

STATE OF NEW YORK
TOWN OF GREENBURGH

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

APRIL 20, 2023
7:00 p.m.

Greenburgh Town Hall
177 Hillside Avenue
Greenburgh, New York

BOARD MEMBERS:

Eve Bunting-Smith (Acting Chairwoman)
Louis Crichlow
Kristi Knecht
William Bland
Diane Ueberle
Pauline Mosley
Shauna Denkensohn (Via Zoom)

STAFF MEMBERS:

Edward Lieberman, Esq.
Deputy Town Attorney

Garrett Duquesne, Commissioner
Community Development and Conservation

MICHAEL A. DeMASI, JR.
OFFICIAL COURT REPORTER

CHAIRPERSON BUNTING-SMITH: Good evening, all. This is the meeting of the Zoning Board of Appeals. Today is Thursday, April 20th. And we have eight cases on for our agenda this evening, however Case 22-05 had been called for decision only and I'll make a comment on that in a moment. And also, Case 22-15, Marian Woods, has requested an adjournment to the July 20th meeting. Other than that, we have the remaining cases that we will hear this evening.

So with regard to --

MR. DUQUESNE: If I can kindly do roll call?

CHAIRPERSON BUNTING-SMITH: Yes.

MR. DUQUESNE: Okay. Diane Ueberle?

MS. UEBERLE: Here.

MR. DUQUESNE: Eve Bunting-Smith?

CHAIRPERSON BUNTING-SMITH: Here.

MR. DUQUESNE: William Bland?

MR. BLAND: Here.

MR. DUQUESNE: Kristi Knecht?

MS. KNECHT: Here.

MR. DUQUESNE: Shauna Denkensohn? Shauna, if you can un-mute and please let us know you're present.

Okay. Pauline Mosley?

MS. MOSLEY: Here.

MR. DUQUESNE: Great. And absent is Louis Crichlow. So when Shauna arrives, we'll acknowledge that.

Thank you.

CHAIRPERSON BUNTING-SMITH: I'll abbreviate some of my comments that I normally make. However, if you're planning on speaking here tonight, you must come up to the microphone and if you're not an applicant named in the agenda, please identify yourself and spell the name so that we will have it so the stenographer will have it correct for the record.

And the reason we don't want you to speak if you're not on mic is that it doesn't go in the record. So anything that you want to go into the record, you must be at the microphone.

The next meeting that we have on our agenda is the meeting of May 18th, 2023 at the same time and place. Some of the -- well, technically, I shouldn't say that. We have one case that has been on our agenda previously and the other cases are all new.

But, however, anything that is in the record of the case that was on previously is not to be repeated and we already have it. And, therefore, we would appreciate you not burdening the calendar -- the record with information we already have.

With regard to Orly Gez that we have, Case 22-05, that has been closed for decision only. However, the attorney for the applicant has made a request to allow him

to give comments with regard to reopening that case. That is not something that we normally would do. And we would have to take a vote on that.

We will at this point allow the applicant to give us comments, but not to submit any documentation, because the record is closed at this point.

I believe that they had submitted a letter in which they claimed that there were certain things that either we overlooked or had mistaken and I assume the comments will be geared towards those items.

So, therefore, we can start at this time with Orly Gez coming up and taking a -- I would imagine a short period of time just to give us those comments.

* * * * *

Case No. ZBA 22-05: Orly Gez, Clarendon Place
(P.O. Scarsdale, NY) - Area Variances.

The Applicant is appealing a determination of the Building Inspector that variances are required. In the alternative, if its appeal is denied, the Applicant requests area variances from Section 285-15(B)(1) of the Zoning Ordinance to reduce the minimum lot area from 7,500 sq. Ft. (Required) to 6,105 sq. Ft. (Proposed); from Section 285-15(B)(2) of the Zoning Ordinance to reduce the minimum lot width from 75 ft. (Required) to 62.5 ft. (Proposed); and from Section 285-40(C)(6) of the Zoning Ordinance, in order to construct a one-family home on a lot that has been reduced in area and/or width by voluntary act of an owner that owned land adjoining the lot in question so as to become nonconforming as to size. The property is located in the R-7.5 One Family Residence District and is designated on the Town Tax Map as parcel ID: 8.460-324-8 & 9.

ZBA CASE 22-05 IS CLOSED FOR DECISION ONLY

MR. FIX: So just to reiterate, as we were before the Board on March 16th and during that meeting there were certain statements and certain representations made that were inaccurate and we're just requesting to open the public hearing so that we may submit materials to clarify the record. As certain things were misstated, it seems that

certain representations were taken as fact which are actually incorrect. So that's part of -- and we lay that out in our letter as well.

If you want me to go over that I can, but I can say, for example, there was a statement made that the applicant was responsible for creating a zoning issue because the deck at 57 Argyle was built by the applicant. That's not true and we would like to submit materials to clarify that point.

It was also suggested that the Zoning Board was not part the SEQRA review which resulted in a negative declaration. That also is incorrect. That was part of a coordinated review. I'm not going to make any argument based on that, but we would like to submit materials to clarify the record as well.

There was also statements made by members of the Board that there was never any voicing of approval for this project. Now, again, this application has been on the agenda, you know, probably going on almost a year now.

And so, you know, understanding that in time memories get jogged or, you know, get -- memories are fading. And so we would like to at least correct the record on that point as well.

And so with that, you know, this is not something that's out of the realm that this Board historically. The

Board does grant applications to reopen the public hearing. It would be -- it wouldn't be harmful at all to anyone. And all we're asking is just to, you know, reopen the public hearing. We can submit the additional materials and be put on the agenda for May 18th one last time, hopefully.

CHAIRPERSON BUNTING-SMITH: Well, it might be on the agenda for you one last time, however, the opposition to whatever is presented could also have an opportunity to be heard.

MR. FIX: Absolutely.

CHAIRPERSON BUNTING-SMITH: And, as you know, this case was adjourned several occasions at the request of your applicant here. So --

MR. FIX: And, again, if that's being taken as fact --

CHAIRPERSON BUNTING-SMITH: No. No. I'm saying --

MR. FIX: We need to clarify that as well.

CHAIRPERSON BUNTING-SMITH: I'm saying -- I'm sorry. We're both talking at the same time. So let's start over again.

MR. FIX: I'm sorry.

CHAIRPERSON BUNTING-SMITH: Go ahead.

MR. FIX: That is something that's also been brought up as well. And it's been used as to -- it somehow put a negative inference on the applicant. Yes, this application has been adjourned, but it hasn't just been the

on the applicant's request. It's been adjourned because sometimes it was scheduling issues.

CHAIRPERSON BUNTING-SMITH: You brought up it being adjourned. I didn't. You're saying it's been a long time.

MR. FIX: And the reason I said it's been -- and the reason I brought up the temporal aspect of this application is because what I recognized at the last meeting was that, again, memories have faded in terms of what's been said and what's been factored in during this application.

And all we're asking is for the opportunity to clarify the record based on those statements.

CHAIRPERSON BUNTING-SMITH: Well, I disagree with the statement that you did make. I think that the Board members make an effort to not only be familiar with what they have been presented with, but to also make sure that they have reviewed, in case they haven't made notes, of what they heard and how they wish to apply that to their thoughts.

So it's almost as though you're accusing us of something that I'm not sure is a mistake, but --

MR. FIX: I'm not accusing the Board or any member of the Board, but if I can give you an example on that, Madam Chair. At the March 16th hearing, you said, personally, that you had never voiced approval for this project.

And I went back and I reviewed all of the videos of this meeting. And on April 28th, and I can point you to it, you actually were in favor of this project. And the reason you were in favor of this project is because of the water and rain water mitigation aspect of the plans.

Because on the April 28th meeting, and this was back in 2022, there was a lot of comment made about the flooding that happens in this area. And one of the things that this project will do is actually improve the stormwater runoff.

And so that's what I was talking about. Where you had mentioned you had never voiced approval, but you actually had voiced approval in the past.

CHAIRPERSON BUNTING-SMITH: But what -- I think you have to give more thought to what I was thinking. My thinking was that, clearly, there should be something done with the lot based upon what the neighbors were saying.

However, it had to do the troublesome -- there's a troublesome creek that runs through there and also we found out later about the clay sewer line that was running there. And, quite frankly, I've been on this Board for a long time.

And my position is when a client creates a substandard lot that is at their detriment. It's not something that we have necessarily have to approve. And you have to take steps to somehow correct that or make it

palatable so that it's something that not only the neighbors could live with, and it would be appropriate, but also the that the town can live with.

Because this is not just an independent case that has no bearing on other matters.

MR. FIX: So I think what you just said is very important. You said when someone creates a substandard lot. They didn't create the substandard lot.

CHAIRPERSON BUNTING-SMITH: Well, that's where we differ.

MR. FIX: But the town created it and that's part of the deed that the town -- when the town deeded this piece of property in 1947.

CHAIRPERSON BUNTING-SMITH: You've already put that in the record.

MR. FIX: Exactly. And I think that needs to be examined. So the point where you're saying, oh, that the applicant created this lot.

The applicant did not create this lot; the town created this lot. The applicant purchased the lot.

And the only thing that can be done on this lot, because the deed has a restrictive covenant, is the building of a single-family residence. Which is in keeping with the character of the neighborhood, which it's zoned for.

The only problem is that two months after the area

-- the geographic area was up-zoned from an R.5 to an R-7.5, the town created this lot and put specific strictures on it of what can be developed.

So the only thing that can be developed on this lot is a single-family residence which is the exact same size as every other house in the immediate vicinity.

CHAIRPERSON BUNTING-SMITH: But one thing that you're not commenting on is the fact that the property at one point was owned by your applicant of not just that lot, but other lots, and that they sold off part of that.

And when they sold off part of that, they in part created this lot back to what it was before.

MR. FIX: So -- and that's another thing --

CHAIRPERSON BUNTING-SMITH: That's where we are.

MR. FIX: All right. And that's another thing we need to address as well because the stark background of how that occurred, because -- and we did mention this, it was impossible to actually create the lot because of that 20-foot drop off.

And so that's another thing we want to put into the record as well because there has been statements made in reference --

CHAIRPERSON BUNTING-SMITH: So you're saying you never said that before?

MR. FIX: No. No. He owned the three and he tried

-- there was -- so let me just step back for a second. There's been a lot made about what the applicant did with these lots. And a lot of what's been said is that, oh, the applicant did this on purpose so he can take advantage of the Zoning Board. That's not what happened.

CHAIRPERSON BUNTING-SMITH: I don't think anyone said that.

MR. FIX: We can -- look, we can just go back to the record and it will show what it shows, but what happened is, and this is something that we want to submit as well, the history of it, is that the applicant tried to use some of the and we'll call it tax lot 15. It's tax lot 8, tax lot 9, like that.

Tried to use some of tax lot 15 in order. Now, not that he had to because, again, we have the deed and that's an argument that we've made in order to conform tax lot 8 and 9 to an R-7.5.

However, the Planning Board when he tried to do that said, that it's virtually impossible because of the 20-foot drop.

So he was forced, the applicant was forced to sell tax lot 15 and then combined, you know, working to combine 8 and 9 to then develop it as the town intended and as the only thing that can be done because it's a restrictive covenant to develop a single-family residence on the now

combined 8 and 9.

CHAIRPERSON BUNTING-SMITH: I think you're going a little too far, because the fact that someone on the Planning Board stated something doesn't stop an applicant from making a proper application to do something that they feel would be beneficial.

MR. FIX: Well, the Planning Board said it couldn't be done.

CHAIRPERSON BUNTING-SMITH: But we're not the Planning Board.

MR. FIX: Well, again, a statement that's made when you said now we just found out about the sewer easement, that was always part of the plans.

When the SEQRA review was done, all the documents, all the plans were submitted from the building permit application.

The SEQRA review was coordinated between Planning Board and the Zoning Board of Appeals and it was unanimously granted a negative declaration.

So that's something that I also want to put into the record too. To create and to show that this was done with a full review by the ZBA as well.

CHAIRPERSON BUNTING-SMITH: We do not do a full review. Okay. Well, part of it.

MS. KNECHT: I've never questioned the

environmental review and that was done appropriately.

MR. FIX: And, again, that was a comment that was made at the last meeting. So that's why I felt the need to clarify the record on that.

CHAIRPERSON BUNTING-SMITH: Who stated it?

MR. FIX: By one of the neighbors in opposition.

CHAIRPERSON BUNTING-SMITH: Oh, I was going say. Well, I can't argue with what the neighbors say. You're saying that had been bearing on the decision we came to?

MR. FIX: There was no decision that was come to. What I'm saying is it's part of the record and we need to clarify and correct it because that was part of the testimony.

CHAIRPERSON BUNTING-SMITH: So you're trying to clarify not just what the Board was saying, you're trying to clarify some of the comments that came from neighbors?

MR. FIX: Well, Madam Chairman, you just said that the ZBA had no bearing on the SEQRA review.

CHAIRPERSON BUNTING-SMITH: I'm just asking you a question. I'm only asking you a question because I'm thinking now that every time that we have people and neighbors who come forward and want to comment in a negative manner about something that's being presented, that we are necessarily relying upon that.

That's what you make it sound like to me.

MR. FIX: The Board can rely on whatever the Board wants to rely on. We just want to make sure that there's a full record of what the Board's relying on.

MS. DENKENSOHN: Can I just ask in what way has your client been forced?

MR. BLAND: Yeah. I was going to ask that question. Go ahead.

MR. FIX: Been forced.

MS. DENKENSOHN: Forced.

MR. BLAND: Why did he --

MS. DENKENSOHN: Yeah. Go ahead.

MR. BLAND: He said he had to sell the property. Why did he have to sell the property?

MR. FIX: Because you couldn't use --

MR. BLAND: I understand where you're going with that, but if I own 40 acres or an acre, why do I have to divide it? Fundamentally, and we're talking about the fundamental statement: Why did he have to divide the property?

He purchased a whole property. Why did he have to divide it? I'm just going on what you said just now.

MR. FIX: Fair enough.

MR. BLAND: Because that is the crux really in terms of what the determination should look like. I purchase a property that has a home on it, however many

acres it may be. I decide to divide the property.

Why did I have to divide the property?

MR. GEZ: I did not divide the property. The property was always divided for three lots.

MR. DUQUESNE: Okay. So I just want to keep order here. The Board.

MR. BLAND: If we're questioning.

MR. DUQUESNE: People are jumping in now. So I don't know if you want to acknowledge now.

