

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,

TOWN OF GREENBURGH
ZONING BOARD

APRIL 18, 2023
7:00 p.m.

Greenburgh Town Hall
177 Hillside Avenue
Greenburgh, New York

BOARD MEMBERS:

Eve Bunting-Smith, Chairwoman
Louis Crichlow
Kristi Knecht
Diane Ueberle
Shauna Denkensohn

STAFF MEMBERS:

Edward Lieberman, Esq.
Deputy Town Attorney

Elizabeth Gerrity
Deputy Building Inspector

Garrett Duquesne, Commissioner
Community Development and Conservation

Kyra L. Jones
Secretary to the Zoning Board of Appeals

MICHAEL A. DeMASI, JR.
OFFICIAL COURT REPORTER

CHAIRPERSON BUNTING-SMITH: Good evening all. We are here for the Zoning Board of Appeals meeting for Thursday, May 18th, 2023.

We have seven cases that were on tonight's agenda, however, Case 23-05, United Refrigeration, has requested an adjournment to the June 15th meeting. And the next meeting of the Zoning Board in fact is indeed June 15th.

Please be aware that if you wish to speak tonight, you should come up to the microphone if you are in fact in the audience. If you are on the Zoom, we will make sure that we have you on the screen so you can be heard.

And in the event, please, if you are not an applicant and you are speaking, please spell your because we don't have a live stenographer here, but we need to keep a record of these proceedings in the event for possible future use for appeals or other purposes.

So, having said that --

MR. DUQUESNE: Madam Chair, can I just call roll?

CHAIRPERSON BUNTING-SMITH: Yes, you can.

MR. DUQUESNE: Thank you. Shauna Denkensohn?

MS. DENKENSOHN: Here.

MR. DUQUESNE: Diane Ueberle?

MS. UEBERLE: Here.

MR. DUQUESNE: Kristi Knecht?

MS. KNECHT: Here.

MR. DUQUESNE: Even Bunting-Smith?

CHAIRPERSON BUNTING-SMITH: Here.

MR. DUQUESNE: Louis Crichlow?

MR. CRICHLOW: Here.

MR. DUQUESNE: And, for the record, William Bland and Pauline Mosley are not present.

CHAIRPERSON BUNTING-SMITH: Thank you. I was about to say that if any of the other cases we are hearing has been -- if there's anything that you wish to present regarding those, please do not repeat what is already in the record.

And if anything is submitted in the record, it becomes part of the record. So you do not have to read it necessarily to us.

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Case No. ZBA 23-05: United Refrigeration, 420 Saw Mill River Road (P.O. Elmsford, N.Y.) - 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 121 spaces (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.

THE APPLICANT HAS REQUESTED AN ADJOURNMENT TO THE JUNE 15, 2023 MEETING.

CHAIRPERSON BUNTING-SMITH: And the first case we have on tonight's -- oh, let me ask you this: Is there anyone here who wished to have had the opportunity to give any information with respect to Case 23-05, United Refrigeration? Okay. Let's move forward.

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

The Applicant is requesting area variances from Section 285-38B of the Code of the Town of Greenburgh to increase the maximum driveway width from 30 ft. (Permitted) to 37 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 32.50% (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: The next case we have that is on our agenda is Case 23- 06, Dr. and Mrs. A. Rabadi.

MR. BARBUTI: Good evening, Madam Chairman, members of the Board, David Barbuti, architect, representing the owners of 23 Castle Walk. B-A-R-B-U-T-I.

We were here last month requesting four variances; impervious surface coverage, minimum -- maximum floor area ratio, maximum width of the driveway and distance from the side yard property line to the driveway.

We had correspondence back and conversations with

the Board last meeting. There was a way we can reduce some of them. I can go through those, Madam Chairman, if you'd like.

So one was considered scaling back the proposed driveway to reduce the variance sought. So we reduced the circular driveway size. Has been reduced to 37 feet. Reducing it by 6.18 feet as depicted on my SP1 drawing, drawing SP4, the proposed sight lot calculations indicate the reduced size.

I also have a dash line indicating where the proposed circular driveway is versus where the original driveway was or existing.

By decreasing the size of the circular driveway, we also reduced the impervious coverage for a variance request of 32.5 feet. All the tables have been clarified and revised.

Second was six feet back from the neighbors directly impacted. I submitted, for the record, via e-mail, neighbors at the left and the right of the Rabadi's property indicating support of the proposed work.

Lastly, the last comment, number three, was provide a markup plan that clearly indicates the dimension to be legalized.

So, once again, the dimension to be legalized is an existing driveway to an existing side yard property line.

This was part of the original building construction. The access off of the cul-de-sac into the property is 29 feet.

So any place they place -- anywhere they place that driveway, it would have required a variance of 94 when it was originally constructed. It was missed; we're trying to legalize it at this point.

If the Board has any questions, I'll be more than happy to answer them.

CHAIRPERSON BUNTING-SMITH: Anyone?

MS. KNECHT: Will you be using any permeable pavers in this or are you planning on repaving the whole --

MR. BARBUTI: So we really didn't discuss materials at this point. I think we would keep the blacktop pavement off the road and I would presume that we would come up with some sort of a design in Belgium Block around the circular area.

It will have joints in it. It's not a hundred percent pervious, but it will have some joints in it.

MS. KNECHT: And the middle, the middle, the center, I noticed that got smaller. So what's --

MR. BARBUTI: Originally we had a planting area in the middle which was a circle inside the circle. That has been eliminated. Right now the box that I show is a drain for drainage.

MR. CRICHLLOW: Can you bring that a little closer?

Because I can't quite make out from here.

MR. BARBUTI: Sure.

So original driveway was basically this -- I'm going to use a pen. It's easier.

So the original driveway came in off the street, came this way. Was rectangled off to the garage, came back around, made a circle -- part of a curve and it went back out.

We're going to maintain the existing driveway coming into the property, thus holding that 1.4 not getting any closer, starting a curve, then start a circular driveway.

And the reason really for the circular driveway is just maneuverability to get out instead of backing down the driveway.

MR. CRICHLLOW: Okay.

MR. BARBUTI: Okay?

MR. CRICHLLOW: Yep.

MR. BARBUTI: Any other questions?

CHAIRPERSON BUNTING-SMITH: Can everyone see that?

MS. UEBERLE: Could you hold up the original proposal? Do you have that? Or -- I probably could find it.

MR. DUQUESNE: We have that displayed on the screen. If you're on the Board and you're not speaking into

the mic, make sure your mics are off. If you intend to speak to be on the record, make sure your mic is on.

MS. UEBERLE: My microphone was off. This is Diane Ueberle. And I had asked to see the original proposal which we found and we have up on the screen now. Thank you.

MR. DUQUESNE: Just for the record, there's no legalization aspect of the original driveway. Ultimately, this is a flag lot. So the driveway, inherently, has to be within the side yard setback. The side yard setback actually starts at the front yard line.

Therefore, the original driveway was conforming and that aspect does not need to be legalized. So they're requesting the three variances that are in the updated ZBA determination letter.

MS. DENKENSOHN: Just to make sure I understand: The reason you're enlarging the driveway is for the ease of turning around?

MR. BARBUTI: Right. It's -- so trying to back an SUV out of the garage to -- you'd be backing down the driveway.

So one of the reasons is they would like to get a little bit more space there so they could actually back out, maneuver a little bit just to get it out so they can pull forward.

CHAIRPERSON BUNTING-SMITH: Any other questions

from the Board? Any comments from the audience?

We're looking to see if there's anyone out in the community. No one. Okay.

Anything else you wish to add, sir?

MR. BARBUTI: No.

CHAIRPERSON BUNTING-SMITH: Thank you.

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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, N.Y.) - 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 285-32A(3)(b) to reduce the minimum distance of a storage unit to the north 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); from Section 285-38H(2) to reduce the rear landscape buffer from 10 ft. (Required) to 0 ft. (Proposed); and from Section 285-38H(2) to reduce the north 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 the next case on tonight's agenda is Case 23-08, Forty Mill Realty and Ten Saw Mill Realty.

MS. FEINMAN: Good evening, Chairperson and members of the Board. Can you hear me?

CHAIRPERSON BUNTING-SMITH: Yes.

MS. ROBERTS FEINMAN: Okay. Great. My name is Kate Roberts Feinman, spelt, F-E-I-N-M-A-N, here from Zarin and Steinmetz on behalf of the owners of the property.

With me is also, Joe Cermele, of Kellard Sessions,

the project engineer.

We were before your Board last month where we discussed the requested variances which are necessary to enable the applicant to continue its existing business on the property while improving overall functionality and circulation.

As a refresher, the business started out at 30-40 Saw Mill River Road. In 2021, your Board granted variances when the owner required 50 Saw Mill River Road.

And then since 2021, the applicant has required two adjacent properties which now require the revisions to the variances previously granted.

