sorry. You're right. I have the 18th written on my notes, but I was saying -- whenever I said October 19th, please correct that to the 18th, that Thursday. Thank you.

MR. DOYLE: Second.

MS. BUNTING-SMITH: On the resolution, where are we? Yes. All in favor?

MS. KNECHT: Aye.

MR. LOSAPIO: Aye.

MR. CRICHLLOW: Aye.

MR. MARTIN: Aye.

MS. BUNTING-SMITH: The Chair votes aye. Motion.

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MR. MARTIN: Yes, Madam Chair. I move that the application in Case Number 18-22, be granted, provided that:

Number 1. The Applicant obtain all necessary approvals and file same with the Building Department;

Number 2. 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 received on August the 6th, 2018, 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).

Number 3. The variances being granted 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 and other variances we have approved herein.

Further, the following conditions shall be met:

Number 1. No commercial activity related to the vehicles take place;

Number 2. Matting or other absorbent material be utilized to avoid oil or greasy runoff;

Number 3. No disturbing noises to be allowed related to work on the vehicles.

MR. DOYLE: Second.

MS. BUNTING-SMITH: All in favor?

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MR. CRICHLLOW: Aye.

MR. DOYLE: Aye.

MS. BUNTING-SMITH: And the Chair votes aye.

MR. MARTIN: Findings. In granting this application, the Zoning Board has weighed the benefits to be derived by the applicant from the proposed variance against the impact that the variance would have on surrounding neighborhood. We have found that:

Number 1. Granting the variance will not result in a detriment to nearby properties, and will not adversely impact the character or physical or environmental conditions of the neighborhood or district (provided the conditions are fully complied with) because several affected neighbors have given their written consent to the addition.

Number 2. The goal of the applicant cannot be achieved by some other feasible means without requiring the variance we are granting now because to extend the garage to enable storage on one level only would not minimize the volume of the addition and also enlarge the impervious surface;

Number 3. The requested variance is substantial in relation to the requirement sought to be varied, in that the requested relief for the side lot variance is 4.97 feet, compared with 16 feet (required) a 69 percent decrease; and for the height variance it is 19.75 feet compared with 12 feet (required), a 65 percent increase, and the vehicle space variance is 8 spaces, compared with 7 (required), a 14 percent increase.

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Number 4. The Applicant's need for the the variance was self-created because he purchased the property with knowledge of the requirements of the Zoning Ordinance; however, the fact that an applicant's need for an area variance is self-created does not, by itself, require us to deny an area variance.

MS. BUNTING-SMITH: Thank you.

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9/20/2018 - Case No. 18-23

MS. BUNTING-SMITH: The next case on tonight's calendar is case 18-23, Jonathan and Marguerite Zippins.

WHEREAS, the Greenburgh Zoning Board of Appeals has reviewed the above referenced application with regard to SEQRA compliance and WHEREAS, the Greenburgh Zoning Board of Appeals has determined the Applicant will not have a significant impact on the environment now therefore be it resolve this the subject application is a Type II Action requiring no further SEQRA consideration.

MR. DOYLE: Second.

MS. BUNTING-SMITH: All in favor?

MR. CRICHLOW: Aye.

MR. LOSAPIO: Aye.

MS. KNECHT: Aye.

MS. BUNTING-SMITH: Motion.

MR. CRICHLOW: I do. I move that the application in Case No. 18-23, be GRANTED, provided that:

1. The applicant obtain all necessary approvals and file same with the Building Department; and

2. 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 time-stamped received August 10th, 2018, 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.)

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3. And 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. DOYLE: Second.

MS. BUNTING-SMITH: All in favor?

MR. MARTIN: Aye.

MR. CRICHLOW: Aye.

MS. KNECHT: Aye.

MR. LOSAPIO: Aye.

MS. BUNTING-SMITH: And the Chair votes aye.

MR. CRICHLOW: Findings. In granting this application, the Zoning Board has weighed the benefit to be derived by the applicant from the proposed variance against the impact that the variance would have on the surrounding neighborhood. We have found that:

1. Granting the variance will not result in a detriment to nearby properties and will not adversely impact the character or physical or environmental conditions in the neighborhood or district (provided the conditions are fully complied with) because: The end result will bring the house closer in scale to the neighboring houses, is not imposing to the street and is well screened from the neighboring properties;

2. The goal of the applicant cannot be achieved by some other feasible means without requiring the variances we are granting now because the house is situated

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tight to the left side property line setback limits and is encumbered by the wedge-shaped lot making any logical addition to the house requiring of a variance. It should be noted that two of the variances are for legalization of patio improvements done prior to the current ownership.

