

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 21, 2021
7:00 P.M.

Greenburgh Town Hall
177 Hillside Avenue
Greenburgh, New York

BOARD MEMBERS:

Eve Bunting-Smith (Acting Chairwoman)
Rohan Harrison
Louis Crichlow
Kristi Knecht
William Bland (NOT PRESENT)
Diane Ueberle

STAFF MEMBERS:

Carole Walker,
Secretary

Anthony Zacarolli
Deputy Town Building Inspector

Edward Lieberman, Esq.
Deputy Town Attorney

Debra L. Rinaldi
Official Court Reporter

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(Whereupon, at 7:09 PM, the meeting of the Zoning Board of Appeals of the Town of Greenburgh was called to order.)

CHAIRPERSON BUNTING-SMITH: The meeting of the Zoning Board of Appeals for the Town of Greenburgh will now come to order.

We have eight cases that are scheduled for tonight's agenda. Please note that the Zoning Board will have our next regular meeting on November 18th, 2021.

As usual, if we cannot complete hearing any case tonight it will be adjourned to another meeting, hopefully to be completed at that time.

As is usual also to save time we will waive a reading of the property location and relief sought for each case; however, that information will be inserted in the record by the Reporter and also it will appear in the agenda for tonight's meeting.

After the public hearing of tonight's cases, the Board will meet in the of Zoom Room to discuss the cases we have heard tonight. Everyone here is permitted to listen to our deliberations but the public will not be permitted to speak or participate.

After our deliberations, we come back on the record for our decisions with respect to what we have considered this evening to put it on the formal record and to broadcast it to the community.

If you're going to speak, please speak clearly, state your name and your address or your professional affiliation if you're not a named the applicant. Also please spell your name for the record. We have heard testimony on some of the cases that are on tonight's agenda at prior

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meetings; all prior testimony is already in the record and should not be repeated.

The first case to be heard this evening is Case No. 21-11, for property at 11 Laurel Street, Hartsdale.

ZBA Case 21-11 - Skahrokh, Amir, Khosrow & Behrooz Eatemadpour, for property located at Laurel Street, P.O. Hartsdale, N.Y.). Applicant is requesting area variances from Section 285-15(B)(1) of the Zoning Ordinance to reduce the minimum lot area from 7,500 sq. Ft. (Required), 5,281 sq. Ft. (Existing) to 5,281 sq. Ft. (Proposed); from Section 285-15(B)(2) to reduce the minimum lot width from 75 ft. (Required) to 50 ft. (Proposed); from Section 285-15(B)(4)(b) to reduce one side yard from 10 ft. (Required) to 8 ft. (Proposed) and the other side yard from 12 ft. (Required) to 4 ft. (Proposed); and from Section 285-12(B)(4)(c) to reduce the total of two side yards from 22 ft. (Required) to 12 ft. (Proposed), in order to construct a new house. The property is located in an R-7.5 One-Family Residential District and is designated on the Town Tax Map as Parcel Lot ID: 8.200-146-8.

MS. D'AMBROSIO: Yes.

CHAIRPERSON BUNTING-SMITH: Who do we have? We do not have an architect yet? Correct.

MS. D'AMBROSIO: Denise D'Ambrosio. He's on now; I see his name. So if I may proceed. Good evening, Madam Chair, and members of the Board. My name is, as you know, Denise D'Ambrosio, with the law office of Denise D'Ambrosio, 202 Mamaroneck Avenue, White Plains, New York.

With me tonight is the architect for the proposed development project on the site. That's Nima Badaly. And also a representative of the applicant Behrooz

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Eatemadpour. Both of them are here for answering your questions, or whatever. I'm not going to go over what we said before. Many of the questions that were raised by the Boards were posed in a letter, and most of them pertain to the size of the building, the survey of the property and the drawings, et cetera.

So, therefore, at this juncture I'm going to turn it over to the architect to address the various issues that were raised by the Board and by the neighbors in the last meeting.

CHAIRPERSON BUNTING-SMITH: You are muted, sir.

MR. DUQUESNE: Who is the architect? I can pin them or ping them, Ms. D'Ambrosio.

MS. D'AMBROSIO: I can see him but I don't know how to alert him.

MR. DUQUESNE: What is the person's name?

MS. D'AMBROSIO: Mr. Badaly.

MR. DUQUESNE: Mr. Badaly, please unmute yourself and proceed.

(Pause.)

MR. DUQUESNE: You're muted; if you can press speak and proceed. Okay, his audio is not working there.

MS. D'AMBROSIO: Nima, you have to put your volume up; we can't hear you.

CHAIRPERSON BUNTING-SMITH: It looks like his microphone is muted. There he is.

MS. D'AMBROSIO: Nima, unmute your computer or something. We're not hearing

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you. I'm sorry.

MR. DUQUESNE: Sir, if you hit the carat next to the microphone on the lower left of your screen you can unmute yourself, or you can turn your audio up.

MS. D'AMBROSIO: Nima, in addition to unmuting your screen, if you go to your computer there are little microphones. Maybe you have your little microphone muted up at the top.

MR. DUQUESNE: Just hold the space bar down as a try.

Do you want to separately call him and we'll go to the next case? See if you can get Zoom to function.

MS. D'AMBROSIO: Yes. My apologies.

MR. DUQUESNE: Madam Chair, is that okay? Eve, you're muted.

CHAIRPERSON BUNTING-SMITH: I'm saying yes. We have to bend to the wilds of the electronic age, that we have no immediate control over. We will move on and come back.

The next case on tonight's agenda is Case No. 21-23, for property at 38 Sprain Valley Road.

MR. DUQUESNE: Ma'am, I believe his microphone just started working.

MR. BADALY: Is it working now?

MR. DUQUESNE: Yes. Is it okay if we cycle back?

CHAIRPERSON BUNTING-SMITH: We will cycle back to Case No. 21-11.

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MR. BADALY: My apologies. This is Nima Badaly. I'm the architect for the project. I'm very happy to make our first presentation for this project by me.

Actually, if you recall, in the beginning we postponed appearing before the Board after we heard from the neighbors. The idea was to be sensitive to the letters and their comments and try to show how we can address all their comments.

I should say that there were several comments that came from the neighbors in the beginning, and then of course we're also coming from the Board. Among these several comments I'm going to try to answer them as quickly as possible. One was the size of the house. The other was the height of the house. Another one was ambiguity about whether there is a two-story house or three-story house or what it is. There was also comments about, should we remove as well as the setbacks for the house?

I would like to address these one by one. First thing I would like to talk the size of the house. Also, can I share screen here too?

MR. DUQUESNE: Yes, you may.

MR. BADALY: Okay. Am I sharing the screen now?

MR. DUQUESNE: Not at the moment.

MR. BADALY: Okay. Nima Badaly. Nima.

MR. BADALY: Am I sharing the screen now?

MR. DUQUESNE: Yes. We see a site plan.

MR. BADALY: So, what I did, after

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hearing the neighbors' comments, I ordered the surveyor to go to the property and survey the entire street to the corner, as well as the setbacks of the two houses adjacent, as well as the peak of the gable end of each house. By doing so, I tried to make a composite site plan and a composite elevation for this entire property.

Let me talk about, first, the height of that was questioned. If you look at the composite elevation that I had prepared that is here now, okay, I want to -- I want to say first and foremost.

The houses that are built today, in 21st century, I have been designing houses for about 40 years. And today they build two-story house over a basement. That's basically every house that is designed. And also with this house. This house is a two-story house over a basement. The basement of this house, because that lot is not very big to have a separate driveway to the side of it, the basement must accommodate the garage. But if you have the garage in the basement, you can not push the basement too far into the ground, because then you'll have so much slope in the driveway that the garage will not be able to be usable.

So, in this case, also we have basically the garage in the basement and two-story above. As far as height is concerned, the gable end pitch of the house, which is in front of the house, which is what is visible. This house has a peak roof, so in the back that is the very highest pitch, which is not visible from the street; but the visible peak of the house is at elevation slightly over 130, which is about 130 and 4 inches. The peak of the adjacent house -- which is a one-story and attic -- is roughly six inches higher than this peak (indicating).

Okay. This is not a high house.

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They are a very detailed house. That's why it looks like it's big house. This house is a very small house, but detailed.

The house next to it which has the gable end is approximately two feet higher at its peak than the peak of our house. I also want to now address the size of this house. This house is only 35 feet wide. The house next door is also 35 plus another 20. That's a 55 feet high -- wide house. This is, again, is not -- the house is only 1,200 footprint -- 1,200 square foot on the second floor. A 2,400 square foot house is not by any means a big house. I can assure you, I have designed, in my career, maybe 250 to 300 houses. I don't think I have ever designed houses that are much smaller than this. This is as small as you get a new house built today.

The house next door -- a one-story with an attic -- is what was being built in the '40's and the '50s. And I have had so much clients with houses like this, they come and they blow up the roof and they put a second floor to make it more usable for today's lifestyle. And there is nothing that they need -- this next door neighbor -- to do so. They don't need our consent. They don't need our permission. They have every right to do that. They are not requesting any variance for the size of the house, for the height of the house. And if you look at it, look at it, you know, in conjunction with what is next door to it. It is not a big house by any means.

This is -- it's, again, when you look at it because of its details it appears, oh, there is so much going on. Other items that I would like to address here, was the removal of the trees. Basically -- let me go back to the site plan.

Basically when you build a new house, it's inevitable that all within the

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footprint of the house and basically further the house will get removed because of excavation and damages to the roots. So no matter what kind of house, what size house you put that is inevitable.

Another item that was brought to the attention of the Board was setbacks; okay, which is an item that we are before you for a variance.

The setback that -- the minimum setback would be 10 feet. They are providing an 8 foot setback to the neighbor to our left. We are leaving to the right a smaller -- the smaller setback. Why? Because there is plenty -- this garage comes all the way to the concrete walkway -- which, if I was to measure it from the corner of the house, is approximately over 25 feet. Actually in front of the house are setbacks, to the property line is 6 foot four inches. It is only further back that we have 4 foot setback. And if you go further back to the back of the property you have a 7 foot setback.

So it's -- given all that, if the Board feels that it makes a difference to have a 10 foot versus an 8 foot setback on the site, by all means; we can shift the house more over towards Central Avenue.

In the Board's letter, I see some indication that this might be a good idea. I personally think that, you know, eight foot is plenty setback, given the fact that the other house has about 15 foot setback to their property line, and there is a fence and heavy bushes here (indicating), which we can also add another row of bushes, on our property, for privacy. That's not a problem.

There was discussion whether or not the Montage property could give away this portion -- this sliver of the property to the house to make it more of a bigger land

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and more comfortable.

The problem with that is -- I was also the architect for Montage. The problem with is that such would render Montage a non-conformity. If Montage was designed that it's using its maximum FAR. But, however, the owners of Montage are willing -- I spoke to them -- to give a deed restriction whereby the use of this area can be given to this property; so this property will maintain it, will use it. So like -- but Montage will, of course, pay the taxes and will own the property. That can be done; it might be a viable solution.

So another thing I would like to bring to the attention of the Board is, if you look at this house, okay, what it really is as far as width is concerned is only 25 feet wide. It's a two-car garage which we need to have with an entrance. That's all this house is; it's a two-car garage with an entrance. That's the width of the house. To make it any narrower, I don't think it will do justice to the neighborhood. I would like to bring this argument to all the neighbors. If this lot was a 75 foot wide lot, if it was a fully conforming lot you would get a house at least one and a half times bigger than this. Okay?

If you think you want a smaller house -- this is lucky for those who want a smaller house -- that it's a small lot and it accommodates a small house and not a 65, 70 feet or 60 feet or 55 feet wide house. So that's the other item.

I would like to see if anybody on the Board has any questions. But there was another item that the Board wanted to know the square footage of the house. The square footage of the house is 2,400 square foot -- actually 2,399 square foot. Okay? The footprint of the house is 1,200 square foot. The evidence is 1,219 on the Zoning face, that includes the fireplaces also. So

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that's putting it in a nutshell. Are there any questions or comments? I'll be more than happy to address that?

MR. DUQUESNE: Thank you, sir. For the moment, if you could please take down the share screen and we will turn it over to the Chairwoman to lead off any potential questions.

CHAIRPERSON BUNTING-SMITH: I think there was the question asked about whether or not the third floor was part of proposal.

MR. BADALY: Yes. Nima Badaly. There is no third floor. This house is a two-story house with a basement, just like any other typical house. The basement of the house will be used for typical basement uses. I personally use my basement as a gym. Okay. And I can't think of any new house now that we don't put a bathroom in the basement. You always put a bathroom in the basement. We all use our basement for, you know, gym, recreation, and things like that. That's all it is. The garage is in the basement and the rest of the -- for typical basement use of a family.

CHAIRPERSON BUNTING-SMITH: Now.

MS. RUSSO: I think --

MR. DUQUESNE: Ma'am, if you could please keep your -- members of the public, please keep your mics muted and you will have every opportunity to speak. We will call on you when it's time for the public to speak. Thank you.

CHAIRPERSON BUNTING-SMITH: I was going to add that the request that was mentioned in the letter also indicated whether or not a statement could be provided saying that the cellar would not be used or occupied by a business or another family.

