

STATE OF NEW YORK
TOWN OF GREENBURGH

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Public Hearings and Decisions Before
The Zoning Board of Appeals of
Greenburgh, New York, in Connection with
Various Applications in Relation to the
Town Ordinance of the Town of Greenburgh.
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October 18, 2018
8:00 P.M.

Greenburgh Town Hall
177 Hillside Avenue
Greenburgh, New York

BOARD MEMBERS:

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

10/18/19 Case No. 18-19 & 18-21

(Whereupon, the meeting of the Zoning Board of Appeals of the Town of Greenburgh began at 8:03 p.m.)

MS. BUNTING-SMITH: Good evening, everyone. This is the Zoning Board of appeals of the Town of Greenburgh. The meeting of October 18th will now come to order.

We have five cases scheduled for tonight's agenda. However, 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.) is closed for decision only. And Case No. 18-19, White Hickory, has requested an adjournment. Is there anyone here that wanted to address Case No. 18-19 perchance?

(No response.)

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.

MS. BUNTING-SMITH: Okay. So please note that our next regular meeting is Thursday November 15th. If we can not for some reason complete hearing any case tonight, it will be adjourned to another meeting, hopefully to be completed at that time. As is usual, to save time, we waive a reading of the property location and the relief sought for each case. However, the

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Reporter does insert that information in the record and it also appears in the agenda for tonight's meeting. After the public hearing of tonight's cases we go into the conference room directly behind us to discuss the cases we've heard and to discuss our deliberations. Everyone is welcome at that time; however, you're not permitted to speak or participate when we're deliberating. Then when we finish we come back into this room to announce the Board's decision for the formal record and to have it 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 at prior meetings. Any testimony that is already in the record should not be repeated.

10/18/19 - Case No. 18-20

MS. BUNTING-SMITH: Therefore, the first case that we have on tonight's agenda is Case No. 18-20.

Case No. 18-20 - New Castle Building Products, for property at 535 Old Tarrytown Road, (P.O. White Plains, N.Y.) Applicant is requesting area variances from Section 285-32(B)(5)(a) of the Zoning Ordinance to reduce the distance from off-street parking to the principal building from 25 ft. (Required) to 0 ft. (Proposed); from Section 285-32(B)(5)(b) to reduce the distance from off-street parking to the side lot line from 25 ft. (Required) to 11.2 ft. (Proposed); and from Section 285-32(B)(3)(d) to increase the maximum impervious surface area from 80 % (permitted) to 82.4 % (proposed), in order to install additional parking. The property is located in an LI-Light Industrial District and is designated on the Town Tax Map as Parcel ID: 7.410-221-15.

MS. BUNTING-SMITH: Is anyone here that wishes to address that this evening? Come on up.

MR. HASSELL: Hello. Good evening. How are you doing?

MS. BUNTING-SMITH: Good.

MR. HASSELL: I'm Keith Haskell, chief operating officer of New Castle Building Products, for property at 535 Old Tarrytown Road, (P.O. White Plains, N.Y.)

MR. HANNINEN: Eric Hanninen, on behalf of the New Castle Building Products.

MS. BUNTING-SMITH: Okay.

MR. HASSELL: I have a presentation here to kind of quickly go through. Do you mind if we go to that first? Lot one, please. Thank you. Okay.

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MR. HASKELL: So, as a reminder, New Castle is looking to construct a retaining wall on the back of our property at 535 Old Tarrytown Road, primarily for the parking for the employees at the location. I'll kind of go through some things that have already taken place.

The Planning Board has issued a positive recommendation to the Zoning Board, previously, the SEQRA determination has been made. Last night we were here for the public hearing of the Planning Board, and we're requesting approval of four variances. And we need the next slide. Those variances.

MS. WALKER: Okay.

MR. HASKELL: Okay. That's okay. Parking to the principal building, the parking to the side lot, parking to the rear yard and the impervious coverage. So just to kind of highlight. New Castle Building Products, we started our business in 2002 down the road. We were at one location with 12 employees. Fast forward to today, and we actually have 18 locations because we just opened up Long Island two weeks ago. So we have over 280 employees company-wide, but we committed to Greenburgh some time ago, which has helped us grow our business, and we're very appreciative of that.

In 2010 we made a decision to have 535 Old Tarrytown Road as our Headquarters to support our company. So today we have 66 employees at 535 Old Tarrytown Road; 32 are primarily for Headquarter function; 34 are for branch operations, and we need additional parking to suffice for these 66 employees, plus guests and visitors as they come in.

This is a picture of our location. So when you come in from Old Tarrytown Road, which is on the northeast, the top right, you come into the building, and if you go

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straight ahead or to the right that is the branch operations where customers will come to pick up product from us. That's where we have our vehicles for delivery. But if you go to the left of the entrance when you come into the building and you go around the left hand side of the building we actually have a two-story attached headquarters to the warehouse, and this is where we have those employees who, as I said before. Go down.

MS. WALKER: I'm trying.

MR. HASKELL: So this is what our headquarters looks like in the back. So we have some doors and, you know, nice two-story building facade there which we're going to continue to add some wall panel to make it look nice. We have actually a model A Ford there from 1928, and it actually runs. And we take it in to parade around different areas. This is our part of the our headquarters office where the accounting department is, also commercial estimating and design department. Go to the next light.

Here is some additional -- that's fine. Here's some additional areas within the back of the headquarters. We have a hallway that goes down where side offices for fleet operations, human resources, management. We also have a kitchen for our employees so they can make some coffee or to cook either breakfast or lunch. We also have a nice conference room there to invite vendors and guests for meetings. And on the next slide we have a gym, a finance center. If you want to come you're welcome to. Actually, I live in New Jersey so I was working out there while I was waiting for the meeting to start. So it's perfect. It's great. But, you know, we like our employees to be healthy. So some people work out in the morning, some people work out midday then after work.

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So some other things that we do, you know, just to highlight some of the local business support that we have, not just the Greenburgh, but others in Westchester and New York in general. We like to eat. We like to feed our employees, so we put a lot of food from local areas and restaurants. We also procure a lot of services and equipment from local businesses. And we are building distribution company where we primarily provide roofing material to contractors to aesthetically make, you know, renovations or additional additions to everything from colleges to airports to Con Ed buildings and to some old historical houses, even all the way down in Brooklyn, which is we have a house listed there claiming to be the oldest house in New York back in 1648. The building put on cedar siding and shingles on that house.

