

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

January 10, 2019
8:00 P.M.

Greenburgh Town Hall
177 Hillside Avenue
Greenburgh, New York

BOARD MEMBERS:

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

STAFF MEMBERS:

Carole Walker,
Secretary

Anthony Zacarolli
Deputy Town Building Inspector

Edward Lieberman, Esq.
Deputy Town Attorney

Debra L. Rinaldi
Official Court Reporter

1/10/2019 - Case No. 18-22 & 18-33 & 18-35

(Whereupon, the Zoning Board Meeting was called to order at 8:03 PM.)

MS. KNECHT: Good evening. The meeting of the ZBA for the Town of Greenburgh will come to order. We have seven cases scheduled for tonight's meeting. However, Case No. 18-33 has been adjourned to the meeting of February 7th, as has Case No. 18-22, has also been adjourned to February 7th. We will also be reopening Case No. 18-35, but we'll do that as it comes up.

Looking forward, the Zoning Board will have our next regular meeting on Thursday, February 7th. Please mark your calendar accordingly. Because of the number of cases we need to hear tonight we will limit each case to 20 to 25 minutes. If we can not finish hearing the case it will be adjourned to another meeting to be completed at that time.

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

After the public hearing of tonight's cases the Board will meet in the conference room behind us to discuss each case. Everyone is welcome to listen to our deliberation, but the public will not be permitted to speak or participate. After our deliberations on all the cases we will come back to this room to announce the Board's decisions for the formal record and to be broadcast to the community. If you're going speak out tonight you must come up to the microphone and state your name and address or your professional affiliation. We've heard testimony on some of these cases at prior meetings. All prior testimony is already in the record and should not be

1/10/2019 - Case No. 18-28

repeated.

MS. KNECHT: The first case we will hear testimony on tonight is Case No. 18-28, Scott Sawin.

Case No. 18-28 - Scott Sawin, for property at 156 Caterson Terrace, (P.O. Hartsdale, N.Y.). Applicant is requesting area variances from Section 285-15(B)(5)(b) of the Zoning Ordinance to reduce the side yard from an accessory structure from 10 ft. (Required), 4.1 (existing) to 4.1 (proposed); from Section 281-15(B)(5)(c) to reduce the rear yard from an accessory structure from 10 ft. (Required), 3.9 ft. (Existing) to 3.9 (proposed); from Section 285-15(B)3(b) to increase the maximum accessory building coverage from 6 % (permitted), 3 % (existing) to 8.9 % (proposed); and from Section 285-42(C)(1) to enlarge a nonconforming structure so as to increase such nonconformance, in order to construct a two car garage. The property is located in an R-7.5 One-Family Residence District and is designated on the Town Tax Map as Parcel ID: 8.260-204-11.

MR. SAWIN: Hello, Board. My name is Scott Sawin. I live at 156 Caterson Terrace. We were here last month. I promise you I won't take 25 minutes. I think what happened was we missed one of the variances on the percentage of the accessory building for the two car garage, and apparently I think six percent is what is accepted. The garage is 8.8 so it's 2.8 percent above what's accepted or what's allowed without a variance. And that's pretty much it in a nutshell.

MS. KNECHT: Is there anybody here to speak on this case this evening?

(A resident approached the podium.)

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MS. KNECHT: Just state your name for the record.

MR. RESNICK: Sure. My name is Rob Resnick. I live at 114 Caterson Terrace. I'm a neighbor of Scott's. And I took a look at the blueprints to look at what he wants to do, as did many of his other neighbors. And frankly, we all support him in what he wants to do, and I want you to know it.

MS. KNECHT: Thank you.

MR. RESNICK: Okay.

MR. SAWIN: Thank you.

MR. RESNICK: You're welcome.

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1/10/2019 - Case No. 18-31

MS. KNECHT: Now we're on Case No. 18-31, White Plains Shopping Center.

Case No. 18-31 - White Plains Shopping Center, LLC, for property at 53 Tarrytown Road, (PO White Plains, NY). Applicant is requesting a Special Permit pursuant to Section 285-28(A)(2)(f), of the Zoning Ordinance, in order to allow a fully-enclosed restaurant. The property is located in a DS-Designed Shopping District and is designated on the Town Tax Map as Parcel ID: 8.80-42-8.

MR. NULL: Good evening, Madam Chair, Members of the Board. For the record, my name is William Null. I'm a partner in the firm of Cuddy and Feder and we're representing White Plains Shopping Center in connection with this application.

