

STATE OF NEW YORK  
TOWN OF GREENBURGH

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

MAR 25 2024

TOWN OF GREENBURGH  
ZONING BOARD

MARCH 21, 2024  
7:00 p.m.

Greenburgh Town Hall  
177 Hillside Avenue  
Greenburgh, New York

BOARD MEMBERS:

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Eve Bunting-Smith, Chairperson  
Kristi Knecht  
Louis Crichlow  
Shauna Denkensohn  
Diane Ueberle  
William Bland

STAFF MEMBERS:

Edward Lieberman, Esq.  
Deputy Town Attorney

Garrett Duquesne, Commissioner  
Community Development and Conservation

Liz Gerrity  
Deputy Building Inspector

Kyra Jones, Secretary to the ZBA

MICHAEL A. DeMASI, JR.  
OFFICIAL COURT REPORTER

(Whereupon, at 7:17 p.m., the meeting of the Zoning Board of Appeals of the Town of Greenburgh was called to order.)

(Recording in progress.)

CHAIRPERSON BUNTING-SMITH: Thank you.

Good evening, all. Just to make sure you're in the right room; this is the Zoning Board of Appeals. We're going to take roll call before we proceed.

MS. JONES: First, we have Eve Bunting-Smith?

CHAIRPERSON BUNTING-SMITH: Present.

MS. JONES: Kristi Knecht?

MS. KNECHT: Here.

MS. JONES: Louis Crichlow?

MR. CRICHLLOW: Here.

MS. JONES: William Bland?

MR. BLAND: Present.

MS. JONES: Shauna Denkensohn?

MS. DENKENSOHN: Here.

MS. JONES: Diane Ueberle?

MS. UEBERLE: Here.

CHAIRPERSON BUNTING-SMITH: Pauline Mosley is absent. And that concludes our roll call.

CHAIRPERSON BUNTING-SMITH: Thank you. So the meeting will now come to order. We have eight cases scheduled for tonight's meeting. Our next regular meeting is Thursday, April 18th. Mark your calendaring accordingly.

Because of the numbers of cases we have here tonight, we are going to limit each case to 20, 25 minutes. If we cannot finish hearing the case at that time, it will be adjourned to another meeting to be completed at that time unless, of course, we go very quickly.

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

After the public hearing of tonight's cases, the Board will meet to discuss each case. Everyone is welcome to listen to our deliberations, which we will do in this room, however, the public will not be permitted to speak or participate at that time.

After our deliberations on all of the cases, we come back and announce the Boards's decision for the formal record and have it broadcast to the community.

If you're going to speak tonight, you must come up to the microphone, state your name and address or your professional affiliation.

We have heard testimony on some of the cases at prior meetings. All prior testimony is already in the record and should not be repeated.

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Case No. ZBA 23-14: 450 Secor Road LLC/ Hartsdale Greenhouses, 450 Secor Road (P.O. Hartsdale, NY 10530) - Use Variance.

The Applicant requests a use variance from Section 285-48B of the Code of the Town of Greenburgh for the sale of firewood and mulch that is not grown or harvested on-site. The property is located in the R-10 One Family Residence District (Lot 53) and the R-30 One Family Residence District (Lot 54) and is designated on the Town Tax Map as parcel IDs: 8.120-70-53 and 8.120-70-54

CHAIRPERSON BUNTING-SMITH: First case we will hear this evening is, Case 23-14 Hartsdale Greenhouse.

MS. CHIOCCHIO: Good evening, Madam Chair, Members of the Zoning Board of Appeals. My name is Lucia Chiocchio, From Cuddy and Feder, representing Hartsdale Greenhouses. I'm joined tonight by my client, Carol and Tony Avila and their daughter.

We submitted some supplemental information at the request of the Zoning Board of Appeals from last months's meeting.

Just as a quick we recap: We reviewed a use variance request to allow the sale of firewood logs and mulch that are processed offsite and to continue those sales for a period of ten years. So to phase out the sales.

So after ten years, those sales would no longer be

occurring at the property. When I say processed offsite, what that means is no trees would be delivered to the property, because nothing would be processed at the property.

It would be processed somewhere else. So what would be at the property would be the final product or the firewood logs or the mulch.

Unlike other use variance requests we're seeking to be able to sell these products for a period of ten years. So after ten years it will be phased out.

So it's not something -- not something that runs with the land like, other use variance requests.