MR. BADALY: Absolutely. Yes.

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Yes. Absolutely we can provide that.

MS. D'AMBROSIO: Do you need a written statement or can the applicant just stay that on the record now?

CHAIRPERSON BUNTING-SMITH: It depends on what it is you're going to say on the record. Let me see first if there are any other questions from the Board. Then you'll have a chance to respond. Anyone on the Board wish to ask any questions with respect to what we have heard tonight or anything that you have concerns about with respect to this application?

(No response.)

CHAIRPERSON BUNTING-SMITH: Not hearing any questions from the Board I would entertain any public that wishes to comment on this matter.

MR. DUQUESNE: We have Melissa Iamónico. Welcome.

MS. MELISSA IAMONICO: Hello. My name is Melissa Iamónico, I-A-M-O-N-I-C-O. I'm a neighbor of the property. I do have some concerns or questions that I don't know were fully answered.

For one thing, I would like to again note that I understand and I hear what the architect is saying, but putting a full bathroom in a basement does lend itself to more living space than just a gym or a laundry room, which is what I think most of our basements look like. It was the letter from the attorney that said there are only three to four trees being removed; and, again, the architect is mentioning putting in, again, another row of plants or bushes. And we just don't see how this house is fitting in that area.

CHAIRPERSON BUNTING-SMITH: I'm over here trying to figure out how wide my

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house is at 35 feet that I can't fit a two-car garage. It just doesn't fit. I know we have requested that the property actually be staked out and marked, and I believe that was in the letter to the applicant. But we have not seen that and I don't know if any of the Board members have walked the property but it genuinely -- I mean, looking at that, you know, floor plan, that plan sidewalk is, and Central Avenue, and the property line of the house, it's extremely tight.

I would also like to question the moving or the shifting of Montage's property to that residence residential with that would that change part of Montage properties to residential zoning which my understanding is at this point that's not allowed. And obviously there would be concern moving forward about what would happen if that entire plot of land became residential. And I think that this is a different and separate discussion.

So I thank you for your time. Like I said those are still some concerns that I have and I would urge -- before the Board makes a decision to please have this property staked out and take a look at what this would look like, what trees are going, where bushes are being planted; because I walk that property every day and I don't see how that fits. So thank you.

MR. DUQUESNE: Welcome, Kathleen Russo? Ms. Russo, please go ahead.

MS. RUSSO: Kathleen Russo. Pertaining to the size of the house, the 2,400 square foot house, I do agree it's not a large house but it is a large house for that parcel of property. High house is only 1600 square feet. That house is going to be 800 to 900 square feet more than my house. Number one. As the architect says, a few houses. I was out on the lot today. They will have to remove 15 trees in order it to

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just do any type of construction on that lot. Number three, when they are comparing the houses and when I look at the plans their final peak on their house is 12 feet above my house. 12 feet. It's on the architect's plans. It is not the same height as mine.

MR. DUQUESNE: Ms. Russo, your audio is breaking up. I'm sorry, we missed from the portion where you said you believe that the proposed peak would be 12 feet higher than what your house is at. Everything after that, we missed.

MS. RUSSO: Okay. I'm sorry. Kathleen Russo. I'm sorry. The back end of their lot actually sticks out into the other section of the Montage property. It sticks out after the least three to five feet further out than into that property. It's another, you know, strange size lot back there. So that also interferes with any what they were saying was deeming some of the deeding some of the Montage property which I feel like you're going into commercial property doing that.

What else? The trees, the size of the house. You know, it's just that house -- I understand that they need to raise it up for the garage. Well guess what? Maybe you don't need a garage. You know not everybody has a garage. It's nice to have one but you're going to have a full basement underneath that house. A large basement when you look at the plans. At some point they are going to decide to refinish that basement, to redo it, which will then make that piece of property, that house at least 3,600 square feet.

I mean, you know, anybody with a brand new house at some point is going to finish that basement off. They have a full basement down there. I don't think any of the other houses on this street have a finished bathroom in their basement.

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MR. DUQUESNE: Ms. Russo. Ms. Russo, I apologize. But if we can't pick up your audio clearly, it's not being picked up by the stenographer; therefore, we will have an incomplete record. So I'm going to unmute you one more time. If you come in, we're more than happy to hear from you, but if it comes in crackly I will have to stop. And I apologize.

MS. RUSSO: Can you hear me now?

CHAIRPERSON BUNTING-SMITH: Yes.

MS. RUSSO: Okay. At some point they are going to decide to refinish that basement and make it livable space. At that point, the property will end up -- the house itself will be a 3,600 square foot house. All right. That is 2,000 square feet bigger than my house; whether it was built in 1940 or 2021 -- it's still going to be 2,400 or 3,600 square feet at some point; whether anybody is living down there or a business is being run out of there, it will be finished at some point.

So, I mean, that's a mute point at this moment, but let's not fool ourselves about that.

As far as the trees are -- like I said, 14 to 15 trees have to come down, taking away everything off my side of the property. I mean, that's it. I mean, it's just, you know, the architect is talking about how it's going to affect us. If that house is too big and wedged in next to my house, it's going to hurt my property value and my resale value.

If any of you on the Board were to go looking at my house after this huge house is put up there, somebody went to look at the house and say, "Oh, I don't want to look at that house because this house is looming over it." So those are my considerations.

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And, again, I'd ask the Board to please come down and actually look at this piece of property. Have them plot out the house. See what they are doing. They are sandwiching this house in that lot. They can scale it down. It's 35 feet width and it's 45 feet deep. It's not a small house. Thanks very much.

MR. DUQUESNE: Thank you. Ms. Iamónico, Joanne, do you intend to speak this evening?

JOANNE IAMONICO: Yes, I am. Actually, I did speak before, but I do have some comments -- new comments that I would like to add into the record, if I may. I know I have some other neighbors that have not spoken, but I will be brief; but I do want to make certain points, especially after hearing the architect's comments now. May I do so?

CHAIRPERSON BUNTING-SMITH: Yes.

MR. DUQUESNE: Feel free.

MS. JOANNE IAMONICO: The first thing I want to say is, I'm quite disappointed. Because we have been at these meetings through adjournment and I know COVID is a factor and I thank the Zoning Board for all their efforts, but that a lot of the adjournments were not due to the Zoning Board.

The last meeting we had I got -- I requested and Garrett was very nice he did give me the recommendations and concerns that the Board wanted answered. As I'm listening to the architect tonight, I do not find those any answers. First of all, one of the stipulations -- and I will reiterate what happen has said is that and Melissa indicating that we are all looking to see what this will actually look like. And by staking out the house -- which was one of

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the recommendations by the Zoning Board at the last meeting -- and to see that after a month this has not been done should be indicative that there is something wrong with the size of this house.

Please excuse me. My dog. I have not heard at all your recommendation to say, let's take a look at the house and see how we can scale it down. They are not doing that. They have told us that this is the smallest. As of the last meeting actually when you asked -- and the attorney asked the owners there was a laugh and it was said no.

So I have a problem with that. We do not argue that there should be a house there. We welcome a house because the property is not attractive at all. But that we are willing to have a house there but we want a house that's going to complement, enhance our neighborhood, not overwhelm it.

The other thing that I wanted to state is, you asked for the engineer or surveyor to do an elevation survey. What I receive is something -- I don't know I'm sorry -- I don't have it on my compute but it was what was sent to me by Carole Walker. And if you look at it, all it is -- he doesn't show the houses anymore which the architectural did show and when you look at it it's the properties are leveled and it's also been pointed out that that property dips down. So the house that is being proposed to be built actually its land its land elevation left hand elevation is below the other houses.

Okay. Third. I have a very old one from the architect and I'm now compiling a book. This is my life. And if you look at it explain how that's not a three floor house or three-story house. I hope you can see that again I can send it through the mail but I have problem with the architect originally showing these two drawings and I would love somebody to explain how that's

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not three floors.

As to this total square footage, again I defer to the experts but they only gave the square footage of the main floor and the second floor. Isn't a basement considered part of the square footage?

The other thing that I wanted to -- the thing about, could you please write a remark about the open cellar in please understand, I mean no disrespect. But I have lived here before Montage was created. And I have lived through the problems with that building for many, many years.

I urge the Zoning Board that the summonses that that building has gotten because that building has a basement that is not for selling and it has been cited for using that basement for siding and now you want me to believe that these same company has a bottom floor and that they are going to make the statement saying it will not be livable space. Would a full bathroom. Please understand, I find that hard to believe.

You also made the statement that the roof is a roof where I come from. There is not -- we don't dissect the height of the different roofs. And just because the highest bar would not be equivalent to the houses that are next to it is in the back, doesn't mean that the neighbors that are on the other -- the "L" side of Laurel Street -- which will face that house and that elevated roof will not be impacted by the height of the back of the roof.

So let me be blunt and realize and please excuse me. I mean no anger towards anybody. This is frustration. This is word playing game play. And to say that the roof isn't going to because it's the back of the roof that is the highest peak, that's where I sit out and have my morning coffee.

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So the other thing is there -- and again if they are saying it's 2,400 feet, what about the basement?

They also have been talking about the exemption 825. I should really become a -- 825 -- excuse me. 825 -- what is it 825-40(C)(6) and if you look at (C) it says each owner of such parcel subsequent to the effective date of this chapter has not subsequent to said effective date owned or any land adjoining such parcel.

Now I know that the residential one has a different name and the commercial property but when we have issues a while ago it was determined that it was the wife of one of the owners of Montage. So if you're going to use that exemption you need to realize that they are out of compliance on that particular thing. If it's your wife, it is your family member, you all own the properties or adjoining properties which this says cannot be. If I'm quoting it right.

You know, the other thing is our the other thing is the swapping of land. The only piece of that property that is residential is the piece that they want to build the house on the other property is commercial. I agree with them on that and that must stay as is otherwise, as you have said, it is not conforming building. And we fought it and we were told that they would keep it as is, nothing would be touched and they got variances on the parking and so it's -- the parking dot conform doesn't conform but the stipulation was that that land was to stay as is. And to come back and say, oh, well we'll let them have that, that opens the flood gates for me. My biggest concern here is since this building has come -- the numbers of times that I have been in meetings with them asking for variances is ridiculous. And the reality is, my concern is in a year or two -- and I hope you're recording this because go this

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happens I'll be sure to get a lawyer -- is that they are going to explore the possibility of taking that commercial property and rezoning it to residential. And before I know it behind me and my neighbors is going to be houses built, and is going to cite this building this house in it's irregular size as past practice and therefore allow for building of things that do not belong there.

This is a very unique property. It is a very difficult property. But again I built my house, all my neighbors bought their house. They did their homework. And ill repeat again, I will repeat again I do not have to have the financial hardship because this company has poor business sense.

I know what my value was. I know what Kathy Russo's house is I know what a giant house next do it will do in terms of hour value. We will are saying we have no problem with a house being built, a house that complements our area complements our area, not something is that overwhelms it and not something that is used as a pawn to create more building on property that is irregular and ill-suited for residential. I'm sorry. That's all I have to say. I thank you for listening.

MR. DUQUESNE: Thank you, ma'am. I received no chats. I don't see anyone else has their hand up. If there are any other residents that want to speak on this matter, please unmute your microphone and let us know, otherwise we'll turn it back to the chairperson.

(Hand raised.)

MS. RAMSAUER: Hi.

MR. DUQUESNE: Please go ahead.

MS. RAMSEUR: My name is Jermaine Ramsauer. J-E-R-M-A-I-N-E, R-A-M-S-A-U-E-R.

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I agree, I don't need to repeat what's been said already. I agree with everybody, all my neighbors.

I just want to request that the land is staked, so we could take a look at this. Because I still I ride by every day and I look at it cannot picture what they want to put on there fitting at all. Not overlapping everything. It's just insane. And my property -- my backyard borders the commercial and residential land so it just out on to it so this will totally affect me and my family, you know, being outside in the backyard having this tower built that so we we'd like to get it staked and get a better perspective of what they want because it just seems like an inappropriate plan for that little tiny slice of land. So that's basically all I wanted to add. It's something I was disappointed not to see happen and I'm looking forward to seeing that done and the board going out and checking it out before making a decision. Thank you.

CHAIRPERSON BUNTING-SMITH: Thank you. Anyone else?

(No response.)

MR. DUQUESNE: Doesn't look that way.

MR. BADALY: If I may take five minutes to respond to some of the comment that were made.

CHAIRPERSON BUNTING-SMITH: Certainly.

MR. BADALY: Thank you. On the first comments that were made I apologize. I did not address the staking of the property. My mistake. I forget it. We did ask the surveyor. The surveyor's office said -- they said that he is in Europe,

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that's why he could not stake it; however, we'd be more than happy to stake out the property, and once we stake it I have to have somebody put some chalk on the border of the house, which tends to wash away all time. So if the Board would like to come, if there can be an approximate date for when you wish to come, and the neighbors, I'll make sure that the property gets staked out for that time. This way we don't just stake it out and it gets washed away.

There was also -- the second lady make a comment that the peak of this house will be approximately 12 feet higher than the peak of an adjacent house. This is incorrect. If you want me to share the screen, I can. I have checked it previously. There is only four feet of difference between the gable in the front of the house and the very peak of the house in the back; and the property, as I said, around the corner is 2 feet higher than us and is two feet lower than the very peak of this entire property. Two feet.