3. The requested variance for the impervious surface coverage is not substantial in relation to the requirement sought to be varied; in that the requested relief is 39 percent, compared with 33.5 percent (required), a 14 percent increase, which is an existing condition, the patio side yard setback is substantial in that the requested relief is 1.8 feet compared to 10 feet (required), an 82 percent increase, which is also an existing condition, the one side principal structure setback is substantial in that the relief is 7.8 feet compared to 14 feet (required), a 44 percent increase, and the two side total setback is not substantial in that the relief sought is 26.55 feet compared to 30 feet (required), which is an 11.5 percent increase.

The applicant's need for the area variance was self-created because they purchased the property with knowledge of the requirements of the Zoning Ordinance; however, the fact that the Applicant's need for an area variance is self-created does not, by itself, require us to deny an area variance.

MS. BUNTING-SMITH: Thank you.

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9/20/2018 - Case No. 18-24

MS. BUNTING-SMITH: And the next case on tonight's agenda is Case No. 18-24, Ellen Rosenberg and Marvin Price.

WHEREAS, the Greenburgh Zoning Board of Appeals has reviewed the above-referenced application with regard to SEQRA compliance and as the Greenburgh ZBA has determined the application will not have a significant impact on the environment, now, therefore be it resolved that the subject application is Type II Action, requiring no further SEQRA consideration.

MR. DOYLE: Second.

MS. BUNTING-SMITH: All in favor?

MS. KNECHT: Aye.

MR. CRICHLLOW: Aye.

MR. LOSAPIO: Aye.

MR. MARTIN: Aye.

MS. BUNTING-SMITH: And the Chair votes aye. Motion.

MS. KNECHT: I move that the application in Case No. 18-24, be GRANTED, provided that:

1. The Applicant obtain all necessary approvals and file same with the Building Department;

2. 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 in conformity to the plans, dated September 19th, 2018, 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 different or greater variance than

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what we are granting herein);

3. 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 and other variances we have approved herein.

MR. DOYLE: Second.

MS. BUNTING-SMITH: All in favor?

MS. KNECHT: Aye.

MR. CRICHLLOW: Aye.

MR. MARTIN: Aye.

MR. LOSAPIO: Aye.

MS. BUNTING-SMITH: And the Chair votes aye.

MS. KNECHT: FINDINGS. In granting this application, the Zoning Board has weighed the benefits to be derived by the applicant from the proposed variance against the impact that the variance would have on the surrounding neighborhood. We have found that:

1. Granting the variance will not result in a detriment to nearby properties and will not adversely impact the character or physical or environmental conditions in the neighbor or district, because applicant proposes to rebuild an existing, dilapidated upper level deck with a new functional 25 by 14 foot deck, and replacing an existing sunroom deck of the same size, approximately nine feet by four feet. The two decks will be connected via existing staircase and are located in the back of the house, not visible from the street.

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2. The goal of the applicant cannot be achieved by some other feasible means without requiring the variance we are granting now because the upper deck is existing and protrudes into the rear yard in part because the kitchen from which the deck extends is bumped out more than the rest of the house in the back. The applicant wishes to replace it and connect it to a lower deck thereby creating one deck in the back of the house.

3. The requested variance is substantial in relation to the requirement sought to be varied in that the requested relief, 13.46 feet, compared with 23 feet (required), a 41 percent decrease in the rear yard setback for an accessory structure; however, the applicant is actually eliminating the need for a principal structure rear yard setback by removing the sunroom from the back of the house. Also, there has been no objection by the neighbors.

4. The Applicant's need for the variance was self-created because she purchased the property with knowledge of the requirements of the Zoning Ordinance; however, the fact that an applicant's need for an area variance is self-created does not, by itself, require us to deny an area variance.

MS. BUNTING-SMITH: Thank you.

* * * *

9/20/2018 - Case No. 18-25

MS. BUNTING-SMITH: And the last case we have on tonight's calendar, Case No. 18-25, Gary Guo.