CHAIRPERSON BUNTING-SMITH: I don't know who that was.

MR. BLAND: That's the owner.

MR. DUQUESNE: That's I believe the owner of the site.

CHAIRPERSON BUNTING-SMITH: Sir, would you give your name, please, and if you're making comments, could you not interrupt.

MR. GEZ: Sorry. Mr. Gez. We didn't divide the property. It was always three separate lots. It was sold as a three separate lot all the time. It was never combined. There's no such a thing that the property was one piece of property.

The property on Clarendon was sold by the town as a buildable lot in 1947, two months after the zoning was changed from R.5 to R-7.5. You're ignoring a deed that the

town sold.

The town sold it as a buildable lot and they put it in writing that you can build only one-single family house on this lot. You're making all the point. You're going back and forth on something that doesn't make sense and doesn't matter even because there's no requirement for any variances whatsoever.

The deed that sold by the town as a lot to a different entity that used to own 57 Argyle sold as a buildable lot and this is what --

MR. DUQUESNE: Sir, just to clarify, this case was closed for decision and the Board had indicated it wanted to hear a brief statement from the attorney on the rationale why or why not to reopen the case.

I just want to remind the Board that's what we have at hand and you can continue as wish, but I think ultimately that's the decision of whether or not to reopen which we don't have to discuss right now.

And now we're just hearing from other people that want to speak, so I just want to keep everything to what you intended.

CHAIRPERSON BUNTING-SMITH: Right.

MS. UEBERLE: Can I ask one question?

CHAIRPERSON BUNTING-SMITH: Sure.

MS. UEBERLE: So one of the things that you had

said is that you wanted to correct what you felt were inaccuracies by neighbors, statements made by neighbors. Why didn't you do that at the last meeting?

Why are you coming back after it's closed? If there were what you feel were incorrect information, why wouldn't you come back at that time.

MR. FIX: We have. And we've said it several times.

MS. UEBERLE: So it's part of the record already.

MR. FIX: Well, that's the problem because after comments were made, then the Board deliberated and it sounded to me, at least, and we can always go back and look at the video, that certain statements were taken as fact and were being part and being used to be part of the deliberation.

For instance, this idea that the applicant built the deck on 57 Argyle creating a zoning issue, that was mentioned by a member of the Board.

That's just not true, because the deck was built in the 40s and the 50s when this house was built or when 57 Argyle was built. I think it was in the 50s. So that's something that needs to be corrected.

This idea that the Zoning Board was not part of the SEQRA review and didn't get a chance to take a look at the full plans, which included, since there was a survey, the

sewer easement, which is part of the deed as well.

CHAIRPERSON BUNTING-SMITH: I didn't comment on the sewer easement itself. I commented on the fact that it was played. That's what I said.

MR. FIX: Right. But, again, how do we --

CHAIRPERSON BUNTING-SMITH: But you're picking apart things because and these are all -- what you're saying to us tonight, I have a different recall of you saying these before and trying to convince us of what it is that you want us to buy into.

The gentleman who was just on the -- who was on the speaker before, I think had said the same thing before.

And so statements were made that I do disagree with, some statements were made that I agree with, but I draw my conclusions based upon the information that I have and based upon the law as is presented to us and as we see the facts.

MR. FIX: And that's fair. And I'm just before you making an application.

CHAIRPERSON BUNTING-SMITH: I understand. I'm not faulting you.

MR. DUQUESNE: Ultimately, I believe the Board's going to deliberate --

CHAIRPERSON BUNTING-SMITH: Yes.

MR. BLAND: Yes.

MR. DUQUESNE: -- at the time of deliberation
whether or not we want to reopen or not.

CHAIRPERSON BUNTING-SMITH: Right.

MR. DUQUESNE: So I think at this point we should
move on to the next case.

MR. FIX: Thank you very much.

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Case No. ZBA 23-04: Dren Idrizi, 452 Ardsley Road
(P.O. Scarsdale, NY.) - Area Variances.

The Applicant is requesting area variances from
Section 285-12B(5)(b) of the Code of the Town of Greenburgh
to reduce the minimum setback from a driveway to a side lot
line from 16 ft. (Required), 0 ft. (Existing), to 0 ft.
(Proposed); and from Section 285-38B to increase the maximum
driveway width from 30 ft. (Permitted) to 37.25 ft.
(Proposed), in order to legalize and expand a non-conforming
driveway at an existing home on the subject property. The
property is located in the R-20 One Family Residence
District and is designated on the Town Tax Map as parcel ID:
8.460-318-17.

CHAIRPERSON BUNTING-SMITH: All right. And the
next case on tonight's agenda is Case 23-04 --

MR. BLAND: 23-04.

CHAIRPERSON BUNTING-SMITH: How did I say it?

MR. BLAND: No. 23-04. Dren Idrizi.

CHAIRPERSON BUNTING-SMITH: Dren Idrizi. Right.

MR. DUQUESNE: Welcome, Mr. Idrizi. Please feel
free to turn your video on if you'd like and un-mute and
please make your presentation. And feel free to share
screen. That's enabled.

Welcome, Mr. Shala. Is your mic on? Are you ready
to present, sir?

MR. SHALA: Good evening. Yes, Board. This is Milot Shala. I would like to share my screen if possible.

MR. DUQUESNE: Yes, please.

MR. SHALA: So, hello. And we're back again. We are presenting this evening additional information as requested by the Board.

To supplement our presentation of our last meeting's presentation, to further clarify the extent of the existing driveway, as well as the wood and the breath of the proposed two-car garage.

When we last reviewed, we had several concerns addressed by the Board members, including Madam Chair with respect to the existing conditions as it will be shown here on a long driveway that's shared by three property owners. And as well as the owners preference, to propose a two-car garage at the rear yard, if you will and also -- and it's inherent impact on the side yard at the zero lot line at the neighboring property.

So I will scroll down to the next page that will show and I will try to use arrows. I hope this is acceptable to the Board. So I will quickly just point. The subject property is situated here. We have our neighbor to the right and then the other neighbor down here and we all share this driveway.

And then this is a long driveway that leads us on

our Ardsley Road. Then we kind of zoomed in into the next diagram here and here we're showing the same driveway, but also we're showing this promised garage at this location here as well as -- I'm going to just quickly delineate the zero lot line proposed extension of the existing driveway.

So I will further scroll down to this -- just explain a little bit further and some diagram that talks about, I guess why we have to have the driveway at a zero lot line.

So I have this three dimensional diagram here that shows, this is the zero lot line here, this is our proposed two-car garage here. So I'll just use an arrow for this. So then we're showing these cars basically reversing out of the garage and we're trying to essentially leave the garage safely so that we can back out to here and then, essentially, lead the driveway up this way.

So I will go back again to the previous diagram just to clarify that from the driveway, as I described, you will basically have to rotate the car like so. And then this way and then come out all the way out here onto Ardsley Road.

So with this, I will conclude my presentation and I will open to Board comments and suggestions moving forward.

CHAIRPERSON BUNTING-SMITH: The turnaround that you show --

MR. SHALA: Yes. Let me just scroll down. Just bear with me, please.

CHAIRPERSON BUNTING-SMITH: No. No. No. Go back.

MR. SHALA: Okay.

CHAIRPERSON BUNTING-SMITH: To where you were in the driveway.

MR. SHALA: Yes, please.

CHAIRPERSON BUNTING-SMITH: To the right. That's the one I'm looking at.

MR. SHALA: Okay.

CHAIRPERSON BUNTING-SMITH: No, no, your right. It's the one on the left.

MR. SHALA: Oh, the one left?

CHAIRPERSON BUNTING-SMITH: Yeah.

MR. SHALA: Okay. I'm sorry. Just bear with me, please. Yes, go ahead.

CHAIRPERSON BUNTING-SMITH: You do show a driveway that appears to be -- does it go to both those two houses and then they pier off of it?

MR. SHALA: Correct. Yes. So basically, this home, they park cars here. And then for this home they park cars here and they come out this way and then they exit the property via this driveway. Both homes, including our subject property, we all come out this way to exit the site, if you will.

CHAIRPERSON BUNTING-SMITH: So the arrow that you just drew coming from your proposed garage, why couldn't you just back into that same area and then just turn around and go?

MR. SHALA: Because, well, if you look at the proximity, so our proposed garage is essentially here, the green box in this corner. So I'm to going scroll up. So just bear with me until I scroll up.

So the proposed two-car garage is out here, but then to reverse that far back, it would be a bit dangerous, especially during the winter. So, I mean, there's children in the neighborhood, there's many young families there. So we would have to be cautious not to go too far.

And we looked at this with my land surveyor, Eliot Cena, the engineer, and we tried different variations with an SUV with a front axle, a study of rotation and he was just concerned that the distance from the proposed garage as the original was request as to the need for this neighbor driveway, because they actually do park cars here.

So this neighbor does park many cars. Every time I go there's at least two to three cars parked in this area here where I'm moving the arrow. So it goes to light safety, essentially.

CHAIRPERSON BUNTING-SMITH: Could you go back again to that diagram that you had where you show the car backing

out of the garage?

MR. SHALA: Of course. Just bear with me, please. Just one second. So here the diagram, I will just remove these arrows.

CHAIRPERSON BUNTING-SMITH: No, I see it. So my question is: You show the car coming out of the garage that's closest to the house.

MR. SHALA: Correct.

CHAIRPERSON BUNTING-SMITH: But you don't show a car coming out of the garage that's closest to the line. And the car coming out of the garage to the right, do the same thing? Or would it have to do something else? Because the picture you show below it makes it look as though it would be difficult to do so. You would have to make a broken turn right --

MR. SHALA: Well, the front axle on a -- I'm sorry. Please. Go ahead. I apologize.

CHAIRPERSON BUNTING-SMITH: I was saying: Would you have to make broken turns in order to come out of the right side of the garage?

MR. SHALA: Based on a front axle study on a Chevy Suburban, which is roughly about 18 feet long with a front axis cover and a -- we do with these land surveyors at our office, we were able to do one turn as it's shown here with this smaller SUV because we couldn't fit the big one on the

graphics.

And it would actually make the turn in one shot. If you were actually parked on it, if I can mark -- if the bigger cars are parked here this parking space here, it would definitely make it. Now, this one, it would have to be two turns, however, with respect to light safety, you're making all these turns within your property.

We're making the risk of running into other, you know, the neighboring property, because they won't go that far. I mean, it may not meander that far into this neighbor property to have access to the -- I guess just anything in their property.

So with respect to that, we saw that this is too far for neighbors to venture out. It should be safe to make at least two turns for this car, to leave the garage, and then safely exit the property.

CHAIRPERSON BUNTING-SMITH: So you're somewhat limited to just having two cars coming into the driveway.

MR. SHALA: Pretty much, yes. So the owner's aware that this -- there are certain limitations here and, you know, they'll have two cars inside the garage and maybe, you know, maybe one will be outside, one will be moved in and out, but this is to their request.

They are fully aware of what they're requesting and from our perspective, we thought it was safe enough to bring

to the Board for your review to see if you would concur with our safest lay out, if you will.

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

MR. BLAND: Just one quick one: Could you just demonstrate where the driveway to enter 456 Ardsley Road would be? I think that's what the question was. Where that little breakout is. Is that where they park for 456 Ardsley Road?

MR. SHALA: You are correct. Yes. So I will remove all these arrows. So please bear with me so I don't confuse the Board. So just indulge me for one second. So I'm removing all this. I'm going to put out 456 for the Board to recognize.

So this is the -- that's the location that was in contention during our last review. And the neighbor next door at 456 Ardsley Road wrote a letter in support of the proposed project which we submitted to the Board for your consideration.

MR. DUQUESNE: Sir, if you can stop share for one moment. I just do want to show an aerial with the outlines. And I think that will help the Board too.

MR. SHALA: No problem. Of course. Thank you.

MR. DUQUESNE: And then you can share again if you need to.

MR. SHALA: Of course. Thank you.

MR. DUQUESNE: Okay. So this is the subject lot, the five lot. And just want to zoom in here so you get a sense of how the driveways are shared.

MR. BLAND: So at any time a car could be parked in that little turnaround area there kind of? Outside of his property. Is that the neighbor's property where that car?

MR. IDRIZI: Yes. You are correct. There's always at least one car parked in that location.

MR. BLAND: Thank you.

MR. SHALA: And this is the owner speaking now.

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

All right. Anything from the audience?

MR. DUQUESNE: If there's anyone on Zoom that wishes to speak, please un-mute your mic and you can speak now. All right. I have no speakers.

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

MR. SHALA: Thank you, Board. Have a good evening.

MR. BLAND: Good evening.

MR. IDRIZI: Thank you.

* * * * *

Case No. ZBA 23-05: United Refrigeration, 420 Saw Mill River Road (P.O. Elmsford, NY) - Area Variances.

The Applicant is requesting area variances from Section 285-31B(6) of the Code of the Town of Greenburgh to increase the maximum height of a principal building from 25 ft. (Permitted) to 73 ft. (Proposed); from Section 285-31B(6) to increase the maximum number of stories of a principal building from 2 stories (permitted) to 3 stories (proposed); and from Section 285-38E to reduce the number of parking spaces from 121spaces (required) to 34 spaces (proposed), in order to add two stories to the height of the existing building on the subject property. The property is located in the IB Intermediate Business District and is designated on the Town Tax Map as parcel ID: 7.120-19-21.

CHAIRPERSON BUNTING-SMITH: The next case is Case 23-05, United Refrigeration. 420 Saw Mill River Road.

MS. KLINE: Good evening, members of the Board. My name is Anne E. Klein. I'm an associate at DelBello Donnellan, Weingarten, Wise and Wiederkehr, here tonight on behalf of United Refrigeration. And if I may share my screen.

MR. DUQUESNE: Sure.

MS. KLINE: I will bring up some plans. Let's see here. So as the Chair said, this is a proposal at 420 Saw Mill River Roads. United Refrigeration has occupied the property for the past 30 years. And it's a real success

story.

They're looking to expand and so we are proposing to add two stories onto the existing building. This would accommodate the HVAC and refrigeration systems that are really, really massive.

And that's what they want to be able to store on this property, which is why the floor to ceiling heights are so high on the building to accommodate those kinds of equipment.

Right now, the property is -- there's a one-story warehouse building on the property which we are proposing to add two stories to. It was built in 1968 and there are 34 existing parking spaces on the property.

We looked into expanding the building into the back of the property. That would affect a freshwater, wetland and stream area. So we would need -- and a lot of steep slopes in that back. So there's natural features of the property that we're preserving by adding stories onto the building.