There was extensive testimony at the last session of the Board. There was an inadvertent error by the Town in sending out the notice and it was re-noticed. The facts and the legal issues remain identical. This concerns section 285-28(A)(2)(f) and the notice previously referenced (2)(e). So we appreciate that the notice has been corrected. And if you have any questions we're happy to answer; otherwise we'll rely on the record presented before.

MS. KNECHT: Does anybody have any questions?

MR. MARTIN: No.

MS. KNECHT: Is there anybody here to speak on this matter tonight?

(No response.)

MR. NULL: Thank you very much.

MS. KNECHT: Thank you.

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1/10/2019 - Case No. 18-35 & 18-36

MS. KNECHT: Okay. So Case No. 18-35. We have been advised that we need to reopen this case because the Applicant needs additional variances. So we're going to take a quick vote to reopen.

MR. MARTIN: So moved.

MR. HARRISON: Second.

MS. KNECHT: All in favor?

MR. BLAND: Aye.

MR. HARRISON: Aye.

MS. KNECHT: And the Chair votes aye.

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MS. KNECHT: So now we're on to our new cases of the evening, Case No. 18-36 - Awaken Church of the Christian & Missionary Alliance, for property located at 2 Lawrence Street (PO Ardsley, NY). Applicant is requesting a special permit pursuant to Section 285-33(2)(b) of the Zoning Ordinance to establish a church. The property is located in a GI-General Industrial District and is designated on the Town Tax Map as Parcel ID: 8.370-267-3.

MR. MARTIN: Wait a minute.

MS. KNECHT: Oh, sorry. I'm sorry, no. Case No. 18-37.

MR. MARTIN: Seeing if you were alert.

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1/10/2019 - Case No. 18-37

MS. KNECHT: Isabel Sierra. I apologize. Case No. 18-37 - Isabel Sierra.

Case No. 18-37 - Isabel Sierra, for property located at 16 Leather Stocking Lane, (PO White Plains, NY). Applicant is requesting area variances from Section 285-14(B)(4)(b) of the Zoning Ordinance to reduce one (1) side yard from 12 ft. (Required) to 8.7 ft. (Proposed); and from Section 285-42(C)(1) to increase a nonconforming structure so as to increase such nonconformance, in order to construct an addition. The property is located in an R-10 One-Family Residential District and is designated on the Town Tax Map as Parcel ID: 7.340-167-25.

MR. ESCALADAS: Good evening, everybody. Emilio Escaladas, Escaladas and Associates, Architects and Engineers.

This is one of those rare cases when I can say I was right. And what happened was that the original submission and the way that the variance was granted was based on an erroneous side yard computation by not so competent architect but I am architect competent arc and I recomputed it and the this finances is that what is being claimed as a required setback and which is 8.7 is the correct one. So the original submission was right.

(Mr. Escaladas distributed documents to the Board.)

MR. ESCALADAS: I'd like you to see how the rear. The property is not --

MS. WALKER: Excuse me. Emilio, can I have a copy?

MR. ESCALADAS: I'm sorry. All this is is that the line of the building is not parallel to the side yard. So simple computation allows us to compute that there is a slope of .342 foot per foot so if you

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dispute that for 23 feet which is the new length, the new corner, that's not the drawing, that's the existing condition. As you can see, the dimensions of the surveyor, that's correct. That's what's existing. But we're extending the building that's that north line all the way back 23 feet. That's correct. All the way back 23 feet from the other corner, from the rear corner. From the rear corner.

And that gives us an 8.7 distance to the property line. And the required setback is 12. So we need a variance for that. And the original variance was granted for that particular line that's there. It's just that the numbers that they computed were wrong. These numbers are correct. So the variance and that's required is the distance between the difference between 12 and 8.7. And the reason why that's being done of course is to use the existing exterior load-bearing wall of the house as a supporting structure for the second floor addition. The alternative to that, of course, would be warping the house and coming in 3 feet and change to be able to be able to say, okay, the second floor is now 12 feet from the side yard. But it would distort the house. It would create havoc in the design, and that's it. That's basically it.

MS. KNECHT: Any questions?

MR. BLAND: No.

MR. MARTIN: No.

MS. KNECHT: Anybody in the audience care to speak?

(No response.)

MS. KNECHT: Thank you.