So to highlight some of the benefits of the parking expansion, this is going to help retain our headquarters here in White Plains, 535 Old Tarrytown Road. So we can, you know, manage a business and continue to grow. It should alleviate some congestion in the front of the branch. Because sometimes when we're forced to park out front because we don't have enough parking in the back, it will create a little bit of congestion and we don't want that to happen. Sometimes over a minute it can carry out into the Tarrytown Road; people have to wait to pull in because somebody is pulling out. We're also going to construct a sidewalk out in front of our property along the perimeter of the property, make it look nice. A lot of people go for a walk. And then we're also going to construct some new fencing along the road there, so it looks a little bit more pleasing. Like I said, this is our headquarters so we want to show it off, and we want people who drive by to kind of enjoy what it looks like as well too.

We're going to purchase some trees and plants and put them appropriately in the

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location that we were told to in Greenburgh, to alleviate, you know, some of the trees that we need to remove on the property parking expansion. And at the base of the retaining wall we're going put some plants and shrubs there, some greenery, and we'll continue obviously to, you know, support the local business. As I said in the beginning, you know, we got a positive recommendation from the Planning Board. The SEQRA determination has been made. We were here last night to view the public hearing, and now we're requesting approval for the four variances. And that's what I have for now, and if there is any additional questions or you want some additional information if we have it.

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

MR. CRICHLLOW: No.

MS. BUNTING-SMITH: No. We are very familiar with this situation at this point so.

MR. HASKELL: I know. And I apologize for saying things over and over.

MS. BUNTING-SMITH: That's quite all right.

MR. HASKELL: I've been here a few times. Nice to see everyone.

MS. BUNTING-SMITH: Very clear, okay. All right. Anyone in the audience want to address this case?

Yes come up, ma'am.

MR. HASKELL: H-A-S-K-L-L.

MR. HANNINEN: H-A-N-N-I-N-E-N.

MR. LOSAPIO: I have a question. Did you have any people at the Planning

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Board last night to get up and voice any?

MR. HASKELL: Yes. We presented and no one in the audience spoke. There is nobody.

MR. LOSAPIO: Okay.

MS. BUNTING-SMITH: Did you have employees there rooting for you there though?

MR. HASKELL: That would have been smart, right? No, just me.

MR. HANNINEN: Fill the room next time.

MR. HASKELL: That's a good trick.

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

MR. HASKELL: Thank you.

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10/18/19 - Case No. 18-26

MS. BUNTING SMITH: The next case we're hearing tonight is Case No. 18-26, Doug & Ami Song, for property at 16 Berkley Lane, (P.O. Scarsdale, N.Y.) Applicant is requesting area variances from Section 285-15(B)(4)(b) of the Zoning Ordinance to reduce one side yard from 10 ft. (Required) to 7.9 ft. (Proposed); from Section 285-15(B)(4)(c) to reduce a total of two (2) side yards from 22 ft. (Required) to 18.19 ft. (Proposed); and from Section 285-42(C)(1) to enlarge a nonconforming structure so as to increase such nonconformance, in order to construct an addition. The property is located in an R-7.5 One-Family Residential District and is designated on the Town Tax Map as Parcel ID: 8.460-326-20.

MR. SONG: My name is Doug Song. I'm the owner of 16 Berkley Lane.

MR. ROBAK: Dave Robak. I'm substituting for the applicant.

MS. BUNTING-SMITH: We have a technical issue we'll take care of.

MR. ROBAK: R-O-B-A-K.

MS. BUNTING-SMITH: Is there anyone in the audience that wanted to address this case?

(No response.)

MS. BUNTING-SMITH: To move things along. I know there are a lot of cases people are interested in tonight. Try to get everyone up here.

MR. ROBAK: I have pictures here, existing pictures of the rear of the house.

MS. BUNTING-SMITH: You're not on the mic now so.

MR. ROBAK: Okay.

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MS. BUNTING-SMITH: You can either show us or you can give them to us and pass them around.

MR. ROBAK: Can you show the pictures?

MS. BUNTING SMITH: What happened?

MS. WALKER: George, what happened?

GEORGE: I don't know. You disconnected something. Turned it off.

MS. BUNTING SMITH: I believe the two pictures you gave us clearly are larger, but they are exact duplicates of what we have, so it's not something that's new.

MR. ROBAK: Okay. Should I start?

MS. BUNTING-SMITH: Yes. Whenever you are ready.

MR. ROBAK: Okay. All right. This is a very simple project. I know you've heard that before, but this is a very simple project. There is a one-story addition in the rear existing nonconforming that's 2.1 feet over the 10 foot setback. And they want to raise the roof in the existing footprint. They are not extending it any further into the side yard/rear yard/front yard. They are simply extending upwards. And I believe it's about two feet, and that is all we're doing. So just a technicality; it's here because we're over the setback requirement.

MS. BUNTING-SMITH: And the reason you're adding this addition, do you want to expand a little bit on the record?

MR. ROBAK: We are just trying to get more headroom, I think. It's a very low roof, low ceiling, and he wants to create more space.

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MR. SONG: Moving from a slanted roof to more of a flat roof. Because right now, at the edge of the extension that's there currently, the head space, it comes lower than where we -- anyone could walk, so there is a lot of square footage that's not really usable.

MS. BUNTING-SMITH: What is the room space used for now?

MR. SONG: It is a kitchen and a den area, so it extends across the back of the house. The corner that's closest to the property line is a den.

MS. BUNTING-SMITH: Yes.

MR. SONG: And then it extended into the kitchen area.

MS. BUNTING SMITH: So by raising this it would give you how much more usable square footage? Do you have any idea?

MR. ROBAK: Maybe 300 square feet.

MS. BUNTING-SMITH: Oh, just for head room?

MR. SONG: Right now along.

MR. ROBAK: Across the back.

MR. SONG: Along the edge is a bench that's up there, but that's pretty much all you can do in the back is just sit.