There is, again, I think there is a very big misconception about the size of this house and the height of this house.

The other thing, I really don't understand -- I mean, everybody uses their basement. What's the use of the basement, you know, in a house make a difference on the value of other people's property? If I use my basement or I don't use my basement. I really -- that does not make sense to me. We big the house on the two stories about the above the basement. That's the area that is always -- the neighbors said their house is 1600 square feet I'm sure they did not include their basement.

The other -- there was talk about resale value. Having a new house like this next door to you is definitely increase the resale value of the -- this house by no means is over running any house. This house

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is probably smaller than most -- the house next door is 55 feet wide. This house is 35 feet wide. It's just details.

Other items, you know, again, you know, I did address the roof. I think I-- oh, another neighborhood said, well, maybe you don't need a garage, yes, we do need it is required by zoning we must have a two-car garage for the house. And that's about all I have to say.

MS. D'AMBROSIO: Can I add something which hasn't been addressed in response. Is that okay?

MS. RUSSO: Kathy Russo. I'd also like to make one more comment.

MS. D'AMBROSIO: Could I respond?

CHAIRPERSON BUNTING-SMITH: Yes, go ahead.

MS. D'AMBROSIO: From Zoning Code perspective, a basement is not defined as a floor. A basement is a portion of a building that is completely or partially below finished grade. This is a basement so you can't say it's a three-story home.

We've already indicated that we'd provide a statement as requested by the Board whether it is on the -- whether it's on the record here or in writing, whichever is preferred is what we'll do. That the cellar will not be rented or occupied by a business or second family. So that will be done.

From another legal perspective, there has been conversation with regard to the swapping of land, making commercial residential and vice versa. That's not what is being offered here. What is being offered here is a permanent easement, a reciprocal easement; an easement that would -- where the Montage property would say that

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they would not build on it, for commercial purposes or otherwise, and for whatever the strip is that's defined and if it's the length of the property whatever the Board feels is necessary or everyone collectively agrees is necessary, we're willing to do an easement that Montage would give to the property and that the property would give to Montage, that they would only use it for residential purposes, not build anything on it; but just for the purposes of facilitating a wider piece of property for zoning purposes.

When that easement is provided, it will add I believe -- and Nima can correct me if I'm wrong -- another seven feet. So that the combined side yard would be reduced by approximately seven feet and that's at the portion where it's the smallest at four feet. So the variance would not be very large at all. You would be talking about a combined side yard of 22, and this would be approximately I believe 17. And, Nima, I'll defer to you on the exact numbers.

So it's not a big combined side yard. And if the house is shifted over as Nima said that the client is willing to do, you would have the 10 on the side yard of 7 Laurel Street. And I'd also, legally, again, I'd like to bring to your attention that that essentially is side yard and a combined side yard variance. The other two variances, the 25 feet because you don't have 75 feet and the square footage variance are not self-created; it came with the property. And it first and foremost came from the Town of Greenburgh to Ralph Correria, by deed, that contemplated the build of a house in a zoning district sense, that is the same as this Zoning District.

So it that is not self-created. It is a hardship; and, quite frankly, I believe, it's legally binding to the effect that a variance wouldn't even have been necessary; because the deed says you can

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build a house on that property, in that district. So you're really looking at two minimal variances, a combined side yard and -- excuse me -- a side yard. And that's all I wanted to add. Thank you.

MR. DUQUESNE: Ma'am, if you could please, if you want to speak, you could let us know. Madam Chair, in light of the fact that the property will be staked and as a result of that there will be a likely adjournment. We're at roughly one hour on this application and I know we have a heavy agenda. I just want to pose the question to you, how you would like to proceed.

CHAIRPERSON BUNTING-SMITH: I would like to proceed, because, number one, we had been told that there might have been other people that wanted to speak. And as Mr. Duquesne says we will -- in light of the fact that the request was made regarding the property being staked is not it not being staked -- and there are a couple of other questions that I would ask.

So I would like to adjourn this at this point for purposes of moving forward on our agenda. If, for some reason, we have time and we are able to come back to this case -- given the other case that we have -- I would certainly be able to do so. Otherwise, ma'am, you could either write what it is you want to add or you can certainly -- if we do if adjourn the matter to another proceeding, you can come and speak yourself at that time.

MS. RUSSO: Kathy Russo. I do have other questions -- Kathy Russo -- about house would be shifted to. How would it affect the yard on 37 Laurel Street? Because -- as was stated -- it does jut out. As far as --

MR. DUQUESNE: Ma'am, so we indicated that we are not going to go through another round of public comment

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which was just stated by the Chair. So, Ms. Russo, we appreciate your patience; if you have questions you can e-mail them in. We will extend them to the applicant. But at this time unless I'm misunderstanding, we're proceeding to the next application?

CHAIRPERSON BUNTING-SMITH:
That's correct.

MR. DUQUESNE: Okay.

MS. RUSSO: Thank you.

* * * * *

CHAIRPERSON BUNTING-SMITH: That is
Case 21-20, BA Leasing, at 777 Old Saw Mill

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River Road.

MR. DUQUESNE: Madam Chair.

CHAIRPERSON BUNTING-SMITH: I'm looking at the wrong agenda.

MR. DUQUESNE: That's okay.

CHAIRPERSON BUNTING-SMITH:
Zoning Board of Appeals Case No. 21-23,
Pooja and Sachin Kohli.

ZBA Case 21-23 - Pooja & Sachin Kohli, for property located at 38 Sprain Valley Road (P.O. Scarsdale, N.Y.). Applicant is requesting an area variance from Section 285-12)B)(5)(b) of the Zoning Ordinance to legalize the driveway setback from 16 ft. (Required) to 3.68 ft. (Proposed), in order to expand the driveway. The property is located in an R-20 One-Family Residential District and is designated on the Town Tax Map as Parcel Lot ID: 8.50-356-29.

MR. SHARRIAH: Hello, can you hear me?

CHAIRPERSON BUNTING-SMITH: Yes.

MR. SHARRIAH: Good evening. My name is Nicholas Sharriah. I am with Hudson Engineering, representing the owner of the single family residence at 38 Sprain Valley Road, Pooja and Sachin Kohli. As you know, they are seeking an area variance for existing section of their driveway. May I share my screen?

MR. DUQUESNE: Yes, please do.

MR. SHARRIAH: Nicholas Sharriah. Okay. Thank you. So we received two comments from the Board from our last meeting. It was recommended placing pervious pavers in the encroaching area outlined by this dashed area, this dashed

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line here (indicating). We are proposing a section of the encroaching area to be converted to pervious pavers. There is two reasons for this. One reason is the runoff from the existing illegal portion shown here is already being treated by an existing trench train at the property line basically at the -- sorry -- at the front of the property.

The second is, to replace this entire area with pervious pavers, it's not exactly aesthetically appealing, so those are two reasons. I'm not sure how much the Board wants to take a look at this entire area as far as converting it to pervious pavers, but those are the two reasons for just the section of this being shown as pervious.

MR. ZACAROLLI: Excuse me, Nicholas. You're sharing a letter. You're not sharing --

MR. SHARRIAH: Oh, I'm sorry. Give me one second.

MR. ZACAROLLI: Sure, not a problem.

MR. DUQUESNE: Thank you, Anthony.

MR. SHARRIAH: Sorry. Can you see the map now? Let me Zoom out a little bit.

MR. DUQUESNE: Yes, we now see it.

MR. SHARRIAH: Zoom, huh? Anyway, so, yes. So the area in question is shown -- let me Zoom in a little bit. The area in question that is encroaching is represented by this dashed line here (pointing). We're showing a section of that being converted to pervious pavers.

Again, our reason for this is, one, aesthetically it looks a little better than replacing this anywhere entire area. Two,

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the existing legal portion of the driveway was already being treated by this existing trench drain at the front of the property.

The second comments regarding screening at the top of this section here just to -- I guess this was to make it a little bit better for the neighbor to the right. Again, we have provided a Letter of No Objection from the neighbor to the right; Ms. Kohli's kid and their kids play and often use this area and along with that. This area is also used as access to the rear yard for the Kohlis for their landscaping. This area is about two feet wide. There is a gate here (indicating) which, like I said, is used by the landscapers; and to put landscaping here will restrict this access and just make it a lot more difficult for, you know, anyone who needs to access the backyard for work purposes to go through this area (indicating), that's you know, that landscaping is planted there.

Like I said, I mentioned the letter of no objection. Those are the only two comments we received. So we leave it in your hands to let us know how to proceed if this is off tonight.

CHAIRPERSON BUNTING-SMITH: Any questions by the Board?

(No response.)

MR. KOHLI: Hi.

MRS. KOHLI: Hi. My name is Pooja Kohli. I'm one of the property owners.

Just to clarify, that retaining -- for the landscaping. There is an about approximately 6 foot high retaining wall from the top; our landscape is on a hill. So that retaining wall that's shown there in the picture actually is about six feet high. So, you know, it's above a car and so it does actually provide screening as it is.

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And there are some large trees towards the front end of that. Even after the gate itself. But, again, due to access, if we were to landscape that, the landscapers would no longer be allowed to be on our property and would have to go on to the other -- on to our neighbor's property in order to access our backyard to, you know, mow the lawn.

CHAIRPERSON BUNTING-SMITH: Any questions from the Board?

(No response.)

CHAIRPERSON BUNTING-SMITH: Any comments from the audience?

MR. DUQUESNE: Mr. Bodin would like to speak.

MR. RUSSO: My name is Murray Bodin. I live in Hartsdale. This is a going to be more serious going forward under the rationalization that we're living in a world affected by global warming. More cars will be in driveways as more young people stay in the house longer; and the way we did business before cannot be going forward.

The use of curbs and vegetation to keep people from keeping the cars on there, it's going to be dealt with; and the fact that it doesn't look as nice as it used to be, sorry, people. Global warming is here. All automobile manufacturing plants are going electric. It's taking time. If you haven't noticed, read the newspaper various things and information. If all of the automobile agencies manufacturers are going electric, there is a message there. We have to -- Greenburgh and other localities will have to learn to live with global warming in different ways than they were done before.

Concrete is relatively destructive to the environment and we have to come to

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terms with using less of it. It's an educational process and I will speak about this everywhere I can. My grandchildren's generation is affected by this. They think differently. They live with their parents longer. There are more cars in driveways. You can't restrict the driveway but you can make it pervious so the water goes in.

People will have to learn how to live differently. There will be less grass. There will be leaf-blowers will be electric. In California the law was passed this week that all leaf-blowers will have to be battery operated within a period of time. I'm gone. I'm 88 years old; I'm out of here. It's my grandchildren's generation I'm worried about. And you should be too. Thank you.

CHAIRPERSON BUNTING-SMITH: Thank you. Anyone else?

(No response.)

MR. DUQUESNE: I do not believe so.

CHAIRPERSON BUNTING-SMITH: Any final comment from the applicants?

MR. DUQUESNE: Thanks, Nick. If you could stop share, please.

CHAIRPERSON BUNTING-SMITH: Thank you.

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CHAIRPERSON BUNTING-SMITH:

Moving on then to the next case on tonight's agenda, Case No. 21-25, Peter and Alice Stratigos, for property at 29 Hawthorne Way.

ZBA Case 21-25 - Peter & Alice Stratigos, for property located at 29 Hawthorne Way (P.O. Hartsdale, N.Y.). Applicant is requesting a Special Permit from Section 285-37(A)(6) of the Zoning Ordinance to operate an amateur radio station and to install a retractable amateur station antenna in connection therewith. The property is located in an R-30 One-Family Residential District and is designated on the Town's Tax Map as Parcel Lot ID: 8.280-214-7.

MR. STRATIGOS: Peter Stratigos. My name is Peter Stratigos. My address is 29 Hawthorne Way, Hartsdale. I'm at last name is spelled S-T-R-A-T-I-G-O-S. And I hope you're hearing me. All right. I'm back.

The reason for my appearance this evening is I've made an application for to the Zoning Board of Appeals for Special Use Permit to use an amateur radio antenna tower and antenna in my backyard at 29 Hawthorne Way. In response to my presentation on September 13th the Town of Greenburgh requested me to respond to six questions which I responded to on October 8th, 2021.

The first question was if I could float a balloon at the expected height -- the maximum height actually -- the maximum height of the antenna then observe from offsite locations as to whether that balloon could be seen from those offsite locations, attached to my response is a key which shows the various locations where I took photographs of the -- or attempted to take photographs of the balloon.

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Just a brief note. The top of the page is the north. The bottom of the page is the south. The home -- the land to lot to my north is an acre in size. My lot is an acre plus in size. And the lot to the south is one and a half acres.

There are three J-Pegs or pictures I'd like you to take a look at first. The first is number 913 which is straight on looking at the balloon, when it's directly -- unfortunately from my view -- usually you can see the string and it's straight up and down.

Thank you, Garrett. So that shows it at its maximum height from the street. The second picture I'd like to show you is 906. And this is -- well we've got it turned here. There we go. This is balloon has floated officer to the sugar maple in my backyard. And I don't know gather if you can pin out the string line. Well, no, it's on a diagonal.