The the Avila's estimate that that they need that ten years to build the horticulture business. So the whole point of asking for this ability to sell the firewood logs and the mulch is that they have an opportunity to build up their horticulture business.

We provided information that indicates that that business runs at a loss of about \$200,000 a year. So in order to make up for that loss, they would like to sell these products and build up the horticulture business.

The horticulture business; you've heard this before, is facing, very stiff competition from big-box stores and other retailers that sell these products.

We've also provided some information about other

nurseries that have gone out of business due to this competition. And those nurseries were also customers of Hartsdale Greenhouses.

So in addition to the competition, they've also lost customers with these other nurseries that have run out of business.

So taking that all into account, they really feel that they need those ten years to build up that horticulture business.

It's a seasonal; horticulture is seasonal, as you know. So it's very difficult to say, okay, we can do this in a few years. It takes time.

One of the other things they're looking into is becoming a certified organic nursery. Once again; that's a process. And that does take years.

They provided some estimates about what they -- how they can phase out their firewood and mulch products with respect to the number of chords in the size of the mulch piles and how they can do that over the next ten years.

And at the end of the ten years, all of the products would be sold and off the site.

The firewood would be stored in the greenhouses, as it is now. Providing a map as to the location of the mulch piles, which would be in the back, rear of the property. Back where it's adjacent to the Sprain and the ConEd

transmission lines. And the reason is to keep that furthest from any abutting properties. To keep that part of the property.

You asked for some information with respect to the evaluations of the nursery. You know, what would this property be valued at if some other nursery wanted to come and buy it as the business.

And speaking with a licensed real estate broker like, that's really impossible to figure out. Because, one, it's a nonconforming use, which is a huge uncertainty for prospective buyers.

The business is running at a loss; as I indicated earlier. And there is this competition for nursery products from these other retailers.

And with respect to residential development; once again, we had the broker's letter, which we submitted the last time indicating that it's not something that's the highest and best use of the property for a lot of different reasons.

You can look at the size of the property divided by the minimum zoning and come up with a number of houses, but you're not taking into consideration:

Utilities, roadways and other site constraints, such as, the ConEd high-tension wires, the Sprain Brook Parkway. Lots of noise from the parkway. So these are

things that are site constraints.

The Avila's did reach out to developers who just were like, we're just not interested. It's not something that we would consider.

And just as a reminder; we did provide some decisions, other decisions from this Board with respect to the sale of products that are not grown on nursery properties.

So this Board does have precedent for allowing what we are requesting here with respect to the sale of products that are grown on the property.

The the Carlson's Nursery use variance application; they submitted a similar real estate broker's letter with respect to the use variance criteria for the financial information.

So something similar that we've done in this case with respect to trying to demonstrate that financial information.

So we're happy to answer any questions the Board may have.

CHAIRPERSON BUNTING-SMITH: Any questions from the Board?

MS. KNECHT: How many developers did you reach out to?

MS. CHIOCCHIO: I think you used out to two



developers -- yes.

MS. KNECHT: I just wondered how in terms of your horticulture business that you want to expand, how do you anticipate in going forward with all the competition? What would make it successful now as opposed to not being able to run at a profit?

MS. CHIOCCHIO: Well, one of the things that I talked about was the, you know, becoming a certified organic nursery.

It's something, you know, looking at the trends and trying to appeal to a market that would buy the product, things like that. I mean, it's, you know, it obviously will change overtime, but --

CHAIRPERSON BUNTING-SMITH: In saying that, are you saying that it's a question of demand for the organic that you would produce or is it that it's to be certified, takes a substantial amount of time to accomplish?

MS. CHIOCCHIO: So there is a demand. I'm sure you realize; right? There's a demand for organic products. So to say, My product is organic, you have to be a certified organic nursery.

And that's a process; right? To get that certification. And then to implement what needs to be implemented with respect to growing the products to make you sure that you're complying with that.

So that's not something where you can apply for it and become certified organic in a week. It's a process and it takes time.

CHAIRPERSON BUNTING-SMITH: Anything else?

MR. BLAND: You did mention the pile heights. And that the pile height was going to be how much again? No greater than?

MS. CHIOCCHIO: 10,000 cubic yards?

MR. BLAND: Height?

MS. CHIOCCHIO: Oh, height? Do we have a height estimate? It's about 15-feet high.