During the meeting last month, your Board had questioned whether certain screening variances were required -- from 2021 that were required are required in consideration of the plan which prompted a call with town staff and communication with the Building Department to confirm all the variances that would be required.

Upon further review, the building inspector issued a new variance determination confirming that one additional -- that no screening variances were required, but he did identify that two additional variances were required for the plan, which I identified in the chart in our submission earlier this month.

So we now require an additional two variances.

First, the distance from the storage to the north lot line and the landscape buffer in the north. So for both of those, we're requesting a zero-foot setback.

During deliberations at last month's meeting, your Board adjourned and issued a correspondence requesting additional information, including site plan drawings with colored shading delineating certain features and superimposing the proposed modifications on the existing plan.

I'm going to turn it over to Joe Cermele to go through these plans and then we're happy to answer any additional questions your about Board may have for us.

CHAIRPERSON BUNTING-SMITH: Thank you.

MS. ROBERTS FEINMAN: Thank you.

MR. CERMELE: Joe Cermele from Kellard Sessions Consulting. We are the --

CHAIRPERSON BUNTING-SMITH: Could you spell that for the stenographer, please.

MR. CERMELE: My last name?

CHAIRPERSON BUNTING-SMITH: Well, that --

MR. CERMELE: Or the company?

CHAIRPERSON BUNTING-SMITH: And the consulting.

MR. CERMELE: C-E-R-M-E-L-E and Kellard is, K-E-L-L-A-R-D, Sessions, S-E-S-S-I-O-N-S --

CHAIRPERSON BUNTING-SMITH: Thank you.

MR. CERMELE: -- Consulting.

We're the civil engineers representing the applicant. And as Kate just mentioned, I'll walk you through this. This plan that we prepared.

There were some questions as to what the various areas of the property would be used for. I'll start with the areas shaded in green, which are predominantly along the rear of the property are the existing vegetated areas that are proposed to remain as such.

And it's essentially the -- if you're familiar with the site, the rear of the property has a steeply sloping grade to the residential properties up above and that's largely just an existing water hillside that would remain.

The areas shaded in that orange color are what we are proposing to use for our outdoor storage and display areas. We're limiting the height to six feet, which is what negated the need for the prior screening variances.

So you'll see from the figure there, again, largely along the front perimeter, along the front property line and the central, northern and southern sections of the rear of the site.

The idea being -- with the purchase of these additional properties, the idea here is to lay out the stored materials in a way that promotes internal access through the site and the ease of accessibility for both the

owner and the end user, the purchasers.

So am we maintained a, basically a 24-foot wide access road through the side from north to south. And then using the -- it's a very long, linear, narrow site.

So maintaining that clear road through the site enables us to then use the front rear sections of the property for storage of various materials; whether it be pavers or stone or, you know, other items that he sells in his business.

The two areas shaded in yellow are for bulk storage of materials, such as sand, gravel, you know, it's loose materials that are typically purchased for the installation of those products, pavers and stone. So those are maintained in storage bins on the site in those areas.

The areas shaded in that purple color at the north end around the retail building are for the proposed parking spaces for the customer.

Someone like you or I pulling in a standard vehicle would access the retail store from that north entrance, park in those spaces, do your shopping, pick your materials, meet with a consultant, salesman, so on, and then eventually leave the site.

What tends to happen on occasion is once you've made that selection, you want to go see a sample at maybe a later date or compare some samples, there are materials

stored at the southern end of the site. So that same customer may, if they choose, park at the southern end.

And, again, those spaces shaded in purple and that's where they can walk that area of the site with the salesperson and visually inspect, you know, live samples and hold the stone and get to see the color variations and whatnot in various materials. That is essentially the bulk of the predominant uses for the site.

Again, it's all about maintaining internal connection. With the addition of these two properties, it's -- it will greatly enhance the accessibility for the owner, as well as, again, the customer experience at the site.

I can show you -- unless you have any questions on this, I'll show you -- you asked for a comparison plan of what your Board previously granted variances for versus what we're seeking now.

So if you'd like, I can pull that plan up.

CHAIRPERSON BUNTING-SMITH: Yes.

MR. CERMELE: And this plan focusses only on the original northern parcel. Obviously, the other two aren't in play at the time.

So this plan that you see here is our current proposal that you have in front of you tonight. And this is an overlay of what was previously approved and variances were granted for.

And you'll see that the plan is largely the same as what you had seen with some very minor exceptions. I'll walk you through them now.

All of the -- existing retail building, obviously, stays as is. There were and still are parking spaces proposed on the north side of that building, spaces one, two and three.

There were some minor modifications in the parking. Spaces number four and five are our current proposal for ADA accessibility and space number four and an additional parking space in number five.

The prior plan had six parking spaces along that where the storage bins are shown now in the area just to the north, opposite the entry drive.

So in lieu of the -- we modified the parking spaces slightly, replaced them with some additional sorting bins. And then we've added spaces at the southern parcel that we've recently acquired. So that's probably the most significant change, if you will, between the two plans.

You'll notice the fencing to the south of the northern drive, we did move it further out closer towards the property line. Still on site, but we did shift it a couple of feet from where it was originally proposed.

The prior plan, if you can see that straight fence line that runs just below that hatched storage area, that

was what was previously approved. We have since moved that fence line to the property line just to gain some additional space in the property. Helps us with the storage of materials, helps us with the internal access.

And then the final change is the proposed storage building at the rear of the accessory -- the existing accessory building. That was previously proposed to be an outdoor storage and display area.

We've since done away with that idea and we are proposing a small temporary storage building behind there to enclose that area and keep the materials inside. Those types of materials are typically sand, cement, mortar, things that need to stay out of the weather. They're, you know, in bags and pallets and we would like to store them inside the building.

So that -- those are the extents of the changes from the prior plan to what you have before you tonight. If you have any questions on either of them, I'd be happy to answer them.

CHAIRPERSON BUNTING-SMITH: On the first plan you show, on the south end, what looks like the roadway, you have five boxes.

MR. CERMELE: Yes.

MS. DENKENSOHN: What are they?

MR. CERMELE: That was just an illustration to show

that we have available space on site for overnight parking of the construction vehicles that are associated with the business.

So on a typical day, the employees come to the site, they would get in those trucks and they're making deliveries or going to job sites. And at the end of the day, we just wanted to show that we have the ability to park them on site.

MS. KNECHT: The screening of the storage that those four variances that are no longer required, the six-foot-height screening, is that because you're putting a fence up?

MR. CERMELE: We have fences currently. We're limiting our display and storage areas to no more than six feet. Previously we, I believe -- I wasn't involved in the original application and, Kate, maybe you can speak better to it, but my understanding was we weren't at the time -- or the owner at the time was limiting the height at which he was going to stockpile or store materials. We've agreed to maintain a six-foot height.

MS. ROBERTS FEINMAN: Yeah. I believe this requirement is if your storage is over six feet, there are specific screening requirements, but now that we're maintaining the six feet, those were no longer necessary per the building inspector.

MS. UEBERLE: I have a question on employee parking: So you have at least five people coming in and going out in trucks during the day and other people who work at the facility. Where are they parking their cars?

MR. CERMELE: They have another yard right down the street. So what they currently do is carpool their employees.

They all start their day down the road at the -- they have another -- their main office and another yard there with equipment, vehicles. They start their day there and then make their way to this site. So they're not parking their vehicles at this property.

CHAIRPERSON BUNTING-SMITH: Any other questions from the Board? Any questions from the audience? Apparently not. All right.

MR. CERMELE: Thank you.

CHAIRPERSON BUNTING-SMITH: Thank you.

MS. ROBERTS FEINMAN: Thank you.

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Case No. ZBA 23-10: Jarrad Linzie, 248 Fort Hill Road (P.O. Scarsdale, N.Y.) - Area Variances.

The Applicant is requesting area variances from Section 285-12B(3)(d) of the Code of the Town of Greenburgh to increase the maximum impervious surface coverage from 29% (permitted) to 34.64% (proposed); and from Section 285-36(G)(2) to change the location of an accessory pool from the rear yard (required) to a side yard (proposed), in order to install an in ground pool, add a patio and widen an existing driveway 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: 8.520-356-8.

CHAIRPERSON BUNTING-SMITH: And the first new case on tonight's agenda is Case 23-10, Jarrad Linzie.

MR. LINZIE: Hello, everyone.

CHAIRPERSON BUNTING-SMITH: Hello.

MR. LINZIE: I am hoping that this is going to be an easy one. So for me I am looking to get two variances, two area variances. One is the position of my pool and the second one would be impervious coverage.

To touch on the pool, the original plans for the pool were basically, from what I've understood or instructed by my pool installer, he's basically mentioned the original design sits underneath the trees. And what it would cause is issues around the trees that's on the edge of the

property line in terms of roots.