MR. DUQUESNE: I don't see. I'm sorry.

CHAIRPERSON BUNTING-SMITH: I can see it in the picture, though.

MR. STRATIGOS: Oh, okay. And you'll notice how the sugar maple dwarves the height of the balloon. Those trees -- and I'll show you a little later how I measured the trees -- those trees are all 75 to 80 feet tall throughout the yard. Some of them are deciduous trees as is the sugar maples other are pine or evergreen which never lose their so it's a real mix of an elevator of variety of trees in the yard.

The third one I'd like to show you is this one. Yes, 929 I believe. These pictures.

MR. DUQUESNE: Okay. So the one that was here is called 931. Is that okay?

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MR. STRATIGOS: 931. That's fine. I got a little confused. If you look closely, I have laid one of the elements from the antenna against the house at the lower window. It's right in the center of the picture. And you might be able to see the element against the light gray siding of the house. You see it reaches up to the second floor and about a third of the way down the second floor windows. So you can see that in front of the azalea at the bottom, the element is barely visible. Barely visible. It's a fiberglass element and it's -- it's a medium gray in color. So it will blend in very well with the greenery in the backyard.

Now, I'd like to go briefly through the remaining photographs, J-Pegs that we took. Let's start at the south, Garrett, with number 916, with number 916, okay, this is one is --

MR. DUQUESNE: This is 919, street view number two. This is a blank white photo with the balloon here. Did you want a different photo? Here is 916.

MR. STRATIGOS: Yes. If you could turn it. This is from my neighbor's driveway, the south neighbor's driveway. And you can see the trees -- you can see my house -- or at least a part of my house through the trees, the lower part of the trees. But at the upper level the trees absolutely obscure the balloons.

Let's go to 915 next, Garrett, which is from the south edge of my property.

MR. DUQUESNE: Okay.

MR. STRATIGOS: Yes. This is also looking through -- looking through -- well, this isn't 915, Garrett, is it?

MR. DUQUESNE: I'll try and

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locate 915. I just didn't see it right away.

MR. STRATIGOS: Yes.

MR. DUQUESNE: 19, 931, 906, 919, 916, 911. Here. We haven't seen this one yet.

MR. STRATIGOS: Let's see where it is.

MR. DUQUESNE: This is 911, neighbor's side, towards neighbor's side 911.

MR. STRATIGOS: All right. This is up the street. This is closer -- yes. This is 911 -- is way up behind my house on the neighbor's drive there. And right in the center of the photograph you can just see the balloon through the sugar maple tree. I hope everyone can see that. It's right in the center of the photograph. That's all the way on the north side and to the east of my house. That's actually the house behind me.

And then if we could move down to 909, Garrett, which could be this one (indicating). And if you could turn it (indicating). Let's see. I don't see the balloon there. Oh, I'm sorry again. It's barely visible through the sugar maple tree. It's about a third of the way across the photograph, a third of the way in from the left hand side. And you'll just see the lower half of the balloon through the sugar maple tree that sits in my yard. Then if we could go to 912, Garrett, this is from my neighbor's the yard.

MR. DUQUESNE: This is 904.

MR. STRATIGOS: 904. This is from my neighbor's swimming pool. And I think we should be -- oh, right. You've got your hand on it, Garrett. That is right. That

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shows the balloon through the trees again. Okay. If 912 is available -- this is from the street again. This is from the street again.

MR. DUQUESNE: I'm sorry, I don't see 912.

MR. STRATIGOS: Okay. Well, that gives you a pretty good idea --

MR. DUQUESNE: Yes.

MR. STRATIGOS: -- of the views. One other, Garrett, if we could find 923. This is this is from my the door looking west -- well, this is.

MR. DUQUESNE: It's 923.

MR. STRATIGOS: Right. This is looking west from my the door at the homes that are on Topland Avenue, which they actually face Topland. This is their backyards here, but this is across Hawthorne Way. Plus, on the other side of Hawthorne Way, is village town property for the street.

Now, I've also afforded -- or my two neighbors have forwarded to the Zoning Board of Appeals their only e-mails to the effect that they have no objection to the erection of the tower and the antenna.

The second question that the Zoning Board of Appeals requests me to answer was why I can't install the tower presumably and the antenna on my rear roof.

My rear roof is covered completely with solar panels. That has turned out to be a wonderful investment. Just to give you an example of how efficient those solar panels are, we don't pay any electric bills except during the month of January and February; and that's running our air conditioning through much of July and

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August. So you can appreciate what a savings those solar panels provide us. And I would not want to put anything in a position where it might just jeopardize those panels.

And the third question was, you asked me to contact the Greenburgh Antenna Review Board to ascertain whether they had any unaddressed safety concerns.

I have not received a reply from the Antenna Review Board. My request to them was forwarded to the Antenna Review Board through Councilman Sheehan, because I was unaware or could not locate an e-mail address for the Antenna Review Board.

MR. DUQUESNE: Mr. Stratigos, if I could. Madam Chair, if it's all right. I did receive an e-mail. I know the Antenna Review Board is busy, but they did prepare a comprehensive response of which I e-mailed to the Board and I sent to Mr. Stratigos. I tried to copy you in the chat, sir.

But if it's okay, I think there would be value in just going to the conclusion which raises five concise points, which I can display, if that's okay.

CHAIRPERSON BUNTING-SMITH: That's fine.

MR. DUQUESNE: Okay. So I will zoom in. Any board member can let me know that the -- so it's a two-page memo and in conclusion -- I'm going to go ahead and just recite these.

"The applicant, an FCC licensed amateur radio operator qualifies for the reasonable accommodation provided by the FCC. The applicant's desire to have a ground-mounted telescoping and hinged monopole that can lower the antenna elements to the ground for service (from a 54 foot height) is a reasonable accommodation for

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this amateur radio operator who is unable to climb ladders. All fencing required to surround the monopole needs to be situated on the applicant's property and be 8 feet in height, unless the variance is obtained. A condition should be imposed that any interference with the neighbors' FCC compliant cable radio, TV or communication devices needs to be remedied by the applicant."

"The condition should be imposed that the installation must be removed should the property no longer be occupied by a FCC licensed amateur radio operator, since it is the operator who enjoys the benefit of the FCC's reasonable accommodation standard."

And lastly, "a condition should be imposed that a professional engineer needs to certify the structural integrity of the as-built installation."

Thank you for your time there.

MR. STRATIGOS: Yes. Well, you know, the only one that I noticed that was the requirement for an 8 foot fence surrounding the tower. As I mentioned in my previous submissions, we have eight foot deer fencing on my south and east borders. And, Garrett, you saw this so I'm not -- you can confirm this -- a four foot chain link fence on my north border of my backyard, and then a 6 foot plastic picket fence along the east border, and then for a short distance additional 8 foot deer fencing. So basically my yard now is fully fenced.

As I mentioned to Garrett, you know, if 4 foot is adequate to protect swimming pools then it should be adequate to protect towers. And so if that requires a variance I would ask that it be included within my Special Use Permit, that no further fencing is needed.

If that presents a problem to the

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Zoning Board of Appeals, then I will undertake to erect an 8 foot fence around the tower. The fencing would measure 8 foot square right at the base of the tower and have two doors so that the four side could be fully opened to accommodate the erection of the tower. And that would I'm sure -- I would hope -- satisfy the requirements that there be an 8 foot tower.

You know, I should mention also this -- the provisions of the Town Code dealing with amateur radio stations it doesn't mention a word about an 8 foot tower. It is only a general provision applicable to the -- any tower that's put up within the Town. That would include cell phone towers. I'm surprised it doesn't have application to other towers, communication towers.

But, you know, as a retired attorney who practiced law for 40 years in Chicago, one of the things you learn is that when there are provisions specifically dealing with the situation such as those set forth in as being applicable to amateur radio stations then they control over more general provisions in the code that generally applies.

So I would suggest that the failure of the provisions which had otherwise enumerate a number of conditions for granting a Special Use Permit for an amateur radio operator, control over the general language requiring an 8 foot fence. I think if a kid wants to try and skimpy up this 6 inch pole ship my I think he's more likely to want to jump into the swimming pool and, quite frankly, if four foot is adequate for the swimming pool then it should be adequate for my tower.

But having said that, if the Zoning Board of Appeals doesn't appreciate that rationale then I will satisfy the requirement that an 8 foot fence be put up

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around the tower at the base.

The other comment I'd, you know, I haven't seen those comments so I'm recalling from Garrett's presentation, the last one was that a professional engineer oversee the operation of the tower once its completed. And as you're aware we have a very capable engineer, a civic engineer and surveyor in Hartsdale, which kind of moves us on I think to the next issue Gabriel E. Senor, P.C.

You know, I expect to have him come out and look at -- you'll remember -- you may recall that the foundation requires a rebar cage going to be 6 feet tall, three and a half feet on the side. I suspect we're going to have someone from Mr. Senor's excuse me organization come out and inspect the foundation hole. I expect we will have him inspect the rebar cage that goes into that hole and I suspect the Building Inspector, the Greenburgh Building Inspector may also want to view it so there will be plenty of opportunities to inspect every phase of this installation by qualified individuals. And certainly we can have him back once the project is completed to confirm that in fact it does operate as described in its specifications.

I don't want to take too much more time. The next continue is floor. The -- you requested that we have a qualified surveyor or engineer prepare a plat map showing the fall zone. Well, number one cycle site the tower and then draw the fall zone so that we would show that the entire fall zone is within our property lines and that was attached to your -- to my submission on the 8th of October. So you should have a copy of that attached.

The next item that you requested me to do was to contact the Police Department and the radio department. And I did contact -- I was successful in contacting John Jackasol in the Greenburgh Police

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Department, who is also an amateur radio operator, and fully understands the issues involved with installing a tower and antenna.

And then I also spoke with a Mike Greco in the radio department, who has been with Greenburgh for some 40 or 45 years, just a real career employee. As I understand it from Mike, he prepared a document; he passed it on to John Jackasol, who he estimates turned it over to the chief of police for consideration, or maybe beyond that. I have no way of knowing.

At any rate, I have not received any response from the Police Department or the radio department or the chief of police. Now, again, the issue with the Police Department was whether my operation could cause interference to emergency communications police communications, fire communications. And I think you can rest assured that if they ever suspected me of interfering with their communications, they would be down here in nothing flat. They know exactly who I am and where to find me. And this is the only place I can transmit from, so I'm sure we would immediately cease whatever I'm doing to alleviate the problem until we can resolve and straighten it out.

I guess the sixth issue involves lowering the tower when not in use. And I have learned over the years -- be I've been amateur radio operator since 1987. I have learned over the years that things tend to run in spurts, with amateur radio operations, particularly when you're dealing with foreign countries. You can have a very good day or a very good week, when you frequently are in contact with Third World countries, and then it may go silent for a period of time; or it may have contact that you aren't really interested in. So what I would propose is that I will retract the tower at any time after 72 hours of non-use, that should be adequate for most purposes

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that I would be using the antenna for.

So on those two issues, one, the fence surrounding the tower -- again, there is a solution there which I will be willing to do. I've installed it the same time I installed the foundation. However, the second one retracting the antenna, I agreed to go along with that, you know, after 72 hours of non-use. I think that's reasonable given the nature of the communications that I engage in.

If there are any other questions from the Board or members of the community I'll be glad to address them.

CHAIRPERSON BUNTING-SMITH: Your statement regarding the solar panels. You're saying that is the reason why you can not put it on the house, but you chose to put those panels on the house for your benefit. Correct?

MR. STRATIGOS: That was in May of 2018, yes; and I doubt that anyone would disagree that's a great idea particularly since it pays our electric bills for 10 out of the 12 months.

CHAIRPERSON BUNTING-SMITH: Well, it certainly benefits you. I'm not sure that it benefits anyone else in the Town.

MR. STRATIGOS: Well, I suppose it benefits us all in that we are beginning -- just like the prior speaker said -- we have to be concerned about the warming climate. And putting the energy -- the solar panels on the roof is to all of our benefit in that it reduces the drain on the electric grid.

You know, let me mention another fact. We are as energy conscious as we can be. We do not dry our clothes in the gas dryer when we have the opportunity to hang them outside in the sunshine. That also contributes to minimizing our footprint with

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respect to warming climate.

We also drive a hybrid car that gets upwards of 40 miles to the gallon just around town, and on any kind of a trip runs 50 miles, so I take no regret in having installed solar panels. I think that was a good move. I wish everyone would install solar panels. Thank you.

CHAIRPERSON BUNTING-SMITH: I'm not arguing against your solar panels. I'm arguing against the fact that the code states that it could go on -- it should go on the roof and your position is that because you have the panels you can't do that.

So we just don't know at this point whether or not you need a variance for that purpose.

MR. STRATIGOS: Well, the fact of the matter is the tower I have could not possibly go on my roof. It weighs upwards of 800 pounds when it is fully installed. You know, if the tower could be mounted on the roof I would have to climb to the roof to tilt it down. It would defeat the purpose, quite frankly, of having a tilt-over tower. This is a tower -- once it's been raised it's firmly held in place with those couple of disks I brought to the last meeting and demonstrated.