MR. BLAND: Then the creation of the mulch; would there be any milling of the mulch? Because the trees are coming in, so they would come in --

MS. CHIOCCHIO: No:

MR. BLAND: -- prepackaged? So it wouldn't be cut?

MS. CHIOCCHIO: No trees -- no trees coming in.

MR. BLAND: Well, no. So in terms of creating the mulch; how are we getting that mulch?

MS. CHIOCCHIO: Mulch will be processed somewhere else. It will come in as mulch.

MR. BLAND: It will come in as mulch.

MS. CHIOCCHIO: Correct.

MR. BLAND: And it will be no higher than 15 feet?

MS. CHIOCCHIO: Correct.

MR. BLAND: And then just very quickly, two more quick questions: In that five-year analysis -- excuse me -- ten-year analysis, because I was asking why it couldn't be five-year solvent, did you seek any professional, financial or accounting assistance with that plan or is that just like a feeling that would be --

MS. CHIOCCHIO: Based on my client's experience, she's been, as you know, she's been working at the nursery since she was a child. It's been her family business. So she knows the business best.

MR. BLAND: Okay. And then the last one which is very interesting to me with all the articles about things being organic. What does that process entail doing?

Is that soil mitigation indicating that that's organically clean soil? Different water usage? Different iteration? Seeds? Lack of using fertilizer?

I don't want to put too much in your mouth, but I just want to know if we're saying, organic --

MS. CHIOCCHIO: Yes.

MR. BLAND: -- we're talking about --

MS. CHIOCCHIO: Correct.

MR. BLAND: That process.

MS. CHIOCCHIO: All -- all those things.

MR. BLAND: All of those things.

You can come to the mic and tell us. You have a

few.

MS. AVILA: Carol Avila, 450 Secor Road. And it's a process that takes years and it has to be certified. We're just starting the beginnings of it, but it has to be certified.

It's not something that I could just announce that it's certified.

MR. BLAND: Is there an agency that does this or do you apply for?

MS. AVILA: I believe it's The New York State Department of Agricultural.

MR. BLAND: Thank you.

MS. KNECHT: I have a question for the Building Department. With a nursery such as what they're envisioning, certified-organic nursery, is that a permitted use in a residential district?

MS. GERRITY: It would be a continuation of their nursery.

CHAIRPERSON BUNTING-SMITH: Put it on the -- yeah.

MS. GERRITY: Sorry. Yeah. Hi, Liz Gerrity; Deputy Building Inspector. It would be a continuation of their preexisting use as a nursery.

So it would stay in conformance with the district.

MS. KNECHT: So they wouldn't need a use variance if they were going to use this as a nursery?

MS. GERRITY: Not as a nursery. It's a continuation. The agricultural use is the agricultural use. They're still using the greenhouses as a nursery, from my understanding. It's the wood that requires the use variance.

MS. KNECHT: The bringing in of the wood?

MS. GERRITY: Yes.

MS. UEBERLE: And the mulch also.

MS. GERRITY: Yeah. And the mulch. The wood products.

MS. UEBERLE: And I know there was precedent for wood. Is there precedents for piles of mulch at nurseries in the Town?

MS. GERRITY: Not that I'm aware of.

MS. UEBERLE: Okay. Thank you.

MR. CRICHLLOW: It was brought up that there needs to be some distinction between the term, Firewood, and, Firewood Logs.

Is there any difference as far as you want to put on the record?

MS. CHIOCCHIO: I think it's the same thing. It's the firewood log that you would use to -- put in your stove, your fire, the home. You can give it -- it's basically the same thing.

MR. CRICHLLOW: I just felt that I needed to ask

that question.

MS. CHIOCCHIO: Thank you.

CHAIRPERSON BUNTING-SMITH: Anything else from the Board at this moment?

All right. Let me ask: Is there anyone in the audience that wishes to address this? Come up, please. Let's start in the front and work our way back. Come on up.

MR. BOWDEN: My name is Murray Bowden. I live in Greenburgh. Because of the rise in average temperatures, there's a concern that wood not be transported from one area to another, because it carries certain organisms that do not familiar with it and they spread.

This is a rather new phenomenon where people are now concerned about it. All of that post that comes into the major places will have to be guaranteed to be free of any outside bugs or stuff.

This is a new phenomenon and it hasn't been fully addressed yet. But because of the rising average temperatures, our garden has changed and the plants that we had two years ago have to be different now.