If we were to build into the front the property, that would encroach upon the existing parking area. And, as I said, because of the natural features to the back of the building, there's really no opportunity to provide additional parking in the rear of the building.

So the way to expand this building is really to go

up preserving the environment. And I just also want to point out, I'm going to make a change in my screen here.

The property is set, and you can kind of see from this section view here, I can zoom in a little bit. The property is set in a bowl. So it's about 20 to 30 feet lower than the surrounding properties.

So, as you can see, I will zoom out, this is Westchester Plaza to the side here. They're currently built with one-story buildings, but they are in PD District and they're allowed to be built to 40 feet.

So we just presented this section drawing showing that if those buildings were built to the permitted height of 40 feet, our building would be just about at the same elevation as those buildings.

Because of the topography of the property, and because it's set in this bowl, we're really lower than the properties around us. So the height of the building is mitigated by the fact that the property -- the topography of the property is lower than the surrounding properties by 20 to 30 feet.

So we're here before you tonight for variances to permit an increase in the height of the existing building from two stories to three stories, increase in the height of the building from 25 feet to 73 feet and to permit a reduction in the total number of required parking spaces at

the property.

The expansion of the building requires additional parking, and as I mentioned, there's no real location on the property to provide an additional parking area. So we're proposing the existing number of parking spaces, which is 34.

Currently, the applicant requires five spaces every day for employees and just additional one or two spaces for delivery trucks. So the parking at the property is sufficient for their uses.

And let's see. The building will also be built with green infrastructure. We're proposing to put solar panels on the roof of the property.

It will also be energy efficient with LED lighting and motion sensors. We are going to be adding new trees and landscaping between the property lines with the neighbor. And our architect, Jeffrey Jordan is here to speak on that tonight's if you have any questions.

And so the addition to this building will not increase any impervious surface at the property. It's really just adding to the existing building and really preserving the environmental features of the property.

So I just want to add that, respectfully, the benefit to the applicant outweighs any detriments to the community. This is a long term Greenburgh business.

They're looking to expand their business, stay in the town, contribute millions of dollars in construction and additional business to the town.

And we think this is a really good project and Steve Labroli from United Refrigeration is with me this evening. And so we're here to answer questions that you might have.

CHAIRPERSON BUNTING-SMITH: When you talk about the business doing so well and improving, are you saying that that doesn't change the number of employees that are normally on the site?

MS. KLINE: I'LL let Steve talk to that but, yes, I believe the employees are staying the same.

MR. LABROLI: Thank you Board. Thank you for the opportunity to consider our petition tonight. We plan on moving the office. So right now it's a sales office. And last year we wrote 20,000 invoices and a conservative estimate of 80 percent would be a number of customers.

We're a whole sale HVAC distribution business. We sell to the contractors that service the residences in the commercial buildings.

And so all of those customers are picking up their supplies, their HVAC equipment and all that's gone. The -- we want to find another place in Elmsford to move the sales branch. This is strictly a warehouse so the traffic would

substantially decrease.

So all of those inventory pickups, those picks, they're all gone. And the idea is with all of the construction going on in the Hudson Valley, we support the construction industry with these -- with the equipment we sell.

So we are looking for a place to store rooftop units; two, three, four-ton units that go on the roof. Right now our average branch is eight to 10,000 feet. We can't store that in our branches. By the way, we have about 21 branches locally, ten in New York City, nine in North Jersey, one in Stamford, one in Elmsford.

And this is a key location for us. And so what we would like to do is store these large rooftop units so we can go directly to the construction sites. And so you're talking a few trucks a day. I would say six to eight per week as opposed to traffic all day long.

We're a seasonal business, so we are very busy in the summertime and not so busy in the wintertime.

So that's the idea. So to answer your question, yes, we are expanding the ideas. Just this is an overflow warehouse. This is not a warehouse that's going to support all over the country. This is a place to store these large units for the branches around here. And we don't do any manufacturing. And, as I say, the traffic should

substantially decrease.

MS. KNECHT: So the refrigeration units will be inside the building on the second and third floors of the building?

MR. LABROLI: Yes. We're on a freight elevator, we're proposing. Yeah.

MS. KNECHT: And how tall are these units?

MR. LABROLI: Let's see. Oh, the units. Or are you asking about the ceiling?

MS. KNECHT: Because the height is significantly --

MR. LABROLI: Well, it's about the racking and stacking of them.

MS. KNECHT: Because 73 feet, even though the building is sunk down, that's a significant -- it's a very tall building for only three stories. You know, in other words, 73 feet you could imagine like a six-story building fitting in there.

So I'm just wondering why -- can you put some on the ground floor and on the second floor and not have a third floor or do you?

MR. LABROLI: Well, we certainly could, but --

MS. KLINE: No. I think the answer is that based on the number of units that they would be providing in this warehouse facility, and based on the size of the units and how they could place them for warehousing purposes in the

building, that's why the floor to ceiling height is so increased over what you would think for a three-story building.

MS. KNECHT: How many units are being stored there now?

MS. KLINE: Well, they're not storing these units there now.

MS. KNECHT: Oh. Like now it's just an office.

MS. KLINE: Yeah. It's a wholesale distribution facility. There's customers that show up every day to buy -- they show up in vans or pickup trucks. So they're picking up smaller units. We're talking about expanding the business --

MS. KNECHT: So that's going away?

MS. KLINE: That's going away. We're expanding the business to be able to warehouse these large units for distribution to the construction sites around the area. Which they don't currently have that opportunity to do that in this area right now.

MS. KNECHT: So I guess I'd want to know how many units you plan to store in this facility.

MS. KLINE: Okay. I can find that out for you.

MS. KNECHT: Yeah. I mean, in other words, like why can't you just have two floors and go up to maybe 50 feet instead of three and 70. Like what -- is there a

particular reason why you need the third story? Is there some sort of financial reason? Is it making or breaking it by not having the third floor?

MS. KLINE: Sure. We can definitely find that out for you.

MS. DENKENSOHN: My question is similar to that. That from their drawings, the first floor is an indoor parking lot. So I was curious why you weren't just building a two-story building with open parking on the roof?

MS. KLINE: So, I'm sorry if that was confusing. We are not actually proposing to land basis because we're asking for a parking variance. When we first started working with the town and the Planning Board on this, we proposed that the first floor could be used for parking for a future user.

We were never proposing to use the parking on the first floor for ourselves. That was just to show that if another user at some time down the line had to come in and needed more parking than was on the property, they can use that first floor for 55 spaces.

We're not proposing to use that for parking. We're proposing to use the first floor for warehouse storage, training rooms, offices, a conference room, bathroom, kitchen, lunchroom, lounge room and a loading dock.

So the parking was for a future user, but the

Building Department determined that land banking here wasn't the method we should be looking for. So that's why we're asking for the 34 parking spaces.

MS. DENKENSOHN: Okay. That's not in -- your application does not show what you're describing.

MS. KLINE: Let me. So it's sheets -- what we're proposing Sheets A 100.

MR. DUQUESNE: So I think going forward it may make sense for the purposes of the record to clarify that any prior sheet that showed parking on that first floor is not part of what you're seeking to have approved.

MS. KLINE: Right. Okay. Understood. And I apologize for that confusion.

MS. MOSLEY: I have a couple of questions. The first question is piggybacking on what my fellow Board members said. In regards to the refrigeration that's going to be housed on the floors, have you considered the noise that's going to be emitted?

Because this is in a residential area. Do these refrigeration units make noise and do they shake? Because do live in the area. And are there going to be sound -- some sort of sound restrictions or things that you can do to minimize that noise?

MS. KLINE: So these units won't actually be turned on. They'll just be -- you know, they'll just be sitting

there waiting for construction --

MS. MOSLEY: In boxes?

MS. KLINE: Yeah. In boxes. Exactly. And then when they're ready to be delivered to the construction site, they'll be delivered to the construction site at which point they'd be hooked up and turned on. They won't be on or anything like that in the warehouse.

MS. MOSLEY: Okay. Just want to clarify. And my other question was the trucks. You said there are going to be warehouse trucks coming in.

I know, we did receive a letter from one applicant that lives nearby expressing that they have children and with the buses -- these trucks that are going to be coming six to eight you said, you said times per week.

What are the hours? Because we don't want them to conflict with when school buses come and then that becomes a congestion in that area with buses trying to pick up and drop off children and then you have these big trucks there trying to do massive unload. How are you going to handle that?

MS. KLINE: There still are larger trucks that do delivers right now that deliver the equipment and then there's a lot more traffic with pickup trucks and smaller vans that come to buy the equipment from the wholesale business right now.

I'm not clear on the hours of operation.

MR. LABROLI: It's generally 7 to 4 or 7 to 5.

MS. MOSLEY: Oh, so it's in the evening these trucks will be doing the deliveries not during the day?

MR. JORDAN: I'm Jeffrey Jordan the architect. So the people that the children, they're on Hunter Lane which is -- and the warehouse is on Saw Mill River Road. So there's no -- the trucks aren't going to be anywhere near where the children are.

It's -- they're different. The front of the lot, there's a Ford dealership, the car dealership. And then you come in and the warehouse is there and it's basically dealing with the traffic up and down Saw Mill River Road. It's near Sam's Club and the ShopRite.

MS. MOSLEY: Yeah. I'm familiar with that area. So you're saying that the hours that these trucks are coming, there will be no congestion with the traffic?

MR. JORDAN: No.

MS. MOSLEY: Okay.

MS. KLINE: Not anymore than exists.

MS. MOSLEY: It is. Okay.

MS. KLINE: Yeah. It will be less traffic overall.

MR. JORDAN: I just want to mention that the current warehouse is 24 feet high inside. And they store the units going up pretty close to the ceiling. So that's

why we made two more floors of 24 feet as well. Because it's -- they're going to be serving the Metro New York Area, Connecticut, New Jersey and the Hudson Valley. It's a big area. So they need a lot of storage.

MR. BLAND: Well, that kind of answered another couple of questions that I had. So in the original opening statements that you made regarding parking, I thought that you said part of construction was so that you didn't need to request additional parking, but then as we get further into -- and this is a conversation that I believe they're we're having online as well, is that that parking was then kind of moved indoors, which for us as a Board, just understanding that if another person -- how long has the business been in effect?

MS. KLINE: 30 years.

MR. BLAND: 30 years.

MS. KLINE: Since the early 90s.

MR. BLAND: That if for whatever reason, you know, want everything to stay in place for the next hundred years, but if, again, as you're saying, this property, if we were to do this, would not have the appropriate number of parking spaces even though you have kind of designed an alternative modality. Let's say, for example, it was going to be a school or a gymnastics facility, you wouldn't then park cars inside that facility.

So just understanding that that parking reduction that you're asking is quite significant.

MS. KLINE: Yeah. And it's based on because of the size of the building, the two additional stories, the required parking is based on the square footage. So, as I said, we only have a requirement of five parking spaces every -- we only need five parking spaces every day and about 20 once or twice a year for training purposes, but the -- yeah.

We -- so that's why we did show that a future user could put 55 parking spaces on that first floor if they came in and 34 parking spaces were not sufficient for their use, obviously, they wouldn't buy a property that didn't have enough parking for whatever they needed.

So, you know, that would be a consideration for a future user down the line, but in speaking with the Building Department, it was determined that rather than, you know, try to show that some future user can put parking there, we would just ask for the full variance to have the existing 34 spaces, but we, you know, we did want to show that --

MR. BLAND: It's a possibility.

MS. KLINE: It's a possibility for a future user to mitigate that, but a future user wouldn't buy the property if there wasn't enough parking for them.

MR. DUQUESNE: Just a quick note procedurally. I

just want to build on that for a second. If a subsequent new owner came into the building and sought to change uses to a more -- a use that required more off-street parking, they would likely have to come back to the Zoning Board to rationalize that because they would be undersized.

As of right uses would generally box into warehouse self-storage, that type of thing in a future scenario without coming back to the Board to show some scenario where they either bring more parking or come for a similar variance.

CHAIRPERSON BUNTING-SMITH: Along with that, if -- and I realize this is just possibility, if a business came in and would not need that third floor to be so high, could they then subdivide into a fourth floor?

MR. DUQUESNE: So a similar premise; one would have to come back to the town, submit a zoning compliance form, which would show the allocation of square footage use. In a hypothetical like that, that would certainly trigger an area variance for lack of parking. And then it would be up to the Board to determine at that time.

MS. DENKENSOHN: What is the height of the first floor?

MS. KLINE: The first floor is 24 feet right now.

MS. DENKENSOHN: And the floors that you're building are how high?

MS. KLINE: They're about 24 -- inside they're about 24 feet as well.

MS. DENKENSOHN: So I'm just trying to understand why you couldn't use that first floor for storage and if you have to build a third floor, build it half the height of what you're building to make it the offices and the lunchroom. And why you're going for all this extra height.

MS. LABROLI: It has to do with the stacking of the inventory. You want to maximize the space available. The offices and the training room are already existing. We don't want to move those.

So the idea is to -- I wish I had a warehouse manager here to explain how the forklifts work and how high the forklifts are and the pallets and the way the units have to be stacked, but that's why we're asking for the third floor.

MS. DENKENSOHN: But it sounds like it's the same height already. That's why I'm confused. If you're saying it's 22 to 24 feet in your building. 24 feet.

MR. LABROLI: On top. I'm not sure I understand what you're asking.

CHAIRPERSON BUNTING-SMITH: Maybe she's suggesting that you take that 24-foot first floor and store items there and then put the offices and the other uses --

MR. JORDAN: May I respond?

CHAIRPERSON BUNTING-SMITH: Sure.

MR. JORDAN: This is Jeff Jordan, architect. If you look at the plan that's up there now, the offices take up maybe less -- maybe less than a third. Maybe a quarter of the floor area. For the rest is all warehouse storage.

So -- and that area, there's part of that area that used to be the store and that store has been taken out. So the first floor is going to be, like I would say, three quarters or maybe 80 percent storage and then the second and third floor would be 100 percent storage each floor.

MS. DENKENSOHN: Right now -- I'm confused. My understanding is right now there's no storage on the first floor.

MR. JORDAN: No. There's --

MS. DENKENSOHN: And you're building two stories of storage.

MR. JORDAN: On the first floor it's about 80 percent storage and 20 percent offices and then store.

MS. UEBERLE: So is the footprint of the offices staying the same? Because previously you mentioned that you were moving the office to another location in Elmsford.