Now, you know, to tilt the tower over to get it down -- to get the antenna down you have to tip it, and you can only do that from the ground level. It would be impossible to tip the tower if the tower was installed on the roof. I mean, it's just -- it just doesn't make any sense to try to do that.

MR. HARRISON: At least now you've given us a reason other than you said, you know, you were concerned with whatever risk it may pose to your solar panels; So you

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were focused on that. Now you've told us that the tower may be too heavy for the roof.

MR. STRATIGOS: Well, yes, you know --

MR. HARRISON: Go ahead.

MR. STRATIGOS: I thought the explanation of the solar panels, I could have gone through the longer explanation in my cover letter. But I thought was such an obvious answer to why I couldn't put something else on the roof, it was beyond question.

MR. HARRISON: Well, put it this way. In our code that if that is preferable -- or the more suitable location -- and that's one of the reasons why the Antenna Review Board suggested the fence; which I'm happy that you will accept, you know, if necessary. Because when you have it free standing, hey, kids will see a nuisance, as you know, and kids, as you know, and kids are kids.

MR. HARRISON: I'm sorry.

MR. STRATIGOS: It's called an attractive nuisance.

MR. HARRISON: Exactly.

MR. STRATIGOS: And that's why all the home owners have pools have four foot fences around them; because their pools are attractive nuisances.

MR. HARRISON: If they climb the pole -- if they climb the pole -- they could try -- they could dry to climb the pole and drop off also.

MR. STRATIGOS: As they could fall out of a tree. It's likely that they are going to climb a tree and fall out of that

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tree than they are going shimmy up my pole; besides I've already said I'm going to put an eight foot.

MR. HARRISON: Right. I'm saying I'm glad you did that so at least that covered that. But that's where -- according to our code -- the more suitable location is on the roof. But if you have a tower that's going to be too heavy then, yes, we have to find another alternative location, which is what you're proposing with the pole.

MR. STRATIGOS: Right.

MR. HARRISON: You can't get an antenna that is not as heavy or it won't suit your purpose if you get something that wouldn't be as heavy on your roof. Would that defeat whatever you're trying to do or whatever, you know, with their amateur radio station?

MR. STRATIGOS: Well, number one, I already have the tower. I already have it.

MR. HARRISON: Okay, okay.

MR. STRATIGOS: Number two, the provisions of the amateur radio provision of the Town Code. You know, the requirement that it be on the roof, the requirement that it abut the house were items that were mentioned by the Antenna Review Board. The Antenna Review Board in their most recent communication, agreed with their attorney who said reasonable accommodations should be made as long as it doesn't pose a legitimate threat to Public Health, safety and generally welfare or to the character of the neighborhood to the residence.

That's the criteria they are now articulating. And I totally agree with that.

MR. HARRISON: Yes.

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MR. STRATIGOS: That doesn't have anything to do with putting an antenna on the roof or abutting the house or any of the other provisions contained in that second and third paragraph of the Code dealing with antenna amateur radio stations. Excuse me.

CHAIRPERSON BUNTING-SMITH: I'm sorry. Go ahead.

MR. STRATIGOS: No. Nothing more.

CHAIRPERSON BUNTING-SMITH: I was going to say, you did hear what the response was from the review board but that's not the same as -- which is one of the requirements that I think they mentioned -- that there would have to be someone to provide whether or not there is an issue of reception that could result from you putting the antenna up. Am I not correct?

MR. STRATIGOS: Again --

CHAIRPERSON BUNTING-SMITH: That hasn't been done yet.

MR. STRATIGOS: Oh, absolutely. Absolutely. You can not communicate with Australia with simple wired antennas. Period.

The antenna I have is Free Element Beam Antenna. It's called a Yagi antenna. What that antenna does is it narrows -- it narrows the width of the transmitted signal in the specific direction it is aimed. So if I wanted to talk to someone in Australia, for instance, I would point that Free Element Antenna over my rooftop at 45 feet, on 20 meters, and I would -- I would try and locate an Australian station. I have done that before. But you need a directional antenna, one that shoots the radio signal in a specific area, and in the absence of that kind of an antenna you can not even hear.

MR. HARRISON: Hmm.

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CHAIRPERSON BUNTING-SMITH: All right. Any other questions?

(No response.)

MR. CRICHLOW: Yes, I have a question. Are you currently broadcasting from your home now?

MR. STRATIGOS: Just locally.

MR. CRICHLOW: Just locally? And you are not getting any complaints of interference from your neighbors regarding your voice coming through their television or their radios or their telephones?

MR. STRATIGOS: That used to be the case when TV signals were over the air. I think we've got an echo. But since everyone now does their TV and phone and internet over cable, those issues have totally resolved themselves.

In addition, if there is an issue with the telephone, I have filters you can put on your telephone to prevent that sort of interference. It's something that I've used in the past with other neighbors and certainly can be used again. But with respect to TV and internet, I don't expect to have any problem at all.

MR. CRICHLOW: Okay. Thank you.

CHAIRPERSON BUNTING-SMITH: Any other questions?

(No response.)

CHAIRPERSON BUNTING-SMITH: Any comments from any member of the community?

MR. DUQUESNE: Mr. Bodin.

MR. BODIN: This is another example of regulations that were written for a

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different era, that need to be applied to the current era. There are a number of building codes that were written for an environment that doesn't exist any more. And it's very difficult to apply issues created by global warming to the placement of -- things like the placement of the antenna and so on. I just want you to be aware of how difficult it is to relate to global warming and how it affects all of the things that we have been doing for 50 years that now have to be done differently. This is just another example of the need to look at the code, which was written for a different era, and understand how it has to be applied to this era. Thank you.

MR. STRATIGOS: If I may respond, I would totally agree with the gentleman. And based on my brief exploration through the Greenburgh Town Code, I think it really needs a good housecleaning. That's my personal opinion. Thank you.

CHAIRPERSON BUNTING-SMITH: Are there any other comments from anyone? Any source in.

(No response.)

CHAIRPERSON BUNTING-SMITH: All right, thank you.

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CHAIRPERSON BUNTING-SMITH: We'll move on to Case No. 21-27, Nicholas and Josie Parashis, for property at 23 Springwood Avenue, Ardsley.

ZBA Case 21-27 - Nicholas & Josie Parashis, for property located at 23 Springwood Avenue (P.O. Ardsley, N.Y.). Applicant is requesting area variances from Section 285-15(B)(4)(a) of the Zoning Ordinance to reduce the front yard setback from the principal structure from 20 ft. (Required) to 17.5 ft. (Proposed); from Section 285-15(B)(5)(a) to reduce the setback from an accessory structure to the principal building from 10 ft (permitted) to 3.666 ft. (Proposed); from Section 285-15(B)(5)(b) to reduce the setback from an accessory structure to the side lot line from 10 ft (required) to 0 ft (proposed); from Section 285-15(B)(3)(b) to increase the maximum accessory building coverage from 6 % (permitted) to 6.4 % (proposed); and from 285-36 (J) to place an accessory structure in the front yard, in order to allow construction of a new garage. The property is located in an R-7.5 One-Family Residential District and is designated on the Town Tax Map as Parcel ID: 8.320-238-13.

MR. DAVENPORT: My name is Eric Davenport. I'm the architect working with Nick and Josie on 23 Springwood. And this is our second appearance in front of the Zoning Board of Appeals.

We had some new direction for the project and also some reasonings for the project, from why they are asking for their answers.

We had also been to the Planning Board and have since received their worksheet for the project. And because we've presented before to the Zoning Board of Appeals and not all members were present, I'm wondering from the Chair, would you like

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us to -- would you like Nick and Josie to present again their variance to the Board members? Or should we move forward to answer or I guess present our answers and responses to the specific questions that we received from the Planning Board?

CHAIRPERSON BUNTING-SMITH: All right. Whatever was put in the record previously has been reviewed by the members who were not present at the time, so you could certainly proceed with your responses.

MR. DAVENPORT: Okay, great. I'm going to share my screen and go through some of the information I hold to those responses. Bear with me a moment. Okay. Can you all see the presentation material? 23 Springwood.

MR. DUQUESNE: Yes, we can.

MR. DAVENPORT: Okay. Before some of the reasoning for the crossing the garage and its variance and the entryway to make the house safer were discussed. Some of the reasoning that the Planning Board was concerned about location up against the street and also requested 6 floor alternate location for their back was, you know, led to an explanation from the owners. Nick did a great job of kind of documenting their current street location, and I know Nick and Josie are at the meeting.

I wasn't sure. Nick, if you can hear us, if you wanted to talk about your findings here and present this to the Zoning Board of Appeals. If not I can go.

MRS. PARASHIS: Hello, everybody. This is Nicholas Parashis, 23 Springwood Avenue.

I note that we were there in-person giving a presentation and I kind of gave a hand drawn sketch and I tried I was a little embarrassed by it so I did this computer

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graphic which you see right now on the screen and I made all these measurements of the street. So as you can see -- Eric, can you put your cursor all the way to the left of the street where --

MR. DAVENPORT: I'm going to be able to Zoom in it. For some reason the cursor isn't going to show up for them.

MR. PARASHIS: All right. Where Ardsley village all the way top left. Springwood Avenue begins as Ardsley village Springwood Avenue. And then it goes in to this narrow part of the street, which is entrance of Town of Greenburgh, Springwood Avenue, I mean, even though they were both Town of Greenburgh, I mean, this is technically where the Town of Greenburgh kind of starts. Right?

So at that particular bottle neck right there, is 13 feet 8 inches wide. The street widens up a little bit to 18 feet and a half feet to about 20 feet. And then where there is no houses yet; there is just woods. There is a proposed subdivision but that has nothing do with this. As you get to the top of the screen you see 21 SW. That's 21 Springwood. The street opens up and the reason why it opens up is because these houses do not have any parking anywhere. This is on-street parking. And so what they did was they reduced the front of their properties to make space for the cars there, and they reduced it by six and a half feet.

So, as we were looking towards the top of the graph -- you'll see I put a little box there, it says "park." That's where the cars are parked. Now, the reduced front property, around 6 and a half feet, fit the cars all the way across my property to 25 Springwood Avenue.

At 25 Springwood Avenue they have this driveway. And the drive -- I don't

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know how this happened -- but they have a driveway, and it kind of goes, like, 11 feet, 12 feet into, like, the middle of the street. So that's where, you know, things get a little, like, different. But right before there -- and my property ends on the edge of 25 -- you'll see that it's the biggest part of the street at 33 feet wide.

Now, that's wider than any place on Springwood Avenue, and it's a huge space. You could put two tractor trailers and a couple of cars there and you have enough space. Regardless. Where the fuchsia colored 35.5 feet is, you'll see there is a dotted line there (indicating), and that's the proposed garage that we would like to build.

We have it two and a half feet back from the retaining wall that is currently there, which is solid black line. Actually, this is my old sketch, but either way, it works.

Originally, we had this at zero foot distance from the retaining wall to that black line. So, instead of two and a half feet that was zero. But after meeting with the Planning Board and given their recommendations, we moved our proposal back an additional two and a half feet. So if you look at the dotted line, which is six and a half feet from the front of the property, which is that reduced front property size, the garage is really about 9 feet off of where the property used to be before they reduced it to make on-street parking. I don't know. Does that makes sense for the Board members? Does that clear the way I presented that or? Any questions about that right now?

CHAIRPERSON BUNTING-SMITH: No.

MR. CRICHLLOW: I understand it now. I wasn't understanding it when I was looking at it before; but, yes, now it explains what

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those dimensions mean.

MR. PARASHIS: All right. So the garage is the main source of all these variances that we're requesting.

All the neighbors that -- the whole block of Town of Greenburgh on Springwood -- I'm sorry, the whole Springwood Avenue Town of Greenburgh side, every single house supports this project. I've gone over it with them. I've explained what details. I brought them to my property. I've invited them over. I showed my blueprints that would have -- so far they all understand it really clearly and they all wrote letters of support.

Okay. So now we're also asking for I guess an entrance-way as well as part of the variance because I guess minimum size entrance-way which is recommended by the architect goes like a foot into the variance territory. I guess he could talk about that. But we worked with architectural-- they have all that on the record.

I'm sorry. My wife was tucking our daughter in, who is giving us a hard time; because it's her bedroom, which was interesting. It was fun.

Anyway, so at the beginning of the garage from the proposed entrance-way of the garage is 31 and a half feet for the width of the street; at the end of the garage it's 35 and a half feet. So if you're pulling into the garage, if you drove street across the street you have both those distances there. So that's what those lines represent.

These calculations, these measurements were verified by the Board, the Planning Board members which came to visit. I drew chalk lines on the streets. All these lines that you see there I actually drew chalk lines for them. I showed them

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where the garage would be physically there. They were very appreciative of it. And I believe after that meeting we had the most speedy approval and we had full approval of our plan that we're proposing for you, so I'm pretty proud that we were able to get that.

If there is any other questions I think, you know, I guess Eric could kind of take it over.

MR. CRICHLLOW: I just want to be clear. I don't see where your the entrance work is part of this -- is part of this case.

MR. PARASHIS: Okay. So I think we're kind of like talking a percentage-wise of like one percent that it kind of goes into the territory of variance. It's a very small amount that I think -- I forget what I was going to say. That if you look at the front of the property before it was reduced from the on-street parking, it's not even an issue, because it's an additional 6 feet. Because the way the street is now, if I measure back, it's like inches into the variance territory, and that's why.