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MS. KNECHT: Okay. Now we're up to Case No. 18-36 Awaken Church. Case No. 18-36 - Awaken Church of the Christian & Missionary Alliance, for property located at 2 Lawrence Street (PO Ardsley, NY). Applicant is requesting a special permit pursuant to Section 285-33(2)(b) of the Zoning Ordinance to establish a church. The property is located in a GI-General Industrial District and is designated on the Town Tax Map as Parcel ID: 8.370-267-3.

MR. STRADLING: Hello. My name is Dave Straddling. I'm pastor of Awaken Church. We are looking for Special Permit to hold our Sunday morning church service at 2 Lawrence Street. This is the building that we are looking to use for Sunday mornings. And we are an officially an accredited church through the Christian Missionary Alliance, and we have been in existence for two years; five years, actually, under the Christian Missionary Alliance, two years on our own. And we have about a 50 to 60 person congregation and we use it Sunday mornings, arrive at nine and we are done by 12 for a one hour service from ten to 11. That's about it.

MR. MARTIN: Would the building be used for workshop any other time during the week?

MR. STRADLING: No, just Sunday mornings.

MR. MARTIN: Just on Sunday mornings?

MR. STRADLING: Yes.

MR. BLAND: Any plans for the church beyond this current?

MR. STRADLING: No. Just the special permit.

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MR. HARRISON: Do you have enough parking spaces?

MR. STRADLING: Yes; there is plenty of parking there.

MS. KNECHT: It's gone before Life opens?

MR. STRADLING: It does, yes. We're out the door before they really get started.

MR. BLAND: Will there be any type of baptisms or anything of that nature that would be occurring there requiring water?

MR. STRADLING: Not at that location.

MS. KNECHT: Is there anyone in the audience who wishes to speak on this matter?

(No response.)

MS. KNECHT: Okay. Thank you very much.

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1/10/2019 - Case No. 18-38

MS. KNECHT: Next case is Case No. 18-38, Virginia Baker.

Case No. 18-38 - Virginia Baker, for property located at 72 Hawthorne Way (PO Hartsdale, NY). Applicant is requesting area variances from Section 285-12(B)(4)(b) of the Zoning Ordinance to reduce one (1) side yard from 20 ft. (Required) to 13.3 ft. (Proposed); from Section 285-12(B)(4)(c) to reduce a total of two (2) side yards from 45 ft. (Required) to 33.3 ft. (Proposed); and from Section 285-42(C)(1) to enlarge a nonconforming structure so as to increase such nonconformance, in order to legalize a new roof. The property is located in an R-30 One-Family Residential District and is designated on the Town Tax Map as Parcel ID: 8.280-214-41.

MR. SENOR: Good evening. My name is Elliot Senor, engineer-surveyor. I'm here representing the owner and the architect John Tutunio who couldn't be here tonight.

What we have here is a non-conforming house with a non-conforming lot in an R-30 zone. The lot is about 18,000 feet and change. It's 70 feet wide by about 25,066 feet long. There is a current house on it. The house was, according to the Town record, was built in 1920. So the house is a non-conforming house. It doesn't meet the side yard setbacks of the R-30 zone.

So we're asking for a variance on one side from 18 with 13.3 existing, and the other side -- total of two sides of 40 feet (required) where we have 33.3 feet. What we're doing here is we're putting a pitched roof on top of the existing building. Part of the existing building had a flat roof. Flat roof has caused a lot of problems over the years. Roof leaking, you know, it's hard to maintain a flat roof, so basically

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they put up a pitched roof on the property. They have done that already. It was without -- I guess, without approval. So we're seeking to get that approval now.

As far as going through the variance, the requirements, to grant the variance, if it will be a, you know, an undesirable change or produce a character of the neighborhood that is detrimental to nearby properties by creating a variance or granting a variance. There is no undesirable change in character. The house remains the same in terms of its location, and some people will argue that a pitched roof is better looking than a flat roof. So I don't think there is going to be any change of an undesirable nature.

Can the benefit sought by the applicant be achieved by some method feasible for the applicant to do? Basically it was a flat roof and it was a detriment to the home for many years; a lot of leakage causing rot and other problems.

Was the requested variance substantial? The variance is not substantial since it is not actually increasing the degree and non-conformity to a meaningful extent. There is a picture of the pitched roof now. So it's just putting a pitched roof on top of a building that had a flat roof.

Whether the proposed variance will have an adverse impact on the physical or environmental conditions of the neighborhood or district. We're not increasing the footprint of the house. We're not changing the house dimension in any way except for the roof.