So what I'm asking is to effectively rotate the pool 90 degrees. So now the pool doesn't sit behind the house, it sits partly on the side of the house, effectively.

And then also it allows me to actually use all sides of my poll, because, one, it's closer to the rock wall of my property line. And then, lastly, it's really around efficiency.

Having the pool underneath the trees, you know, takes away the sun, it's going to be more maintenance, you know, due to tree fall, et cetera.

The second variance I'm asking for is due to impervious -- I have a flag lot that I purchased in June 2020. My driveway is 185 feet long.

The impervious -- effectively what that is is that the driveway is roughly 15 percent of my overall lot. And the driveway also takes up about 60 percent of my overall impervious coverage allowance.

And all I want to do on the driveway is basically instead of having a ten-foot driveway and, again, going back to the history of this, you know, the driveway itself is only 15 feet wide.

I need a variance because the allowance or the rules say that it needed to be 25 feet wide. I got a variance for that, but this time around I would like to

build a 12-foot wide driveway, you know, leaving a little bit of edging on the sides, but it's also around safety for the most part.

We have a propane tank where we have deliveries and having big trucks come in, it's actually pretty dangerous if I don't have something that's a little bit wider and also for visitors at the same time.

Now, I do want to address a couple of the questions that my neighbor asked and my neighbor is here as well. You know, one was around the fencing around the pool, which is all in the plans, but it's basically going to be a 54-inch high aluminum gate. And it's going to have the correct safety features, you know, approved by the -- by New York State.

And then in regards to impervious, I'm asking for a coverage of 34.6 percent. Speaking to my engineer, he's basically mentioned that due to all the CULTEC and drainage I have, I have enough CULTEC and drainage on my property for 35 percent.

So not only does he feel that it's okay, the engineering team for the Town of Greenburgh also approved it. So they believe that I have the proper drainage for the impervious exception.

And then the last bit is, you know, his question was around, you know, am I extending onto his property from

the driveway perspective. My driveway is 15 feet wide. I'm asking to build a blacktop of 12-feet wide so I do have a foot-and-a-half on either side.

So there shouldn't be any issues in regards to his questions. And I'm hoping that I answer those, but I'm happy to answer any other questions and answer questions from you too, Charlie.

MS. DENKENSOHN: Currently is this driveway paved?

MR. LINZIE: It is not.

MS. DENKENSOHN: And why are you choosing impervious covering?

MR. LINZIE: Well, cost is one. I mean, I'm lucky that I was able to actually finish my house, because due to -- I thought I bought at the right time, but, you know, the cost of building a home with all, you know, with materials being three, four, five times the amount.

So cost is one issue, to be quite honest. We want to make sure that it's maintenance free at the same time and, you know, I'll give you an idea of having pavers through the entire driveway, and, again, my driveway is 185-feet long. Or having pavers -- the costs that we've actually been quoted is about \$80,000.

If I just do a blacktop, it's more like \$30,000; right? So cost is a big factor to that. And, look, the reality is I've been living in the construction zone for --

or a construction site since August of last year. I get a lot of people just coming onto my property looking. You know, I work from home four days a week, four out of the five days a week.

And, you know, I would just finally like to finish it. You know, but it is due to costs.

MS. DENKENSOHN: Did you look at any --

MR. LINZIE: Yes.

MS. DENKENSOHN: -- combinations thereof.

MR. LINZIE: Yeah. So what I did look at, and, again, this is another cost issue. So what I did look at is having blacktop up the driveway, but as I -- as we turned into to make a right after the fence to have pavers there to decrease the amount, that was still -- I just got -- I just received a quote a week ago for \$65,000.

All right. So it is, you know, it's more about costs and, you know, hence, why I'm looking at trying to get some type of impervious exception. And, again, it's really because my driveway is so long. 185-feet long due to the flag lot that I actually have.

MS. UEBERLE: Have you looked at narrowing the driveway from 12 feet? You said that you needed trucks to go in and out of the driveway.

MR. LINZIE: Correct. Correct. I mean, so if you look at your traditional FedEx or UPS box truck, you know,

those are typically, at the very least, ten feet wide, but I also have propane deliveries, because I have a propane tank due to ConEd not willing to actually run pipes through -- to my home because it was actually too far from the road.

So I need to have deliveries and I need to be able to have trucks actually come in and out of there. And it becomes a bit more dangerous when it's only ten-feet wide as opposed to a 12-foot wide surface.

MR. CRICHLLOW: And have you considered keeping the driveway as a gravel driveway?

MR. LINZIE: It's not gravel. It's dirt right now. And it's unfinished. And the reason why there's no driveway is because I need to -- the trucks that are going to come in to lift the pool and put it in the ground would destroy any of the driveway; right?

So I did receive an exception by the Town of Greenburgh to actually wait until the pool was actually in the ground and then finish everything out.

So as of now, I have a temporary CO, but I'm waiting for the pool to get installed to actually finalize everything else.

MR. CRICHLLOW: So would the cost of gravel be more or less expensive than blacktop?

MR. LINZIE: The cost of gravel is obviously less than blacktop. It's definitely less than blacktop, however,

with that being said, I mean, it then -- you know, it's -- there's more maintenance with gravel at the same time; right?

You know, like if I'm trying to, as an example, I need to take my trash all the way from my house all the way to the front; right? You know, and doing that through gravel then I will have to rake it every single time.

I mean, that in itself -- it's just more maintenance; right? I work a lot of hours. I prefer to have something that's a bit maintenance-free, hence, why I also purchased a fiberglass pool, as opposed to having a Gunitite pool built, because I prefer to spend my time with my family as opposed to maintaining the property itself, to be quite honest.

MR. CRICHLLOW: Okay.

MS. DENKENSOHN: And just for your information --

MR. LINZIE: Yes.

MS. DENKENSOHN: -- the average lane of traffic is ten-feet wide.

MR. LINZIE: Ten -- but then when you need to make the turn into the --

MS. DENKENSOHN: No. You just said you need 12 feet because the trucks are ten-feet-wide. The trucks are not ten-feet-wide. The average lane of traffic is ten-feet wide. The vehicles are smaller than that. Just

FYI.

MR. LINZIE: Okay. Okay.

CHAIRPERSON BUNTING-SMITH: Was that something that your engineer suggested or you thought yourself based upon some experience you've had?

MR. LINZIE: So my -- due to, you know, the traffic coming in and that turn, my engineer suggested that as well as my contractor to see if we can actually get something a little bit wider.

And not only that, but look, it's a safety type of thing; right, more than anything. I mean, if it was -- if ten-feet-wide was enough, then I wouldn't mind doing ten-feet-wide, but I would prefer to be a little bit safe than sorry. And asking for the extra two feet, you know, of width, I didn't think it would be a big deal.

CHAIRPERSON BUNTING-SMITH: I guess the question is: Because the driveway is so long, does it have to be that expansive throughout or could the turn be accommodated by making only a portion of it wider?

MR. LINZIE: A portion of the driveway wider?

CHAIRPERSON BUNTING-SMITH: You talk about the curve and getting in.

MR. LINZIE: I don't really know to be quite honest. I'm not going to sit here and say I'm an engineer. I work in finance, but, yeah, this was instructed or at

least I consulted with my engineer. My engineer made the drawings as of, you know, of course. And he thought that this would be the ideal thing to do to get a variance, but if you're instructing me to --

CHAIRPERSON BUNTING-SMITH: No, I'm asking. I'm not instructing you. I'm just saying that I understand you -- what you've expressed on the record is the turn. And I can understand perhaps a turn needing to have some adjustment, but when one of our members here says that the average lane is ten feet, once you maneuver a turn and you have a wider stance, once you get on a lane, what is the safety concern specifically that could happen if the driver is driving down a 10-foot lane?

MR. LINZIE: The safety concern is, you know, like I said, is the turn; right? Because it doesn't widen out until you make that turn effectively; right? So that is the safety concern.

CHAIRPERSON BUNTING-SMITH: So that goes back to my question of: If we can accommodate that area, would that suffice?

MR. LINZIE: Meaning, making the turn a little bit wider?

CHAIRPERSON BUNTING-SMITH: Correct.

MR. LINZIE: If you make the turn a little bit wider --

CHAIRPERSON BUNTING-SMITH: I mean, you don't necessarily have to answer this yourself.

MR. LINZIE: Yeah, but I need to actually get this done; right? You know, so that's where it really boils down to. As I mentioned, it's been since August that I've lived in this kind of, you know, area.

CHAIRPERSON BUNTING-SMITH: But we've only seen you tonight.

MR. LINZIE: That is correct, because, you know, there's been a lot of back and forth with my engineer to actually get these plans done. There's been a lot with, you know, my pool as well; right?

You know, and going back and forth with the town. Which the town has been great, you know, but, you know, it's now May and I thought --

CHAIRPERSON BUNTING-SMITH: Let me ask you something.