MR. DAVENPORT: Does that answer the question?

MR. CRICHLLOW: I guess so.

MR. PARASHIS: Also --

MR. DAVENPORT: Go ahead, Nick.

MR. PARASHIS: Sure. There is also some questions about -- I guess the egress of the street. We had responses from the Police Department and the Department of Public Works, and everyone who deals with highways. And they responded to Carole Walker's e-mail which we also have to present to say that it's a perfectly fine situation, that it does help out the street

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more than anything else; that they don't have any issue with it whatsoever. There was also another question about why did we want a one-car garage versus a two-car garage?

The current Town Code stipulates that any new building of garages must be a two-car garage so that's one reason. Another reason is we have two cars; one is an SUV and one is a hybrid. And the scooter, motor scooter, canoe, two kayaks, several bicycles that need to be stored in there, as well as all sorts of tools and stuff. So the two-car garage is really the minimum of that we need.

I think -- was there another question that was asked? Could we move the garage further back? Eric has a diagram as to why we couldn't do that; and the Planning Board agrees that we really can't do that without disturbing too much Steep Slopes, and this was the most environmentally friendly way that we could actually do that project. And that was our goal initially from the start to build what we need as necessity, you know, for a house, and have as least amount of environmental impact as possible. Because, you know, I'm a tree guy; I want to save everything and I don't want to disturb if I can help it. That's basically it. Then I guess Eric could take over.

MR. DAVENPORT: Okay. I'm going to go through some of the questions that were asked and some of the responses. The Planning Board urged us to talk about a few items that would come up as concerns for both the design side and the owners, if we were to push the garage back to the side of the house. That if the garage is pushed further back there would be resulting in steep stair runs, which we're trying to avoid from the street to the front entry of the house. It blocks an entryway on the outside to the rear yard. The way that goes

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back in the garage structures would not allow people to access the front yard from the backyard, from outside of the house. So, you know, guests, children, large item delivery, et cetera would have a very tough time accessing the rear by going up the Steep Slope on the left side of the yard.

We also did some calculations to compare the amount of material that would be removed by pushing the garage back as opposed to the proposed location further towards the road, and we can look at that back in a moment.

It will also require larger and deeper retaining walls not only for the garage but the driveway that would run to the street so there would be a lot more asphalt and concrete on site needed to hold back earth because the Steep Slope location.

MR. PARASHIS: Hold on one second. Also the neighbors did not like that plan at all as well.

MR. DAVENPORT: Yes. Yes. There was some pretty hefty resistance to that amount of concrete showing up, in their view, in their experience of the site.

The storm water systems would need to be increased for that amount of runoff and infiltration from the other driveway. There would be -- because of the location further back, there would be a larger amount of storm water runoff to, you know, towards the neighboring properties that would have to be dealt with because of the proximity. And Nick and Josie also got some quotes for the alternate location; and the garage structure in their current location was about a third of the cost of the -- to push it back to it was about a \$50,000 cost for it the garage structure itself, closer to the street, as opposed to 150 to the amount of disturbance needed for the alternate location, for the back away from the street.

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And there was also an existing deck off the side of the house; and there is some structural integrity issues that we would have to deal with complexities when we got closer together or on top of one another.

The Planning Board did also urge us to find, as Nick said, you know, some documentation from the Fire Department and Public Safety that, you know, if they had any concerns they would address and they had no concerns and, like Nick said, getting their parked vehicles off the street would actually improve the street situation and safety of the neighborhood.

We received additional questions that were very specific in nature which we just addressed generally at first and then and then more specific calculations were done for the cubic yard retainage. So there was -- some of the diagrams that we did to show how, you know, the proposed portion of the garage toward the street would remove approximately 39 cubic yards as opposed to 118 cubic yards if we were to push it back to the side of the house. And they asked about the storm water systems and how much of an increase that would be needed for the proposed distance for the current design. They would need to increase to accommodate an additional 480 square feet of impermeable surface on the site from the driveway, as well as additional area for a different step configuration from the driveway up to the house as well as some of the different drainage strategies for the additional drainage walls. And the alternate location would also impact the existing dry well, which is next to their house. So the main house has a dry well underneath this existing back to the right, which mitigates all the storm water from the rear and side of the house right now. And if we were to move the deck, or, you know, remove that cistern or that with the garage pushed back an entirely new storm water system would be needed and an alternate location for the

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rear part of the property.

MR. PARASHIS: Eric, if I could hop in there for a second.

MR. DAVENPORT: Sure.

MR. PARASHIS: Even with the last hurricane that we had just a few weeks ago where, you know, all of downtown Ardsley flooded and, like, the Saw Mill was underwater at some parts, and Macy's park was under 6 feet of water; tragically there was death there.

With all that water our streets -- our streets and my house filtered the water very well, and very little street water runoff, if any, you know, was present. So the current system is very good so we really didn't want to mess with that, so we wanted to leave that as is. That's also part of the proposed plan that we're doing because you know everything is working well. We care about our neighbors. We care about our downhill neighbors. And we want to make sure that our plan is the very best that we could present to the Board.

MR. DAVENPORT: And also, you know, one of the considerations that the Board mentioned was removal of vegetation and trees. There is one tree slated to be removed in the current proposed location, there in the back wall. Nick and Josie have planted trees in the rear already to help mitigate that loss, and, of course, moving it back further on the site would involve more vegetation removal that's alongside of the house.

MR. PARASHIS: Right. Also 750 square feet of grass is newly planted that wasn't there at the time of the Board meeting.

MR. DAVENPORT: Okay. For the record, I do want to say right now we are planning 2 foot 4 dimension from the

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property line back. The diagram that we talked about earlier does have two and a half feet, and we're looking to request the 2 foot 4 measurements from the front yard property line to make sure that we have enough clearance for the stair from the front area of the yard to the rear area of the yard for that building.

So that 3 foot 8 dimension is what we're looking for, to have a safe, you know, appropriately wide stairway and structure, and handrails and everything to allow people to pass from front to back.

I know Nick and Josie have provided precedent pictures for other similar conditions in the neighborhood that they have documented here in different locations that have garages close to the street. You know, and we're kind of looking at them in ways to, you know, mimic landscape as much as possible and integrate the design into the landscape with the steps so that the garage essentially becomes part of the landscape as opposed to, like, your typical garage design. Because there is a lot of landscaping that will help a lot with that aesthetic direction already planned for the front of the house.

MR. CRICHLLOW: So I have a question. I've read the Planning Board's recommendation, and I think all of the rationale behind what you're proposing to do makes quite a bit of sense. But I'm not seeing anything that shows what the garage would look like. If you scrolled back down you've shown three examples of close to the street garages. Is the one you're proposing more like the one on Ashford Avenue, or more like the ones on Euclid Avenue?

MR. DAVENPORT: Yes, I guess it would have kind of a flat slightly sloping roof and start to align with the step and retaining walls going up to the house so that it could read like part of the

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landscape on the left.

MR. PARASHIS: Yeah. I would say like the front part of the garage would be close to the one that you see on Ashford Avenue. The white one just above, if you scroll up a little bit, Eric.

MR. DAVENPORT: I see.

MR. PARASHIS: So on the right -- as you see -- like, if you look on the left picture there, you see the car right there, and you see the actual grade of grass and dirt and rocks and stuff like that, the garage on that side will be built in to that area right there (indicating). So essentially you really won't be seeing the garage too much from that side, because it will be built into the earth and then there will be shrubbery and that I have recorded the shrubbery that I've coordinated with my neighbor that I pledged to him that I would you know put in. So you probably wouldn't even see it from that side at all.

But the front would kind of look similar to the one on Ashford; and on the left side, you know, obviously it would be a different kind of, you know, look because it's going to complement the house and the neighborhood and, you know, eco-design as well. I'm not sure if that helped answer the gentleman's question or not.

MR. CRICHLLOW: I think what would happen is, if we had some drawings that the intent is in terms of the aesthetic of the garage.

MR. PARASHIS: It's very similar to Ashford Avenue, what you see right there, if you will.

MRS. PARASHIS: Just like that.

MR. PARASHIS: It will look very close to that with coloring of my house.

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Is there anything else?

CHAIRPERSON BUNTING-SMITH: I was going to ask you, if you have nothing else to add to go through the variances that are laid out in the agenda that we have for this evening, just go through each one to see what changes, if any, there are to what you have been requesting.

MR. PARASHIS: There is.

MR. DAVENPORT: There is no changes. The ones we are requesting are the one we're trying to get approved for, that the Planning Board that we worked with to try to get; but Eric will, I guess, move forward, you know, I guess just moved forward.

I'm going to call them up right now.

CHAIRPERSON BUNTING-SMITH: We had him on the screen a minute ago.

MR. DUQUESNE: Eric, would it be helpful for me to post the agenda or did you have some other graphic or something?

MR. DAVENPORT: They are the same as the agenda, so that would be totally appropriate. That would be helpful.

So the first variance request we addressed in the last presentation, and it was the entryway at the front of the house to be 17 and a half feet from the property line as opposed to the 20 foot (required). The garage variances are about having a setback from an accessory structure, the principal building to 10 feet to 3.6 feet. That's the dimension that we looked at previously and also to reduce the setback from an accessory structure to the side lot line from 10 feet to zero feet, and also to increase the maximum accessory building

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coverage from 6 percent to 6.4 percent and also to place an accessory structure in the front yard in order to allow the construction of this garage without disturbing more of the slopes on the side of the house.

CHAIRPERSON BUNTING-SMITH: So moving the garage back did not really change the variances in any way; correct?

MR. DAVENPORT: Correct. We had originally submitted to the Board with a zero with basically with a garage on the front line, and I think when we resubmitted after the initial viewing with the Planning Board that to 2.4 issue is now on record as the request. So now they are the same.

CHAIRPERSON BUNTING-SMITH: Okay. 2.4 issue is now? Any other questions?

(No response.)

CHAIRPERSON BUNTING-SMITH: Any comments from the audience?

(No response.)

CHAIRPERSON BUNTING-SMITH: Okay. Thank you.

MR. DAVENPORT: All right, great. Thanks, everybody, for hearing us out and we'll be in touch.

MR. PARASHIS: Thank you very much for our project. Thank you.

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10/21/2021 - Case No. 21-26

CHAIRPERSON BUNTING-SMITH: Our next case is Bloom Energy Corporation, Case No. 21-26, for property located at 151 South Fulton Street.

ZBA Case 21-26 - Bloom Energy Corporation, for property located at 151 S. Fulton Street, (P.O. White Plains, N.Y.). Applicant is requesting an area variance from Section 285-36(J) to allow an accessory structure in front yard (proposed) instead of the rear or side yard (permitted). The property is located in an IB- Intermediate Business District and is designated on the Town Tax Map as Parcel ID: 8.80-42-1 & 2.

MS. GRILLO: Hello. Good evening. My name is Kristen Grillo. I'm permitting specialist for Bloom Energy Corporation.

We are requesting an area variance to allow an accessory structure in front yard at 151 South Fulton Street. The project consists of us installing 6 energy servers to provide approximately 1,500 kilowatts of base load power to the Altice facility. And we are currently going through Planning Board review. We had a second meeting yesterday and we're just wrapping up some general concerns as far as more information to the Planning Board, as far as questions about the technology behind the energy servers. So I'd like to share my screen. I was going to show just the site plan, if that's all right.

MR. DUQUESNE: Yes, please do.

MS. GRILLO: Thank you. I just want to pull it up. Can everybody see my screen?

MR. DUQUESNE: Not yet.

MS. GRILLO: It's saying it's paused. How about now?

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MR. DUQUESNE: Yes, we can see it now.

MS. GRILLO: Okay. Great. So this is our overall site plan of the site. Fulton Street is here. This is Russell Street. This is the installation. I will Zoom in a little bit so everybody can see what that will look like.

This is the proposed location along Russell Street. The reason why we're requesting it to be replaced in this area (pointing) as to the -- instead of the rear yard is basically straightforward. The access -- there is not enough access to get to the backyard for one emergency vehicle in an event of an emergency was to take place. We sort of had an unforeseen incident with the servers and as well as maintenance. So this was just the most ideal location for access, as well as also the secondary concern is the tie-in point, where we would have to tie in to the existing utility.

We would have to -- if we did, you know, if it was manageable to put in the backyard, we would be running an extensive line to that yard. It's just for both reasons the existing utility connections is much more convenient to place in front of this front yard. So that's pretty much why we are requesting the variance for the project.

If anybody has any questions about not only just the location but the project itself, I wouldn't mind fielding some questions.

CHAIRPERSON BUNTING-SMITH: Here I am. Is there any need to have any safety concerns with respect to the servers?

MS. GRILLO: Well, the servers themselves are equipped with many safety features. There are, for example, the servers come with emergency shut-off valves.

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They are installed with that. So in case -- if there is any in the event of like abnormality in gas pressure, the sensors inside the system sense that and the fume sensors automatically shut down.