Describe whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the

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variance. Well, it was somewhat self-created in terms of the house was built in 1920, it probably was actually before any zoning requirements were adopted in the town. So there is no real other way of doing this except putting a pitched roof on top.

So we think that the variances are not a substantial variance and should like it to be approved.

MS. KNECHT: Any questions?

MR. HARRISON: Do you have a site plan?

MR. SENOR: There is a survey.

MR. HARRISON: Yes, survey. The reason why I'm asking is, our agenda has 45 feet and the denial letter has 40 feet, so I was trying to see if you have a site plan.

MR. SENOR: Well, the survey, one side of the house is 13.3 setback and the other side is 20, 20 feet.

There is actually a survey in there; a full-sized copy of it. I did not do the survey.

MR. HARRISON: I see the drawing looks like it was done by hand.

MR. SENOR: Well, that's the architect site plan. That's the surveyors surveyor's survey. All right. So they have 20 feet and the 13 feet.

MR. HARRISON: Where are we getting 45 from?

MR. SENOR: Well, we have -- it's 48 -- 40 required, and we have 33.3.

MR. HARRISON: But our agenda has it at 45.

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MS. WALKER: It's probably a typo.

MR. SENOR: It must be a typo, because the denial letter from the Town is.

MR. HARRISON: Has 40.

MR. SENOR: 40 -- 45 feet. Yes, there is a typo in the --

MR. HARRISON: All right.

MR. SENOR: It's only 40 required.

MR. HARRISON: Only on the variance.

Okay. All right. That settles that. I have no other questions.

MS. KNECHT: Is there anyone here who wishes to speak on this?

(No response.)

MR. MARTIN: Excuse me. Are you related to Gabriel Senor?

MR. SENOR: It was my father, yes.

MS. KNECHT: Okay. Thank you.

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1/10/2019 - Case No. 18-39

MS. KNECHT: Our last case is Case No. 18-39.

Case No. 18-39 - Jesus Cachaya, for property located at 51 Rosemont Blvd., (PO White Plains, NY). Applicant is requesting area variances from Section 285-39(2)(a) of the Zoning Ordinance to increase the maximum Floor Area Ratio (F.A.R.) from 2,353 sq. Ft. To 2,612 sq. Ft. (Proposed); from Section 285-16(B)(4)(b) to reduce a side yard from 8 ft. (Required), 3.6 ft. (Existing) to 3.6 ft. (Proposed); and Section 285-42(C)(1) to enlarge a nonconforming structure so as to increase such nonconformance, in order to build an addition. The property is located in a UR-Urban Renewal District and is designated on the Town Tax Map as Parcel ID: 7.420-244-12 .

MR. ESCALADAS: Emilio Escaladas, Escaladas and Associates, Architects and Engineers. By the way, most of the beautiful drawings in the world have been done by hand.

MR. HARRISON: Yes, yes, I know. But you have --

MR. ESCALADAS: Could be as long as the author of the drawings. Don't worry about it.

MR. HARRISON: All right. I just haven't seen one in God knows how long.

MR. ESCALADAS: All right. Straightening you out. This particular case is the same as before. This is a non-conforming addition or an addition to a non-conforming structure, that is. As you can see, extremely close to one of the side yards, in fact 3.6 and the required minimum side yard would be 10. And the site plan that you see there --

MR. BLAND: Thank you.

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(Mr. Escaladas distributed documents to the Board).

MR. HARRISON: You've been here as long as I have. Longer.

MR. ESCALADAS: I did a visual so you could see the actual impact. This one is -- the second sheet is most clear in terms of what we're seeking. The second floor addition to this area of town that is growing and becoming -- it's changing rather quickly. There is a brand new addition and almost a new house in front. This one is a house that the Town sold in a tax auction from -- it was a tax?

MR. CACHAYA: Yes, it was a tax auction.

MR. ESCALADAS: Come on up. He's the owner-developer. He's an attorney so he can speak better than me.

MS. KNECHT: Just state your name.

MR. CACHAYA: Jesus Cachaya.

MR. ESCALADAS: Anyway the project of improving the house and the floor plan makes this a brand new -- it's a gut rehab. We're making this entire structure brand new. There is an attached -- there is a separate garage that adds to a real nice composition in that corner. We're not rebuilding or moving the garage. The garage is staying in the same place. We're just unifying it, making new siding, new roofing. The house is totally gut rehab, plus the second floor. That used to be an attic-type of bedroom situation, but we decided that that was not good enough to work on. Because we took the roof -- we wanted to take the roof out and put a brand new second floor. And that's it.