MR. LINZIE: Sure.

CHAIRPERSON BUNTING-SMITH: Do you think you might be able to reach anyone tonight?

MR. LINZIE: Reach -- probably not.

CHAIRPERSON BUNTING-SMITH: Okay. I'm just asking.

MR. LINZIE: But is the -- so I started to ask a question. Is the question, I mean --

THE COURT: You're trying to answer it. I'm just

trying to give you a possibility that would allow you to do that. That's all.

MR. LINZIE: Allow me to do what exactly? I'm sorry.

CHAIRPERSON BUNTING-SMITH: Make a decision with regard to that issue or not.

MR. LINZIE: Yeah. The only thing, I mean, I would see is that it gets closer to the CULTEC, but, I mean, if it's an extra two feet, I don't see if it's going to be a big issue, but, I mean, it feels like there's more question around the impervious than anything. I mean, is there -- should I just do gravel? Is that what it is that you guys are asking me to do?

CHAIRPERSON BUNTING-SMITH: No. No. Not at all. I wouldn't do gravel for that length because --

MR. LINZIE: Yeah. Exactly. That's the point. And I agree.

MS. UEBERLE: I think for us, at least for me, speaking for myself, because you're saying it's a safety issue and that's why you need 12 feet, and it's ten feet, okay. We're not seeing the safety issue because trucks, the average width of a truck is like seven feet -- are below seven feet. The average width of a car is like --

MR. LINZIE: Are you talking about the wheel base or are you talking about the box?

MS. UEBERLE: The whole thing. It's like -- so you haven't come in -- streets are like as my colleague said are ten-feet-wide which trucks go down all the time. So we're just -- for me --

MR. LINZIE: But they don't make turns; right? That's the thing. Turning into the land, into the property, you know, is also difficult; right, from the street.

MS. UEBERLE: We understand that. That's what we're trying to say. So if we gave a variance to have it wider when you're turning in or wider when you're going around the corner, because there is turnaround space like by the garage, like we're trying to work with you.

MR. LINZIE: Okay.

MS. UEBERLE: We don't understand, at least I don't. I'll speak for myself, why there's a safety issue.

CHAIRPERSON BUNTING-SMITH: Other than at those two points.

MS. UEBERLE: Yes.

MR. LINZIE: Okay. So, you know what, I will be happy to make it ten feet wide and then extend it on the other side then if that's the case.

MR. DUQUESNE: What I would suggest is let's see if there's anyone that would like to speak tonight. Ultimately in the gentleman wishes to come up with an alternative, we would need to see that quantified to see whether or not the

variance goes away.

So I do think it makes sense to hear from the public, you know, mindful of you getting all your questions in first, if you have more. And then take it from there.

CHAIRPERSON BUNTING-SMITH: Well, I think I pinpointed my concern.

MS. DENKENSOHN: I have one other questions. And it covers from the photo of the neighbor's house and yours. And that's the only one I see, but part of what we need to consider is does it fit with the character of the neighborhood. And on the plan it looks like --

MR. LINZIE: When you say --

MS. DENKENSOHN: -- there are a lot of spaces on here that things are very close to the neighbors on at least two sides. And I'm trying to see; do your neighbors have more open space than just -- where you're putting the pool, it looks like that whole side of the house is now going to be filled with things. It's going to be very full.

MR. LINZIE: So -- so the pool is being --

MS. DENKENSOHN: I'm sorry. And then the other side where -- I don't know if that's your front porch -- is pretty much all being paved. Not the pool. I mean, the front door. I think that's your front door.

MR. LINZIE: The front -- where? Which -- which -- so -- it's not on here.

MS. DENKENSOHN: Okay. If you're looking -- if you're coming up the driveway. This side here.

MR. LINZIE: That's my front door. And those are my three garage doors.

MS. DENKENSOHN: Right.

MR. LINZIE: So that needs to be paved. Right? No?

MS. DENKENSOHN: I'm just asking and what I'm trying to say is there aren't any photos of your neighbors' homes. So I'm trying to see, does this match the character of the neighborhood? That's one of the criteria that we look at.

MR. LINZIE: Right. So --

MS. DENKENSOHN: And with you having so much paving, I'm curious, there's many times when people come before us for something like this, we have pictures the neighbors' homes.

MR. LINZIE: Okay.

MS. DENKENSOHN: And what their areas look like to answer that character of the neighborhood question.

MR. LINZIE: Yeah. So my home is a brand new home. It's a Tudor home or modern Tudor home. In terms of character, someone's actually just copied my home maybe two minutes down the same road.

So I would think that -- and not only that, there's

plenty of people that come down my driveway to actually see my home. So I would think that in terms of character, my home does fit within the town of, you know, Edgemont/Scarsdale which -- however you want to call it.

And then the pool itself, in terms of the location of the pool, it's still far enough from the setback where it was originally. So there's still 15 feet from the property line of where the pool was going to go and I think the requirement is ten feet.

So the pool is not just serving any of my neighbors' land and the plan is once the pool is in, to also finish my landscaping as well as the driveway and then, you know, finally finalize the entire piece of the property.

But, like I said, the pool is where in terms of regulation and the property line, it's well within the limits of the property line itself.

Yes, my neighbor has a lot of open space on his side of the land, but I'm just really looking at my side and making sure that we adhere to all the property line setbacks effectively.

And we're away from the rocks in the right amount. We're away from my home at the right amount and away from the property line at the right amount as well.

CHAIRPERSON BUNTING-SMITH: In line with that, was there any discussion between you and your neighbor or any

thought given to perhaps any type of screening where the pool is?

I realize that you're within the proper setback, but sometimes people do like things to have a little more privacy.

MR. LINZIE: Screening, like a fence?

CHAIRPERSON BUNTING-SMITH: No. No. No. It could be a fence, it could be vegetation.

MR. LINZIE: Oh. And so -- so that is another thing; right? So based on my landscape and architect, all right, I meant to have more trees around the property that will provide a bit more privacy at the same time, but I can't do that until the pool is actually inserted.

CHAIRPERSON BUNTING-SMITH: And that's why I was asking.

MR. LINZIE: Yes.

CHAIRPERSON BUNTING-SMITH: Is that something that you contemplate doing?

MR. LINZIE: Oh, yes. And my wife wants it as well. There's no doubt about that. So, yeah. We plan to have a fence. In addition to the fence, definitely we're looking to plant 22 more trees, you know, that will provide screening, not only on the backside, but on the side of the house as well.

CHAIRPERSON BUNTING-SMITH: When you say, 22 more,

that's not on the current plan?

MR. LINZIE: No. They're all on the plan. So the plan, basically we've already planted half of the trees that's on the plan. We did not plant any of the trees on the pool side because, again, the pool needs to be in place before we actually plant the trees, but there's 22 more trees actually coming.

CHAIRPERSON BUNTING-SMITH: Okay.

MR. DUQUESNE: So which one? I just want to see which --

MS. DENKENSOHN: Okay.

MR. DUQUESNE: Okay.

MS. UEBERLE: So are those the trees that you're speaking of that you planted?

MR. LINZIE: No. No. No. No. Those are his trees. Those are his trees. So I'm going to have -- I don't know the exact name of the trees, because I just have to follow whatever the architect actually put in place, but I'm going to have trees also alongside on my property line.

So that's directly on his property line or maybe a foot off of the property line, but I'm also going to have trees along that line as well.

CHAIRPERSON BUNTING-SMITH: What height, if you know.

MR. LINZIE: So some of them -- some of them are --

it ranges from seven to ten, if I'm not mistaken.

CHAIRPERSON BUNTING-SMITH: Okay. And when you say, trees, do you mean deciduous trees or nondeciduous?

MR. LINZIE: I don't understand what that actually --

MR. DUQUESNE: Evergreens or Non-evergreens?

MR. LINZIE: Oh. Some of them are going to be Evergreens. Yeah. Some of them are going to be Evergreens. So there's some Arborvitaes, et cetera, but, again, you know, when the architect actually made up the plans, there was some oxygen code or level that we had to adhere to when we knocked down the number of trees for the land itself.

So all I would be doing is -- what my contractor would be bringing in the trees that would actually adhere to the plans that already exist and that have been approved.

So nothing more than that. There's no adjustments. You know, maybe my wife wants more bushes around somewhere, but other than that, there's going to be nothing addition.

MR. DUQUESNE: And just for the record, the plans that Mr. Linzie's referring to, when he developed the home, he required to get a tree removal permit.

And as part of that tree permit, there is a requirement for the trees that were removed to do replacement trees. So that is on a plan. It doesn't happen to be on this plan, but, indeed, the gentleman intends to

continue on and adhere to the permit that he received.

MR. LINZIE: Yes.

CHAIRPERSON BUNTING-SMITH: Thank you.