The cells are also -- cells are monitored 24-7 by a remote monitoring center provided by Bloom employees; 24-7 monitoring. So any kind of, again, abnormality, sensory pressure, if something is detected within the systems, that it's just not right, or if there is some sort of power shut-down, the systems are programmed with many internal functions to sense that there is just some abnormal activity going on, automatically shuts down, and a Bloom Energy Maintenance server comes out and oversees the issue.

The ownership of the building, of superintendents, they have -- they are briefed on the safety features of it. They have access to it, if needed, so in that sense of the property, you know, there is a lot of mechanisms to where these servers are being monitored in case of any sort of, you know, unforeseen events do happen.

You know, as far as also, there was a concern like with the Planning Board, we are putting up a -- there is an existing fence around the servers, which we will be putting acoustical screening on there, just for screening purposes, as well as sound attenuation, which is something the Planning Board seemed to be in favor of; as far as just, you know, keeping clean, looking well and, you know, any sort of visual -- if anybody had any sort of the visible concerns the safety would be maintained as well.

CHAIRPERSON BUNTING-SMITH: Any other questions by the Board?

(No response.)

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MR. CRICHLLOW: Okay. This might be a relatively dumb question, but you're saying that this is the front yard, but the address is Fulton Street, but it looks like the servers are going to be placed along Russell Street. So is it really a the yard or a side yard?

MS. GRILLO: When we first proposed this to the Planning Board we were considering it the side yard, but after -- since building review, a building official had determined that a variance would be required, I guess because of the placement on the corner. I'm trying to see if I have a -- so this is Fulton, that is Russell. This is technically the -- technically the front area of the property, and the servers would be going right in that area.

MR. ZACAROLLI: The property had a prior history of that being a the yard, Louis, so it would be consistent with the predeterminations that happened prior.

MR. CRICHLLOW: Thank you; because it's not obvious to me.

MR. ZACAROLLI: (Shook head.)

CHAIRPERSON BUNTING-SMITH: Any other questions?

(No response.)

CHAIRPERSON BUNTING-SMITH: Does anyone else wish to be heard on this case?

(No response.)

CHAIRPERSON BUNTING-SMITH:
Hearing nothing further, we will move on then. Thank you.

MS. GRILLO: Thanks you very much for everybody's time. Much appreciate it.

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10/21/2021 - Case No. 21-28

CHAIRPERSON BUNTING-SMITH: And the next case is Case No. 21-28, Abishek and Priya Nag, for property at 1 Highview Drive.

ZBA Case 21-28 - Abishek & Priya Nag, for property located at 1 Highview Drive (P.O. Scarsdale, N.Y.). Applicant is requesting area variances from Section 285-14(B)(4)(b) of the Zoning Ordinance to reduce one side yard setback from 12 ft. (Required), 9 ft. (Existing) to 9 ft. (Proposed); from Section 285-14(B)(4)(c) to reduce a total of two (2) side yard setbacks from 26 ft. (Required), 22.1 ft. (Existing) to 22.1 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-10 One-Family Residential District and is designated on the Town's Tax Map as Parcel ID: 8.580-401-16.

MR. LANDI: Madam Chair, good evening. My name is Luigi Landi. I'm the project designer for this application. And we're here kindly asking for the approval of three variances. One is the one side yard, the two side yard combined, and the increase of non-conforming use.

So if I can share the screen I can guide you through the project. May I?

MR. DUQUESNE: Please do.

CHAIRPERSON BUNTING-SMITH: Yes.

MR. LANDI: Thank you. Can everybody see the screen?

(No response.)

MR. LANDI: So here is our site plan. We're proposing a second issue over or an existing.

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MR. DUQUESNE: Sir, it appears that you have the agenda over your plan there.

MR. LANDI: Oh, okay. Sorry.

MR. DUQUESNE: Obscuring the view.

MR. LANDI: Better now?

CHAIRPERSON BUNTING-SMITH: Yes.

MR. DUQUESNE: Yes, it is.

MR. LANDI: Sorry about that. Like I was saying, here's the site plan, second story addition to this single family home. The variances they are requesting is because it's an existing common conform Sol here is the nine feet whereas the code requires minimum 12 feet; and, therefore, the two combined also will affect will be a variance that we're requesting.

Currently this is a -- it's a split level house where currently in the upper floor there are three bedrooms and a bathroom. Our intention is to rearrange the rooms, makes the two bedrooms a little bigger equal size and to create an additional bathroom for the kids and create a powder room with a laundry room on the existing floor.

Our second floor which we're proposing will have the master suite entirely for husband and wife. Bathroom, closet and a little home office, you know, you always need a home office.

So that's about it, with regards to what we're proposing. The homeowners are here tonight, if they want to jump in to say anything.

CHAIRPERSON BUNTING-SMITH: When was the last house built?

MR. LANDI: Priya, what was the

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year?

MRS. NAG: The house was built, I think, 1953 or 1954.

MR. LANDI: Yes, Madam Chair.

MR. NAG: The footage in the house was built in 1953. There was a subsequent addition made in 1968, and then in 1983, with I think are all notated in the document that you have. But since then there has been no additions I think made to the house.

CHAIRPERSON BUNTING-SMITH: Okay.

MR. NAG: May I address the Board and the Chair?

CHAIRPERSON BUNTING-SMITH: Yes, go ahead.

MR. NAG: Good evening, Madam Chair. Thank you for all board members for getting our request.

So, we're, you know, residents here in Greenburgh for the last 11 years; and, you know, our daughters were born here and are now 11 and nine. And, you know, as they have grown up, right, their needs have increased. And, you know, with a lot of the -- both of them are black belts in Tai Kwon Do. And both -- the older one has been requested as part of the dance for Morton Dance, so a lot of this stuff happens at home.

My own personal work circumstances have changed and I actually now work pretty much all the time from home; previously I used to work from the office. My wife sort of spends a majority of her home designing and other stuff.

And I think our parents are also have, you know, kind of gotten old and they are looking to, kind of, stay more with us

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as well. So, as you know, when we moved here 10 years back -- and we still love our place, love the house -- we never actually anticipated the circumstances to change this much, and that's helped necessitate this request. And as our architect Luigi would address, we explored like every single option that, you know, does the least amount of radiance requirements, have zero impacts towards the environment. You know, we received clearance from the storm water and others impact. So we looked at placing growth and restructuring the house in all different forms; and this was the least kind of, you know, impact option that we could think of.

And it's, again, an existing structure on top, and the height is obviously within the requirement as well. So that, you know, the hardship is much more driven by, you know, the change in our circumstances and the needing space. And currently our -- especially with guests -- it just becomes extremely difficult to actually manage the household and everybody needing their own space gets extremely difficult. So those are the reasons for our request for expansion here today.

CHAIRPERSON BUNTING-SMITH: Any questions from the Board?

MS. KNECHT: I just have one -- maybe more questions for the Building Department. But I see that there was already a variance granted for the side yard, in 1981, I guess, for when the first addition was done. I just wondered why you have to get the -- I understand getting the variance to enlarge the non-conforming structure, but how come you need to get the side yard variances again?

MR. ZACAROLLI: Because the increase of volume of the addition -- so the volume, it's not in conformance with the original plan. So any time you add volume

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-- if you had a one-story addition and you had a variance for the one-story addition and you put an addition on top you would still be required to side yards and the increase of the non-conforming structure.

MS. KNECHT: Okay.

CHAIRPERSON BUNTING-SMITH: So I have a question, Anthony, which really doesn't necessarily relate to this but -- because we were discussing it earlier. But you mentioned that the two-car garage requirement. Is that for a new construction or is there a point at which after you have done a certain amount of work to an existing dwelling that that would be required?

MR. ZACAROLLI: No. It's a general requirement of the Zoning Code is that you have to have two off-street parking areas. It doesn't specifically say within a garage. It could be within a garage or a driveway. But the code requires two off-street parking areas.

CHAIRPERSON BUNTING-SMITH: Okay, thank you.

MR. NAG: Just to address that, if I may.

CHAIRPERSON BUNTING-SMITH: Yes, go ahead.

MR. NAG: Our driveway is actually fairly long, so we actually can park two cars in that driveway, along with the garage. We have plenty of parking space and when our guests come --

CHAIRPERSON BUNTING-SMITH: No. I wasn't questioning your parking.

MR. NAG: Sorry.

CHAIRPERSON BUNTING-SMITH: That is okay. All right. Any questions from the

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audience community?

(No response.)

CHAIRPERSON BUNTING-SMITH: Okay.
Thank you very much.

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10/21/2021 - Case No. 21-29

CHAIRPERSON BUNTING-SMITH: And the next case on tonight's agenda is Case No. 21-29, Coleen Thomas, for property at 231 Bryant Avenue.

ZBA Case 21-29 - Coleen Thomas, for property located at 231 Bryant Avenue (P.O. Elmsford, N.Y.). Applicant is requesting an area variance from Section 285-16(B)(6) of the Zoning Ordinance to increase the maximum number of stories from 2 ½ (permitted) to 3 (requested), in order to renovate an attic. The property is located in an R-5 One-Family Residential District and is designated on the Town's Tax Map as Parcel Lot ID: 7.180-75-23.

MS. THOMAS: Good evening, everyone. Coleen Thomas. C-O-L-E-E-N, T-H-O-M-A-S.

I'm the owner at 231 Bryant Avenue; I've recently purchased the property. We are seeking one variance, one area variance to finish my attic space. Currently we're zoned, we have two finished floors. Our property is for two and a half finished floors, so the variance would be to allow us to go to three finished floors.

In the documents I submitted, part of finishing the attic would be including egress window for -- to follow safety code. And that is --

MR. DUQUESNE: Ma'am, would you like me to display the plans for you?

MS. THOMAS: Yes, please.

MR. DUQUESNE: Okay, will do. I know you have photos as well. I have those if you'd like me to show them.

MS. THOMAS: Yes. So the existing house is built in 1942. Apparently there had been two additions added. The front porch was enclosed at one point and they also added a garage to the property. So the

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existing property as it is today is how it's going to stay. We're not doing an addition.

What we are going to do is, basically, add finished space to the already existing attic; and, as I mentioned, put in that egress window on the southerly -- it will face the southerly part of the property. So as far as obstructions to the neighbors, there shouldn't be any. The property line is a line of elm and maple trees, and my driveway.

CHAIRPERSON BUNTING-SMITH: So there are no changes to the first floor in order to create that space into create that space into living space but access-wise?

MS. THOMAS: Correct. No additional changes need to be done to the house with the exception of the egress windows for safety.

CHAIRPERSON BUNTING-SMITH: Is there any plumbing that's being done on that floor?

MS. THOMAS: No. I'm finishing the space to include an office for myself and a playroom for my two young daughters.

CHAIRPERSON BUNTING-SMITH: Any other questions from any?

(No response.)

CHAIRPERSON BUNTING-SMITH: I heard someone.

MR. CRICHLLOW: Just a comment.

CHAIRPERSON BUNTING-SMITH: Yes.

MR. CRICHLLOW: When I first looked at the drawings I was slightly confused, because I was wondering how the rear elevation ended up being so wide and then I realized it was just mislabeled. So that's

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one thing that should be corrected. Because you have the -- I think the rear elevation and the side elevation incorrectly labeled.

MS. THOMAS: The house is slightly sloped.

MR. CRICHLOW: No. I'm sorry. That's not what I mean. If you scroll down.

MS. THOMAS: Sorry.

MR. CRICHLOW: The bottom one is not the rear elevation.

MR. ZACAROLLI: That would be a side elevation. Number four would be a side, is what he's just trying to --

MS. THOMAS: Okay.

MR. ZACAROLLI: It has just has to be changed on the drawings.

MS. THOMAS: Okay, okay. Will do.

CHAIRPERSON BUNTING-SMITH: Any other questions?

(No response.)

CHAIRPERSON BUNTING-SMITH: Anything from the audience?

(No response.)

CHAIRPERSON BUNTING-SMITH: Thanks. Hearing no further questions, we'll move on.

MS. THOMAS: Thanks for your time.

CHAIRPERSON BUNTING-SMITH: You're welcome.

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10/21/2021 - Case No. 21-30

CHAIRPERSON BUNTING-SMITH: The last case we have on today's agenda is Case No. 21-30, Paige Brodsky, for property at 2121 Saw Mill River Road.

ZBA Case 21-30 - Paige Brodsky, for property located at 2121 Saw Mill River Road, (P.O. White Plains, N.Y.). Applicant is requesting area variances:

--for Lot 1: From Section 285-12(B)(5)(b) of the Zoning Ordinance to reduce the side yard setback from a driveway from 16 ft. (Required) to 0 ft. (Proposed); and from Section 285-39(C)(9)(b) of the Zoning Ordinance to access, the lot by a shared driveway over proposed Lot 2, rather than access over 25 ft. Frontage on a public roadway improved to Town standards (required).

-- for Lot 2: A variance from Section 285-12(B)(5)(6) to reduce a side yard setback from a driveway from 16 ft. (Required) to 0 ft. (Proposed); and.

-- for both lots: From Section 285-39(C)(8) to subdivide an improved lot in a manner that does not conform to the zoning regulations regarding the existing buildings and other spaces related thereto, in connection with a proposed two (2) lot subdivision the property is located in an R-20 One-Family Residential District and is designated on the Town Tax Map as Parcel ID: 7.380-155-5.