We're looking for a variance to that imaginary plane of 10 feet. That, again,

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the options, of course, is to move the roof and the wall inward 10 feet and disfigure this very basic shape of house that's being proposed, that will certainly embellish the neighborhood and begin a whole new direction. I think we can start a whole new change in the neighborhood with this tremendous investment in Jesus's part.

That's it. It's very simple.

MR. CACHAYA: Again Jesus Cachaya. So what I'm proposing is for this corner to be bold. So right now we have a one-story home, it's bungalow style. We're on a corner lot. And it's an area that is used to cut through and it's used on Florence. It's used on Rosemont to come through Tarrytown Road down to Manhattan Avenue area. A lot of people go through this area, and this area has been labeled the urban development. It's growing. It's getting beautiful. And what I want to do is do that. Make this area bold, beautiful. Make it look strong. People are going to go by here and they are going to say "Wow that's a really nice house." They are going to want to move into the area. They are going to want to do the same to another home. We're not coming in and doing things halfway. We want to make things better, make them more beautiful than they are. This place has been abandoned for such a long time. It was in such disrepair when we went and cleaned up.

I spoke to the neighbors. I actually know one of the neighbors Fernando. He's owner of a taxi. I've known him for a very, very long time. And he told me, the first thing he said was "Thank you. I didn't know, I was thinking maybe cutting something down in that area, because I was scared. I have grandchildren and there is animals coming in and out." And he said that he was for this. I spoke to the other neighbor on Rosemont, and they are just glad that someone is coming in to view this to

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make this place beautiful. And they just, they've had to deal with something so depressing for such a long time, that if we're not only adding value to that property, we're also adding value to those neighbors in any of the surrounding area.

I also did a project on 41 Manhattan Avenue, where it was abandoned for 15 years or 12 years or something like that. It was burned down. And I had the same, same thing happen. The neighbors came by. They were really happy about this. They were thanking me. They were from the church around the corner. It makes everybody happy to see something beautiful, and that's really what I want do. And I think that adding a second story on that corner lot would just be amazing. So that's really all I have to say.

MR. ESCALADAS: We have these letters supporting the application.

MR. CACHAYA: Those are the two neighbors that I --

MR. ESCALADAS: Well, there is one, two, three, four.

MR. CACHAYA: Well, there is on, yes, on the 53 Rosemont, there are -- they actually work for the County, two accountants for the County. They told me they were for it. I actually went to high school with one of the owners I didn't know, until I saw her. And 36 Florence is the owner. I know them for a very long time. They are very supportive. I actually not a lot of the people doing construction, the first one build another house as well. He like, "Wow, that is really good project. That's exactly what you should be doing." I know he's working on another multi-family house around the corner. We are just trying to make the area as beautiful as possible. Is this in the record already?

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MR. ESCALADAS: Yes.

MR. CACHAYA: So those two are on the record. The two adjacent neighbors. Thank you.

MS. KNECHT: How about if you just explain a little bit about the F.A.R. and why it doesn't conform.

MR. ESCALADAS: Tony, help me out on this. The F.A.R.

MR. ZACAROLLI: F.A.R. variance.

MS. WALKER: It's non-conforming.

MR. HARRISON: 10 percent or 53 percent, whichever one we calculated from.

MR. BLAND: That's what we're actually looking at.

MR. ZACAROLLI: Requesting an F.A.R. variance from 2,353 to 2,006, plus the garage. The garage counts together with the house.

MR. ESCALADAS: My apologies. The Town of Greenburgh is the only place in the world where garages count as F.A.R. That's always -- yes. There is a small amount of additional area that is counted when you count the garage as we have to, by code. We are slightly over the F.A.R. by 200 or so square feet. I'm sorry. I forgot about that.

MR. MARTIN: Which is that?

MR. ESCALADAS: 200.

MS. KNECHT: So it's?

MR. ESCALADAS: The garage itself is the one that pushes us over the limit. But it's an existing structure, the garage. The only option to that, of course, is

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eliminate the garage, take it down. And we would be willing to do that, because the house is really what we're after. The brand new house with the proper number of bedrooms and look. So, and we do have the area to park the cars. So if that's an issue I'm opening up for the Board, that's an option. If you say, look, take down the garage and we'll give you the variance, that's fine. But, again, it's an unnecessary -- I would call it an unnecessary request. I think the garage and house fits perfectly in the situation. And all the neighbors are in favor. That's a very important factor. Okay. Thank you.