MS. BUNTING-SMITH: Sit on the bench?

MR. SONG: Yes. So, I mean, it's usable, but you can't really --

MS. BUNTING-SMITH: Can't get up quickly?

MR. SONG: Yes. Yes. So I think we'd like to raise that roof so that spaces

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is more usable.

MS. BUNTING-SMITH: Have you presented your plans to any of your neighbors?

MR. SONG: Yes.

MS. BUNTING-SMITH: Any comments from them?

MR. SONG: No. They had questions. One of the neighbor's wife came and they asked about the plan and what we were going to do so they could get a better idea, and there was no objection.

MS. BUNTING-SMITH: Okay.

MR. CRICHLLOW: So how is it that -- so this nonconformance existed when the house was built?

MR. SONG: Not when the house was built. I believe there was an extension that was done a while ago.

MR. CRICHLLOW: And you didn't need an area variance at that time when that extension --

MR. SONG: Sorry. Prior to. We just moved to the Edgemont area last year, and we have younger kids. We have a son that's now in second grade and a daughter that's in preschool. And so, you know, we moved really for the kids. And we love the house but, you know, as we've lived in it now for a year we realize that where we thought we were getting a space that we saw, you know, living there it's not as usable as we thought it would be. As the kids get older we like to have a space that's more usable for the family.

MS. BUNTING-SMITH: The kids are getting taller.

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MR. SONG: Yes.

MR. LOSAPIO: When you purchased the house did you have a title search? Did they recognize the fact that you had a nonconforming situation?

MR. SONG: You know, I mean, we definitely had a title search and, you know, I think they mentioned that there was a variance that was --

MR. LOSAPIO: Needed?

MR. SONG: You mean if we wanted to do renovation?

MR. LOSAPIO: No. When you purchased the house knowing that you needed a variance for the existing structure.

MS. BUNTING-SMITH: I don't think that's the case.

MR. ROBAK: I'm not an expert. I believe it was built before the Zoning Laws were enacted.

MR. LOSAPIO: So.

MR. ROBAK: Existing conditions.

MR. LOSAPIO: Okay.

MS. BUNTING-SMITH: The house --

MR. SONG: The original structure was built in 1939.

MS. BUNTING-SMITH: There you go.

MR. HARRISON: Would you mind taking these pictures and just run me through the presentation briefly again. A title search wouldn't pick up whether they need a variance for that or not. I just don't want you to go to your attorney who represented you on the title search, because

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they wouldn't have picked that up.

MR. ROBAK: They were not planning this project when they purchased this property.

MR. HARRISON: That's all right. That happens. I didn't want you, you know, to think he misrepresented you.

MR. SONG: When we bought the property that was the existing condition.

MR. LOSAPIO: Right.

MR. ROBAK: And from my experience attorneys don't do zoning research.

MR. HARRISON: And that's what I'm trying to tell you. I've owned a title company for 20-something years and we don't look at this at all.

MR. SONG: No. It's understood. So if you see that this back section from here to here (indicating).

MR. HARRISON: In closing.

MR. SONG: Yes. Actually, you can't exactly tell from this angle, but it comes out a decent amount. And so because of the grade on the roof, when you get close to the edge of the structure -- I actually hit my head a couple times on it.

MR. HARRISON: Yes.

MR. SONG: And so what we're planning to do is to raise the roof and have it not a completely flat roof, but one that's more flat. So that that space, that head space will be right in that area that you -- exactly. The footprint is not going to change. The only small change is right here (indicating). Because it's so low over there, in order to have a door they had to jog that wall. Because if the door was all

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the way at the end, you see, it would be like that low (indicating). So there is a jog in the corner.

MR. HARRISON: Thank you. Thank you, Anthony.

MR. SONG: So the additional square footage is going to be a four by four squaring of that corner. And that's not -- it's not on the side that's close to the property line. It's basically in the middle of the property.

MS. BUNTING-SMITH: Do you want him to show you more of the pictures?

MR. HARRISON: No, I'm good. I just wanted an idea. I just wanted to -- the picture still said a thousand words.

MR. SONG: That's the corner where is the jog.

MR. HARRISON: Okay.

MR. SONG: You can see the roof is pretty sloped. It's low.

MS. BUNTING-SMITH: Any other questions?

MR. HARRISON: No.

MR. DOYLE: No.

MS. BUNTING-SMITH: All right. I think you've explained everything.

MR. CRICHLLOW: Thank you.

MR. DOYLE: Thank you.

MS. BUNTING-SMITH: I've already asked if there was anyone else interested in commenting and no one commented. I assume that that remains the same so we will move along to the next case.

10/18/19 - Case No. 18-27

MS. BUNTING-SMITH: Case No. 18-27 Victor & Meredith Cohen, for property located at 200 Clayton Road, (PO Scarsdale, N.Y.). Applicant is requesting area variances from Section 285-15(B)(3)(a) of the Zoning Ordinance to increase the maximum impervious surface from 40.75 % (permitted) to 50.6 % (proposed); from Section 285-15(B)(5)(b) to reduce one side yard from an accessory structure from 10 ft. (Required) to 0 ft. (Proposed); and from Section 285-15(B)(5)(c) to reduce the rear yard from an accessory structure from 10 ft. (Required) to 0 ft. (Proposed), in order to renovate a front portico and legalize a patio. The property is located in an R-7.5 One-Family Residence District and is designated on the Town Tax Map as Parcel ID: 8.400-293-4.

MR. COHEN: Hi. Hello. I'm Victor Cohen and this is my wife.

MRS. COHEN: Hi. I'm Meredith Cohen.

MR. COHEN: We live at 200 Clayton Road. We have been -- this is our first time doing this so bear with us.

So we've been living here for 11 years. We love where we live. We are very happy here. Like anyone else over time you start to do repairs and work on your house. The house was originally built in 1940. There was extensive renovations done probably about 14 or 15 years ago so before we had purchased it.