MR. LINZIE: So there's -- just to kind of illustrate a little bit. So there's already been trees planted on the backside of the house and on the left side of the home.

All around there there's trees that's been planted, and, again, there's 22 new trees that has been planted. Now we just need to finish it from the other side of the house all the way around to the pool side as well.

CHAIRPERSON BUNTING-SMITH: Any other questions from the Board? Do we have anyone in the audience who wants to address this matter? Come on up, sir.

MR. VAN NESS: I'm Charles Van Ness. I own 250 Fort Hill Road. The house right next door that I do see in the picture there.

Look, I'm not opposed to his pool at all. I would just like to make sure we do have some screening so that we're not -- our driveway -- the way it would line up so close, we don't want to be looking into his pool, which is my concern really.

Since Jarrad has said that the Town already approved the CULTEC of the water runoff, then I'm fine with that also as long as that takes care of that.

That was really all my concerns was or my letter to you guys, but me, personally, I'm not opposed to him having a pool.

CHAIRPERSON BUNTING-SMITH: So I assume you two can get together when he does put the screening in.

MR. LINZIE: There's no hard feelings or anything. I mean, we're neighbors and we're, I plan -- my daughter's in kindergarten, my son is turning one next week.

So I plan to be here for a very long time; right? You know, and he's just moved in recently as well. So like we're so new to the Town of Edgemont.

MR. DUQUESNE: Greenburgh, sir.

MR. LINZIE: Oh, sorry. Sorry.

MR. DUQUESNE: Welcome to Greenburgh.

CHAIRPERSON BUNTING-SMITH: Don't go Town of Edgemont yet.

MR. LINZIE: Okay.

MR. CRICHLLOW: So, excuse me, your house is the one in the lower right, almost lower right corner?

MR. VAN NESS: The picture I'm looking at, the left of his line. That one right there.

MR. CRICHLLOW: Okay. So you're not the one who has a pool?

MR. VAN NESS: No.

MR. CRICHLLOW: Which is the one behind your house?

MR. VAN NESS: Right. The one in front and one behind the house. And the house in front of Jarrad's has a pool also. Yeah. And there's another one behind.

MR. CRICHLLOW: And I do see some foliage on the back of your rear neighbor's property to screen his pool.

MR. LINZIE: Oh, he doesn't have a screen yet, but, I mean, look there's two homes there actually on that property. So this is probably an older picture, but, again, I mean, we will have trees around the pool. There's no doubt about it.

CHAIRPERSON BUNTING-SMITH: Anyone else? Going once, going twice.

MR. LINZIE: Thanks for your time.

CHAIRPERSON BUNTING-SMITH: Thank you.

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Case No. ZBA 23-11: Kevin Kruk, 955 Knollwood Road (P.O. White Plains, N.Y.) - 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 setback from a driveway to a side property line from 16 ft. (Permitted) to 8 ft. (Proposed), and from 285-38B to increase the maximum driveway width from 30 ft. (Permitted) to 37.50 ft. (Proposed) in order to pave a gravel driveway 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: 7.200-94-40.

CHAIRPERSON BUNTING-SMITH: And the next case on tonight's agenda is Case 23-11, Kevin Kruk.

MR. KRUK: Hello. My name is Kevin. I'm the homeowner of 955 Knollwood Road. Good evening, members of the Board.

The reason I'm here today is to request a variance on my driveway making it wider before paving with asphalt. Simply put, this would allow it to be safer for my kids when parking furthest from the road.

Also maneuvering from our home outs to the busy Knollwood Road. As my family grows we require a second car making it three vehicles; two personal one company vehicle.

We often run into a scenario where I have to go out into the road to back out my guest's car because it's a busy

road and there's not much space to maneuver when there's three or more cars.

The other issue I have is if I do park closest to the road, the car gets hit with debris, pebbles and garbage that people toss out of their window of the cars.

So, therefore, I want to expand closer to the driveway to stay as furthest from the road as possible, especially when my wife is unloading the car with my two little kids.

They tend to run off and we're always afraid that they're going to run towards the road. Also -- I have my neighbor here also. His name is Anthony Carluccio. He lives next door at 945.

Currently he has hedges for screening, so, therefore, that a little bit of expansion won't really effect his view or his privacy.

So, basically, that's what I'm here for.

CHAIRPERSON BUNTING-SMITH: You mentioned three vehicles.

MR. KRUK: Yeah. Right now we have my company's vehicle and my personal vehicle. Soon my wife, when my oldest daughter is going back to school, I mean, she's going to start kindergarten, my wife is going to go back to work. Therefore, we're going to have to get a second vehicle for me to get around.

CHAIRPERSON BUNTING-SMITH: When you say, my company vehicle, what do you mean?

MR. KRUK: The company that I work for.

CHAIRPERSON BUNTING-SMITH: Oh. I was wondering if you have the company in the home. That's all.

MR. KRUK: No. No. The company I work for. Sorry.

MS. DENKENSOHN: Can I ask: In the current parking area, how many cars fit in there; two or three?

MR. KRUK: The offset or the driveway?

MS. DENKENSOHN: The offset.

MR. KRUK: Just two.

MS. DENKENSOHN: Okay. So there are two cars that fit in that and then two cars in the garage.

MR. KRUK: We pull up to the garage. My wife always pulls up to the front of the garage to unload with the kids.

Because, like I said, when the kids get out, they tend to run around the driveway, so she never parks in that offset.

I only park my van there which sometimes make it difficult for her to make a u-turn in the garage and come out forwards into Knollwood Road.

CHAIRPERSON BUNTING-SMITH: Garrett, do you have any knowledge of whether or not there is any limitations

with regard to a business vehicle in a residential area being parked in the open?

MR. DUQUESNE: I believe Elizabeth Gerrity is on from the Building Department. Liz, do you have a response to that and whether or not a small vehicle van associated with a business is permitted to be parked at this location?

MS. GERRITY: As long as it doesn't have commercial plates, writing, is not identified as a commercial vehicle, it can be parked on a residential property without screening. If it does have writing or commercial plates, it has to be screened from view.

MR. KRUK: Which -- and because I'm the only one working right now, so financially -- eventually I want to put screening. It just takes time right now. Priorities is fixing up the driveway.

The gravel is making it real difficult, creating sink holes when it rains. But, again, eventually, like my neighbors, I want to build up some hedges as well.

CHAIRPERSON BUNTING-SMITH: I'm not trying to prevent you from doing that. My concern is that there's so many people who are parking commercial vehicles in the residential areas now, because I realize it's become more expensive to find places to park them. So that's the concern that I have.

MR. KRUK: Yeah. Knollwood Road has no sidewalks,

so if I was to park along the ways --

CHAIRPERSON BUNTING-SMITH: Most of Greenburgh doesn't have sidewalks.

MR. KRUK: I think it would be very difficult just to walk home.

MS. DENKENSOHN: Are the garages usable?

MR. KRUK: They are. Currently they're just for storage. You know, it's my first home. This is all new to me. With the kids, there was a -- we built up a lot of --

MS. DENKENSOHN: You might want to use them for the commercial vehicle.

MR. KRUK: It won't fit. The height won't fit.

MS. DENKENSOHN: Oh, is it a truck?

MR. KRUK: It's a van. It's a van. I have a little roof rack on the top. So it definitely won't fit with that size van.

MR. CRICHLLOW: Have you thought about drainage once you put asphalt on the driveway?

MR. KRUK: I believe the engineer might have submitted something for that. They said, I guess, the slope it was going to create an issue or something like that. I'm not sure. I wish he was here to answer these questions.

CHAIRPERSON BUNTING-SMITH: The slope, where would the water slope to direction wise?

MR. KRUK: Well, I'm already at the lower end. My

neighbors are all higher than me. So, naturally, the water slopes off my driveway into the Knollwood Road.

CHAIRPERSON BUNTING-SMITH: Any other questions?

MR. CRICHLLOW: You might want to give some thought to the little parking area that you are contemplating putting on the side. And you're showing a stone curb. The water is going to collect in that lower corner.

MR. KRUK: Right now the existing has a storm curb going around it. Is that what you're referring to?

MR. CRICHLLOW: Yes.

MR. KRUK: So I'm going to use the same curb stones and just when I make it wider, I'm putting back the same ones. You know what I mean?

MR. CRICHLLOW: No. No. No. I'm talking about they're going to collect water in that parking area.

MR. KRUK: Yeah.

MR. CRICHLLOW: Because the stone curb is going to prevent the water from draining towards Knollwood Road.

MR. KRUK: I think that part of the property is already a little higher than the driveway, but, again, that's something I would bring up with the -- if it's a drainage thing, I don't mind putting in drainage. I guess I'll discuss that with the engineer.

MR. CRICHLLOW: Okay.

MR. KRUK: It's a good point. Thank you.

MR. CRICHLLOW: Just a thought.

MR. KRUK: Yes.