This is the beginning of a new era where we look at how we plant and how we deal with rain and deep rain. My family was in the cleaning business for almost a hundred years. My son is the last and our business is gone.

People don't clean clothes anymore.

So when you say that your business has been changed and you can't do what you did before, you're looking at somebody whose family has lost its business after a hundred years.

This is a new phenomenon. And this is just the first discussion about whether or not firewood should be, even burned, in this area. Upstate, it's a whole different thing.

Any place it's burned has to have something you have to deal with the smoke. So fireplaces are pretty much on their way out. Thank you.

CHAIRPERSON BUNTING-SMITH: Yes. Come up, ma'am.

MS. LIVSON: Good evening. Good evening. My name is Dorrine Livson, D-O-R-R-I-N-E, Livson, L-I-V-S-O-N. I'm President of the Worthington Civic Association and a Member of the Executive Board of the Council of Greenburgh Civic Association.

Good evening, Chairperson Bunting Smith & Members of the ZBA, During the deliberation session at the February 15, 2024 meeting, most of the ZBA members expressed support for granting the revised Use Variance sought in ZBA Case # 23-14, but decided to adjourn the application to the March 21 meeting because there were so many unanswered questions.

To date, this application has been adjourned eight times. After several of these eight adjournments, ZBA

Secretary Kyra Jones sent letters to the applicant's attorney seeking specific information.

At least three times, August 1, 2023, September 27, 2023 and February 23, 2024, Ms. Jones' letters have sought the financial information required by New York State Town Law Section 267-b.(2).

Proof necessary for a Use Variance not provided. As the members of the ZBA should be aware, New York State Town Law Section 267-b.(2) specifies that Applicants seeking a Use Variance are required to demonstrate to the ZBA with dollars and cents proof that "for each and every permitted use" allowed in the zoning district they cannot realize a reasonable return.

The applicant has once again failed to comply with this requirement. The January 31, 2024 and March 6, 2024 letters from a Houlihan Lawrence real estate broker that misstate the zoning on the property and claim there "is an existing non-conforming use" on the property is not dollars and cents proof.

Likewise, the applicant's attorney's March 11, 2024 explanation that also misstates the zoning of the 3.66 acre parcel and number of homes that could be built, or an unnamed developer who has no interest in acquiring the property is not dollars and cents proof.

And no mention has been included for the numerous



other permitted and "special" permitted uses allowed in the One-Family zoning districts in the Town's Zoning Ordinance.

As was pointed out to ZBA members during the February 15, 2024 meeting, an applicant must satisfy all four criteria established by New York State Town Law §267-b.(2).

Since the applicant has not supplied the financial information required by §267-b.(2)(b)(1), the ZBA is precluded from granting a Use Variance.

Words matter. Only Verifiable Facts MAY be considered. ZBA decisions MUST be based on facts. If the ZBA decides to adjourn this application again, for the 9th time, actual verifiable facts MUST be demanded.

The ZBA must decide this application based on actual facts, not on feel sorry for the applicant excuses. CGCA 2 First, please note:

While previous submissions from Hartsdale Greenhouses sought to continue the processing and sale of firewood and mulch at the 450 Secor Road site, the March 11, 2024 submission seeks ZBA authorization to sell firewood logs and mulch.

The ZBA should seek an explanation of the difference between firewood and firewood logs. In response to the ZBA's question of where/how the firewood and mulch would be stored, the March 11, 2024 submission states: "The

wood will be stored in greenhouses."

The applicant acknowledges there are currently 35 greenhouses on site. Town records indicate that building permits were issued for only five of those 35 greenhouses. This appears to indicate that 30 of the greenhouses were constructed illegally.

The Building Inspector has presented proof that 21 greenhouses were visible on aerial photography in 1976 and 27 were visible in 1990.

In the June 9, 2023 submission, the applicant's attorney claimed that the greenhouses "were installed under the 1992 New York Building Code exemption for greenhouses."

While the applicant's attorney is correct that there was a law adopted in 1992 that exempted temporary greenhouses from requirements for building permits, there was nothing in this law (Executive Law §372(17)) that stated it was retroactive.

And the law specifically stated it applied to temporary buildings used for the "culture and propagation of horticultural commodities."

The law clearly stated: "In no instance will a temporary greenhouse be used for the retail sale of any farm or non-farm products."

In addition this law stated: "temporary greenhouses are not exempt from local zoning requirements." Thus, it

appears that the applicant has been illegally storing firewood in these illegally constructed greenhouses.