What we wanted to do, what we're planning to do right now is repair the walkway in the front of the house. And the steps are the original steps, and the walkway, which is from 1940, and the steps are breaking apart. And they are quite steep so it gives our parents -- our kids' grandparents some difficulty. But more importantly the walkway is breaking apart in

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pieces as well as the steps. There also a portico that's overhanging the steps, that was probably put in about 14 years ago when the house was renovated by someone who bought it, that has some decay to it and some problems. So what we're planning to do, what we'd like to do, is replace the steps, put them to Code so not to have them as steep a step but more gradual. They will come out a little further, and then replace the portico, because it's not holding up very well, and replace the front walkway.

When the architectural plans have the steps coming out a little further, what we also want to do is put in hand railings, and make sure that the front walkway the whole walkway can cover the entire front steps so people can hold the railing to walk down the edge. Because we have some people who have some trouble walking down our steps today.

MRS. COHEN: Family members.

MR. COHEN: What we learned when we submitted the plans was the walkway, which is a slight amount bigger, covers more of the property, the impervious space. The main issue then that we found out when we submitted the plans was that the backyard, which had a patio when we bought it, covers more property, has too much impervious surface coverage than we're permitted to. So in order to have our steps approved, to have our steps prepared, to replace them, we were told we need to get a variance about our back patio.

MRS. COHEN: Well, the steps were part of the portico, we were able to separate into a second project, so we have the Building Permit. The walkway is what the variance is for. And when they did an on-site -- popped over, they walked around the house and that's when they noticed the patio, and that was the first time it was brought to our attention because when we

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closed on the house no one ever mentioned it.

MR. COHEN: We've become somewhat fond of the patio. Because we have three young children who play out there. We play basketball out there. So one of the things we did do on the plans, so we did do just preemptively, since our new walkway is potentially a little bigger. We did remove about 50 square feet of the existing patio, so we tore that up, and we replaced that. It cost about \$500 to remove the stones, repair all the work, so some of it is remaining. But that would actually result in less square impervious coverage, although obviously it still doesn't necessarily meet the parameters that we're set. So that's when we came here to request a variance for, the remaining portico so for the remaining impervious coverage so we can have beyond what's I guess the variance, what the Town allows.

MS. BUNTING-SMITH: So to go through the requested variances, you're saying that you're still over the maximum impervious that's permitted; correct?

MR. COHEN: Correct.

MS. BUNTING-SMITH: Are the numbers that are in our agenda for tonight correct, or have they changed by what you've removed?

MRS. COHEN: The numbers -- the pictures that you have --

MS. BUNTING-SMITH: Not the pictures. What's listed?

MRS. COHEN: What's listed.

MS. BUNTING-SMITH: That states that you want to go to 50.6.

MR. COHEN: Well, that's what was current before we removed --

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MS. BUNTING-SMITH: That's what I'm asking. So it's changed?

MR. COHEN: Yes, it's less.

MS. BUNTING-SMITH: Do you know what it is now?

MR. COHEN: I don't have a percentage. We'd have to ask someone to help us calculate.

MRS. COHEN: We wanted to be proactive and do whatever we --

MS. BUNTING-SMITH: That's terrific.

MRS. COHEN: When he told our kids that we were going to have to remove it.

MR. COHEN: It's still over the 40, over the requirement of the 40.

MR. DOYLE: Do you have any idea how many square feet you were adding by the front? Because you said you removed.

MR. COHEN: Probably about two square feet.

MR. DOYLE: So you moved 15 square feet?

MR. COHEN: Yes.

MR. DOYLE: And you want to add two in the front?

MR. COHEN: Yes.

MR. DOYLE: 48. And that still brings you over, which you were over before?

MR. COHEN: Yes. We were over before not knowing that when we bought the house, the title company, no one ever picked up on it.

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MR. DOYLE: You're actually asking to reduce your actual impervious surface total?

MR. COHEN: We are reducing our total impervious surface, yes.

MR. DOYLE: But you will still be ahead.

MR. COHEN: We'll still be ahead of what I guess the regulations permit.

MRS. COHEN: Again, this was never -- this was the first time it was brought to our attention. We've sort of been spending the past 11 years fixing everything and being proactive especially with grandparents, our children's grandparents; our parents who have difficulty with the steps, and bringing everything up to speed and trying to do things the right way, now and then this came to our attention.

MS. BUNTING-SMITH: But from what you are saying I'm not sure that the renovations that were done 15 or 14 years ago created the problem. What you're saying is that the steps as they existed have been there since prior to the time the house was occupied by the prior owner.

MR. COHEN: Correct. I think it was when the patio was put in, 14 years ago.

MS. BUNTING-SMITH: I'm talking about the front now.

MR. COHEN: The front now. The front steps just need to be replaced. It's a matter of, we can't get up --

MS. BUNTING-SMITH: No. No. No. What I'm asking you is the front steps, do they appear to be original to the house?

MR. COHEN: Yes.

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MRS. COHEN: Yes.

MS. BUNTING-SMITH: Okay. So they are not at issue because of the fact that they are original to the house.

MR. COHEN: Correct.

MS. BUNTING-SMITH: If they had been changed subsequent, after the Zoning Code was enacted, that would be a problem.

MR. COHEN: Correct.

MS. BUNTING-SMITH: But that doesn't appear to be the problem?

MRS. COHEN: No.

MR. COHEN: The front steps.

MS. BUNTING-SMITH: Let's move to the back now. The patio. You mentioned not only that you removed some but you said you also did some repairs so does the patio appear to also be original to the house or is that something that apparently was added more recently.

MR. COHEN: No. This was added about 14 years ago, from our understanding.

MS. BUNTING-SMITH: The entire patio or just --

MRS. COHEN: The entire -- well, ultimately we --

MR. COHEN: Predates our --

MS. BUNTING-SMITH: By looking at that you don't know.

MR. COHEN: It's all the same age. It was put in, you know, probably 14, 15 years ago.

MS. BUNTING-SMITH: Okay.

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MRS. COHEN: A contractor bought the house from a woman who had lived there for 35 years, we've heard. And if we could track them down -- which I've tried, because we have a lot of questions of other things in the house. But we spoke to our neighbors on both sides, in the back, and as far as they can remember that patio has been there.

MR. COHEN: We talked to our neighbors. We talked to them about this issue and no one had any concerns or problems with our back patio the way it's currently configured.