CHAIRPERSON BUNTING-SMITH: Is there a time limit that you will be able to offer as to when you could possibly screen your business vehicle?

MR. KRUK: I mean, within the next year I would say. Like I said, my kid's going to start kindergarten. So my wife will be going back to work. I think by next year we should be able to save up enough to put a couple hedges and screen that area.

CHAIRPERSON BUNTING-SMITH: How high is it?

MR. KRUK: How high is what?

CHAIRPERSON BUNTING-SMITH: Your vehicle with the roof rack.

MR. KRUK: Off the top of my head, ten feet maybe. I mean, I can touch the --

MR. DUQUESNE: Is this it, sir?

MR. KRUK: Yes. Correct.

MR. DUQUESNE: Okay. There's pretty good screening here. This would be an opportunity.

CHAIRPERSON BUNTING-SMITH: Just a thought: Would a canvass-type enclosure be considered screening temporarily?

MS. GERRITY: No. Hi, Chairperson Bunting-Smith. This is Liz Gerrity, deputy building inspector.

So with commercial vehicles under the Code 28536-F, commercial vehicles cannot be stored in front yard at all. They can be stored in the side or the rear with screening.

So the location of the commercial vehicle, if in the proposed driveway area, still would not comply to the code.

CHAIRPERSON BUNTING-SMITH: The same with the picture that we just saw, even if that were screened, that would not be?

MS. GERRITY: No. If that is the intention of the applicant, they would have to seek a variance from 28536-F.

CHAIRPERSON BUNTING-SMITH: Okay. So we're going to have to give some thought to this.

MR. KRUK: So if I don't park my van in the driveway, will that affect the variance that I'm coming for?

CHAIRPERSON BUNTING-SMITH: I can't answer that question.

MR. KRUK: Okay.

MR. DUQUESNE: Process wise, sir, what will happen is the Board will deliberate at the conclusion of hearing all the cases and we will send you a letter with a series of questions and things to think about, similar to what you've heard tonight.

If the Board decides there's anything else they'd like, we'll send you that by e-mail and then you can respond

and come back next month.

MR. KRUK: Okay. Thank you very much.

MR. DUQUESNE: Let's make sure there's no speakers that plan to speak on this one tonight.

CHAIRPERSON BUNTING-SMITH: Yes.

MR. DUQUESNE: Is there anyone that would like to speak about this?

CHAIRPERSON BUNTING-SMITH: Is there anyone who would like to speak about this? Yes. Come on up, sir.

MR. CARLUCCIO: Good evening, everybody. My name is Anthony Carluccio. I own the property at 945 Knollwood Road next door.

My biggest thing -- excuse me -- my biggest thing is what I hope you can consider with this whole thing is Knollwood Road has become a very, very, very busy road.

I'm a retired detective from New York City and I have an autistic son. And just for the bussing and just for him to get on the bus, the amount of speed that we have on there, I've complained a little bit to the police department and stuff like that, because it's a 30 mile-an-hour speed limit.

But I don't know if you've ever been on Knollwood Road, nobody does 30 miles an hour. Okay. Even with the school buses in the morning. And it's very difficult for us to park, because there's no place to put the cars anywhere

else. There's no parking across the street, you can't park across the street. If you try to have a family get together or have kids come over, we try to work with each other.

Like you can park your cars here if you're having a little kid's birthday party and it makes it very, very tough. That's one of the biggest things with Kevin and he's trying to do with his kids, because, you know what, he can't have his kids in the front yard, because of that issue.

Again, it's about the speed of the vehicles and the people that are traveling back and forth and having kids. Just a little bit to understand. That's just what I want to put forth.

He's just trying to make the property better. You know, the water stuff, he understands all that part. That's the biggest thing. The water comes down because he's at the lowest point, goes right onto Knollwood Road to the drain system that's in front of it. That's what everybody does. The front of everybody's yard runs straight down Knollwood Road.

There's no set drainage system on that. Our rain comes down, because we're at the top of the park, the top of the houses above us come down. Where does the water go? Straight down in Knollwood Road.

There's really no set draining system other than what's on the main road, which it just falls into the main

road and goes right down Knollwood towards Buena Vista.

And that's why Buena Vista looks the way it does because it's always screwed up there. That's all. All right. Thank you for listening to me.

MR. CRICHLLOW: So you're in agreement with your neighbor?

MR. CARLUCCIO: Oh, absolutely. Because, you know what, he has kids, and you know what, our kids are all we have in this world. We have kids, we want to protect them as best we can.

Due to the fact that Knollwood Road is such a fast road and we have tractor trailers coming down there. The roads -- we do get a lot more littering and a lot more crazy driving up the road and we're getting more and more trucks through the road.

And the road is beat up. All you have to do is go to Buena Vista. Or you can go from the Cabin Restaurant to Westchester Community College. They pave every road throughout the area, but the main road is not.

So we're getting bumps and people coming. I couldn't tell you how many times my son -- me holding my son waiting to put on the bus, have had cars come down flying doing 40 miles an hour and like literally going around the school buses and stuff like that.

The road has become very dangerous. And that's a

big issue. He's got two beautiful young kids. Just like if you have kids, you want to protect your children.

And, you know, fixing the driveway helps them even getting in and out. Because you know what, you have to turn around. If you try to back out of our driveway, again, I worked in the Bronx for 23 years.

Sometimes it's more difficult getting out of my driveway than chasing people with guns in the street, because that's how dangerous it gets, just trying to back out, because the road has gotten so -- that crazy.

And I don't have to say that. You can just go there and spend ten minutes on Knollwood Road, especially in the morning or afternoon.

Sorry to take up so much of your time.

CHAIRPERSON BUNTING-SMITH: Is Knollwood Road a state road there?

MR. CARLUCCIO: Yes, it is.

CHAIRPERSON BUNTING-SMITH: Yeah. That's what I thought.

MR. CARLUCCIO: Yeah. It's a state road. Thank you very much.

CHAIRPERSON BUNTING-SMITH: Sure. Come up, sir.

MR. GOROKHOVICH: Hi. My name is Yuri, Yuri Gorokhovich. I live just next property from Kevin, Buena Vista. And so we're neighbors and my daughter is grown up,

but I understand what he tries to do. When my daughter was little, we also have nephew with us living, little kids and having small driveway was always a problem.

And I think it's a great argument that his other neighbor Anthony made. That safety of kids is priority and I think that, you know, I would just argue that, you know, to give permission to Kevin to build his thing because definitely having bigger space, easy to maneuver, kids running around.

And it's tight. You know, there's always a problem. You know, how many times we heard stories about parents or grandparents hitting their own kids when they try to move around the car.

And so he definitely can't make any maneuvering his driveway right now. So that would be my concern kind of. You know, safety of kids.

And second one is his driveway, I think what's going on there was drainage was -- so I'm an environmental scientist. So he has completely, you know, impervious surface.

So we don't expect like big flow there. There's no danger of erosion. If he's going to extend it and keep it the same way he does now, it's fine, from my point view.

And I did a lot of work for Department of Environmental Protection in this case.

CHAIRPERSON BUNTING-SMITH: We appreciate hearing from you.

MR. GOROKHOVICH: Say again.

CHAIRPERSON BUNTING-SMITH: I said we appreciate hearing from you.

MR. GOROKHOVICH: Okay. Thank you. Thank you very much.

CHAIRPERSON BUNTING-SMITH: You're welcome. Anyone else out there and any left?

Okay. All right, sir. We'll deliberate later today.

* * * * *

Case No. ZBA 23-12: Cheryl & Bert Hurns, 8 Bayberry Road (P.O. Elmsford, N.Y.) - Area Variances.

The Applicant is requesting area variances from Section 285-10B(3)(d) of the Code of the Town of Greenburgh to increase the maximum impervious surface coverage from 21.75% (permitted) to 31.30% (proposed); from 285-10B(5)(b) to reduce the distance from a driveway to a side lot line from 20 ft. (Required) to 0 ft. (Proposed); from 285-38B to increase the maximum driveway width from 30 ft. (Permitted) to 30.7 ft. (Proposed); from 285-36N(1) to increase the number of sheds from 1 shed (permitted) to 2 sheds (proposed); and from 285-36N(1) to locate a shed in a side yard instead of the rear yard (required) in order to legalize two existing sheds and a driveway expansion and to construct a new deck with pergola, walkway and patio on the subject property. The property is located in the R-40 One-Family Residence District and is designated on the Town Tax Map as parcel ID: 7.200-91-8.

CHAIRPERSON BUNTING-SMITH: And the next case we have is Case 23-12, Cheryl and Bert Hurns.

MS. SOLOMON: Good evening, Madam Chairman and members of the Board. My name is Gabrielle Solomon. I'm the architect for my client.

We are here seeking five area variances. Basically, client received a C of O 16 years ago for the

existing conditions -- excuse me.