WHEREAS, the Greenburgh Zoning Board of Appeals has reviewed the above-referenced application with regard to SEQRA compliance; and WHEREAS the Greenburgh Zoning Board of Appeals has determined the application will not have a significant impact on the environment, now, therefore be it resolved, that the subject application is a Type II action requiring no further SEQRA consideration.

MR. DOYLE: Second.

MS. BUNTING-SMITH: All in favor?

MR. MARTIN: Aye.

MS. KNECHT: Aye.

MR. LOSAPIO: Aye.

MR. CRICHLOW: Aye.

MS. BUNTING-SMITH: The Chair votes aye. Motion?

MR. DOYLE: Madam Chair, I move the application in Case No. 18-25 for area variance to reduce the total of two side yards and to enlarge a non-conforming structure so as to increase such non-conformance, to legalize an existing deck, be granted, provided that:

1. The Applicant has obtained all necessary approvals and filed the same with the Building Department;

And 2. Construction for the existing deck be in accordance with the plans submitted -- and, pardon me, submitted on July 6th, 1955, received by the Zoning Board on August 30th, 2018, submitted in support of this application.

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3. 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. CRICHLLOW: Second.

MS. BUNTING-SMITH: All in favor?

MR. CRICHLLOW: Aye.

MS. KNECHT: Aye.

MR. LOSAPIO: Aye.

MR. DOYLE: Aye.

MR. MARTIN: Aye.

MS. BUNTING-SMITH: And the Chair votes aye.

MR. DOYLE: Findings. In granting this application, the Zoning Board has weighed the benefits to be derived by the applicant from the proposed variance against the impact that the variance would have on the surrounding neighborhood. We have found that:

1. Granting the variance will not result in a detriment to nearby properties and will not adversely impact the character or physical or environmental conditions in the neighborhood or district, because, as the existing deck is in conformance with the one side yard setback, but exceeds the requirement for two yards; also there has been no objection from the neighbors.

2. The goals of the applicant are not able to be achieved by some other feasible means without requiring the

9/20/2018 - Case No. 18-25

variance we are granting now because of the location of the existing deck; any change would require total or partial removal and then reconstruction.

3. The requested variance is not substantial in relation to the requirement sought to be varied; in that the requested relief is 28.95 compared to 30 feet (required) a 3.5 percent or 13 inch decrease. And:

4. The Applicant's need for the variance was self-created because he purchased the property with the knowledge of the requirements of the Zoning Ordinance; however, the fact that an applicant's need for area variance is self-created does not, by itself, require us to deny an area variance.

MS. BUNTING-SMITH: Thank you.

MR. DOYLE: Thank you.

MS. BUNTING-SMITH: And with that we skip ahead from this summer and we move on to fall. Hopefully we will see you all here next month, without snow or any other disturbances. Happy Autumn.

(Whereupon, at 10:06 the meeting of the zoning for the Town of Greenburgh was concluded, and adjourned to October 18th, 2018.)

* * * *

C E R T I F I C A T I O N
Certified to be a true and accurate
transcription of the within proceedings.

Debra L. Rinaldi
Senior Court Reporter

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transcription of the within proceedings.

DEBRA L. RINALDI
Senior Court Reporter

STATE OF NEW YORK
TOWN OF GREENBURGH
X-----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-----X

Decisions

September 20, 2018	Greenburgh Town Hall
8:00 P.M.	177 Hillside Avenue
	Greenburgh, New York

BOARD MEMBERS:

Laurence J. Doyle
Eve Bunting-Smith (Acting Chairwoman)
Rohan Harrison (NOT PRESENT)
Louis Crichlow
William Losapio
Daniel Martin
Kristi Knecht
William Bland (NOT PRESENT)

STAFF MEMBERS:

Carole Walker,
Secretary

Anthony Zacarolli
Deputy Town Building Inspector

Edward Lieberman, Esq.
Deputy Town Attorney

Debra L. Rinaldi
Official Court Reporter

9/20/2018 - Case No. 18-10

MS. BUNTING-SMITH: Thank you. And we are back with our decisions. And on Case Number 18-10.

WHEREAS, the Greenburgh Zoning Board of Appeals has reviewed the above-referenced application with regard to the SEQRA compliance, and whereas the Greenburgh Zoning Board of Appeals has determined the application would not have a significant impact on the environment, now, therefore be it resolve that the subject application is a Type II Action requiring no further SEQRA consideration.