MS. BUNTING-SMITH: So, in addition, you state in these variances that you are seeking to reduce the one side yard from an accessory structure, 10 feet (required) to zero (proposed). Is that something that you still need at this time?

MR. COHEN: Well, the patio is too close to the properties that are adjacent to our house, so that's --

MS. BUNTING-SMITH: They are saying that the patio is the accessory structure.

MR. ZACAROLLI: Yes. And there was a misprint on the denial letter, that is the patio setback is --

MS. BUNTING-SMITH: Okay.

MR. ZACAROLLI: So they are here to ask for a variance. They did ask for a variance for the side yard setback patio from 10 feet to zero.

MS. BUNTING-SMITH: Okay.

MR. ZACAROLLI: The rear yard ten to zero. And also the impervious coverage of the lot. We're going to need to recalculate the impervious, to see what the number is going to be.

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MS. BUNTING-SMITH: Right, right.

MR. ZACAROLLI: So it will be less.

MR. DOYLE: And the rear yard.

MR. ZACAROLLI: No, the rear yard is going to remain the same. This is what the swathe looks like.

MR. DOYLE: I assume -- where did you remove the 15 square feet?

MS. BUNTING-SMITH: Well, we see it, but where is it in relationship?

MR. DOYLE: I thought that was in the back.

MS. BUNTING-SMITH: There it is. It's not --

MRS. COHEN: The yellow is what we removed.

MR. COHEN: That's what we removed.

MR. DOYLE: That's what I'm saying. Wouldn't that rear yard setback have to be --

MR. ZACAROLLI: The setback is still the same, still zero. All along the property lines are zero. So they still require the variances; it's just that swathe.

MS. BUNTING-SMITH: All right, okay.

MR. COHEN: And part of the calculation -- I'm not sure how this is looked at. This is not pavers here. This is actually basically some stones and there's loose rock, so it's not completely impervious coverage. It doesn't have water that flows. There is no sunlight or watering but, you know, this is being

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counted in terms of the total impervious coverage. I think it's probably over-counting what exists.

MS. BUNTING-SMITH: Well, as they said, you're going to have to recalculate it so you understand that. So.

MR. COHEN: Okay.

MS. BUNTING-SMITH: So we understand why you need the 10 feet to zero. What is the square footage, if you know, of the patio?

MRS. COHEN: So it's about 26 by 10, estimated, 25, give or take. I mean, that's based on just the numbers there.

MS. BUNTING-SMITH: And where is the basketball?

MRS. COHEN: So the basketball -- it's actually -- it's not into the cement. It's free standing.

MR. COHEN: It's right here (indicating).

MS. BUNTING-SMITH: Okay. All right. I'm just trying to get an idea of how you were using the patio with the basketball.

MRS. COHEN: We were using -- we have three children, as we mentioned; when we moved in we only had one. And all three of them, I mean, they live out there practically. The neighbors come over. We don't have --

MS. BUNTING-SMITH: Bringing the balls back from the other side.

MRS. COHEN: Yes, pretty much.

MR. COHEN: The houses are pretty close together.

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MRS. COHEN: It's really, that's where they play. That's where they are active. It's safe back there. I can see them back there. When we told them about tonight there were some tears about why are we going remove the patio? It's not fair.

MS. BUNTING-SMITH: You did it.

MRS. COHEN: So even though we did a little bit of it, so it's just, it's a huge part of our lifestyle and our family's lifestyle being out there.

MR. LOSAPIO: What prompted you to remove those pavers?

MRS. COHEN: When we got the denial letter we wanted to be proactive about it. And the reason why we removed those is because our sprinkler hits it. If we remove the other ones it's just going to be mud and water. And we have water that comes down from our neighbors who's elevated up a couple of feet.

MR. COHEN: All of our neighbors' properties -- we are down from them, so when we have rain it actually covers our property. As it turns out the way the house slopes down it hits the pavement and then goes into a channel that's been there for 60 years. That's part of the reason probably the prior people put it in there, was because whenever it rains it floods our property.

MS. BUNTING-SMITH: So looking at your plan, looking at the house from the street.

MRS. COHEN: Yes.

MS. BUNTING-SMITH: You have essentially a yard that slopes in the front. As far as usable space that you have, because you have the steps coming into it and they slope down.

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MRS. COHEN: We have -- is that based on the SEQRA report?

MS. BUNTING-SMITH: I'm just looking at it as usable space. I'm trying to.

MR. COHEN: In the front?

MS. BUNTING-SMITH: Figure out the space you have to use. I'm saying is you don't have much space there. And from what I see, the way the house was built your garage is actually also over the setback, but obviously it was there prior to the Zoning Code.

MR. COHEN: Yes.

MS. BUNTING-SMITH: Your garage is fixed within less than 10 feet. And the look on the other -- the left side as you are facing the house you only have approximately 12 feet on that side. Am I correct?

MR. COHEN: Correct.

MRS. COHEN: Yes.

MS. BUNTING-SMITH: So the usable space that you have to work with is all in the back of the property.

MRS. COHEN: Yes.

MS. BUNTING-SMITH: Of which it looks like maybe less than half is in that area number three, which is where you have basketball Court.

MRS. COHEN: Yes. That's definitely -- the grassy area is much bigger. That's where, you know.

MS. BUNTING-SMITH: Okay.

MR. CRICHLLOW: On the floor plan

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under note number three, somebody handwrote in that the existing stone pavers to remain require zoning variance for impervious surface coverage and setbacks. Somebody handwrote 11.80 square feet.

MRS. COHEN: So that's basically -- so when we submitted that, that was showing this picture (indicating). It's a little bit more clear. It's just not black and white. It's showing what we took over right here. All of these. That's what we voluntarily took off to be proactive about getting some of the --

MR. COHEN: We were hopeful we could maintain most what we had, in our front. Since our front added a little bit, we hoped that by removing that proactively we would still have a net reduction in the coverage when we did our steps and walkway in the front.

MS. BUNTING-SMITH: Looking at however the right side of the house as you go from the front to the rear.

MRS. COHEN: Yes.

MS. BUNTING-SMITH: Is that the channel there you referred to?