MR. JORDAN: No. The store is actually moving where they sell wholesale parts to contractors, but the offices are remaining.

MS. UEBERLE: Okay.

MS. DENKENSOHN: That's not what was said.

MR. LABROLI: The offices will stay there, but the sales will move nearby. What we've been looking for a while in Elmsford.

MS. DENKENSOHN: You know what might be helpful, at least for me, because things are changing from the plans and the conversation. Can you describe exactly floor by floor what your building, what the heights are, what's going in there? Because it's all getting a little muddy right now.

MR. JORDAN: So the first floor we're actually not building much. We're just going to take out the existing warehouse store and we're leaving the existing training room and two offices and a conference room.

The rest of the storage is remaining the same. And we're adding a freight elevator to go up to the second and third floors. The second floor will be entirely storage. And the third floor will be entirely storage.

MS. KLINE: So that's the second floor and then this is the third floor. Just showing that it will be all storage.

MR. JORDAN: Does that make it clear to you?

MS. DENKENSOHN: I'm just, but are the words that you're using warehousing and storage interchangeable or are those different items?

MR. JORDAN: No. Those are interchangeable words.

MS. DENKENSOHN: Okay. Just -- okay.

MR. DUQUESNE: I believe there's a few speakers here tonight.

THE COURT: Okay. Is there anyone that's sitting here in the audience that wanted to speak about this?

MS. RUSSELL: Good evening. My name is Patricia Russel. I'm the office manager for Westchester Hills Condominiums which is within I believe -- I am not good at measurements, but we are close to this facility. We are behind the ShopRite up the hill.

I'm just going to read the letter that I've already submitted for the record regarding this case.

Westchester Hills Condominiums Board of Managers as representatives of its 214 constituents is hereby advising you, the Town of Greenburgh Zoning Board, for the record, of its opposition to the granting of a zoning variance requested by United Refrigeration located at 420 Saw Mill River Road, Elmsford, New York, to triple the height of their building from 25 to 73 feet or any variance allowing any height increase above 50 feet.

Furthermore, we oppose any future variance permission related to any further buildings height increase in the areas adjacent to the Westchester Hills Condominiums greater than 50 feet.

While we recognize this is a business-zoned area,

please consider the residential portions, included in same, not only Westchester Hills Condominiums, but also Botanical Park and various small houses located in the adjacent areas.

You are hereby put on notice of our objections as stated above. Thank you very much.

MR. DUQUESNE: Anne, if you can please turn your video off on the Zoom. Thank you. Okay. Next speaker.

MR. GAGLIARDI: Good evening. My name is Daniel Gagliardi. I'm one of the owners of 44 Executive Boulevard. It's the building if you're facing United Refrigeration, the subject property, we're to the rear left-hand side of the building.

And even though they say that the building is in a hole, it is true, but it's still going to be double the size of our building. Which is a two-story building.

I just -- we just oppose it. I just think it's overbearing, especially for the houses that are right next to us on Hunter Lane. It's just going to be a mammoth structure towering over us. Thank you.

CHAIRPERSON BUNTING-SMITH: Next?

MS. PAICO: Good evening. My name is Corina Paico and I live right behind --

CHAIRPERSON BUNTING-SMITH: Do you want to spell your name, please?

MS. PAICO: Corina Paico. And my house is right

behind --

MS. UEBERLE: You need to spell it. She's asking you to spell your name.

MS. PAICO: Oh, spell it?

CHAIRPERSON BUNTING-SMITH: Because someone's taking it down.

MS. PAICO: Oh, okay. Paico, P-A-I-C-O, Corina, C-O-R-I-N-A. And this is my son, Luigi. We live right behind that building that they have. And actually my husband sent early this morning a picture if you were able to show it.

And also a letter that we're willing to read it now. And actually, after listening to the presentation, I'm sorry, this is -- I'm very confused. They're saying there's going to be less traffic when also they mention that they're going to be bigger units and they're trying to maximize the storage room that they have from 25 feet 73 feet.

So I'm just thinking, how are they going to deliver or transport these bigger units to their point A to point B? So they're actually going to be not just a pickup truck or a small truck, they're going to need a bigger truck.

We're talking about 18 wheels. I don't know how they call it, but that's what it is.

So it is going to create more traffic. We do have kids that go to school and the bus does goes that road. So,

that's my concern. I'm really worried about. My kids are -- since I'm right behind their building. I just can't imagine how it's going to impact to our family to have that 73 feet right behind us.

If you see out pictures, you're going to be able to see, that's the white part is our fence and right there is their building. And that's 25 feet -- or 24. Can you imagine 73?

We're not going to be able to see the sun. My kids run outside. We enjoy having, you know, family meetings every morning in the backyard. I just cannot see myself having 73 feet in the back of the house. And I would like to -- for my son to read his letter.

MR. PAICO: I'm going to be reading this letter on behalf of my dad, Luigi Barrera. To whom it may concern, my name is Luigi Barrera and my wife, Corina Paico and I live at 18 Hunter Lane, Elmsford, New York 10523 along with our two kids.

We have been notified via mail of the possible expansion of United Refrigeration behind our home. We just wanted to express our disapproval with the application request to expand from 25 feet to 73 feet in height.

The building as it is now is not the prettiest site as it currently sits right behind out home. I cannot imagine it being two stories higher than that. The amount

of sunlight blocked and the lack of privacy it would create is not something we look forward to.

We love spending time with our kids in our yard and when the deck as soon as the weather allows it. I'm sure this expansion will cause disturbance to our routine. We hope that the town makes a decision to deny the request for the expansion. Regards, Luigi W. Barrera.

CHAIRPERSON BUNTING-SMITH: Thank you.

MR. DUQUESNE: Sir, could I please have the letter for the record. And I know you e-mailed it in, but we'll take it. Thank you very much.

MR. TAYLOR: My name is Charles Taylor and I own one of the houses on 16 Hunter Lane. 16 Hunter Lane.

CHAIRPERSON BUNTING-SMITH: Thank you.

MR. TAYLOR: The applicant in the subject case is seeking variances to increase the required number of parking spaces and add two stories to its existing building at 420 Saw Mill River Road, creating a three-story 73 foot high warehouse structure.

The Greenburgh Planning Board determined there were several potential small to moderate impacts with this application, but concluded individually as well as communitively [ph.] that the impacts are minimal and would not create a significant impact on the land use, zoning or the environment.

The applicant urges that granting the variance will not produce an undesirable change in the character of the neighborhood because the resulting structure will have a low visibility as it is setback 475 feet from Saw Mill River Road.

It is located near other industrial commercial properties and is at a lower elevation. The applicant also urges that granting the variances will not have a detrimental affect on the adjacent neighboring homes, because 15 invasive tree species will be removed within 15 flowering deciduous and evergreen trees that are 15 to 20 feet tall.

The plan submitted with this application show four photo renderings of what the proposed three-story, 73-feet high building would look like once constructed. Each of these four renderings would have the viewer believe that many of the buildings in the adjacent industrial park are as tall as or even much taller than the proposed two-story addition to this existing building would be.

This is definitely not accurate because the height restriction and the adjacent PD not nonresidential plan development district is three stories not to exceed 40 feet.

Our eyes deceive because of a change in grade. For more accurate view, the ZBA is urged to study page 13 of 14 which shows the proposed building is almost 25 feet taller

than the adjacent building at 44 Executive Boulevard, even with the grade change.

And the proposed building looms approximately 35 feet over the top of the roof of the adjacent homes at 16 Hunter Lane. Note that the proposed trees planted to buffer the view along the north side literally tower over the rooftop at this proposed 73-foot high building in the photo renderings.

On page one out of 14, the question needing to answer is how many years would it take these 15 and 20-foot tall trees to grow more than 73 feet tall? And since the -- and the side yard is only 24 feet deep. Is there even sufficient room to grow trees of this size?

The applicant's property is located in the IB, intermediate business district, which is one of the least restrictive business slash commercial zoning districts in the Greenburgh zoning ordinance.

The IB districts have no minimum lot and bulk requirements for lot area, lot width or floor area ratio. A far generous impervious surface allows 80 percent, an extremely small minimum yard, setback requirement of only 20 feet in front or side yards.

This tiny front and side yard setback requirement is a principle reason why the height restriction in the IB District is limited to two stories not to exceed 25 feet.

No one should be expected to face a 25-foot high wall only 24 feet from their backyard. Please note that the few remaining homes along Hunter Lane are not the only homes located in an IB Zoning district in Greenburgh.

The existing 40,155 square-foot United Refrigeration building was constructed in 1968 according to information in the record. The existing building exceeds the maximum coverage permitted under this zoning ordinance requirements, but it was determined that a variance was not required because the building footprint was preexisting, nonconforming.

If the requested variance was granted, and there was a FAR requirement in the IB District, the FAR of this proposed building would greatly exceed the FAR requirement and every other zoning district in Greenburgh.

The record contains no mention under the current zoning ordinance and the existing property appears to lack the required number of parking spaces. One for each one thousand square feet of gross floor area in the warehouse.

There's also no mention of whether an additional loading dock would be necessary according to the provisions.

While I have no problem with their requests for a parking variance, I urge the members of the ZBA to carefully review this application and consider the long-term impact -- implications that granting the requested height variance may

have.

As ZBA members are fully aware, a variance request deals with an individual property. However, a ZBA decision cannot have much broader and much longer impacts as the community learned when an enormous sign variances are granted to the Cross Roads Shopping Center years ago. All subsequent sign variance requests have received ZBA approval.

Last month the ZBA granted a large height variance to the Coca-Cola plant across 9A in the Fairview Corporate Park, however these variances applied to only two structures on a tiny portion of a now normal building, on a 22-plus acre site, which is not visible from the residential areas.

If the ZBA grants the requested height variance in this case, how will the ZBA be prepared to deny similar requests from another applicant with an IB zoning district?

And since the commercial properties in the adjacent PD District can use the same arguments, no visibility from Saw Mill River Road located near other industrial and commercial properties and set a lower elevation than many adjacent buildings, will the ZBA be prepared to deny similar requests for a height variance?

Thank you.

CHAIRPERSON BUNTING-SMITH: Is there anyone else that's here present that wants to come up?

MR. ANZER: Alex Anzer. 4 Hunter Lane.

CHAIRPERSON BUNTING-SMITH: Spell your last name please, sir.

MR. ANZER: A-N-Z-E-R.

CHAIRPERSON BUNTING-SMITH: Thank you.

MR. ANZER: So the applicant is requesting authorization from the Zoning Board for the use of a land in a manner not permitted by the dimensional physical requirements of the applicable zoning regulations in Greenburgh.

There are several concerns regarding the proposed variance. Granting the variance would result in an undesirable change in the character of the neighborhood and could create detrimental nearby properties.

The building at 25 feet is the visible from Saw Mill River Road and although it may be setback, its height of 73 feet would make it a prominent landmark that cannot be missed.

It would be also visible from Hunter Lane where it would be taller than the surrounding buildings, including the tree houses and Hunter Lane and Clare Road. Even 20 feet or 15 or 20 feet tall tree would not be able to screen the building height.

The lack of consistency with the density and physical aspects of the surrounding property would have a

negative aesthetic impact on the grant and variance could set negative precedent that would be hard to justify. It is worth considering the benefit sought by the applicant if it can be achieved by other feasible method that do not require area variance.

For instance, the applicant is saying that he's going to move the store that he has there now, go look for another store to put that stuff in and then wants to build the three stories.

It would be much better if he find a place that has the needs that he has right now instead of trying to go to variances for height, variances for parking, and who knows what's going to happen to the neighborhood.

The proposed variance could have adverse effects on the physical environment conditions of the neighborhood. This would include the impacts of the character of the neighborhood identified in points one.

Further, the Planning Board relied on application and applicant to communicate with the neighbors regarding the proposal. There was -- so we're just reiterating, again, number one.

So I just think like we -- when they asked where is the -- is there any other towns that do the same thing. It was he Elmsford and Yonkers. So is Greenburgh going to be like Elmsford also sited same as Elmsford and Yonkers?

Like you go to Elmsford, you can see that whole building there. It's -- you cannot miss it. You know, and it started with the Bed Bath and Beyond. I drive on the highway. I see that everywhere I go, I can see the building.

So I don't see that -- like it's going to be -- it's going to change the whole Greenburgh. Not just us or the condos. It also some -- the housing authority that has rentals on the hill, Bocantico Hill [ph]. There's like 25 units there of residents that also effects -- pick up their kids from there also. So it's going to be devastating to us. Thank you.

CHAIRPERSON BUNTING-SMITH: Thank you. Anyone else in the audience? All right. I think we know the people that are waiting.

MR. DUQUESNE: No one on Zoom.

CHAIRPERSON BUNTING-SMITH: Oh, okay. I don't know who I can ask this question of, but it would have to be somebody that lives in the units that are behind the structure and that is, I realize that one of the -- you came up, ma'am, with your son. And indicated that, obviously, from the picture you took from your backyard, you can see where the treeline is and you could see that if it went up to 73 feet, that it appears that it would at least perhaps block the treeline.

But is that something that's limited to a very small section of your condominiums up there or is it?

MS. PAICO: It's a house. It's 18 Hunter Lane. And it actually cover my whole backyard which when we move into the house it was -- it wasn't that big of a deal because of zoning 24, 25 feet. As you can see, we see it, but not as much.

CHAIRPERSON BUNTING-SMITH: Right. But are you the only one affected by it on your street?

MS. PAICO: No. It would be also my neighbor right next to me, which is Charles, present. Then we have the company right next to -- if you're looking at our house to the left. They're also present here. And Alex.

CHAIRPERSON BUNTING-SMITH: So it's really the houses that are on Hunter?

MS. PAICO: Yes. We're right behind it.

THE COURT: Okay. And that's an entire block would you say or what?

MS. PAICO: About. Yes.

CHAIRPERSON BUNTING-SMITH: Okay.

MR. DUQUESNE: So, if it helps, I shared a screen of an aerial. And the subject site I will click on and that will turn yellow. So that's the subject site and we have one, two, three -- we have four homes that are on Hunter.

So it would be the multifamily here and then

condominiums here.

CHAIRPERSON BUNTING-SMITH: But topography, is it higher for the condominiums or is it similar to Hunter?

MR. DUQUESNE: I believe it's a bit higher. There is quite a bit of trees here. I think some view sheds are most applicable to the homes on Hunter.

CHAIRPERSON BUNTING-SMITH: Okay.

MR. DUQUESNE: But that's something that the Board can request for confirmation.