MR. DOYLE: Second.

MS. BUNTING-SMITH: All in favor?

MR. CRICHLLOW: Aye.

MR. DOYLE: Aye.

MR. LOSAPIO: Aye.

MR. MARTIN: Aye.

MR. DOYLE: Aye.

MS. KNECHT: Aye.

MS. BUNTING-SMITH: And the Chair votes aye.

Do I have a motion? Yes.

I move that the application in Case No. 18-10, Rocco Salerno, be granted, subject to the following conditions:

1. The Applicant obtain all necessary approvals and file same with the Building Department;

2. Construction must commence no later than 12 months after the granting of the last approval required for issuance of a Building Permit and proceed diligently

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thereafter in conformity with the plans dated as received by the Town, submitted in support of this application, or as such plans may hereafter be modified by another approving board, agency or officer of the Town (provided that such modification does not require a greater or different variance than what we are granted herein).

3. The variances being granted are for the improvements shown on the plans submitted in support of this application only, or as such plans may be hereafter modified by another approving board or agency or officer of the Town. 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;

4. The parking space and RV that is the subject of this application must be completely screened with evergreen plantings on the property equal to or greater than the height of the RV that is the subject of this application along the front of the premises, to the satisfaction of the Town Forestry Officer or his or her designee;.

5. The RV that is subject of this application shall not be used for residential purposes as only one dwelling unit is permitted per lot;.

6. Consistent with the testimony before the Board in support of this application, and to minimize the impact of the variances being granted herein, the RV that is the subject of this application shall not be permitted to idle more than 15 minutes at a time; and because of the large size of the RV that is subject of this application, this variance shall terminate upon the sale or removal of the existing RV. These conditions shall be incorporated in a restrictive covenant that shall be approved

9/20/2018 - Case No. 18-10

by the Town Attorney and filed with the Westchester County Office of Land Records before the case that is presently pending in the Justice Court of the Town is disposed of.

MR. DOYLE: Second.

MS. BUNTING-SMITH: All in favor?

MS. KNECHT: Aye.

MR. LOSAPIO: Aye.

MR. CRICHLLOW: Aye.

MR. DOYLE: Aye.

MR. MARTIN: Aye.

MS. BUNTING-SMITH: And the Chair votes aye.

FINDINGS: The Applicant is the owner of a large residence vehicle (RV) that is used by his wife in a dog showing business or hobby, which dictates that she be on the road for several months of the year. The Applicant's lot is located on a Steep Slope that rises from the street, and the location of the house on the lot makes parking of the RV in the side or rear of the lot, which is permitted by the Zoning Ordinance, difficult and/or impracticable. The Applicant therefore requests that we grant the variance to permit him to park the RV in the front yard, without screening. We hereby grant a variance for the reasons set forth below, but deny that part of the variance that requests that no screening be provided. The lot abuts a summer camp on one side and a golf course in the rear. A site visit revealed that the parking area being used for the RV is virtually invisible from all but one of the neighboring residences on the street, and that the house across the street can be effectively screened from view.

9/20/2018 - Case No. 18-10

The Zoning Board has balanced the benefit to the applicant from the proposed variance against any detriment to the neighborhood and finds that:

Number 1. The variance will not alter the character of the neighborhood and will not adversely affect the use and enjoyment of nearby properties. As set forth above, the parking area is not visible from all but one of the neighboring residences, the owners of which have supported the application, and, with respect to the opposing neighbor, we find that the parking area can be screened along the front of the property, which screening will eliminate most if not all of the RV from view of the house across the street.

2. Although the variance can be considered substantial, permitting the parking of the RV front yard, which is not permitted, the impact is mitigated by the fact that we are requiring that the vehicle be screened year around along the front of the property and be limited in duration.

3. The Applicant has no feasible alternatives to the variance. As notes, the property consists of Steep Slopes and any effort to comply with requirement to park in the side or rear of the property, which are considerably higher than the street, could result in increased visibility of the vehicle and is not practical given the location of, and access to, the house.

4. With respect to environmental impacts -- visibility and noise -- the conditions we are imposing on the variance are designed to mitigate such impact to the maximum practicable extent by requiring evergreen screening, limiting the duration of the use and restricting idling.