Any ZBA decision must specify that all existing buildings on the site must comply with all requirements of New York State law and the existing Town of Greenburgh Code.

Why has everyone overlooked a comment that the applicant's attorney made in her initial April 27, 2023 submission? She stated: "The farmstand and produce sales are now conducted on a separate property that is not owned by the applicant."

This statement appears to indicate that processing and selling firewood and mulch and growing a few horticultural plants in a few greenhouses are what has been taking place at 450 Secor Road for more than a decade.

In the April 27, 2023 letter and subsequent submissions, the applicant's attorney has claimed that "the establishment of the farm and nursery business, including the processing and sale of firewood and mulch predated the adoption of the Zoning Ordinance in 1957."

The applicant has presented no proof, documents or photographs, supporting this claim. The applicant's grandparents purchased the 8.8899-acre parcel at 450 Secor Road on December 12, 1955.

Use of the land at that time would have been subject to the 1932 Building Zoning Ordinance which did not

allow manufacturing of firewood and mulch on even commercially zoned properties in Greenburgh.

In fact, the Secor Road parcel could not even be used as a "farm," which required a minimum lot size of at least ten acres. On August 6, 1957, the Town adopted the 1957 Zoning Ordinance which allowed a farm and greenhouses on properties five acres or greater in size, but a Special Permit was required from the ZBA to sell produce.

There appears to be no record that a Special Permit was ever sought or issued. And it was eight years later, in 1965, before a permit was sought to construct three greenhouses for a total of five.

The signed survey submitted to the Town on August 1, 1965 indicated there were two glass and three plastic greenhouses but made no mention of any processing of firewood or mulch on the site.

In her September 11, 2023 submission, the applicant's attorney next claimed that the firewood and mulch business was established years before the property was purchased at 450 Secor Road.

The ZBA must identify what section of New York State Town Law or Greenburgh law would allow an owner to transfer a business ostensibly operating on one property to another property.

The CGCA can find no such provision in the 1932,

1957 or 1980 Zoning Ordinances. 3 The applicant's attorney now has a different claim.

The February 5, 2024 submission included the statement: "Indeed, this family-owned business was established 68 years ago, approximately 2 years before the zoning ordinance was amended to reclassify the property in a residential zoning district."

No proof demonstrating the veracity of that statement was presented. ZBA members should ask the Town staff to provide a copy of the Zoning Map, Town of Greenburgh, prepared by Planning Board and Zoning Commission, dated February 11, 1931, including any amendments through 1957, to determine if and when this property was rezoned, reclassified? In the "O" single family zoning district.

The attorney's February 5, 2024 submission also argues that "the ZBA cannot make decisions inconsistent with its prior determinations" and mentions that "prior use variances were issued for other nurseries where the sale of items that are not grown on the nursery premises are permitted. Such items include but are not limited to: Firewood, mulch, topsoil."

The ZBA must not make an inconsistent determination. But please review the ZBA decision rendered in Case # 22-04. Contrary to what the applicant's submission

states, the word "firewood" is not in the transcript she submitted regarding the ZBA Case # 22-04 decision.

The only mention of the sale of "firewood" in a previous decision was ZBA Case # 10-05, which stated that Westchester Greenhouses on West Hartsdale Avenue was granted permission to sell "small, hand-held bundles of firewood inside the store, and to place up to three pallets of stacked firewood outside as a display."

The applicant is not currently asking to sell small hand-held bundles, but rather "cords" of firewood, which means stacks of firewood approximately 4 feet high by 4 feet wide by 8 feet long.

No human being can carry a "cord" of firewood or load it into the trunk of a car.

If the ZBA were to grant this Use Variance request, it should provide an estimate of how many thousands of trucks will be delivering cords of firewood and cubic yards of mulch for storage at the Secor Road site and how many thousands of trucks will then be delivering these items to individual purchasers over the next ten years.

When did the processing and sale of firewood and mulch actually begin? The ZBA has already determined that the processing and sale of firewood and mulch was an illegal use of the site.

The next decision rendered by the ZBA should

include the truth about when these operations began. The ZBA decision must indicate whether or not it believes the testimony of residents who have lived in the area for decades who can recall no delivery of logs or sale of firewood and mulch at the site until about fifteen years ago.

Were they lying? This includes statements made by ZBA member Diane Ueberle. The ZBA decision should state that the applicant's family did not acquire the 3.66-acre parcel on which the wood and mulch processing operation took place until December 27, 1984.