CHAIRPERSON BUNTING-SMITH: Okay. All right. Thank you. Any questions from the Board at this point? How much property does the applicant own?

MS. KLINE: It's two-and-a-half acres.

CHAIRPERSON BUNTING-SMITH: And the dimensions of the structure that's on it now is approximately what?

MR. DUQUESNE: 150.

CHAIRPERSON BUNTING-SMITH: 150 feet long?

MR. DUQUESNE: In width.

CHAIRPERSON BUNTING-SMITH: In width. And --

MR. JORDAN: 250 feet high.

CHAIRPERSON BUNTING-SMITH: And 250 long. And that takes up, between that and the parking, the entire -- pretty much the entire site?

MS. KLINE: No. The back area behind the building. I don't, Garrett, if you want to bring up.

CHAIRPERSON BUNTING-SMITH: Except for where you say it's steep slopes?

MS. KLINE: Right. So that steep slopes and there's actually a stream back there as well so that would impact the wetland buffer area.

CHAIRPERSON BUNTING-SMITH: Okay.

MS. KLINE: And that's pretty heavily wooded. I would just say that we did at the request of the Planning Board reach out to the neighbors on Hunter Lane. And we discussed building fences or putting actual landscaping on their property for them to help mitigate the view shed.

And so we have had discussions with them about that. I think, based on the -- Steve, if you want to just talk about that.

MR. LABROLI: There's four neighbors that line the property. I spoke with two of them here. Two of them were kind enough to show up here tonight. And we talked about what our plans were in terms of the trees. We're going to screen it, we're going to put mature, very high trees.

We fully appreciate what we're asking here and that from their backyard, the idea was to screen it so that they couldn't see the building or at least lessen its impact. One of the concerns of one of the neighbors was that there was a hole in his fence and he can see over our building.

So we offered to put the maximum size fence on our

side so that would help as well. He wouldn't see into our parking lot. And, again, we're going to spend a lot of money on trees. That's part of the plan that we submitted.

CHAIRPERSON BUNTING-SMITH: Do you think, and I'm just -- I'm not suggesting we necessarily need it, but perhaps for the individuals who are affected by this, do you think you can have some type of mark up of a schematic that shows, you know, the foliage that you plan on putting up and having -- how it would look if that were done to the neighbors.

MS. KLINE: Yeah. We can absolutely provide that for the Zoning Board.

CHAIRPERSON BUNTING-SMITH: All right.

MR. BLAND: I would also say, it was kind of suggested, some type of elevational map that can just outline what those sight lines might look like.

MS. KLINE: Sure.

CHAIRPERSON BUNTING-SMITH: Anything else? Okay. Thank you.

MS. KLINE: Okay. Thank you very much.

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Case No. ZBA 23-06: Dr. & Mrs. A. Rabadi, 23 Castle Walk (P.O. Scarsdale, NY) - Area Variances.

The Applicant is requesting area variances from Section 285-12B(5)(b) of the Code of the Town of Greenburgh to reduce the minimum setback from a driveway to a side lot line from 16 ft. (Required) to 1.08 ft. (Proposed); from Section 285-38B to increase the maximum driveway width from 30 ft. (Permitted) to 43.18 ft. (Proposed); from Section 285-39D(2)(a) to increase the maximum Floor Area Ratio (F.A.R.) from 5,000 sf. (Permitted) to 5,576 sf. (Proposed); and from Section 285-12B(3)(d) to increase the maximum impervious surface coverage from 29% (permitted) to 34.10% (proposed), in order to construct a single-story addition and alter a driveway to an existing home on the subject property. The property is located in the R-20 One Family Residence District and is designated on the Town Tax Map as parcel ID: 8.530-363-19.6.

CHAIRPERSON BUNTING-SMITH: Next case on tonight's agenda is 23-06, Dr. and Mrs. A. Rabadi.

MR. BARR: Good evening, Madam Chairman, members of the Board. Dark Barker, New York Architect representing Doctor and Mrs. Rabadi for four-area variances located at 23 Castle Walk Scarsdale.

We're here tonight with some four variances; impervious coverage, floor area ratio, maximum width of driveway and distance to the side yard. Side property line

to the driveway.

The proposal in front of you tonight is basically for areas a 422 square-foot roofed rear patio, which will be screened, a 247 square-foot open patio behind that for an open -- for a Barbeque area. There's an increase in impervious service of 752 square feet for proposed circular driveway and a 225-square foot front roof to entry and walk.

It is an existing one-family house in an R20 Zone that has an existing lot area of over 20,000 square feet and is a two-story dwelling. The requested variances for the proposed impervious coverage increase in floor area ratio and maximum width of a driveway at the circumstance of the turnaround and a distance to the driveway. Three out of four requested variances are roughly 12 percent of the required area.

The last one, the setback of the driveway to the side property line, I could call this as an existing condition. So at the existing driveway at the corner it's roughly 1.08 feet. We are pretty close to being the same dimension at the circular driveway.

It's an interior corner lot and it's kind of quirky in the way it was originally built back in 1994. The reason for the circular driveway is a large SUV. It's six or seven turns with my pickup truck back from the driveway to get back out and most of the times they back out of the driveway

on to the street which is kind of a safety hazard.

It's kind of a little bit of a blind spot there backing out. They're proposing a front-roofed area enlarging the existing interior foyer area as part of the footage. The back area, as I said, is a screen porch. So the family can enjoy the backyard without the -- being bothered by insects is really what it's all about. A lot of bugs in the backyard.

It meets, you know, all the setbacks. So it's basically just an FAR and a lot covered area.

If the Board has any questions, I would be more than happy to answer.

MS. KNECHT: I have a question about the driveway. The driveway, the new driveway to me is pretty massive. I mean, it's a 41 percent increase in coverage over the existing driveway of impervious surface.

And I think, honestly, I don't have much of an issue with the increase in floor area that you're proposing, to the front, you know the addition over the front and in the back of the screened in porch.

And even the patio, but that driveway, I just think, to me, is massive and can be way shaved down and you can decrease some of that impervious surface coverage. And I know Castle Walk. I know it's a cul-de-sac. There's maybe like one car an hour that goes down there. So we're

not talking about coming out onto Fort Hill Road.

So it's just the driveway for me. If you can do something with the driveway and really explain to me why.

MR. BARR: So the intent was that the car garage doors were here so the intent was to come up and around and pull in. And then as they back out they can pull out that way. It can probably get decreased a little bit.

MS. KNECHT: I mean, I think you can leave the driveway alone.

MR. BARR: So we can gone in this way. It's in the garage and then they can back out and go that way.

MS. KNECHT: They could, but it just seems completely unnecessary to me.

MR. BLAND: So they're going to pull in.

MR. BARR: Back out and then come this way and come back around instead of maneuvering five and six times. I mean, the other option at that it --

MS. KNECHT: If you can just have the driveway as it is as well.

MR. BARR: Right it's just -- it's an inconvenience you know, four or five, six times.

MS. KNECHT: There's a little spot over there.

CHAIRPERSON BUNTING-SMITH: I was going to say you can make a little bubble at the bottom there I would think where the blue is.

MR. BARR: Down here?

CHAIRPERSON BUNTING-SMITH: Yeah. That would accommodate.

MS. KNECHT: You can get rid of that driveway and you almost don't need the variance for the impervious surface.

MR. BARR: I mean, that's basically what you have. So this is the increase. So that's the additional area.

MS. KNECHT: You can get rid of that variance all together pretty much. It would become extremely de minimus.

MR. BARR: Right. But what I'm saying is this line here is what we have here.

CHAIRPERSON BUNTING-SMITH: Then you also have the bubble on top.

MR. BARR: Sure.

MS. KNECHT: And then you don't need the variance for impervious surface if you just leave the driveway and you can still have your patio in the back and screened in porch and the two-story addition.

MR. BARR: Let me ask a question: What if we want to permeable pavement or pavers?

CHAIRPERSON BUNTING-SMITH: I don't think it matters.

MR. BARR: Okay.

MS. KNECHT: Oh, yeah. Doesn't matter.

MS. MOSLEY: Just to add on to that: Are there other homes in the area that have similar driveways or have circular driveways like this or this is going to be the first in this area?

MR. BARR: I am not sure.

CHAIRPERSON BUNTING-SMITH: Any other questions? Anyone in the audience? Either present or?

MS. KNECHT: Did you have any neighbors write any?

MR. BARR: Actually, we have not had any neighbors addressing the variances. We had other issues, because there's along here if basically clogged. The doctor had contacted the village -- the town, excuse me -- DPW about four five months ago.

They maintained it. Now it's clogged again. So we're kind of back and forth now who actually has to maintain it. So that was one of the comments from one of the neighbors.

MS. KNECHT: But nothing about the variances?

MR. BARR: Nothing about the variances.

MR. LIEBERMAN: Edward Lieberman. Deputy town attorney. I just wanted for the record to say that I spoke with Liz Gerrity, the Deputy Building Inspector. I don't know if she's on this Zoom or not, this afternoon, but the 1.08 foot setback which I think the applicant said is existing, is existing, but it was never granted a variance.

So you will have to grant -- they will need a variance that setback no matter what you do, whether they cut it -- unless they cut it back in that particular area.

MR. BARR: House was built in '94. They purchased the house roughly two years ago. We were unaware that there was an existing nonconforming for the driveway.

CHAIRPERSON BUNTING-SMITH: All right. If there's no other comments, we will move on. Thank you.

MR. BARR: Thank you.

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Case No. ZBA 23-07: Raymour & Flanigan Furniture, 50 Tarrytown Road (P.O. White Plains, NY) - Area Variance. The Applicant is seeking an area variance from Section 285-38E of the Code of the Town of Greenburgh to reduce the number of off-street parking spaces from 350 spaces (required) to 116 spaces (proposed), in order to convert 23,000 sq. Ft. Of storage to retail space in an existing furniture store, on the subject property. The property is located in the DS Design Shopping District and is designated on the Town Tax Map as parcel ID: 7.490-304-1.

CHAIRPERSON BUNTING-SMITH: Next case is 23-07, Raymour and Flanigan Furniture. 50 Tarrytown Road.

MR. MILNAMOW: Good evening. My name is Scott Milnamow. I'm a senior vice president of real estate for Raymour and Flanigan Furniture. We are under contract to purchase 50 Tarrytown Road from the Town of Greenburgh, also known as none as Stickley Furniture.

The Stickley Furniture building is a three-level building, two enclosed levels of 35,000 square feet per footprint with another 35,000 square feet under grade for parking. With a total of 60 parking spaces situated on six acres zoned, DS, designated shopping district.

Here also in attendance is John Brogan, CFO for Stickley, and Patrick Downey of Dynamic Traffic. In February 1999, Stickley sought a parking variance to build

the previously described building containing 47,000 square feet of selling space and 23,000 square feet of related storage.

The code in 1999 required 235 parking spaces and the variance requested a reduction of parking spaces down to eight. Variance was granted and Stickley has operated out of this location for 20 plus years.

One note nuances, when the parking lot was constructed, they actually constructed 116 parking spaces. So there's 60 under the building and 56 on grade.

Raymour and Flanigan now leases a building in the Fortunoff building, it's known as the source as well. And we plan on relocating to this building if a parking variance granted.

Raymour is a 75-year old furniture company owned by the Goldberg Family now with a third generation of family running the furnish company and, ironically, Stickley is also a furniture company based out of Syracuse, New York.

We are seeking a variance to operate the entire 70,000 square feet of an enclosed building as a furniture showroom. Under the retail parking code or the retail for DS zoning, 350 parking spaces would be required. And we would be providing 116 spaces currently on site.

As many observed over the last 20 years, the parking lot of the Stickley building, which has 56 surface

parking spaces is rarely 50 percent used by customers, employees or anyone coming to the store. And even more rare is anybody using the 60 parking spaces below grade.

This is due to the business of a furniture retailer. We just don't have the same traffic generation parking needs as typical retail stores.

At peak on a Saturday afternoon, our White Plains showroom will have 20 customers in the store. And while we hope to improve the volume while relocating to the Stickley building, even increasing our customers by 50 percent, would mean 30 customers or cars in the parking lot combined with the 12 associates parking in the lot at peak.

Many towns I've talked to before seeking variance or seeking site plan review have actually adopted furniture parking codes.

For example, in West Springfield, we have -- actually West Springfield and Brookfield, Connecticut, we have two story 70,000 square foot showrooms. West Springfield has a code of one per 750 for parking, and Brookfield, one per thousand square feet or 93 or 70 spaces required respectively.

We asked Dynamic Traffic to prepare a report based on the Institute of Transportation Engineers Publication or ITE. That calculate the peak parking spaces required for a furniture store according to the ITE data.

The peak spaces required according to the publication would be on a Saturday. And the total spaces required to accommodate customers and employees would be 67 parking spaces and we have a report available if anybody would like to see it.

We are requesting an additional parking variance for the Stickley property. Due to the unique circumstances, we are unable to meet the parking requirements set forth in the zoning code.

We understand that a variance is not granted lightly and required evidence of hardship, therefore, we're here before the Board in hopes of receiving positive consideration for the variance based on the following:

First, the geography and topography features of the property make it difficult to add parking. The Manhattan brook borders the north side of the building and while there is land owned by Stickley on the other side of the brook, it is essentially landlocked without creating some sort of bridge structure.

Granting a variance for reduction of the required parking will not alter the essential character of the neighborhood since both Stickley and Raymour are both furniture showrooms and the use of the showroom will be identical only for the fact that we will converting 23,000 square feet of storage into furniture showroom.

Lastly, there's land without violating impervious coverage in the code to build a parking garage structure to accommodate the 350 retail parking spaces required under the code.

As a potential owner of the property, we prevented from a reasonable return as the expense of building a parking structure would create cost to make it impossible for a furniture store to operate.

Overall, we understand the importance of maintaining parking requirements, however, as I expressed, furniture retail stores have a unique and far less intensive parking use than other retail operators like a grocery store, warehouse club or soft goods retailer.

We respectfully request the Board to allow grant us a parking variance to allow for Raymour and Flanigan Furniture to use the entire 70,000 square feet of building as a furniture showroom. Thank you.

CHAIRPERSON BUNTING-SMITH: Any questions?

MS. KNECHT: I just have one. You mentioned the parking ITE ratio. Is there an actual ratio that they provide for furniture stores?

MR. MILNAMOW: I'll bring Patrick up.

MR. BLAND: And as he comes, just a quick question: Is there any change to the footprint of the store itself?

MR. MILNAMOW: The footprint of the building will

stay exactly identical how it's built today.