5. Finally, the applicant's difficulty is self-created, since he purchased the property with knowledge of the

9/20/2018 - Case No. 18-10

physical constraints of the property and the requirements of the Zoning Ordinance, but such fact does not require denial of an area variance.

For the foregoing reason, we hereby GRANT the variance, as conditioned herein.

* * * * *

9/20/2018 - Case No. 18-22

MS. BUNTING-SMITH: The next case on tonight's agenda is Case No. 18-22, Brendon and Aileen Riordan.

And WHEREAS the Greenburgh Zoning Board of Appeals has reviewed the above-referenced application with regard to SEQRA compliance, and whereas, the Greenburgh Zoning Board of Appeals has determined the application will not have a significant impact on the environment, now, therefore, be it resolved, that the subject application is a Type II action requiring no further SEQRA consideration.

MS. WALKER: Madam Chair, correction. The next meeting is on October 18th.

MS. BUNTING-SMITH: The 18th? Did I say 19th?

MR. LOSAPIO: Yes.

MS. BUNTING-SMITH: Sorry. You're right. I have the 18th written on my notes, but I was saying -- whenever I said October 19th, please correct that to the 18th, that Thursday. Thank you.

MR. DOYLE: Second.

MS. BUNTING-SMITH: On the resolution, where are we? Yes. All in favor?

MS. KNECHT: Aye.

MR. LOSAPIO: Aye.

MR. CRICHLLOW: Aye.

MR. MARTIN: Aye.

MS. BUNTING-SMITH: The Chair votes aye. Motion.

9/20/2018 - Case No. 18-22

MR. MARTIN: Yes, Madam Chair. I move that the application in Case Number 18-22, be granted, provided that:

Number 1. The Applicant obtain all necessary approvals and file same with the Building Department;

Number 2. 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 received on August the 6th, 2018, 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).

Number 3. The variances being granted 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 and other variances we have approved herein.

Further, the following conditions shall be met:

Number 1. No commercial activity related to the vehicles take place;

Number 2. Matting or other absorbent material be utilized to avoid oil or greasy runoff;

Number 3. No disturbing noises to be allowed related to work on the vehicles.

MR. DOYLE: Second.

MS. BUNTING-SMITH: All in favor?

9/20/2018 - Case No. 18-22

MR. CRICHLLOW: Aye.

MR. DOYLE: Aye.

MS. BUNTING-SMITH: And the Chair votes aye.

MR. MARTIN: Findings. In granting this application, the Zoning Board has weighed the benefits to be derived by the applicant from the proposed variance against the impact that the variance would have on surrounding neighborhood. We have found that:

Number 1. Granting the variance will not result in a detriment to nearby properties, and will not adversely impact the character or physical or environmental conditions of the neighborhood or district (provided the conditions are fully complied with) because several affected neighbors have given their written consent to the addition.

Number 2. The goal of the applicant cannot be achieved by some other feasible means without requiring the variance we are granting now because to extend the garage to enable storage on one level only would not minimize the volume of the addition and also enlarge the impervious surface;

Number 3. The requested variance is substantial in relation to the requirement sought to be varied, in that the requested relief for the side lot variance is 4.97 feet, compared with 16 feet (required) a 69 percent decrease; and for the height variance it is 19.75 feet compared with 12 feet (required), a 65 percent increase, and the vehicle space variance is 8 spaces, compared with 7 (required), a 14 percent increase.

Number 4. The Applicant's need for the the variance was self-created because he

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purchased the property with knowledge of the requirements of the Zoning Ordinance; however, the fact that an applicant's need for an area variance is self-created does not, by itself, require us to deny an area variance.

MS. BUNTING-SMITH: Thank you.

* * * *

9/20/2018 - Case No. 18-23

MS. BUNTING-SMITH: The next case on tonight's calendar is case 18-23, Jonathan and Marguerite Zippins.

WHEREAS, the Greenburgh Zoning Board of Appeals has reviewed the above referenced application with regard to SEQRA compliance and WHEREAS, the Greenburgh Zoning Board of Appeals has determined the Applicant will not have a significant impact on the environment now therefore be it resolve this the subject application is a Type II Action requiring no further SEQRA consideration.

MR. DOYLE: Second.

MS. BUNTING-SMITH: All in favor?