The ZBA decision should note there was no mention of a plan to sell firewood at the Westchester Greenhouses store on West Hartsdale Avenue or at 450 Secor Road in ZBA Case # 91-24, ZBA Case # 95- 06, and ZBA Case # 08-25.

Residents have attested to the fact that other produce harvested from the Secor Road site was sold in this store.

Interestingly, permission was granted in ZBA Case No. 95-06 to sell "bagged soil originating solely from premises owned by the applicant."

The ZBA decision should include an explanation of why the owner of the property on Secor Road sought a Use Variance in ZBA Case #09-10 to allow delivery of wood for the use in greenhouse furnaces.

It appears utter nonsense to seek permission for delivery of a product if one had been producing that product firewood on the site for the previous 54 years.

Note: This application was withdrawn at the ZBA October 15, 2009 meeting.

It was only after this application was withdrawn that neighbors noticed trucks bringing trees to the site and chopping and grinding operations taking place.

4, The ZBA decision should include an explanation of why the owners of the property waited until 2010, fifty-five years after the family purchased the property at 450 Secor Road and fifteen years after it obtained permission to sell bagged soil, to seek permission to sell "small, hand-held bundles of firewood" inside the store on West Hartsdale Avenue (ZBA Case # 10-05).

As noted above, any ZBA decision must address what is the difference between firewood and firewood logs. The decision should also address the wording contained in the attorney's March 11, 2024 submission which states: ", the horticulture use of the property is existing nonconforming."

The decision must explain how this meets the definition of "Nonconforming Use" in §285-5 of the Greenburgh Zoning Ordinance.

It is time to render a decision in this case. The operation of commercially storing and selling firewood and



mulch that the applicant is seeking to continue on this property zoned residential would not be permitted in most of Greenburgh's commercial zoning districts.

Variances run with the land. There is no precedent for granting a variance that would expire in ten years. The Town does not have the resources to monitor compliance with the phase out of this operation.

Importantly, the applicant has not presented the financial information required to obtain a Use Variance. Therefore, the ZBA cannot grant a Use Variance.

The CGCA urges the ZBA not to undermine Greenburgh's residential neighborhoods. This application should be denied.

Sincerely, Madelon K. O'Shea, CCGA Chair.

Thank you.

CHAIRPERSON BUNTING-SMITH: Anyone else? Yes.

MR. PINE: Members of the Zoning Board of Appeals, good evening. Hello. I'm Dillon Pine; a resident of Edgemont. And I'm President of the Edgemont Community Council.

This is my first time in front of the Zoning Board of Appeals. It's nice to meet you all. I appreciate the opportunity to speak.

I am here this evening to concur with the concerns just shared by Dorrine Livson of the Council of The

Greenburgh Civic Association.

New York State Law Section 267-B(2) specifies that: Applicants seeking a use variance are required to demonstrate the application -- applicable zoning regulations and restriction have caused unnecessary hardship.

In order to prove such unnecessary hardship; the applicant shall demonstrate to the Board of Appeals that each and every permitted use under the zoning regulations for the particular district where the property is located:

One, the applicant cannot realize a reasonable return provided that lack of the return is substantial as demonstrated by competent financial evidence.

Two, that the alleged hardship related to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.

Three, that the requested use variance, if granted, will not alter the essential character of the neighborhood.

And four, that the alleged hardship has not been self-created. As just explained, at this time, the applicant has not satisfied these four requirements.

And after eight adjournments, seems unable to do so. The Edgemont Community Council is concerned that the Applicant received the use variance despite not demonstrating that satisfied the necessary requirements, every future applicant in front of this Board will demand

the same lax application of the law.

Rendering the Greenburgh Zoning Code in every corner of the town effectively useless. To this end, the ECC joins the Council of Greenburgh Civic Association in urging the ZBA not to undermine Greenburgh's residential neighborhoods and requests that this application be denied. Thank you.

CHAIRPERSON BUNTING-SMITH: Anyone else? Yes.

MR. AVILA: Tony Avila. Rarely do you see me standing here because I have a hard for time expressing myself. Its all fair points.

As the gentleman said, firewood is fading away. It's not a business anybody else wants to do.

And the only reason why firewood used to be ten percent maybe from 1950s. And will plants used to be the 90 percent.