MR. DOWNEY: Hi, good evening. Patrick Downey with Dynamic Traffic. So to answer your question, yes, ITE for furniture stores identifies a peak parking demand on Saturdays. It's a little under one per thousand in contrast to the retail requirement which is in excess for furniture store at one per 200.

MS. KNECHT: And this is being evaluated based on a retail store, the parking?

MR. DOWNEY: That's right.

MS. KNECHT: Okay. Thank you.

CHAIRPERSON BUNTING-SMITH: So are you eliminating the underground parking?

MR. MILNAMOW: No. The underground parking remains as is and accessible to customers and employees. So there's 60 underground parking spaces and the 56 on grade.

So the building has, essentially, three levels. The first level that you see from Tarrytown Road you can walk into the building. It's 35,000 square feet of showroom.

Down the stairs or the elevator to the next level is both storage and showroom space in that 35,000 square feet. And then if you took the elevator down one more level, it's a parking garage.

CHAIRPERSON BUNTING-SMITH: So that remains as it

is?

MR. MILNAMOW: Exactly. Yes.

CHAIRPERSON BUNTING-SMITH: So you're simply taking space that's now used as storage?

MR. MILNAMOW: Yes.

CHAIRPERSON BUNTING-SMITH: Exactly by Stickley and making it into retail space that you can --

MR. MILNAMOW: Right. And I can actually -- I should point to the boards that I brought, but I didn't have to share a screen because we would have been here all night me sharing a screen.

So, yes. This is some storage space here in the building and we're converting this part of the building into retail showrooms. This is the top level, next, grade level and then we can also see it on this.

So the lowest level, that's where the 60 parking spaces below grade are that are accessible down the driveway and here and then go below grade. Another rookie mistake not bringing an easel.

CHAIRPERSON BUNTING-SMITH: So would it be fair to say that the amount of employees you would have would be greater than what Stickley normally uses now?

MR. MILNAMOW: Probably not. John Brogan is here too. John had, what did you say, 12 parking spaces, John -- or per 12 employees?

MR. BROGAN: Yeah. On --

CHAIRPERSON BUNTING-SMITH: We can't -- we can't --

MR. BROGAN: John Brogan, CFO and senior vice president of Stickley Furniture. So on our busiest days, Saturday and Sunday, we have 11 staff. So 11 staff vehicles.

So it sounds like it would be very similar to what Raymour and Flanigan would experience. And, again, on the busiest days, at any one time, the most customer vehicles we have is about 12.

So we're looking at the most vehicles we have in the parking lot is 23 vehicles. So -- so it's just not very intensive.

CHAIRPERSON BUNTING-SMITH: So how does the space that you will be creating here compare with what you have now?

MR. MILNAMOW: The space that we would be creating now is just furniture showroom. It's just display of furniture. It's not sold off the floor. I mean, there is sometimes a floor sample that's sold off the floor, but it's just pure showroom space.

95 percent of our product is delivered from a warehouse. You know, Suffern or maybe in Stamford, Connecticut -- or Stratford, Connecticut. Anywhere the customer is located. In fact, Stickley right now does run

two delivery trucks a week out of that building. We will run no delivery trucks out of that building right now and there's actually a dumpster I think on the property now.

We take all of our trash back to our warehouse. We recycle all of our cardboard and Styrofoam and take our trash back to our warehouse. So that even becomes a little less intensive, but as far as the floor space, it's just, you know, it's two 35,000 square foot footprints that we just want to be able to display in the space furniture.

CHAIRPERSON BUNTING-SMITH: Well, I don't know what other furniture stores are doing out there, but it appears, because my husband's been looking for a recliner, that it's hard --

MR. MILNAMOW: When would you like to shop with us?

CHAIRPERSON BUNTING-SMITH: That it's hard to, you know, because there's so much on the internet, but when it comes to furniture you want to experience it. And it's so hard to find, you know, that type of layout in furniture stores now. It really is. You know.

So that's why I'm wondering and I'm comparing it with what I see going on with Stickley now. If they're selling out, there are weekends those lots are all full. It's because they have sales going, but the rest of the time, you're right. There's, you know, one or two, three cars out there. Maybe they're parking in the back, but it

just looks as though it's empty. But Raymour and Flanigan is doing a lot of advertising and probably is going to do very well at that point.

MR. MILNAMOW: We hope so.

MS. KNECHT: How big is the store in White Plains?

MR. MILNAMOW: The store in White Plains is about 60,000 square feet. And, like I said, we have it at peak 20 customer sets or we call opps, coming into the store.

CHAIRPERSON BUNTING-SMITH: That's because you don't have enough space to show everything.

MR. MILNAMOW: Well, that is a good point. And, we, like I said, even if we increased the amount of customers at peak by 50 percent, that's 30 customer sets. And even if we added two or three employees, you're talking about 15 employees. So you're talking about a total of 45 for -- with 116 parking spaces that are provided there.

CHAIRPERSON BUNTING-SMITH: Okay. That puts it in a little better perspective.

MS. UEBERLE: I just want to make sure we have the numbers correct because there's been a little confuse; right? I had written down before what you had said which was at peak that you would have like 20 customers.

MR. MILNAMOW: Yes.

MS. UEBERLE: 12 associates, and even if you doubled that, it would still be under the 116 spaces, but

you had given us other numbers, you know. So I just -- which is correct?

MR. MILNAMOW: So I just wanted to, you know, listen I can tell you what we have and you can believe me or not believe me or you can go observe, but this ITE data is a sort of industry recognized standard. And it's not just for furniture, they calculate restaurants and warehouse clubs and alter cosmetics.

So they apply a ratio to all the types of uses and for furniture they're saying that according to their standard at peak for a 70,000 square foot furniture store, you would need 67 parking spaces for employees and customers.

Now, for us, we're saying that's still higher than what we believe that we will ever have in that lot. Now, as John and I have talked, the moving sale that they're having is generating a lot of customers, but that's just a very unique circumstance right now.

MR. DUQUESNE: There were some other numbers that you may have heard. He indicated some other communities. I believe in Connecticut you have a different standard.

MS. UEBERLE: If we grant the variance and we are writing it up, I just wanted to understand what kind of numbers to assess.

MR. DUQUESNE: As long as you're good.

MS. UEBERLE: Yeah. I'm good now.

MR. DUQUESNE: Very good.

MS. DENKENSOHN: As somebody who's been published in the ITE Journal, I can tell you they are the industry standard.

CHAIRPERSON BUNTING-SMITH: Okay.

MR. DUQUESNE: As a planner, I'll confirm that as well.

MS. DENKENSOHN: One of the rare people that can say that.

CHAIRPERSON BUNTING-SMITH: All right. We're good.

MR. MILNAMOW: Do I have to give up the mic?

CHAIRPERSON BUNTING-SMITH: You can hold it for the effect person.

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Case No. ZBA 23-08: Forty Mill Realty, LLC & Ten Saw Mill Realty, LLC, 34-40, 50, 00, & 10 Saw Mill River Road (P.O. Elmsford, NY) - Area Variances.

The Applicants are requesting area variances from Section 285-32B(5)(c) of the Code of the Town of Greenburgh to reduce the distance from accessory building-1 to rear lot line from 25 ft. (Required) to 17ft. (Proposed); from Section 285-32B(5)(c) to reduce the distance from accessory building-2 to the rear lot line from 25 ft. (Required) to 4 ft. (Proposed); from Section 285-38E to reduce the minimum number of off-street parking spaces from 24 spaces (required) to 12 spaces (proposed); from 285-32B(5)(b) to reduce minimum distance from off-street parking to south side lot line from 25 ft. (Required) to 2 ft. (Proposed); from Section 285-32B(5)(c) to reduce minimum distance from off-street parking to rear lot line, from 25 ft. (Required) to 7 ft. (Proposed); from Section 285-32B(5)(b) to reduce minimum distance from off-street parking to the north side lot line from 25 ft. (Required) to 21 ft. (Proposed); from 285-32A(3)(b) to reduce minimum distance of a storage unit to the front lot line from 25 ft. (Required) to 0 ft. (Proposed); from Section 285-32A(3)(b) to reduce minimum distance of a storage unit to the south lot line from 25 ft. (Required) to 0 ft. (Proposed); from Section 285-32A(3)(b) to reduce minimum distance of a storage unit to the rear lot line from 25 ft. (Required) to 0 ft. (Proposed); from Section 285-38H(2) to

reduce the front landscape buffer from 10 ft. (Required) to 0 ft. (Proposed); from Section 285-38H(2) to reduce the south landscape buffer from 10 ft. (Required) to 0 ft. (Proposed); and from Section 285-38H(2) to reduce the rear landscape buffer from 10 ft. (Required) to 0 ft. (Proposed), in order to continue operation of a stone and masonry facility on the subject property. The property is located in the LI Light Industrial District and is designated on the Town Tax Map as parcel ID: 8.610-421-72,73,74,75,76,77,78,79.

CHAIRPERSON BUNTING-SMITH: And our next case is Case 23-08 Forty Mill Reality, LLC, and they're at 34-40, 50 et cetera, et cetera, Saw Mill River Road.

MR. STEINMETZ: Good evening, Madam Chair, members of the Board. David Steinmetz with the Law Firm of Zarin and Steinmetz. Pleased to be back before your Board once again here with regard to or on behalf of the owners of the 34-40, 50, 00 and 10 Saw Mill River Road. With me via Zoom should be Joe Cermele, from Kellard Sessions, our project engineer.

We're here tonight, Madam Chair, members of the Board, seeking 12 area variances to facilitate the applicant's continued operation of its existing stone and masonry yard on Saw Mill River Road. You all may be familiar, that facility and business has been in operation for over a decade.

That facility and property was before your Board about two years ago, almost for the identical application. So why are we here? We're here because our client was fortunate enough to acquire two additional parcels to improve the overall functionality and the ability to display materials.

Somewhat like the last application, this is the type of material that you really can't get from Amazon online. If you want countertops, you kind of want to touch them and see them. If you want pavers, you want to feel them and you want to actually see the material.

Our client does both retail and sells to the trade, but this is a facility where there's outdoor storage of material. There are trucks coming and going and there are some patrons coming and going.

So it's a long and narrow property as you observed two years ago in your analysis. It's what I would call, geometrically challenged. It is what it is. It's narrow, it's long, but good news is, it's now longer. It's got more capability of functionality.

This is really about -- really just improving the business. It's not designed to increase the number of customers. The business is what the business is. The customer base in Westchester County is the same customer base that has been there for over a decade, but this allows

our client to just do a better job of what they're doing.

We spent a fair amount of time in front of the Planning Board and the Commissioner can attest to this, looking at traffic movement, trucks and patrons coming and going.

The addition of these new parcels allows for better curb cuts, better safety, both for employees and for patrons. We were extremely pleased that the Planning Board processed us thoroughly, carefully and then gave you a positive recommendation in favor of this application.

Ironically, much of what the Planning Board wrote to you two years ago, they wrote the same kind of recommendation now, I think with a little bit more flavor. In addition, we did receive a negative declaration pursuant to SEQRA. There are no significant adverse environmental impacts.

And you, as I think you know, were coordinated into that SEQRA review. What I tried to do to make this what otherwise seems like a complicated application pretty straightforward is the chart on pages three and four of our submission letter.

My colleague, Kate Fineman, who has been working very diligently on this from the outset, tried to set forth for you the variances that were granted originally, the variances that we're asking for now, what has been reduced,

what has been increased, and what has been eliminated.

On balance, we think the impact of the property and the impact of the variances has decreased. The reason there are some new variances is there are some new parcels involved. So, therefore, there's new area that we have in front of you and in front of the town where there are some setback issues that were triggered.

There's more parking. There's better curb cuts, but mathematically the Building Department did exactly what it needed to do. It reported out that we have technical noncompliance with the zoning bulk parameters just like we had two years ago.

So we're back with setback, with parking and with the various bulk variances that we had set forth in our submission letter.

In sum, we clearly think the benefit to the applicant outweighs any detriment to the surrounding area of the community. We think that there's no adverse environmental impact. That's why we got a nagged deck. We do not believe that the variances are substantial, particularly when analyzed based upon the totality of the facts and circumstances here.

And there really is no feasible alternative. If you want to add property to a narrow strip of land and still have the business that's going on, you're going to

inevitably need the same variances that you needed on either side of that property.

I am happy to answer questions. Joe Cermele is more than happy to answer any of the technical information in terms of the screening, the fencing, et cetera, but this is in essence almost identical to what you had before you two years ago.

MR. BLAND: So just real quick.

MR. STEINMETZ: Please.

MR. BLAND: The summation of all of these requests are just on the new parcels not in conjunction to what was already granted?

MR. STEINMETZ: Correct. Nothing has changed with regard to -- and, Joe, please feel free to correct me on that. We're not seeking variances with regard to any of the prior parcels or am I incorrect on that?

MR. CERMELE: No, David, these are basically extensions of variances that were previously granted related to storage of materials within buffers and parking. There are, I believe the setbacks associated with the retail building, you know, they were previously granted and we have some newer ones for the proposed shed on the southern parcel.

So all the variances that you see here are extensions of what was previously granted because of the

added parcels. Did that answer?

MR. BLAND: Sort of. So the variances that were given, let's say on the -- prior to purchasing a new lot, are we intruding back over those variances that were already granted and this is just for the new lots or this is a combination of the old lots and the new lots?

MR. STEINMETZ: Joe, I think the proper answer to that question is this is a combination of the old lots and the new lots. As a result of -- and what I think I omitted from my earlier answer is as a result of the reconfiguration of some of the areas upon which we can now store and where we moved our storage shed, we actually moved things around to make the site make more sense in light of the new curb cuts.

So the correct answer is there are things that changed on the lots that you previously granted variances for.

MR. BLAND: Okay. So that's where I'm at now. It was a little confusing as to see exactly what we would be granting and where that is.

So even when I go to the last of maps here and it shows the north and the south, I'm just not certain which lots those are. That it's just a little confusing to me to kind of ascertain exactly what we'd be approving and where that would be.

MR. STEINMETZ: Understood. Joe, I'm going to need you to --

MR. CERMELE: Would it help to go through the list of variances to just identify them on a map?

MR. STEINMETZ: I think that would be great. And, Joe, I think what we should do is go through the list and explain on which lots they're tied to.

MR. CERMELE: Sure. No problem.

MR. DUQUESNE: Please zoom in.

MR. CERMELE: So we'll start at the top of this. The rear yard setback for accessory building 1 where 50 feet is required and we are now proposing 17 feet. That's where this structure here.