MRS. COHEN: No. The channel is in the back of the house. And it actually runs on Clayton Road from our house all the way down to Longview. So it's the entire -- everyone's backyard. It looks like it's probably been there forever.

MR. COHEN: It's about a foot that's not covered. It's about a foot. There is a retaining wall, then there is about a foot where there is this channel.

MS. BUNTING-SMITH: Okay. I'm going back to the right side.

MRS. COHEN: Okay.

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MS. BUNTING-SMITH: Go from the front to the rear.

MRS. COHEN: Yes.

MS. BUNTING-SMITH: How much of that now is covered to make it impervious?

MRS. COHEN: That from -- -

MS. BUNTING-SMITH: Starting at the garage and going back.

MRS. COHEN: Starting at the garage to here (indicating) but that's where it's pebbles. So it's a few pavers just for people to step on and then.

MR. COHEN: Loose.

MRS. COHEN: Loose stones.

MS. BUNTING-SMITH: I think we consider impervious.

MRS. COHEN: Yes. And it is considered that, but what we are saying is it's -- you can see the ground. We're constantly --

MS. BUNTING-SMITH: I understand, but how far back does it go?

MRS. COHEN: It just goes right here to.

MS. BUNTING-SMITH: The end of the garage? And then --

MRS. COHEN: Here.

MS. BUNTING-SMITH: The rest are all pavers.

MR. COHEN: Well now, this right here (indicating) is -- this area right here is trees and dirt. So there is an area where we have dirt and we have a pretty nice

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large arborvitae, about six of them, that separate our property.

MS. BUNTING-SMITH: So the pavers are really focused and concentrated strictly in the rear, is what I'm trying to say?

MRS. COHEN: Yes. There is nothing in the front at all.

MS. BUNTING-SMITH: On the side.

MRS. COHEN: On the side. There are a few on the side, but the big pavers are all in the back.

MS. BUNTING-SMITH: The few that are on the side are they necessary?

MRS. COHEN: Well, we talked about options, but there is really nothing else, I mean, as far as --

MR. COHEN: It would just be dirt, I guess.

MRS. COHEN: We can't put -- well, we can't obviously -- the stones, you're saying that we have too much. If we put grass in that's going to be hard for people to walk. And there is sprinklers and there is no -- it's, you know, coming off of the deck. The children especially were, you know, we have lot of family who come and safety and all that. So it helps them to get to the backyard.

MS. BUNTING-SMITH: When you come off the deck to get into that area?

MR. COHEN: The deck, it's actually elevated and then a step down into the backyard, so it's raised.

MS. BUNTING-SMITH: I'm just trying to demonstrate what you're dealing with here.

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MR. COHEN: Yes.

MR. HARRISON: What is the dimension of the deck?

MRS. COHEN: The deck is smaller than the garage.

MR. HARRISON: The garage is what, 10 by 20?

MR. COHEN: Oh, no. The deck is probably --

MR. HARRISON: No, the garage.

MR. COHEN: Oh, the garage.

MRS. COHEN: You can not fit a car.

MS. BUNTING-SMITH: I was going to say.

MRS. COHEN: We can't fit any of our cars in it.

MR. COHEN: It holds a bunch of bikes and kids toys.

MRS. COHEN: It's a very narrow garage.

MR. HARRISON: Maybe you said it and I missed it. You used the patio primarily for?

MR. COHEN: Our children.

MRS. COHEN: Our children.

MR. COHEN: Our children play back there.

MRS. COHEN: That's where our children spend, I mean, that's where they.

MR. COHEN: Play basketball and catch.

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MRS. COHEN: Anybody's kids come over and that's --

MR. COHEN: We, you know, occasionally we have friends over, and one little table there, of course, in the back of the house where we have barbecues.

MR. HARRISON: I missed that. I'm sorry.

MRS. COHEN: No.

MR. COHEN: So this is the barbecue. This is where we eat, and the barbecue. And this is where I keep all the kids' balls and toys.

MRS. COHEN: We were have a big family and not a big house, so we try to make the most of the space that we do have; so that's sort of the challenge.

MS. BUNTING-SMITH: Any other questions?

MR. DOYLE: No.

MR. CRICHLLOW: Is the impervious surface documented?

MS. BUNTING-SMITH: I believe so. I think we have to know what it is.

MR. CRICHLLOW: I know, it can't be something we can calculate? No.

MR. HARRISON: We re-notice it, also new configuration.

MR. COHEN: Unless it's approved, unless it's approved at its current level. It was approved at its current level of what was it?

MS. BUNTING-SMITH: What was there previously?

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MR. COHEN: If it's approved at 50, then we're less than that, you know. So if it's approved, if you would happen to approve it at 50, then I think that would be sufficient for what we need, and we know we would have less.

MR. ZACAROLLI: If you notice, we need the exact number. There are no dimensions or anything. We need the exact number. We can't just guess at it.

MR. HARRISON: Yes.

MR. DOYLE: Okay.

MS. BUNTING-SMITH: Do you have any other questions?

MR. DOYLE: I just want to clarify. The pavers on the side. If you were to remove those pavers and essentially fill that with stones --

MRS. COHEN: The only problem with the stones is that we --

MR. COHEN: They are big cement.

MR. DOYLE: I mean they are intending for walking?

MR. COHEN: Yes, level and flat.

MR. DOYLE: You'd most likely put stones there, which is also impervious, so it doesn't.

MRS. COHEN: The other thing with stones, is that it's just not safe for the kids and for all of the grandparents.

MR. DOYLE: That's why you have pavers.

MR. COHEN: Yes. Correct; to keep it level and walking.

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MR. CRICHLLOW: So you're not replacing the pavers you removed with grass?

MR. COHEN: No; we did. We were talking about the side of the house.

MRS. COHEN: The side of the house.

MR. COHEN: The side of the house by the deck. It's been good weather so we have grass there now.

MS. BUNTING-SMITH: Any other questions?

MR. DOYLE: No.

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

MR. COHEN: Thank you very much.

MRS. COHEN: Thank you very much.

MS. BUNTING-SMITH: We will retire to our deliberations and we will be back.