MR. CRICHLOW: Aye.

MR. LOSAPIO: Aye.

MS. KNECHT: Aye.

MS. BUNTING-SMITH: Motion.

MR. CRICHLOW: I do. I move that the application in Case No. 18-23, be GRANTED, provided that:

1. The applicant obtain all necessary approvals and file same with the Building Department; and

2. 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 time-stamped received August 10th, 2018, 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.)

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3. And 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. DOYLE: Second.

MS. BUNTING-SMITH: All in favor?

MR. MARTIN: Aye.

MR. CRICHLOW: Aye.

MS. KNECHT: Aye.

MR. LOSAPIO: Aye.

MS. BUNTING-SMITH: And the Chair votes aye.

MR. CRICHLOW: Findings. In granting this application, the Zoning Board has weighed the benefit to be derived by the applicant from the proposed variance against the impact that the variance would have on the surrounding neighborhood. We have found that:

1. Granting the variance will not result in a detriment to nearby properties and will not adversely impact the character or physical or environmental conditions in the neighborhood or district (provided the conditions are fully complied with) because: The end result will bring the house closer in scale to the neighboring houses, is not imposing to the street and is well screened from the neighboring properties;

2. The goal of the applicant cannot be achieved by some other feasible means without requiring the variances we are granting now because the house is situated

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tight to the left side property line setback limits and is encumbered by the wedge-shaped lot making any logical addition to the house requiring of a variance. It should be noted that two of the variances are for legalization of patio improvements done prior to the current ownership.

3. The requested variance for the impervious surface coverage is not substantial in relation to the requirement sought to be varied; in that the requested relief is 39 percent, compared with 33.5 percent (required), a 14 percent increase, which is an existing condition, the patio side yard setback is substantial in that the requested relief is 1.8 feet compared to 10 feet (required), an 82 percent increase, which is also an existing condition, the one side principal structure setback is substantial in that the relief is 7.8 feet compared to 14 feet (required), a 44 percent increase, and the two side total setback is not substantial in that the relief sought is 26.55 feet compared to 30 feet (required), which is an 11.5 percent increase.

The applicant's need for the area variance was self-created because they purchased the property with knowledge of the requirements of the Zoning Ordinance; however, the fact that the Applicant's need for an area variance is self-created does not, by itself, require us to deny an area variance.

MS. BUNTING-SMITH: Thank you.

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9/20/2018 - Case No. 18-24

MS. BUNTING-SMITH: And the next case on tonight's agenda is Case No. 18-24, Ellen Rosenberg and Marvin Price.

WHEREAS, the Greenburgh Zoning Board of Appeals has reviewed the above-referenced application with regard to SEQRA compliance and as the Greenburgh ZBA has determined the application will not have a significant impact on the environment, now, therefore be it resolved that the subject application is Type II Action, requiring no further SEQRA consideration.

MR. DOYLE: Second.

MS. BUNTING-SMITH: All in favor?

MS. KNECHT: Aye.

MR. CRICHLLOW: Aye.

MR. LOSAPIO: Aye.

MR. MARTIN: Aye.

MS. BUNTING-SMITH: And the Chair votes aye. Motion.

MS. KNECHT: I move that the application in Case No. 18-24, be GRANTED, provided that:

1. The Applicant obtain all necessary approvals and file same with the Building Department;

2. 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 in conformity to the plans, dated September 19th, 2018, 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 different or greater variance than

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what we are granting herein);

3. 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 and other variances we have approved herein.

MR. DOYLE: Second.

MS. BUNTING-SMITH: All in favor?

MS. KNECHT: Aye.

MR. CRICHLLOW: Aye.

MR. MARTIN: Aye.

MR. LOSAPIO: Aye.

MS. BUNTING-SMITH: And the Chair votes aye.

MS. KNECHT: FINDINGS. In granting this application, the Zoning Board has weighed the benefits to be derived by the applicant from the proposed variance against the impact that the variance would have on the surrounding neighborhood. We have found that:

1. Granting the variance will not result in a detriment to nearby properties and will not adversely impact the character or physical or environmental conditions in the neighbor or district, because applicant proposes to rebuild an existing, dilapidated upper level deck with a new functional 25 by 14 foot deck, and replacing an existing sunroom deck of the same size, approximately nine feet by four feet. The two decks will be connected via existing staircase and are located in the back of the house, not visible from the street.