Plants, big stores can took away everything that is happening to other nurseries. Yeah. We can't sit here and say and claim that we will be on the street if you don't allow us to sell firewood.

We are asking you to consider, you know, it's unfair to say that this nursery should be compared to other nurseries.

It's been down for years and years and years. It's not something we started a year ago. There's people that

can stand behind what I said. I don't know what else to say. Thank you.

MR. BLAND: Before you sit down, I do want to ask you one small question that did come up based in conversations just now. The wood that's coming in, will be kiln dried or --

MR. AVILA: It is --

MR. BLAND: -- would that be raw wood?

MR. AVILA: It is not. We don't do kiln dried -- dired. And the DEC regulations are no firewood should -- or no wood should be transported further than 50 miles. Which it's never been done.

All tree companies that used to bring the wood in are tree companies that cut down trees in the neighborhoods.

My own neighbors, I believe, have done, you know, have cut down trees in their backyard and have brought it our place.

So another thing: I love -- I forgot. Murray? Murray. Yeah. He's -- I mean, I love him. Yeah. Who is not for saving the planet?

Honestly, I believe in collecting every single plastic that people just toss on the street. You know, if it wasn't for my wife, many times I will almost get out of my car and start a fight with somebody that tosses a piece of plastic off their car windows.

You know, I hate when I see people smoking, toss them out. Don't even shut them down. I mean, that's -- to me that's that's polluting. I can go on and on with things that are really polluting the environment.

And I used to love history. So I remember, you know, back in the days, that was the only way we used to heat up ourselves, firewood.

There's been people like, myself delivered to in times when, Cindy (sic), Cindy and many storms, they lost power for a week.

They used to call me Santa to rent bags. They're like; we're so happy to see you come with the firewood because literally have nothing else to heat up their homes with.

Yeah. There's people nowadays that most people do have a generator. I'll take it back. Maybe not most people, because I know if I didn't work my -- if I didn't work, you know, 15 hours a day, I probably wouldn't have it myself.

So the -- it's just their faces and the way they expressed to me, you know, without giving my, without you my baby wouldn't be able to sit right next to the fire for a few minutes to warm up. To me that was special.

Again, Mr. Murray, I love the way you trying to save the planet, but I think we need to focus on real

things. And just, you know, again, if firewood business was phenomenal, believe me, a lot of people would be doing it.

I know Home Depot has plenty of space, but they don't do it, because it's not easy. You need to put a lot of time into it. And you don't make money. I mean, we were able to save the business between the plants -- the plants. The plants, the firewood.

It's been okay. I mean, my neighbor, Mr. -- if anybody was to complain about what was going on back there, you know, ten, 12, 15 years ago, will be him. Because I'll be up there, I've been until like 8, 9:00 sometimes with the excavator cracking those logs.

And not even thinking, I mean, nobody -- I know if he came and say look, Tony, you don't think this is a little too much? I would have stopped. I mean, just like the smoke. I never knew that.

That was really a big problem in the neighborhood.

I live right there. I burn and I breathe the smoke. My kids are right there. It wasn't until Mrs. Moriarti stand here and we actually went to their house and they expressed their concerns, we like, that's it.

We shutting those things down until we figure out a better way to heat up those greenhouses.

Again, back to the 15-hour day; it was a time when my wife. I mean, this is -- some days -- maybe one Sunday,

I think it was one Sunday. But, yeah. My wife came to the part where she said, You need to choose your job or your family.

So it was pretty clear to me what I had decided for. So I respect all of you for sitting here, listening to, at times, I think it's nonsense.

And apologies for how everything went the last time. And I really have respect for Mrs. Wielk. I just wish that as the President she should, you know, speak to the whole community.

And not just to certain people that she -- whatever her reasons are.

So thank you. Thank you very much.

I'm sorry. Thank you.

MS. AVILA: I just want to thank you all for your patience with our case and giving us all the time that you have.

And I just want to bring back to the point that, you know, it's more than just a property for us. It's the livelihood for both my husband and I.

And it is actually the only livelihood that I've known for my whole life. And I just hope that you consider it into your decision.

And I hope that you guys get to a decision this evening. Thank you.

CHAIRPERSON BUNTING-SMITH: Yes, sir. Quickly, please.

MR. LAWSACK: My name is William Lawsack. I'm a Greenburgh resident. I just wanted to clarify what that gentleman over there was saying about the pollution.

I have a wood stove. I heat my house. Okay. I've been saved by these people when the storms. And I have a 93-year old mother-in-law living with me.