CHAIRPERSON BUNTING-SMITH: We are in a position to hear this case, however, there is information that we also are waiting for the -- I'm going to probably mess their name up, but it's the Landmark Commission. So who is here to address this matter?

MS. BRODSKY: My name is Emilyn Brodsky. I'll be speaking on behalf of myself and my mother, who is also here. Thank you Madam Chair woman and Members of the Board. I don't have the documents in front of me to share so if you wouldn't mind

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sharing them. We're coming in front of you tonight to ask you to grant us several variances towards the end of getting our property subdivided, and we want that subdivision to help resolve a longstanding legal issue between the Town and my family.

We are looking to make no changes to the property at all other than those which need to be made on a second -- the one bedroom apartment above our garage, that there are some Building Code violations against. So only those changes are what would be made. What we're asking for pretty much is just to change the line on a sheet of paper. So the variances that you would be granting us would allow the property to go unchanged physically, while allowing that line to be drawn that he's drawing so nicely for me right now. Thank you for doing that.

I think that is kind of it in a nutshell.

CHAIRPERSON BUNTING-SMITH: All right. I understand we are waiting for information with respect to whether or not the --

MS. BRODSKY: Oh, yes. Sorry for not mentioning that. So the Preservation Board -- so the main house which is on the left side of that right line is under -- yes. Is a historic home. So the Preservation Board would like to weigh in and give their -- would like to make sure everything is being done correctly. The building that would actually be having any work done on it at all and again at that point would just be to bring it to code is to the right of the line.

So we met last night with the Planning Board and they said that we, you know, as this is going to be a serial several month long process for us to get this subdivision we will be -- you know, we can continue this process understanding that

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they are not going to give us final -- preliminary subdivision approval until we get the thumbs up from the Preservation Board.

CHAIRPERSON BUNTING-SMITH: Any questions? Is that anyone want to ask on this matter? I know that your father had presented it some time ago so.

MS. BRODSKY: Yes. I didn't know if he had presented here but I know he was working on it before he passed away.

CHAIRPERSON BUNTING-SMITH: Yes. Anything from the audience? Any comments anyone want to make?

MR. DUQUESNE: Madelon O'Shea would like to speak.

MS. O'SHEA: I don't need to say anything as long as this will be held over at least until next month. The Brodskys are not scheduled at Historic and Landmarks Preservation but as soon as they put an application normal in we will try to schedule them.

All paper has to be in 10 days before our meeting and we -- I do know the property. I have had the pleasure of being on the grounds. So I do know the property. I value it as something very important to Greenburgh's history and I think the rest of the Board does as well.

Madam Chair, if you're going to hold it over, that's all I need to say.

CHAIRPERSON BUNTING-SMITH: That is our intention.

MS. O'SHEA: Thank you. I appreciate it. So does the Board.

CHAIRPERSON BUNTING-SMITH: Thank you. Anything else that anyone wants to add

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or comment?

(No response.)

MS. BRODSKY: I just wanted to thank Ms. O'Shea. We didn't know that; we had to reach out. We will reach out and expedite the process. Thanks for reaching out to us and we care very much about the property as well.

MS. O'SHEA: I know you do.

CHAIRPERSON BUNTING-SMITH: Having said that, I believe that we are going to adjourn for our deliberations at this point and as I announced previously you are able to listen but not to participate or make any comment at that time. And we will take a break for eight minutes is that sufficient? For everyone? So that would put us back here at.

MR. DUQUESNE: 9:50 it looks like.

(Whereupon at 9:43 the meeting of the Town of Greenburgh Zoning Board of Appeals was declared to be in recess pending deliberations of the Board.)

(Whereupon, at 11:13 the meeting of the Zoning Board of Appeals of the Town of Greenburgh was returned to session.)

MR. DUQUESNE: Good to go.

CHAIRPERSON BUNTING-SMITH: Thank you. And we are back after having had our deliberations on the cases that we had hearing on this evening, with respect to Case No. 21-11, property at Laurel Street, Hartsdale, that has been adjourned for all purposes to the meeting of November 18th.

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10/21/2021 - Case No. 21-23

CHAIRPERSON BUNTING-SMITH: And for the Case No. 21-23, for property at 38 Sprain Valley Road, Scarsdale, that has resolution. That I will read.

WHEREAS, the Greenburgh Zoning Board of Appeals has reviewed the above-referenced application with regard to SEQR 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 application is a Type II Action, requiring no further SEQR consideration. Do I have a second?

MS. KNECHT: Second.

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

MS. KNECHT: Aye.

MR. CRICHLLOW: Aye.

MS. UEBERLE: Aye.

MR. HARRISON: Aye.

CHAIRPERSON BUNTING-SMITH: And the Chair votes aye. Do I have a motion?

MS. KNECHT: Yes. I move that the application in Case No. 21-23, be granted, provided that:

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

2. That construction shall begin to 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 October 8th, 2021 submitted in support of this application. Variances are for the

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improvements shown on the plans submitted in support of this application only; any future or additional construction that is not in conformity with the requirements of the Zoning Ordinance shall require variances, even if the construction conforms to the height, setback or other variances we have approved herein;

Further, that the following conditions shall be met: The applicant shall pave the portion of the driveway adjacent to the retaining wall with pervious pavers as is illustrated in the revised plans dated October 8th, 2021.

CHAIRPERSON BUNTING-SMITH: Thank you. Second?

MS. UEBERLE: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MR. CRICHLLOW: Aye.

MS. KNECHT: Aye.

MS. UEBERLE: Aye.

MR. HARRISON: Abstain.

CHAIRPERSON BUNTING-SMITH: The Chair votes aye. Findings.

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

1. Granting the area variance to legalize 609 square feet of driveway will not result in a detriment to nearby properties, and will not adversely impact the character or physical or environmental

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conditions in the neighborhood or district, because the asphalt driveway is similar to other driveways in the neighborhood; the addition of pervious pavers reduces the amount of impervious surface on the site, which improves storm water runoff and drainage conditions. There are no other significant environmental features that would be impacted by the granting of the variances;

2. The goal of the applicant cannot be achieved by some other feasible means without requiring the variance we are granting, because without the requested expansion of the driveway, including the pervious pavers, the applicant would be unable to pull into their garage without driving on to their side yard and causing a muddy, unsafe and unattractive condition;

3. The requested area variance is substantial in relation to the requirements sought to be varied. The requested relieved for the side yard setback is 3.68 feet or 16 square feet -- 16 feet, sorry, is required, a 77% decrease in the side yard setback. However, it should be noted that applicant complies with the lot coverage requirement specified in the Zoning Ordinance compliance with the height, and the height of a existing retaining wall screens the driveway from the neighboring property and the neighbor has no objection to the requested variance. The applicant's need for the variance was self-created because they purchased the property with knowledge of the requirement 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.

CHAIRPERSON BUNTING-SMITH: Thank you.

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10/21/2021 - Case No. 21-28

CHAIRPERSON BUNTING-SMITH: The next case is Case No. 21-25, which is also adjourned for all purposes to the meeting of November 18th.

CHAIRPERSON BUNTING-SMITH: Next case is Case No. 21-27, for property at 23 Springwood Avenue, that is also adjourned to the meeting of November 18th for all purposes.

CHAIRPERSON BUNTING-SMITH: The next case is Case No. 21-26, for property at 151 South Fulton Street, which also is adjourned to the meeting of November 18th for all purposes.

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10/21/2021 - Case No. 21-28

CHAIRPERSON BUNTING-SMITH: The next case is Case No. 21-28, for property at 1 Highview Drive.

And, WHEREAS, the Greenburgh Zoning Board of Appeals has reviewed the above-referenced application with regard to SEQR 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 SEQR consideration. Do I have a second?

MS. KNECHT: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MR. CRICHLLOW: Aye.

MS. UEBERLE: Aye.

MR. HARRISON: Aye.

MS. KNECHT: Aye.

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

MR. HARRISON: Yes, Madam Chair. I move that the application in Case No. 21-28, be granted, provided that:

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

2. That 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 date-stamped by the Zoning Board of Appeals dated September 3rd, 2021, submitted in support of this application; or as such plans may be hereafter modified by another

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approving Board or agency or an officer of the Town (provided that such modification does not require a different or greater variance than what we are granting herein.)

The variances being granted are for the improvements shown on the plans submitted in support of this application only. Any future additional construction that is not in conformity with the requirements of the Zoning Ordinance shall require variances even if the construction conforms to the height, setback or other variances we have approved herein.

CHAIRPERSON BUNTING-SMITH: Do I have a second?

MS. KNECHT: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MR. HARRISON: Aye.

MR. CRICHLLOW: Aye.

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

CHAIRPERSON BUNTING-SMITH: The Chair votes aye. Findings.

MR. HARRISON: 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 detriment to nearby properties and will not adversely impact the character or physical or environmental conditions in the District;

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2. The applicant is merely adding a second story over an existing structure above the garage. The applicant received a variance for the structure in 1981. The addition is not increasing the footprint of the property or disturbing any slopes, wetlands, trees or landscape;

Number 2. The goal of the applicant cannot be achieved by some other feasible means without requiring the variance we are granting. Adding a second story over an existing structure that received a variance is the most feasible means of achieving the goal of the applicant. The applicant would require foundation work if the addition was in the rear and the interior design would have limitations. The applicant will not have enough space for the addition if it is moved to the south side of the property;

Number 3. The requested variance is substantial in relation to the requirement sought to be varied in that the requested relief is 9 feet, compared with 12 feet (required), a 25% decrease in one side yard and a 15% decrease on two sides;

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

CHAIRPERSON BUNTING-SMITH: Thank you.

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CHAIRPERSON BUNTING-SMITH: And the next case is Case No. 21-29.

WHEREAS, the Greenburgh Zoning Board of Appeals has reviewed the above-referenced application with regard to SEQOR compliance; and, WHEREAS, the Greenburgh Zoning Board of Appeals has determined that the application will not have a significant impairment on the environment; now, THEREFORE, be it resolved, that the subject application is a Type II Action requiring no further SEQOR consideration. Do I have a second?

MS. KNECHT: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MR. CRICHLLOW: Aye.

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

MR. HARRISON: Aye.

CHAIRPERSON BUNTING-SMITH: Do I have a motion? The Chair votes aye. Do I have a motion?

MR. CRICHLLOW: I do, Madam Chair. I move that the application in Case No. 21-29, be granted, provided that:

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

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 July 6th, 2021 and reissued to the Building Department on September 1st, 2021, submitted in support of this application; or as such plans maybe be hereafter modified by

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another approving Board or agency or officer of the Town (provided that such modification does not require a different or greater variance than what we are granting herein.) And that the variance being granted is for the improvement shown on the plans submitted in support of this application only; any future or additional construction that is not in conformity with the requirements of the Zoning Ordinance, shall require variances even if the construction conforms to the height, setback or other variances we have approved herein.

Do I have a second?

MS. KNECHT: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MR. CRICHLLOW: Aye.

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

MR. HARRISON: Aye.

CHAIRPERSON BUNTING-SMITH: The Chair votes aye. Do we have a motion?

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

1. Granting the variance will not result in a detriment to nearby properties, and will not adversely impact the character or physical or environmental conditions in the neighborhood or District, because, although the house is being raised to a three-story house, since the lower level is

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half in and half out of the ground, the third level is the same approximate height of a two-and-a-half-story structure, and, therefore, will not produce an undesirable change to nearby properties.

The goal of the applicant cannot be achieved by some other feasible means without requiring a variance we are granting now, because the main level already has the living room, three bedrooms and the bath; the lower level has the kitchen and the dining room. So the only way to provide the needed additional space is to create a dormered third level.

The requested variance is not substantial in relation to the requirement sought to be varied, in that the requested relief is one-half story (three stories compared with two and a half required stories). The applicant's need for the variance was self-created because she purchased the property with knowledge of the requirements of the Zoning Ordinance; however, the fact that the applicant's need for an area variance is self-created does not, by itself, require us to deny an area variance.

MS. KNECHT: You are on mute.

CHAIRPERSON BUNTING-SMITH: I was on mute, because I was echoing before that. I believe we have finished our proceedings for the evening. Thank you all so much. I'm not making any promises for next month's weather though.

MR. HARRISON: Off the record.

CHAIRPERSON BUNTING-SMITH: What did you say?

MR. CRICHLAW: 21-30.

CHAIRPERSON BUNTING-SMITH: Okay.

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MR. HARRISON: Four and a half hours.

CHAIRPERSON BUNTING-SMITH: Well, we're emerging --

MR. LIEBERMAN: Louis made the point, did you do Case No. 21-30?

CHAIRPERSON BUNTING-SMITH: You're right. You're right. Recording in progress.

(Pause.)

CHAIRPERSON BUNTING-SMITH: Yes. We're back on the record. I'm sorry. I overlooked Case No. 21-30, which is adjourned for all purposes to the meeting of November 18th. And with that, we have completed our evening. Thank you all. Thank you for your service.

MR. DUQUESNE: Thank you, everyone.

(Whereupon, the meeting of the Zoning Board of Appeals was adjourned to November 18, 2021 at 7:00 P.M.)

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Certified to be a true and accurate
transcription of the within proceedings.

DEBRA L. RINALDI
Senior Court Reporter