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2. The goal of the applicant cannot be achieved by some other feasible means without requiring the variance we are granting now because the upper deck is existing and protrudes into the rear yard in part because the kitchen from which the deck extends is bumped out more than the rest of the house in the back. The applicant wishes to replace it and connect it to a lower deck thereby creating one deck in the back of the house.

3. The requested variance is substantial in relation to the requirement sought to be varied in that the requested relief, 13.46 feet, compared with 23 feet (required), a 41 percent decrease in the rear yard setback for an accessory structure; however, the applicant is actually eliminating the need for a principal structure rear yard setback by removing the sunroom from the back of the house. Also, there has been no objection by the neighbors.

4. The Applicant's need for the variance was self-created because she purchased the property with knowledge of the requirements of the Zoning Ordinance; however, the fact that an applicant's need for an area variance is self-created does not, by itself, require us to deny an area variance.

MS. BUNTING-SMITH: Thank you.

* * * *

9/20/2018 - Case No. 18-25

MS. BUNTING-SMITH: And the last case we have on tonight's calendar, Case No. 18-25, Gary Guo.

WHEREAS, the Greenburgh Zoning Board of Appeals has reviewed the above-referenced application with regard to SEQRA compliance; and WHEREAS the Greenburgh Zoning Board of Appeals has determined the application will not have a significant impact on the environment, now, therefore be it resolved, that the subject application is a Type II action requiring no further SEQRA consideration.

MR. DOYLE: Second.

MS. BUNTING-SMITH: All in favor?

MR. MARTIN: Aye.

MS. KNECHT: Aye.

MR. LOSAPIO: Aye.

MR. CRICHLOW: Aye.

MS. BUNTING-SMITH: The Chair votes aye. Motion?

MR. DOYLE: Madam Chair, I move the application in Case No. 18-25 for area variance to reduce the total of two side yards and to enlarge a non-conforming structure so as to increase such non-conformance, to legalize an existing deck, be granted, provided that:

1. The Applicant has obtained all necessary approvals and filed the same with the Building Department;

And 2. Construction for the existing deck be in accordance with the plans submitted -- and, pardon me, submitted on July 6th, 1955, received by the Zoning Board on August 30th, 2018, submitted in support of this application.

9/20/2018 - Case No. 18-25

3. 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. CRICHLLOW: Second.

MS. BUNTING-SMITH: All in favor?

MR. CRICHLLOW: Aye.

MS. KNECHT: Aye.

MR. LOSAPIO: Aye.

MR. DOYLE: Aye.

MR. MARTIN: Aye.

MS. BUNTING-SMITH: And the Chair votes aye.

MR. DOYLE: Findings. In granting this application, the Zoning Board has weighed the benefits to be derived by the applicant from the proposed variance against the impact that the variance would have on the surrounding neighborhood. We have found that:

1. Granting the variance will not result in a detriment to nearby properties and will not adversely impact the character or physical or environmental conditions in the neighborhood or district, because, as the existing deck is in conformance with the one side yard setback, but exceeds the requirement for two yards; also there has been no objection from the neighbors.

2. The goals of the applicant are not able to be achieved by some other feasible means without requiring the

9/20/2018 - Case No. 18-25

variance we are granting now because of the location of the existing deck; any change would require total or partial removal and then reconstruction.

3. The requested variance is not substantial in relation to the requirement sought to be varied; in that the requested relief is 28.95 compared to 30 feet (required) a 3.5 percent or 13 inch decrease. And:

4. The Applicant's need for the variance was self-created because he purchased the property with the knowledge of the requirements of the Zoning Ordinance; however, the fact that an applicant's need for area variance is self-created does not, by itself, require us to deny an area variance.

MS. BUNTING-SMITH: Thank you.

MR. DOYLE: Thank you.

MS. BUNTING-SMITH: And with that we skip ahead from this summer and we move on to fall. Hopefully we will see you all here next month, without snow or any other disturbances. Happy Autumn.

(Whereupon, at 10:06 the meeting of the zoning for the Town of Greenburgh was concluded, and adjourned to October 18th, 2018.)

* * * *

C E R T I F I C A T I O N
Certified to be a true and accurate
transcription of the within proceedings.

Debra L. Rinaldi
Senior Court Reporter