MR. MARTIN: Do you have any negative?

MR. ESCALADAS: No. I think on the contrary. We're all very happy. Everybody is happy that this is happening, because that house was a blight for many years.

MR. CACHAYA: It was really.

MS. KNECHT: Anyone here to speak on this matter?

(No response.)

MS. KNECHT: Thank you.

MR. ESCALADAS: Thank you. So we will adjourn, deliberate. Everybody is invited to listen to our deliberations, you just cannot participate. Then we will return.

(Whereupon, at 8:28 p.m. the Board retired to the conference room to deliberate.)

(Whereupon, at 8:53 p.m. the ZBA of the Town of Greenburgh returned to the auditorium to put their decisions on the record.)

1/10/2019 - Case No. 18-28

MS. KNECHT: All right. All right, everyone. We're back from our deliberations.

So beginning with case number 18-28, Scott Sawin, I have my S.E.Q.R. resolution: WHEREAS, the Greenburgh Zoning Board of Appeals has reviewed the above-referenced application with regard to S.E.Q.R. 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 S.E.Q.R. consideration.

MR. MARTIN: Second.

MS. KNECHT: All in favor?

MR. BLAND: Aye.

MR. HARRISON: Aye.

MS. KNECHT: And the Chair votes aye.

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MS. KNECHT: I have the motion. I move that the application in Case No. 18-28, 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 therefore in conformity with the plans dated November 12th, 2017 and received on October 11th, 2018, submitted in support of this application, or as such plans may be

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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 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 or other variances we have proved herein.

MR. MARTIN: Second.

MS. KNECHT: All in favor?

MR. BLAND: Aye.

MR. HARRISON: Aye.

MS. KNECHT: And the Chair votes aye.

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 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 applicant proposed to reconstruct a detached one-car garage into a 20 by 22 foot two-car garage. The expansion of the garage will extend into the rear yard and not into the side lot lines. There are also many similar cash detached garages already existing in the neighborhood and the surrounding neighbors do not object to the variances requested.

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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 existing garage is already pre-existing nonconforming and the corner position of the lot restricts access to the property from any other location.

3. The requested accessory structure setback variances are substantial with the side yard setback request being 4.1 feet where 10 feet is permitted, a 5.9 foot decrease, or 59 percent, and with the rear yard setback requested relief being 3.9 feet where 10 feet is required, a 6.1 foot decrease or 61 percent; however, although the variances are quantitatively substantial are qualitatively an improvement, they represent an important or nice improvement over existing conditions and the variances are supported by the neighbors.

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

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1/10/2019 - Case No. 18-31

MS. KNECHT: Moving to Case Number 18-31, White Plains Shopping Center.

WHEREAS, the Greenburgh Zoning Board of Appeals has reviewed the above-referenced application with regard to S.E.Q.R. 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 Type II Action requiring no further S.E.Q.R. consideration.

MR. MARTIN: Second.

MS. KNECHT: All in favor?

MR. BLAND: Aye.

MR. HARRISON: Aye.

MS. KNECHT: And the Chair votes aye.

MS. KNECHT: I have a motion here. I move that the application in Case No. 18-31 be granted, provided that applicant comply with all the requirements set forth in Section 285-28(A)(2)(f) of the Zoning Ordinance and the Planning Board's approval of shared parking dated December 6th, 2018.

MR. HARRISON: Second.

MS. KNECHT: Oh, sorry. All in favor?

MR. BLAND: Aye.

MR. MARTIN: Aye.

MS. KNECHT: And the Chair votes aye.

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MS. KNECHT: Findings: Applicant requests a special permit to replace an existing karate studio with a 2,000 square foot "Jersey Mike's" restaurant specializing in sub sandwiches. No expansions or alterations are proposed to be made to the exterior of the existing building. The only change to requirements at the site is a increase in required parking of 17 spaces. In lieu of obtaining a parking variance, Applicant 54 applied for and received a shared parking reduction from the Planning Board pursuant to Section 285-38(D)(5) of the Zoning Ordinance, which applies when the peak demand of the proposed use does not coincidence with the peak hours of other uses on a site. In this matter, the largest tenant of the Shopping Center is a Bowling Alley, which does not open most days until late afternoon. Whereas, the proposed restaurant peak hours will be in the morning and early afternoon. Accordingly, the Planning Board granted such reduction.