(Whereupon, at 8:47 p.m. the jury retired to the conference room to deliberate.)

(Whereupon, at 9:13 p.m. the Planning Board returned from their deliberations.)

* * * * *
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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MS. BUNTING-SMITH: All right. Are we ready?

MS. WALKER: All right, we're ready.

MS. BUNTING-SMITH: All right. We are back with our decisions respect to tonight's agenda. And the first case that we have decided is Case No. 17-20.

MR. CRICHLLOW: 18-20.

MS. BUNTING-SMITH: Case No. 18-20 - New Castle Building Products, for property at 535 Old Tarrytown Road, (P.O. White Plains, N.Y.) Applicant is requesting area variances from Section 285-32(B)(5)(a) of the Zoning Ordinance to reduce the distance from off-street parking to the principal building from 25 ft. (Required) to 0 ft. (Proposed); from Section 285-32(B)(5)(b) to reduce the distance from off-street parking to the side lot line from 25 ft. (Required) to 11.2 ft. (Proposed); and from Section 285-32(B)(3)(d) to increase the maximum impervious surface area from 80 % (permitted) to 82.4 % (proposed), in order to install additional parking. The property is located in an LI-Light Industrial District and is designated on the Town Tax Map as Parcel ID: 7.410-221-15 property at 535 Old Tarrytown Road.

WHEREAS, the Greenburgh Zoning Board of Appeals has reviewed the above-referenced application with regard to SEQRA compliance;

And WHEREAS the Planning Board as Lead Agency has determined that the subject application is an unlisted action;

WHEREAS the Planning Board has determined that the proposed action will not have a significant adverse impact on the environment and issued a Negative Declaration on October 3rd, 2018.

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MR. DOYLE: Second.

MS. BUNTING-SMITH: All in favor?

MR. LOSAPIO: Aye.

MR. CRICHLLOW: Aye.

MR. HARRISON: Aye.

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

And I also move that the application in Case No. 18-20, be GRANTED, subject to the following conditions:

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 thereafter in conformity with the plans date-stamped July 30th, 2018, received revised plans date-stamped by the Zoning Board of Appeals September 24th, 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 herein granting.

3. The variances granted here are for the improvements set forth in the application. Any future construction or modifications must comply with the requirements of the Zoning Ordinance, even if they are consistent with the setbacks and other approvals granted herein.

4. The Applicant shall install a stormwater management system in accordance with the findings set forth in the SEQRA Negative Declaration issued by the Lead

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Agency in its review of the application, and add additional screening between the applicant's property and that of its abutting neighbor and the Town right-of-way as further set forth in Lead Agency's Negative Declaration.

MR. DOYLE: Second.

MS. BUNTING-SMITH: All in favor?

MR. LOSAPIO: Aye.

MR. CRICHLLOW: Aye.

MR. HARRISON: Abstain.

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

And the findings. The applicant owns property along Old Tarrytown Road near its intersection with Knollwood Road. Recently, applicant joined in an application with his neighbor to swap land to enable the neighbor to install additional parking on the neighboring property (which was ZBA Case 17-35). In connection with this application, applicant is constructing a retaining wall to improve existing stormwater conditions, and seeks to eliminate any existing nonconformity with respect to its own parking by constructing additional parking spaces. The construction of additional parking will create a minor non-conformity with respect to the impervious surface coverage, as well as the necessity to obtain additional variances for setbacks from the new parking lot spaces, the new parking spaces, I should say, to the building, the building side and rear yards. We note that the Planning Board, as the Lead Agency with respect to this application, has recommended that the variances be granted.

After weighing the benefit to the applicant from the proposed variances against the impact that the variance will

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have on the surrounding neighborhood we hereby find that:

1. Granting the variances will not result in a detriment to nearby properties and will not adversely impact the character of the neighbor or district. The site is located in an L-1 District, characterized by commercial/industrial/office uses that abut the property on all sides. As set forth in the Negative Declaration, the proposal is "consistent with the character of the surrounding community." In addition, as noted, the additional parking provided by this proposal will eliminate an existing shortfall of parking on the site, therefore eliminating a non-conformity. Elimination of non-conformities is one of the goals set forth in the Zoning Ordinance. We therefore conclude that granting the variances will not result in detriment to nearby properties, and will not adversely impact the character of the neighborhood or district.

2. Also, the goal of the applicant cannot be achieved by some other feasible means without requiring the variances we are granting here, because of the size and shape of the lot and the location of the existing building thereon. As set forth in the Negative Declaration, the provision of additional on-site parking will alleviate congestion in the area.

3. Also, the requested variance for impervious surface is not substantial in that the Zoning Ordinance permits 80 percent coverage, while the proposal will result in 82.7 percent coverage, a 2.7 percent increase. Although the variances for parking setbacks are substantial, because of the elevation gradient between the applicant's property and that of its abutting neighbors, there will be little, if any, impact on the neighboring properties from the variances we are granting herein.

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4. The variances will not cause an adverse impact on the physical and environmental conditions in the area. As noted in the Negative Declaration, the construction of a retaining wall between the applicant and its abutting neighbor and the construction of a Stormwater Management System require by our condition to the variances we are granting will result in "an improvement over existing conditions." Moreover, as further set forth in the Negative Declaration, the additional parking being constructed will "ease congestion on the site and will improve for a uniform 24 foot travel lane at the rear of the site."

5. The difficulty encountered by the applicant is self-created in that it purchased the property with the knowledge of the restrictions of the Zoning Ordinance. Such fact, however, does not mandate the denial of the area variance.

We therefore GRANT the requested variances.

* * * *

10/18/19 - Case No. 18-21

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

MS. BUNTING-SMITH: The next case on tonight's agenda is Case 18-21, Westchester Hills Cemetery:

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. LOSAPIO: Aye.

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MR. CRICHLOW: Aye.

MR. HARRISON: Aye.

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

I move that the application in Case No. 18-21, be GRANTED, provided that:

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

B. 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 and date-stamped by the Zoning Board of Appeals August 6th, 2018, 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 such modification does not require a greater or different variance than what we are granting herein.