So they were not aware of any -- any issues with the property in respect to coverage, setbacks at that time when house was built and when they received the C of O.

This year they decided they're going to put the deck over an existing patio, about same size, 300 square feet, a little more.

And they found out from the Building Department that, you know, there are some variances that they need to obtain in order to legalize their condition which they didn't for 16 years.

THE COURT: We got that. Okay. Continue.

MS. SOLOMON: So basically there is issue with the width of the driveway. A requirement is 30 feet. The driveway is about 30.7, a couple inches more.

The other issue is the distance of the driveway from the property line. It's supposed to be 20 feet, however, in order to back up from the garage into the driveway, you need 25 feet minimum.

So there is a predicament; which law are you going to go by, the 25 or 20?

The other issue is the coverage. We are over-covered. I think we allowed to be 21-75. We 31-30.

That is an existing condition since 206 and client was not aware that this was the case. And also there are

two sheds, one is in the back of the property. If you need pictures, I could provide. And one is at the end of the driveway.

And so one needs a variance and the one shed in the back is too close to the property line. So if you would like to have some pictures, if you'd like to open.

MS. DENKENSOHN: Can you point out where the sheds are that you're talking about.

MS. SOLOMON: Yeah. One of them is here.

Now, this is the proposed plan for the deck. We just and -- and Building Department seeking approval for the permit. So when we submit this plan, we learned that we have issues.

MR. CRICHLLOW: I'm sorry. What did you say? Could you repeat that, please.

MS. SOLOMON: When we submit the new plan, the proposed plan for deck, we have learned that there were issues from the original build that we need four variances -- five variances to legalize in order to make it correct.

CHAIRPERSON BUNTING-SMITH: Is there anything that you could do for the existing surface to minimize the additions that you're making with the new deck, the pergola, the walkway and the patio?

MS. SOLOMON: The difference between existing walkway and patio and proposed deck is only 300 square feet.

So it's up to the client. We can shrink that to size of the existing patio.

The client says that they can get rid of that circular patio to the left side of the deck. So that would be about 150, 200 square feet, you know, deducted.

MS. DENKENSOHN: In that same line of thinking: The driveway is all the way to the property line, basically. Was there any -- and it's supposed to be 20 feet. And you say you need 25 feet.

MS. SOLOMON: To back out, yes.

MS. DENKENSOHN: To back out. Is there any thought to taking five feet away and making it 25 feet instead of the 30 feet so that the request -- you're not right up on the property line adjacent to somebody else's property?

MR. HURNS: Are we talking about outside the garage?

MS. DENKENSOHN: Yes, correct.

CHAIRPERSON BUNTING-SMITH: Yes.

MR. HURNS: That's 30 feet.

MS. DENKENSOHN: According to your drawing it's 31 feet almost actually.

MR. HURNS: One of the issues, I drive a pickup, my wife drives a Tahoe. I don't think 25 feet would be enough. We can barely get out of there as it is. We're actually backing up into the arborvitaes to make the turn.

MS. UEBERLE: So do park in the garage? Is that the issue that you're saying that you can't back out of the garage?

MR. HURNS: Well, we can back out.

MS. UEBERLE: You hit the hedge? I'm confused.

MR. HURNS: If we cut right now we're actually hitting the arborvitaes to make a turn to come out of the driveway. If we cut it five feet with the arborvitaes there, we'll be knocking them down just to get out.

MS. SOLOMON: Well, they would be driving over the grass. Basically, it would be the same.

CHAIRPERSON BUNTING-SMITH: We need to know who was speaking on the record a moment ago.

MS. SOLOMON: It was me, Gabrielle Solomon.

CHAIRPERSON BUNTING-SMITH: Okay. Thank you.

MS. UEBERLE: The neighbor on the other side of the hedge, have you spoken to them? Are they okay with this? Have they expressed any --

MR. HURNS: We haven't talked to them --

CHAIRPERSON BUNTING-SMITH: Could you get on the microphone, sir, please.

MR. HURNS: We haven't talked to them. I've known him for maybe 30 years as Glenn's Towing. He hasn't expressed any interest or any concerns about it at all.

MS. UEBERLE: And he knows, he's aware?

CHAIRPERSON BUNTING-SMITH: I was going to say.

MR. HURNS: I'm sorry?

MS. UEBERLE: He's aware?

MR. HURNS: Of?

MS. UEBERLE: That you're here?

MR. DUQUESNE: He would have received the notice.
It's immediately adjacent.

CHAIRPERSON BUNTING-SMITH: But you didn't speak to
him directly about it?

MR. HURNS: Oh, no.

CHAIRPERSON BUNTING-SMITH: And he didn't speak to
you about it in anyway?

MR. HURNS: No. Not about that.

CHAIRPERSON BUNTING-SMITH: Okay.

MS. DENKENSOHN: From the drawing, these are his
trees; right?

MS. HURNS: No, those are our trees.

MS. DENKENSOHN: Those are your trees.

MS. UEBERLE: And this was when you built the
house? I'm assuming you built the house?

MR. HURNS: Correct.

MS. UEBERLE: You made no changes since you built
the house?

MS. HURNS: Correct.

MS. UEBERLE: And I'm assuming that the shed that's

on the property line, it's the same neighbor or is it a different neighbor?

MS. HURNS: Same neighbor.

MS. SOLOMON: It's the same neighbor lot.

MS. UEBERLE: Okay.

CHAIRPERSON BUNTING-SMITH: And just to be clear: You did indicate that you would be willing to remove the round, I guess --

MS. SOLOMON: Circle or portion of the patio.

CHAIRPERSON BUNTING-SMITH: Right.

MS. SOLOMON: Yes.

MS. DENKENSOHN: And for those of us who are not as well versed as we should be, could you describe a pergola?

MS. SOLOMON: The pergola is the wooden like roof-like enclosure, but it's open above the deck. And it has -- you could close it, you could open it. It has like a curtain type of --

CHAIRPERSON BUNTING-SMITH: Like slats?

MS. SOLOMON: No. It's fabric.

MR. HURNS: What's that?

MS. SOLOMON: The fabric it's --

MR. HURNS: It's actually metal. It's metal.

CHAIRPERSON BUNTING-SMITH: So it is like slats somewhat?

MR. HURNS: It flaps. Correct.

CHAIRPERSON BUNTING-SMITH: Okay. Any other questions?

MR. DUQUESNE: Just for the record, both sheds comply with the setbacks.

CHAIRPERSON BUNTING-SMITH: Okay. All right. Are we good? Anyone in the audience have any comments on this case? All right. Thank you.

MS. HURNS: Thank you.

MS. SOLOMON: Thank you very much.

* * * * *

Case No. ZBA 23-13: Church of the Sacred Heart, 11 Lawton Avenue (P.O. Hartsdale, N.Y.) - Area Variance.

The Applicant is requesting an area variance from Section 285-29.1C(7)(a) of the Code of the Town of Greenburgh to increase the maximum impervious surface coverage from 60% (permitted) to 63.45% (proposed) in order to construct a concrete stair and statue on the subject property. The property is located in the CA Central Avenue Mixed-Use Impact District and is designated on the Town Tax Map as parcel ID: 8.250-186-11.

CHAIRPERSON BUNTING-SMITH: And we got to our last case of this evening. Case 23-13, Church of the Sacred Heart.

MR. MOON: Good evening.

CHAIRPERSON BUNTING-SMITH: Good evening.

MR. MOON: My name is Michael Moon. I'm the Pastor of Sacred Heart Church in Hartsdale.

We are requesting variance to have mobile access for a pathway to the building. We used to be convent building, but we no longer have sisters. So we can't really call it convent, but we do have area for chapel inside and right now we have two senior retired priests living in that building.

Right now the access way to the entrance is not safe. It's kind of rocks, wobbly rocks on the area. So by

creating this pathway, it will be safer.

Also we are trying to put memory of pavers on the pathway for the deceased members, especially those who have passed away during pandemic whose families could not have traditional funeral services.

We did have consideration about removing the small patio section behind the building, but right now those priests and also their visitors, those are the places where they can meet and spend time during daytime with their newspapers.

Since last September we've been working with the building commissioning office of the town in order to minimize the variance, but even if they could not remove the impervious section, we still need a variance.

Parking lot is very small, actually. I don't think people envisioned what would happen. In three years we will celebrate 100-year anniversary in the parish.

Right now, even the parking lot on Sundays and holidays, it gets filled with capacity to the capacity. Even access way to all areas in the parking lot. We also use a school parking lot during Sundays, but we do not have enough space to be in there.

So that's why we're requesting variance.

CHAIRPERSON BUNTING-SMITH: Any questions?

MS. KNECHT: Can you show on the overhead map where

exactly you want to put the stairs in.

MR. DUQUESNE: Sure. So a shared screen here. This is a view from Lawton directly at the building. And patio area will primarily be here, the front.