So there's a 50-foot required setback. We will have -- we're proposing 17 feet. The rear yard setback for accessory building 2, again, 50 feet is required. We're proposing four feet. That's this proposed building on the newly acquired southern parcel that we referred to.

Off-street parking, there's a total of 24 required. We're proposing a total of 12. We have five parking spaces in total for the retail space and at the south end we're proposing an additional seven. Let's see.

MR. STEINMETZ: Just stay on that one for one second because there's one point I want to make on that.

MR. CERMELE: Sure.

MR. STEINMETZ: It is on our chart, but I want to emphasize this. Previously 21 spaces were required and we were only supplying eight. And you granted variances for that. Now, an additional three spaces would be required bumping up to 24 required. Yet, we're increasing the amount provided to 12. So we are increasing by four.

We're providing -- we're reducing the magnitude of the variance on the parking. We spent a fair amount of time in front of the Planning Board and with the Planning Board's traffic consultant looking at that. Because the safety of patrons was obviously something that was particularly important to that Board. Continue, Joe.

MR. CERMELE: Sure. The next one is parking south side setback. 25 feet required. We're proposing two feet. That's for spaces 6, 7 and 8.

And it's important to note that this hatched section here is an existing retaining wall on the property. The property behind it is higher in elevation and this parcel here is a strip. That's I think a portion of Donald Park, which is up above, but, you know, no one in the immediate neighbor here.

The next one is a parking setback on the north side. Again, 25 feet required. We're proposing seven. Let's see. That is -- I'm sorry. That's this similar issue here, seven feet, but, again, the retaining wall between our

parcel and I believe this is a vacant lot above us. Let's see. The next one is the storage for -- let's see. Storage for front setback, storage for south setback and storage for rear setback. 25 feet required for all. We're proposing zero feet for all of them.

You know, as David mentioned, this is primarily storage of materials for the retail use. And we have provided or prepared a plan that permits four outdoor displays for storage areas of the various materials around the perimeter of the site while maintaining access through the central portion of all the properties or traffic circulation.

So these hatched areas indicate on the plan or what we're proposing as -- oops, sorry. As designated storage areas, storage and display areas.

MR. STEINMETZ: Several of those -- Joe, several of those storage areas were previously at zero feet; is that correct?

MR. CERMELE: Yes. Actually some of these -- the storage areas, these three here, were part of the original site plan approval when a variance was granted. And, yes, some of these -- they go, this area here and in the back, they go to zero feet. Some of the areas in the front here are setback a little bit just by the nature of the site and the geometry.

And there's an existing -- even by the site there's a stone pier and iron gate along the frontage of the property which is setback a little bit. So, you know, we've brought it as close to that fence as we can, but it's not at the lot line.

And then the final three are related to landscape buffers, ten feet required. Again, zero feet for the same reason. We're utilizing those spaces for storage and outdoor display areas.

So this green line here is a ten-foot buffer that would be required. And as you can see, we're proposing storage of materials within those areas.

MR. STEINMETZ: Joe, I know we eliminated several variances that were previously granted. Specifically relating to screenage in the front, the north, the south and the rear?

MR. CERMELE: Screenage, well, we're not -- I'm sorry, David. What -- you lost me here for a second. We're not proposing any screening.

MR. STEINMETZ: Correct. My understanding is that there were variances granted in connection with some of the screening two years ago and that we've eliminated all of that now.

MR. CERMELE: I believe the variances were granted because at the time we were also, the prior plan, we weren't

a party of that, but -- or part of that rather, but the similar display areas that were proposed at that time so those variances were needed then as well and granted as my understanding.

MR. STEINMETZ: They were granted then, but we're not seeking them now, if I'm not correct, the screening height buffers.

MR. CERMELE: Oh. That's the six-foot screening?

MR. STEINMETZ: Yes. The six-foot screening.

MR. CERMELE: Sorry about that. Yes, that's correct. We've limited the height of the storage materials to six feet.

MR. STEINMETZ: Right. So we no longer need a variance on any of those screening items.

MR. CERMELE: Sorry about that.

CHAIRPERSON BUNTING-SMITH: What does that mean?

MR. BLAND: You never did it?

CHAIRPERSON BUNTING-SMITH: You changed the screening or you don't have the screening?

MR. STEINMETZ: Joe, can you explain that?

MR. CERMELE: No. I think the requirement is to limit the height of the these display areas to no more than six feet. So we've proposed that with this plan. So there's no additional screening required.

MR. STEINMETZ: There's no additional screening

required.

MR. BLAND: So that would be my next question. Overall, the overall height, old lots, new lots, everything combined, other than the auxiliary structures, what will be the overall height of the stored material, roughly?

MR. CERMELE: It's all palletized material. It's, you know, for the most part, it's paver blocks and cut stone on palliates and those would be per the plan and per the code they would be limited to six feet in height.

MR. BLAND: Okay. And in terms of the traffic, I see there's a number of arrows going left, right, up, down behind buildings. Are those arrows traffic pattern or just?

MR. CERMELE: No. All these arrows here that you see, those are all just, you know, leaders for the various notes. The only directional arrow would be this at the northern entrance. This is proposed to be a one way in with no exit.

This central -- let me step back for a second. Currently there are five curb cuts on the property. There's one, two and three that we are -- that are existing and we're proposed to maintain in their current location.

There's a fourth curb cut approximately in this location that we're going to be removing and a fifth in this location. Although, it doesn't access the site, there is a depressed section of the curb that we're going to restore

with a standard concrete curb as part of the DOT permit application.

So the idea is that the northern entrance would be limited to traffic entering the site and then the central and southern driveways would have access in both, you know, in and out.

MR. STEINMETZ: And just following Joe on that and, again, Garrett could speak to this, if necessary. The town retained John Canning from Kimley-Horn to do a full analysis.

One of the primary concerns, as I said earlier, but I want to drill down on, was the safety and circulation on the site. We spent months refining what was happening because of the hodgepodge of curb cuts that's out there right now.

And picking up this additional property allowed for that to be eliminated and, obviously, allowed for what we think is a better storage of materials and display of materials.

MR. BLAND: And one last question for me just in case a neighbor comes and asks: Any increase to noise in terms of what currently exists.

MR. STEINMETZ: Joe, my understanding is that there's no additional equipment or anything that's --

MR. CERMELE: No. No additional operations, no

additional equipment. This is purely a means to better operate the current conditions of the site.

MR. STEINMETZ: There is a, as you all probably know, there's a significant grade change here. Nonetheless, our client did work with one of the probably more effective property owners.

And we got a letter of support from that property owner after there was some additional screening that our client agreed to put onto the neighbor's property.

So we've, again, we've co-existed in this area of resi right next to light industrial and hopefully this openly becomes an improvement for all.

MS. UEBERLE: Question on your parking spaces. Okay. And I've actually been to your location several times as a past customer. And the vehicles that are there tend to be oversized. What -- are you going to accommodate oversized vehicles with oversized spaces? Like what is your plan for parking?

MR. STEINMETZ: Joe, can you speak to the width of your parking spaces?

MR. CERMELE: Sure. So the parking spaces for the retail space, for instance, are standard parking stalls for, you know, someone coming in to view the products, you know, you or I going in and just wanting to see the selection of materials.

The larger trucks, the pickups, the utility trucks, the small dump trucks and whatnot, they typically enter the site either at this location or the central location to access this stored materials in the various bins. Whether it be sand, gravel, stone.

Or they'll access the southern portion of the site for larger bulk material. So they're not necessarily there parking. They're there for a pickup of an order, they get noted and they leave.

The longer term parking, for lack of a better description, would be for your typical customer in a standard vehicle utilizing these spaces for that purpose.

MS. UEBERLE: So your typical customer is driving a standard vehicle?

MR. CERMELE: Well, customers of the retail space are driving typical, you know, standard vehicles and then, as I said, the customers that are picking up bulk materials or maybe an order of pavers for a job, let's say, they're coming in a larger vehicle, but they're not parking in these spaces.

They're coming into the site and they're using this access aisle to be loaded with materials from the property and then they leave.

MS. UEBERLE: Yeah. I can only go by my own experience and I, obviously, trust the town expert. I know

when I've been there, those oversized vehicles have parked in the standard spaces and it's been very difficult getting in and out and turning around.

And they'll take, you know, two spaces because they also are going to the showroom, not just -- so I am concerned about the parking, especially when you're only going to have 12 spaces.

MR. STEINMETZ: The good news is we're picking up four spaces from when you were probably out there.

MS. UEBERLE: Yes. It was over a year ago.

MR. STEINMETZ: So there should be -- Joe, what's the width of your --

MR. CERMELE: It's important to not that there's no -- today there's no defined parking out there whatsoever. So the fact that we're -- you know, we're going to be striping and marking and --

MR. STEINMETZ: That actually might be the best point of all. Is that up until now, not only has there been, and my phrase, not anyone else's, a hodgepodge of curb cuts, there's kind of a hodgepodge of parking.

Now, as a result of the Planning Board, your outside traffic consultants efforts and your comments here, this has got to be carefully striped and laid out so that at least there's an indication of where people should be.

Plus there are four more parking spaces and there

should be a better distribution of the contractors going to one area and the retail patrons going to another.

I can't guarantee that that's going to happen in every instance and there are plenty of parking lots here in Greenburgh where I agree, even in a regular commercial or retail parking lot, you pull in and there are really big vehicles next to you at times, but in this instance, hopefully the allocation of space should be more conducive to what we need to accomplish.

MS. UEBERLE: And to add on to that question or comment, do you -- will you have provisions for handicap parking? Because handicap parking will then reduce the actual amount of parking spaces that patrons can use. So do you have handicap parking?

MR. STEINMETZ: Joe.

MR. CERMELE: We do. We're required to have one stall. We located it in this area of the site here closest to the retail space. And, again, this was in coordination with the Planning Board and the traffic consultants.

MR. STEINMETZ: We have one fully striped space with the area with the drop-off, the handicap drop-off area. That's all been taken into account and, yet, there are still four additional parking spaces.

Anything else we can answer for you?

MR. DUQUESNE: Can you clarify those arrows.

MR. BLAND: Yeah. I got it now. Thank you.
Because this map here I didn't see this one, but I got now.

CHAIRPERSON BUNTING-SMITH: Anybody out there?

MR. STEINMETZ: Anything else we can answer for
you?

CHAIRPERSON BUNTING-SMITH: No. I think you've
answered us.

MR. STEINMETZ: Thank you all.

MR. BLAND: Not a problem.

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Case No. ZBA 23-09: Padraig McGourty, 5 Hillcrest Avenue (P.O. Ardsley, NY) - Area Variance.

The Applicant is seeking an area variance from Section 285-39C(9)(c) of the Code of the Town of Greenburgh to reduce frontage on a street suitably improved to Town road standards from 25 ft. (Required) to 20 ft. (Proposed), in order to subdivide the subject property. The property is located in the R-7.5 One Family Residence District and is designated on the Town Tax Map as parcel ID: 8.380-271-54.

CHAIRPERSON BUNTING-SMITH: The last case on tonight's agenda is Case 23-09 Padraig McGourty, 5 Hillcrest Avenue.

MR. SHIRRIAH: Good evening, Madam Chairwoman and fellow Board members. My name is Nicholas Shirriah. I am with Hudson Engineering. I am representing the applicant, Mr. Padraig McGourty, at 5 Hillcrest Avenue.

The application is for a proposed two lot subdivision on Hillcrest at the corner of Hillcrest and Chestnut Street. The lot is a 20,000 square foot lot in the R7.5 zoning district.

We are here tonight because the proposed subdivided lot shows frontage on Chestnut Street, which is the substandard roadway. As part of any approval for the subdivision, we have been instructed to improve the roadway on Chestnut Street.

As part of the proposed improvements, we are going to widen the street on Chestnut from its current length to 20 feet and for that we are seeking a variance to Zoning Code 285-39C frontage to a town road where reduced frontage.

If Garrett, can you show page C-4? Thank you.

So if I may go back in history a little bit. The lot on Springwood Avenue behind the proposed subdivided lot was actually approved for a single-family dwelling back in 2012.

The applicant, Mr. Badolato [ph.] his original plan, part of his approval was the -- was the improvement of this roadway. And he was approved for a variance at that time for the substandard width of 20 feet for that roadway instead of the town standard 26.

Mr. Badolato, in conjunction with our client, Lester McGourty, are going in together to join forces to build this roadway. So we are seeking the exact same variance that was granted to Mr. Badolato back in 2012.

You may be asking why they won't, you know, build the road to the town standard. There is some consideration for a cost as to the building of these two lots. And, unfortunately, it's prohibitive to the construction of these two lots and what these gentlemen have in line for those lots.

I see you looking in my direction.

MR. BLAND: Yeah. I didn't quite understand that last part. You say it's prohibited. Prohibited financially, prohibited --

MR. SHIRRIAH: Correct, financially. Yes.

MR. BLAND: And is that increase of roadway, which is causing that five-foot differential?

MR. SHIRRIAH: Correct. So the town center is 26 feet and we are -- well, Mr. Badolato was granted a variance to build the roadway from 20 up to 20. I believe the current road sits at about -- between 12 to 15 and I'm sure -- well, you haven't seen it, but the roadway is very --

MR. BLAND: Narrow.

MR. SHIRRIAH: Yes. It's very narrow and very much in need of a facelift.

MR. BLAND: So you're going to increase that width to what?

MR. SHIRRIAH: To 20. 20 feet is the proposed width.

MR. BLAND: All the way back to his property?

MR. SHIRRIAH: Correct. If you look at our sheets in four, we're showing the improvements to the roadway. Some street trees, some drainage. And a -- sort of like a hammerhead that joins onto the paver street on Springwood.

MR. BLAND: So if they're bringing to 20, which prohibited part of it, it seems like you're going to do

that.

MR. SHIRRIAH: So, again, the town center is 26.

MR. BLAND: Oh, 26.

MR. SHIRRIAH: So we are asking for a variance for 20 instead of 26.

MS. KNECHT: Wait. I thought you were asking a variance for frontage.

MR. SHIRRIAH: So it's making frontage for the street. The street is this required to be 26. We're asking to make it 20.

MS. DENKENSOHN: How many houses are served by the street and what is the maximum there ever will be if this paper street ever gets built? Does that go to more houses and does the traffic increase?