C. The variances granting herein are solely for the improvements set forth in the application. Any future construction or modifications must comply with the requirements of the Zoning Ordinance, even if they are consistent with the setbacks and other approvals granted here.

MR. DOYLE: Second.

MS. BUNTING-SMITH: All in favor?

MR. LOSAPIO: Aye.

MR. CRICHLOW: Aye.

MR. HARRISON: Abstain.

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

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Findings. The applicant cemetery seeks permission to renovate an existing stone administration/chapel building that was built in the early 20th Century, before current zoning requirements were enacted. The building is located in the extreme northwestern portion of the 14.6 acre cemetery site and closer to the property lines than is presently permitted, necessitating the variances herein requested. The newly configured building will be used for staff facilities, (that is, a garage, locker room and toilets for staff) offices; for the public; a sitting room; a chapel/sanctuary; and for additional underground crypts. The existing stone exterior will remain, as well as the Tiffany stained glass windows in the facades. The major change to the building will be a small addition to the north side of the building, beneath which the new crypt will be placed, and the replacement of the existing flat roof with a pitched roof. We note that the Planning Board has issued a positive recommendation to the Town Board in connection with the site plan, which encompasses the variances requested herein.

After weighing the benefit to the applicant from the proposed variances against the impact that the variances will have on the surrounding neighborhood, we find that:

1. Granting the variances will not result in a detriment to nearby properties and will not adversely impact the character of the neighborhood or district or the physical or environmental conditions therein. The site is surrounded on the north and west sides by another cemetery and by Saw Mill River Road on the east of the site. The nearest building to the north is over 400 feet away. Therefore, no neighbor will be adversely impacted by the small proposed addition to the building. And in addition the alterations to the building are mostly to the interior of the structure and the

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exterior features, including the stone and stained glass windows, which will remain essentially unchanged, except for the substitution of the sloped roof over the existing flat roof; that fact, together with the fact that the cemetery has been in existence over 80 years and is abutted by another cemetery, supports the finding that the proposed addition will not change the character of the area.

2. The goal of the applicant cannot be achieved by some other feasible means without requiring the variances we are granting herein, because the building already exists in a nonconforming location. The front yard setback variance, for example, is merely to keep the existing nonconforming setback of 25.17 feet; and the variance to reduce the minimum lot size for mausoleum or chapel from 50 acres to 14.6 acres is actually less than the previous variance that was granted in 1997 to reduce the area to 11.7 acres. Although the requested variances appear to be substantial, to reduce the front yard setback from 100 feet (required) to 25.17 feet, and the side yard setback from 100 feet to 32 feet, to reduce the required minimum lot size of the chapel or mausoleum from 50 acres to 14.6 acres, and to alter a non-conforming building so as to increase this non-conformity. In reality, except for a 9 foot reduction in the required side yard, all the variances merely reflect the existing dimensions of the 80-plus year old building. Therefore, in reality, the variances are not substantial and will be further mitigated by the fact that the exterior of the building will be left substantially intact and that the nearest building is over 400 feet away and will be screened from view by the substantial screening already in existence and the slope of the cemetery's property. The difficulty encountered by the applicant is not self-created, in that the structure to be modified was constructed before the latter

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enacted Zoning Regulations rendering the structure nonconforming.

We therefore GRANT the requested variances. Thank you.

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MS. BUNTING-SMITH: And next we have Case 18-26, Doug and Ami Song, 16 Berkley Lane:

WHEREAS the Greenburgh Zoning Board of Appeals has reviewed the above-referenced application with regard to SEQRA appliance.

And WHEREAS the Greenburgh Zoning Board of Appeals has determined the application will not have 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. HARRISON: Aye.

MR. LOSAPIO: Aye.

MR. CRICHLOW: Aye.

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

Do we have a motion?

MR. HARRISON: Yes, I do Madam Chair. I move that the application in Case No. 18-26 be granted provided that:

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

Number 2. Construction 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 March 25th, 2018 and date-stamped by the Zoning Board of Appeals on September 18, 2018, submitted in support of this application or such plan may be hereafter

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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 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?

MR. LOSAPIO: Aye.

MR. CRICHLOW: Aye.

MR. DOYLE: Aye.

MR. HARRISON: Aye.

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

MR. HARRISON: 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:

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 in the neighborhood or district. The addition or extension is in the rear of the property and will not result in a detriment to nearby properties or impact the

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character or environmental conditions of the neighborhood.

Number 2. The goal of the applicant cannot be achieved by some other feasible means without requiring the variance we are granting. The location of the extension or addition to the rear of the property I'm sorry. The location of the extension or addition is in the rear of the property, which is the most feasible area.

Number 3. The requested variance is substantial in relation to the requirements sought to be varied, in that the requested relief of the side yard, one side yard is 7.9 feet, compared with 10 feet (required), a 21 percent decrease, and 18.19 feet requested compared with 22 feet (required) for a 17.3 percent increase.

Although the requested relief is substantial quantitatively, it is not qualitatively, because the extension or addition is in the most feasible location on the property; namely, the rear;.

Number 4. The applicant's need for 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 area variance is self-created does not, by itself, require us to deny the area variance.

MS. BUNTING-SMITH: Thank you. And with that.

MR. HARRISON: We have one more.

MS. BUNTING-SMITH: We have one more.

10/18/19 - Case No. 18-27

MS. BUNTING-SMITH: Case No. 18-27,
Victor and Meredith Cohen, adjourned for all
purposes to the meeting of November 15th.
And with that, we're done for the night.

(Whereupon, at 9:29 p.m. the meeting
of the Zoning Board of Appeals of the Town
of Greenburgh was closed.)

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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

DEBRA RINALDI
17 HICKORY LANE
BEDFORD, NY 10506

October 21, 2018

STENOGRAPHER'S INVOICE:

MINUTES OF OCTOBER 18, 2018, THE TOWN
OF GREENBURGH ZBA MEETING, TWO COPIES;
EMAILED HARD COPY TRANSCRIPTS FILED

18-19 - White Hickory Associates
18-20 - New Castle Building
18-21 - Stephen Wise Free Synagogue
18-26 - Doug & Ami Song
18-27 - Victor & Meredith Cohen

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Thank you,

Debbie Rinaldi