With respect to the standards required for granting of a Special Permit in connection with the proposed restaurant, this Board is satisfied, and further conditions the Special Permit upon compliance with the requirements of Section 285-28(A)(2)(f), to wit:

1. The proposed restaurant is not located within 50 feet of a residential district.

2. The Applicant and/or restaurant shall provide sufficient security to prevent its use as a loitering place during business hours.

3. Applicant and/or the restaurant shall provide proper facilities and personnel for the disposal of trash and other debris created by the restaurant; and

4. Applicant shall have or obtain approvals from the applicable state, county

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and Town authorities with respect to the areas set forth in Section 285-28(A)(2)(f)(2) of the Zoning Ordinance.

With respect to the general conditions required of all Special Permit uses, found in Section 285-48(C) of the Zoning Ordinance, and this Board is satisfied that:

1. The proposed Special Permit use is "in harmony with the orderly development of the district in which the property concerned is located and will not be detrimental to the orderly development of adjacent districts," because the proposed restaurant use is permitted in the D.S. District (indeed, there are other food-related establishments within the Shopping Center) and there are other food related establishments in the adjacent district as well;

And 2. The proposed restaurant will "not create undue pedestrian or vehicular traffic hazards and will not include a display of signs, noise fumes or lights that will hinder normal development of the district or impair the use, enjoyment and value of adjacent land and buildings," because all impacts will be internal to the existing shopping center which, as noted, include similar uses. WE, THEREFORE, GRANT the requested Special Permit.

MS. KNECHT: All in favor?

MR. MARTIN: Aye.

MR. BLAND: Aye.

MR. HARRISON: Aye.

MS. KNECHT: And the Chair votes aye.

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1/10/2019 - Case No. 18-33 & 18-35

MS. KNECHT: Okay. Next.

MR. HARRISON: Adjourned.

MS. KNECHT: Okay. Case No. 18-35
is adjourned.

MR. LIEBERMAN: You should announce
that 33 and 35 are adjourned.

MS. KNECHT: Oh, okay. Case number
18-33, Marco Persichillo Trust is adjourned
to the meeting of February 7th, 2019. And
Case No. 18-35, Veterinary Emergency Group
is adjourned also to February 7th, 2019.

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1/10/2019 - Case No. 18-37

MS. KNECHT: The next is Case No. 18-37, Isabel Sierra, S.E.Q.R.

WHEREAS, the Greenburgh Zoning Board of Appeals has reviewed the above-referenced application with regard to S.E.Q.R. 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 S.E.Q.R. consideration.

MR. MARTIN: Second.

MS. KNECHT: All in favor?

MR. BLAND: Aye.

MR. HARRISON: Aye.

MS. KNECHT: And the Chair votes aye.

MR. HARRISON: I have a motion. I move that the application in Case No. 18-37, be granted, provided that the application 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 issuance of a Building Permit and proceed diligently thereafter in conformity with the plans dated December 12th, 2018 and date-stamped November 26th by the Zoning Board, submitted in support of this application, or such plans as may hereafter be modified by another approving board or agency or officer of the Town (provided that such modification does not require a different or greater 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

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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. MARTIN: Second.

MS. KNECHT: All in favor?

MR. BLAND: Aye.

MR. HARRISON: Aye.

MS. KNECHT: 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 impact on the physical or environmental condition of the neighborhood or district. The Applicant's second floor expansion or addition is within the footprint or foundation. The expansion is in conformity with other homes in the neighborhood;

Number 2. The goal of the applicant cannot be achieved by some other feasible means without requiring the variance we are granting now. The proposed second floor addition is the most feasible location as it does not require expanding beyond the existing footprint. The addition will align with the existing exterior walls and foundation.

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Number 3. The requested variance is substantial in relation to requirement sought to be varied in that the requested relief is 8.7 feet compared with 12 feet, required, for a 27.5 increase. Although quantitatively the variance is substantial, qualitatively it is not because the second story is within the footprint or existing foundation.

Number 4. The Applicant's need for the variance was self-created because he purchased the property with knowledge -- he or she -- 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. KNECHT: Thank you.

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1/10/2019 - Case No. 18-22 & 18-36

MS. KNECHT: Next case, Case No. 18-22, has been adjourned to the meeting of February 7th, 2019.