MR. SHIRRIAH: So currently on Chestnut there's one existing residence. If the variance is granted, I mean, Mr. Badolato, was already approved, he has a permit, but he was hoping to join forces with our client, Mr. McGourty, to build a road and Mr. McGourty's planning to put one more house.

So in all, three houses all together on that street. So not much increase in traffic with the one house back there, but with two more --

MS. DENKENSOHN: But I see it leads onto a -- like a three-way -- so is this a main roadway to get to the

street? These up to the top of the drawing and the street down to the bottom of the drawing?

MR. SHIRRIAH: So from Hillcrest onto Chestnut, Chestnut is basically a dead end. Those are paper streets in the back there that lead to Euclid, but those are not exactly usable roadways.

MS. DENKENSOHN: Can you show us which are the ones that are not usable because Springwood looks like it might be a real street.

MR. DUQUESNE: Yes. But -- so because I have the cursor, I'm just going to walk through the area here. So just as was described, this is the Badolato lot that's approved to be a single-family home. And the subject lot is here with a proposed curb cut here. And what's indicated as a paper street when you go this direction, there's a very narrow driveway that I believe accesses a home I want to say here.

This, what you see here, I would consider infeasible to ever have a road. The terrain is quite steep and its functionally people's backyards. So I would never seen anything happening here, anything happening here.

This is a dead end and this is a neighbor's street here. And there does exist the prospect for this to be connected at some point, but that's -- that prospect is there, is in existence.

And, yes, you can see the very narrow nature of the existing road displayed is supposed to reflect the existing sort of phased strip if you will, which would be increased to 20 feet.

MS. UEBERLE: I have a question: Since this is a dead end road also and it's an arrow, have you reached out to the fire department and other emergency services to make sure that the trucks can get in and out safely?

MR. SHIRRIAH: Yes. We actually did meet with members of the Building Department and the Town Planning Department, Aaron Smith, was present. We did discuss this. I believe he said it's okay for us to not have like a turnaround or to be brought up to standards because fire trucks and the emergency vehicles can, as they do now, go down the street and back out, if necessary.

So widen it to 26 was not necessarily required. And I believe we're still waiting for comments back from the fire department.

MR. DUQUESNE: So, if I could, that's -- we as staff we send this out to fire district. We're in essence the liaison to the fire district.

So we referred this application out as we did Badolato's. In short, the access in the area is going to be enhanced so that, you know, helps the situation from a fire perspective. We did not get any comments back from fire

district that said, you know, that this is, you know, they can't handle the situation. So, no concern there.

MS. DENKENSOHN: At the top of the screen, it looks like there are a lot of vacant lots that are subdivided and planned for more housing. If you go up.

MR. DUQUESNE: When you say, the top of the screen, do you mean like in this direction?

MS. DENKENSOHN: Yeah.

MR. DUQUESNE: Most of these lots with the blue dots were predominantly developed already. This is a very built out area. I believe there's one home to be constructed I believe maybe in this location, but, in general, it is all built out.

This is a vacant lot that's to be built. You know, as I look closely here, you know, I suppose this could have a home at some point. If one proposed one, they would come back to this Board. In short of proposing 26 foot-wide road. In general, I think the area could be considered built out.

MS. DENKENSOHN: I'm just trying to anticipate if this road is going to get a lot more traffic as more homes are built. Let's pretend it's north to the top, but I guess from the view that I'm seeing, they don't look all built out, but maybe as you zoomed in they are.

MR. DUQUESNE: There is the prospect now to -- for

snow parking here. Where that could be conditioned by the Board, no parking on the street.

MS. DENKENSOHN: Well, you do have something about parking on one side or something that had been agreed to or something? In your submission.

MR. SHIRRIAH: I'm sorry. What was the question? I couldn't --

MS. DENKENSOHN: And in your submission I thought you said that the plan that you had gotten from somewhere included parking only on one side of the street.

MR. SHIRRIAH: No, it did not. So we don't have any plans for street parking on our subdivision plan. The plan that we've adopted was taken from the Badolato project on Springwood.

So we're building to his specs what was approved for his building project on Springwood. And I don't believe it included any street parking.

CHAIRPERSON BUNTING-SMITH: Any other questions? No one else out there? Okay. Then I guess we shall adjourn for our deliberations.

(Whereupon, the recording is stopped.)

(Whereupon, the Board goes off the record to discuss their deliberations.)

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MR. DUQUESNE: Okay. We're back live and we can start up.

CHAIRPERSON BUNTING-SMITH: Yes. First thing on our agenda tonight is that whether or not we should reopen Orly Gez. That had been closed for decision. That is Case 22-05.

And after hearing what the attorney for the applicant had to say this evening, we have deliberated and we have come to a determination.

And do I have a motion on our determination as to whether or not to permit the applicant to reopen the case?

MS. KNECHT: Sure. Madam Chair, I move that the applicant's request to reopen Case Number 22-05 be denied.

MS. DENKENSOHN: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MR. BLAND: Aye.

MS. UEBERLE: Aye.

MS. DENKENSOHN: Aye.

MS. KNECHT: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

And with respect to the decision on Case 22-05, do I have a motion -- in case number -- I'm sorry.

In Case Number 22-05, and whereas the Greenburgh ZBA has reviewed the -- I'm sorry. I'm doing the wrong one. I got my numbers mixed up. I'm sorry. The SEQRA on 22-05.

MR. DUQUESNE: No. That should be built into the draft decision, I believe.

CHAIRPERSON BUNTING-SMITH: Okay. Which I don't have.

MR. DUQUESNE: So the motion -- there's no motion made with respect to SEQRA.

CHAIRPERSON BUNTING-SMITH: Okay.

MR. DUQUESNE: For the record, the Planning Board, as part of a coordinated review with the Zoning Board, made a negative declaration concluding the SEQRA process, which puts the ZBA in a position to render a decision on the appeal on the variance.

CHAIRPERSON BUNTING-SMITH: Okay. Thank you. That will be put into record.

And I move, therefore, that the decision in 22-05, that the application be denied. Do I have a second?

MS. DENKENSOHN: Second.

CHAIRPERSON BUNTING-SMITH: Oh, we already did the -- we already did the first one.

MR. DUQUESNE: Yeah. So --

CHAIRPERSON BUNTING-SMITH: Let me read it.

MR. DUQUESNE: I'm sorry. I thought you have a hard copy of that.

CHAIRPERSON BUNTING-SMITH: No. I have it in my computer and I left it in the car.

Here. Okay. All right. So this would be first the appeal from the decision of the building inspector requiring variances.

And, therefore, I move that the appeal from the decision of the building inspector be denied.

MS. DENKENSOHN: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MR. BLAND: Aye.

MS. UEERLE: Aye.

MS. KNECHT: Aye.

MS. DENKENSOHN: Aye.

MS. MOSLEY: Aye.

CHAIRPERSON BUNTING-SMITH: Second.

MS. DENKENSOHN: Aye.

CHAIRPERSON BUNTING-SMITH: I move that the application for the variance in Case 23-05 be denied. And do I have a second on that?

MS. DENKENSOHN: 22-05.

CHAIRPERSON BUNTING-SMITH: 23-05.

MR. BLAND: 22.

CHAIRPERSON BUNTING-SMITH: Oh, it's written 23.

MR. BLAND: It's 22-05.

CHAIRPERSON BUNTING-SMITH: Yes. Go change it. Okay. All right. 22-05 be denied.

MS. DENKENSOHN: I'll second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MR. BLAND: Aye.

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

MS. DENKENSOHN: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

And we are not the reading the findings because the findings are very lengthy. They're in excess of six pages. And that will be placed in the record as well as available to anyone who wishes to get that information from the secretary. Thank you.

* * * * *

CHAIRPERSON BUNTING-SMITH: And the next case we have on tonight's agenda is Case 22-15, Marian Woods, Incorporated. And they have also asked for an adjournment.

And is there anyone that wishes to move?

MS. KNECHT: Sure. I move that Case Number 22-15, Marian Woods, be adjourned to the meeting of July.

CHAIRPERSON BUNTING-SMITH: July 20th.

MS. KNECHT: July 20th.

MS. UEBERLE: I'll second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MR. BLAND: Aye.

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

MS. DENKENSOHN: Aye.

MS. MOSLEY: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

* * * * *

CHAIRPERSON BUNTING-SMITH: And the next case we have on tonight's agenda is Case 23-04, Dren Idrizi. And whereas the Greenburgh ZBA has reviewed the above-referenced application with regard to SEQRA compliance, and whereas the Greenburgh ZBA has determined that the application will not have a significant impact on the environment, now, therefore be it resolved that the subject application is a type-two action requiring no further SEQRA consideration.

MS. DENKENSOHN: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MR. BLAND: Aye.

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

MS. MOSLEY: Aye.

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

MS. UEBERLE: Yes, Madam Chair. I have a motion. I move that the application in Case Number 23-04 be granted provided that; the applicant obtain all necessary approvals and file same with the Building Department. Construction shall begin no later than 12 months after the granting of the last approval required for the issuance of a building permit and proceed diligently thereafter in conformity with the plans dated February 13th, 2023. And last revised April 4th, 20 --

MR. DUQUESNE: 2023.

MS. UEBERLE: Okay. Sorry. And revised April 4th, 2023, submitted in support of this application or as such plans may be hereafter modified by another approving Board or agency or officer of the town. Provided that such modification does not require a different or greater variance than what we are granting herein. The variances being granted are for the improvement shown on the plan submitted in support of this application only. Any future or additional construction that is not in conformity with the requirements of the zoning ordinance shall require variances, even if the construction conforms to the height setback or other variances we have approved herein.

MS. DENKENSOHN: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. UEBERLE: Aye.

MS. DENKENSOHN: Aye.

MS. KNECHT: Aye.

MS. MOSLEY: Aye.

CHAIRPERSON BUNTING-SMITH: And we are not doing those findings either. We will do all the findings in the record. The stenographer will take them down from what has been provided by the Board, however, we will move on so that we can get home to our homes this evening.

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CHAIRPERSON BUNTING-SMITH: And the next case we have on the agenda is Case 23-05, United Refrigeration. The matter is adjourned for all purposes to the meeting of May 10th -- May 18th. I'm sorry.

* * * * *

CHAIRPERSON BUNTING-SMITH: And the next case is Case 23-06, Dr. and Mrs. A. Rabadi. And that is also adjourned to the next meeting of the Board at May 19th.

MR. BLAND: 18th.

CHAIRPERSON BUNTING-SMITH: 18th. I'm sorry. I'm tired.

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CHAIRPERSON BUNTING-SMITH: And the next case we have on our agenda is Case 23-07, Raymour and Flanigan Furniture.

And whereas the Greenburgh ZBA has reviewed the above-referenced application with regard to SEQRA compliance, and whereas the Greenburgh ZBA has determined the application will not have a significant impact on the environment.

Now, therefore, be it resolved, that the subject application is a type-two action requiring no further SEQRA consideration.

MS. UEBERLE: Second.

MS. DENKENSOHN: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

MS. DENKENSOHN: Aye.

MS. MOSLEY: Aye.

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

MS. KNECHT: Yes. I move that the application in Case Number 23-07 be granted provided that the applicant obtain all necessary approvals and file same with the Building Department.

Construction shall begin no later than 12 months

after the granting of the last approval required for the issuance of a building permit and proceed diligently thereafter in conformity with the plans stamped received on March 15th, 2023, submitted in support of this application or as such plans may be hereafter modified by another approving Board or agency or officer of the town provided that such modification does not require a different or greater variance than what we are granting herein.

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

MS. DENKENSOHN: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. UEBERLE: Aye.

MR. BLAND: Aye.

MS. DENKENSOHN: Aye.

MS. MOSLEY: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

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CHAIRPERSON BUNTING-SMITH: Moving onto Case 23-08, Forty Mill Realty, LLC, and 10 Saw Mill Realty, LLC. They will be adjourned for all purposes to the meeting of May 18th.

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CHAIRPERSON BUNTING-SMITH: And the last case we have on tonight's agenda is Case 23-09, Padraig McGourty, 5 Hillcrest Avenue.

And whereas the Greenburgh ZBA has reviewed the above-referenced application with regard to SEQRA compliance, and whereas the Greenburgh ZBA has determined the application will not have a significant impact on the environment.

Now, therefore, be it resolved that the subject application is a type-two action requiring no further SEQRA consideration.

MR. DUQUESNE: Sorry, just to clarify.

CHAIRPERSON BUNTING-SMITH: Sorry.

MR. DUQUESNE: This is one where the Planning Board?

CHAIRPERSON BUNTING-SMITH: That's the Planning Board.

MR. DUQUESNE: For the record, the Planning Board in a coordinated review --

CHAIRPERSON BUNTING-SMITH: Please strike that, yes.

MR. DUQUESNE: Thank you.

CHAIRPERSON BUNTING-SMITH: That the Planning Board as part of a coordinated review, recommended --

MR. DUQUESNE: Rendered.

CHAIRPERSON BUNTING-SMITH: Rendered a negative declaration in the SEQRA review.

MS. DENKENSOHN: Second.

MR. DUQUESNE: No motion needed.

MS. DENKENSOHN: Okay. Good.

MR. DUQUESNE: You're free to move onto the decision.

CHAIRPERSON BUNTING-SMITH: Yes. And did we have?

MR. BLAND: Yes. Madam Chair, I have a motion. I move that the application in Case Number 23-09 be granted provided that, one, the applicant obtain all necessary approvals and file the same with the Building Department.

Two, construction will begin no later than 12 months after the granting of the approval required for the issuance of a building permit and proceed diligently thereafter in conformity with the plan. Dated stamp received March 15th, 2023, submitted in support of this application.

Or as such plans may hereafter modified by another approving Board or agency or officer of the town. Provided that such modifications does not require a different or greater variance than what we are granting herein.

Three, the variance being granted is for the improvements shown in 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 with the height, setback or other variances we have approved herein.

CHAIRPERSON BUNTING-SMITH: Thank you.

MS. DENKENSOHN: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MR. BLAND: Aye.

MS. KNECHT: Aye.

MS. UEBERLE: Aye.

MS. MOSLEY: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye. And with that, we can look forward to real spring.

(Recording stopped.)

(Whereupon, the ZBA meeting for April 20th, 2023, is adjourned to May 18th, 2023, at 7:00 p.m.)

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C E R T I F I C A T I O N

THIS IS TO CERTIFY THAT THE FOREGOING
IS A TRUE AND ACCURATE TRANSCRIPTION
OF THE ORIGINAL STENOGRAPHIC RECORD.

Michel A. DeMasi, Jr.

Official Court Reporter