MR. MOON: Access way.

MR. DUQUESNE: The access way.

MR. MOON: Right. From parking lot to the front door of the building.

MR. DUQUESNE: I'm going to re-share and show the aerial view. So what you have here is the aerial view. Again, Lawton, Central Avenue, parking lot and then the area of the project is primarily in the front of the home right here. I'll go back to the drawings.

Okay. What you have on the screen now is the existing plan. So the walkway, the small walkway here with the steps. This is an enlargement of the front of the building. And here's the steps up the patio area to the home. The church is across the street. This is the rectory building. Okay. So I'm going to go back to the aerial. I believe that's the front.

MR. MOON: It goes --

MR. DUQUESNE: I'm going to go back to the aerial. Okay. So you have the church across the street here, you have parking lot entrance in the front of the resident's building here.

MS. UEBERLE: So you're no longer using the building as a convent. What are you using the building for now?

MR. MOON: So top floor where the sisters used to live, right now we have two retired priests living there, because there are no longer sisters around. And the first floor, since the time when sisters were there, they had very first chapel and big enough spaces for meetings and where we could hold prayer group meetings.

Right now pathway -- existing pathway to the building is very unsafe. And most of people who are part of those prayer who would use the building during weekdays are senior citizens. So especially during the rainy days or snowy days, I could not allow anybody to use that existing pathway at this time, because it's simply not safe. Once that pathway is created, it will be safer. That's the most -- biggest issue. And meanwhile, because many of the families showed -- expressed their desire to have some way to memorialize their deceased family members.

So while we're putting up Blessed Mary statue in the middle, and when the pave way is created, people will have some comfort. And I'm sure we can create more peacefulness and prayer for most of the people in the neighborhood.

MS. UEBERLE: So it was a residence; right, where

priests and nuns lived and no it's not. What's --

MR. MOON: Well, they're still living there, but because there is an existing chapel, we could continue to use it as chapel and meetings will take place once or twice -- prayer group meetings would take place once or twice a week, but mainly it is residence for senior priests.

MR. DUQUESNE: Yeah. So the use is absolutely a legal accessory use to the church. So there's no issue there at all. It's just simply the impervious pickup by virtue of creating the patio area for the memorial.

MS. UEBERLE: Okay. Thank you.

MS. DENKENSOHN: Given that you're redoing the area, is there any kind of requirement that you do an accommodation for people with disabilities? You're having a big staircase there.

MR. MOON: Right. We did look into have -- if a possibility to have wheelchair access for area, but the -- it is way too steep.

MR. CRICHLLOW: The grade difference.

MR. MOON: Right. From parking lot area to that place is maybe about five to six foot high. So that's why we have to create stairway with the rails on the sides and the pathway into it.

CHAIRPERSON BUNTING-SMITH: Any other questions?

MR. DUQUESNE: No. There's no requirement for this

memorial.

MS. DENKENSOHN: Now that this is the entrance for people coming in to this building, once you're doing this level or redoing the entrance, I'm not sure there's another requirement for accessibility.

MR. DUQUESNE: Presently it's nonconforming in that respect from the front. I'm not aware that that would trigger anything legal with ADA.

MS. UEBERLE: And you're not making any changes to the parking lot itself; correct?

MR. MOON: No, we couldn't.

MR. DUQUESNE: Ultimately, could you talk about alternate entrances to the space from the driveway which is at the same grade. I see there's a driveway door there it looks like.

MR. MOON: Could you repeat.

MR. DUQUESNE: Can you talk about accessibility from the actual other -- like the driveway. I'm going to share a screen here in a moment. For instance, at grade level you have an entrance on the side and I believe to the rear as well.

MR. MOON: Yes. This is a very small entrance on the side from the basement side. This is the door that two senior priests are using. And I could not let someone, elderly people to use this staircase. It simply is not

safe.

MR. DUQUESNE: And you enter the house from the rear at grade I believe?

MR. MOON: Right.

MR. DUQUESNE: Right. Which you can't see from this angle.

MR. MOON: Actually there are two doors. One from the parking lot area, another one from the pathway to the patio area. There's entrance to -- directly into chapel on the other side of the building. And without any steps there. So maybe one more step.

CHAIRPERSON BUNTING-SMITH: While we're waiting, is there anyone else that wanted to make any comments on this?

MR. DUQUESNE: No.

CHAIRPERSON BUNTING-SMITH: Okay.

MR. MOON: Thank you.

CHAIRPERSON BUNTING-SMITH: All right. And with that, we'll take just a few moments, very brief. Stretch our legs. And we'll come back with our deliberations. And you're welcome to stay and listen to them, but not participate.

(Recording stopped.)

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

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MR. DUQUESNE: Okay. We are backing running live.
We can go.

CHAIRPERSON BUNTING-SMITH: Thank you. And we are
back on record with our results of our deliberations.

And first on Case of 23-05 United Refrigeration,
who has asked for an adjournment. Do I have a motion?

MS. DENKENSOHN: I move to adjourn ZBA Case 23-05,
United Refrigeration, to the meeting of June 15th, 2023.

CHAIRPERSON BUNTING-SMITH: Do we have a second?

MR. CRICHLow: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MR. CRICHLow: Aye.

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

MS. DENKENSOHN: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

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CHAIRPERSON BUNTING-SMITH: And the next case we have is Case 23-06, Dr. and Mrs. A. Rabadi. And that is -- do we have a motion?

MR. CRICHLLOW: Yes, we do, Madam Chair.

CHAIRPERSON BUNTING-SMITH: I'm sorry. Let me do the SEQRA first. Whereas the Greenburgh ZBA has reviewed the above-referenced application with regard to SEQRA compliance, and now, therefore be it resolved that the subject application is a type-two action requiring no further SEQRA considerations.

MR. CRICHLLOW: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. DENKENSOHN: Aye.

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

MR. CRICHLLOW: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye. Now, do I have a motion?

MR. CRICHLLOW: I do, Madam Chair. I move that the application in Case Number 23-06 be granted. Provided that the applicant obtain all necessary approvals and file same with the Building Department.

And that 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

hereafter in conformity with the plans dated November 21st, 2022, and last revised on May 1st, 2023, submitted in support of this application or as such plans maybe 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 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 ordinances shall require variances even if the construction conforms to the height, setback or other variances we have approved herein.

CHAIRPERSON BUNTING-SMITH: Thank you. We are not going to read any findings this evening. The findings, however, will be produced and they will be put into the record as well as anyone who needs to have access to them can contact the secretary.

MS. KNECHT: I'll second the motion.

CHAIRPERSON BUNTING-SMITH: All in favor?

MR. CRICHLLOW: Aye.

MS. KNECHT: Aye.

MS. DENKENSOHN: Aye.

MS. UEBERLE: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

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CHAIRPERSON BUNTING-SMITH: And here we are to the next case, which is Case 23-08, Forty Mill Realty, LLC, and 10 Saw Mill Realty, LLC.

That is closed for decision only to the meeting of June 15th.

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CHAIRPERSON BUNTING-SMITH: And the next case is Case 23-10, Jarrad Linzie. That also is adjourned for all purposes to the meeting of June 15th.

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CHAIRPERSON BUNTING-SMITH: The next case is Case 23-11, Kevin Kruk.

And whereas the Greenburgh ZBA has -- I'm sorry.

That one also is adjourned to the meeting of June 15th.

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CHAIRPERSON BUNTING-SMITH: The next case is case Case 23-12, Cheryl and Bert Hurns. And that is adjourned for all purposes to the meeting of June 15th.

* * * * *

CHAIRPERSON BUNTING-SMITH: The next case is Case 23-13, Church of the Sacred Heart. And whereas the Greenburgh ZBA has reviewed the above-referenced application with regard to SEQRA compliance, and now, therefore, be it resolved that the application is a type-two action requiring no further SEQRA consideration.

MR. CRICHLOW: Second.

THE COURT: All in favor?

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

MR. CRICHLOW: Aye.

MS. DENKENSOHN: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye. Thank you. Yes. Motion, please.

MS. DENKENSOHN: I move that the application in Case Number 23-13 be granted provided that, one, the applicant obtain all necessary approvals and file the same with the Building Department.

Two, 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, stamped and received on April 14th, 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 greater variance than we are granting herein.

Three, the variance being granted is for the improvement shown on the plans submitted in support of this application only.

Any future or additional construction that is not in conformity with the requirements of the zoning ordinance shall require variances even if the construction conforms to the height, setback or other variances we have provided herein.

MR. CRICHLLOW: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

MS. DENKENSOHN: Aye.

MR. CRICHLLOW: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

And with that, we are adjourned for this evening and we will see everyone on June 15th. And hopefully we will have a real spring or summer.

(Recording stopped.)

(Whereupon, the ZBA meeting for May 18th, 2023, is adjourned to June 15th, 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