Case No. 18-36, Awaken Church of the Christian Missionary Alliance has been closed for decision only.

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1/10/2019 - Case No. 18-38

MS. KNECHT: Then we have Case No. 18-38, Virginia Baker, S.E.Q.R. resolution.

WHEREAS, the Greenburgh Zoning Board of Appeals has reviewed the above-referenced application with regard to the S.E.Q.R. compliance; and WHEREAS the Greenburgh Zoning Board of Appeals has determined the application will not have significant impact on the requirement, NOW, THEREFORE, BE IT RESOLVED THAT the subject application is a Type II Action requiring no further S.E.Q.R. consideration.

MR. MARTIN: Second.

MS. KNECHT: All in favor?

MR. BLAND: Aye.

MR. HARRISON: Aye.

MS. KNECHT: And the Chair votes aye. And the motion.

MR. MARTIN: Madam Chair, I move that the application in Case No. 18-38, be granted, provided that:

1. The Applicant obtain all necessary approvals and file the 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 received on December 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 does not require different or greater variance than what we are granting herein);

3. The variances being granted are for the improvements shown on the plan

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submitted in support of this application only. Any future or additional construction not in conformity with the requirement of the Zoning Ordinance shall require variances even if the construction conforms to the height, setback or other variances we have approved herein.

MR. HARRISON: Second.

MS. KNECHT: All in favor?

MR. BLAND: Aye.

MR. MARTIN: Aye.

MS. KNECHT: And the Chair votes aye.

MR. MARTIN: 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, will not adversely impact the character or physical or environmental conditions of the neighborhood or district, (provided the conditions are fully complied with) because the gable roof conforms with the other houses in the neighborhood, and the house is isolated in a heavily wooded area;

2: The goal of the applicant cannot be achieved by some other feasible means without requiring the variance we are granting because it represents no increase to the existing variances since the house footprint will not change.

Number 3. The requested variance is not substantial in relation to the requirement sought to be varied.

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Number 4. The applicant's need for the variance was self-created because she purchased the property with knowledge of the requirement 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. KNECHT: Thank you.

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1/10/2019 - Case No. 18-39

MS. KNECHT: And the last case, Case No. 18-39, Jesus Cachaya, S.E.Q.R. resolution.

WHEREAS, the Greenburgh Zoning Board of Appeals has reviewed the above-referenced application with regard to S.E.Q.R. 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 Type II Action requiring no further S.E.Q.R. consideration.

MR. MARTIN: Second.

MS. KNECHT: All in favor?

MR. BLAND: Aye.

MR. HARRISON: Aye.

MS. KNECHT: And the Chair votes aye. And the motion?

MR. BLAND: Madam Chair, I have a motion. I move that the application in Case No. 18-39, be granted, provided that:

1. The Applicant obtain all necessary approvals and file the 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 dated December 10th, 2018, submitted in support of this application, or 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 than variance than what we are granting herein.);

3. The variances being granted are

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for the improvements shown on the plans submitted in support of this application only. Any further 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. MARTIN: Second.

MS. KNECHT: All in favor?

MR. BLAND: Aye.

MR. HARRISON: Aye.

MS. KNECHT: And the Chair votes aye.

MR. BLAND: Finding. 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 the nearby properties and will not adversely impact the character or environmental conditions in the neighborhood or district (provided the conditions are fully complied with) because the existing structure has been abandoned and was a tax forfeiture. The variances sought will improve the condition of the property and the neighborhood. The addition to the second floor will slightly increase F.A.R.; however, it will not change the footprint of the existing structure;

2. The goal of the applicant cannot be achieved by some other feasible means without requiring the variance we are granting now because there is an existing foundation to which the floor plan seeks to raise the first floor level to square the

1/10/2019 - Case No. 18-39

two floors with no change to the foundation;

3. The requested variance is quantitatively substantial; however, it is not qualitatively, in relation to the requirements sought to be varied and the requested relief is 3.6 feet compared with 8 feet (required) a 45 percent increase, and an F.A.R. requested is 2,612 square feet as compared to what is required, 2,352 square feet, a 10 percent increase due to the garage which is included within the calculations.

Lastly, the applicant's need for 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. KNECHT: All right. Thank you everyone. We are adjourned. We'll see you at the meeting of February 7th.

MR. MARTIN: Happy New Year.

(Whereupon, at 8:53 the meeting of the Zoning Board was adjourned to February 7, 2019 at 8:00 P.M.)

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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