And it truly is a blessing to have, you know, heat in the house, but I wanted to go back to what he said about the pollution.

I have a catalytic converter in the wood stove. It reprocesses everything inside and you don't see the smoke come out. You know, nothing would come out.

It's all processed in the catalytic converter.

I don't know if he's aware of that, but they've been around for years. I've had it since 1997. And that's all I just wanted to say. And I really -- I was a -- I had a small business in Greenburgh for 15 years.

And I know what it's like to be shut out from the box-stores. It sucks. It totally sucks. And the properties, the dirt, the trash, I live on Saw Mill River Road. My driveway happens to be on Saw Mill.

And everyday the trash; it's incredible. And the Town was out there. I know all the guys. And they're just



out there. They just cleaned five days ago.

I come home yesterday; there's bottles. There's -- people just throw bags like, in my driveway. It's disgusting. It really is. Take a look at all that. Go there.

That's -- that's -- you know, it's a shame. So I just really hope you respect their situation. Thank you.

CHAIRPERSON BUNTING-SMITH: Thank you. All right. Is there anything else?

MS. CHIOCCHIO: No, Madam Chair.

CHAIRPERSON BUNTING-SMITH: Thank you.

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Case No. ZBA 23-32: Justin & Elizabeth Lee, 2 Blueberry Hill Road (P.O. Irvington, NY 10533) - Area Variances.

The Applicant is requesting area variances from Section 285-10B(4)(a) of the Zoning Ordinance to reduce the minimum setback from the principal building to the front lot line from 40 ft (required) to 24.5 ft (proposed); from Section 285-10B(4)(b) to reduce the minimum setback from the principal building to the side lot line from 25 ft (required) to 5.33 ft (proposed); from Section 285-10B(5)(b) to reduce the minimum setback from the driveway to a side lot line from 20 ft (required) to 0 ft (proposed) in order to construct a garage, second story addition, deck and new driveway 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: 7.440-252-13.

CHAIRPERSON BUNTING-SMITH: The next case is Case 23-32, Justin and Elizabeth Lee. 2 Blueberry Hill Road.

MR. SORRELL: My name is Matt Sorrell. I'm the project engineer for Justin and Elizabeth Lee, who own the property at 2 Blueberry Hill Road --

CHAIRPERSON BUNTING-SMITH: Excuse me, you're going very fast. We have a stenographer here trying to take it down. And it's a little distorted.

So just slow down some. Okay.

MR. SORRELL: Very good. I believe also, the project, architect is also on Zoom. And I believe the Lee's themselves, are in the building there. In attendance.

CHAIRPERSON BUNTING-SMITH: They're here.

MR. SORRELL: Okay. Very good. And I'm going to share my screen. Go ahead click share. Please let me know if you can see that.

CHAIRPERSON BUNTING-SMITH: We can see it.

MR. SORRELL: All right. Very good. So, again, we're here to discuss the 2 Blueberry Hill Road project. And we were before the Board twice before. The last time being January.

At which time the Board made some recommendations to us and the case was adjourned.

So I'll go through just to give everybody an overview to refresh your memory of what the project entails. This is the property.

It is the corner lot on Blueberry Hill Road and Mountain Road.

The gray, right here, is the existing house. And the property is dominated by the pond. Very beautiful and natural feature that the owners of the house.

The reason they bought the house, actually. They love the views of the pond.

And the goal of the project is to construct a

garage so that the owners have the ability to store their vehicle indoors during the winter. And also they want to construct some new living space on the second floor up here.

And again, the family has some young children. So they would like the additional space. And they would like the ability to unload their vehicles, particularly in the winter time.

There is a steep driveway here which necessitates the garage in at the bottom of the hill. And one architectural detail that I think is really nice about this project is the breezeway right here.

So the garage is going to be setback from the house a little bit. And people on Blueberry Hill Road could be able to see the pond through that breezeway.

So it would break up the architectural -- he wouldn't have the style of the architectural mass there.

The reason we have appeared before the ZBA is because -- primarily because of the side setback right here for the new garage.

The existing driveway is right along the property line. And because of the location of the existing driveway, the garage, by necessity, has to go at the bottom of the driveway.

So that's what triggered our appearance before the Board.

At the January meeting, the Board asked us to consider upon reconfigurations of the project that would reduce the amount of variances that were required.

We have looked into this and we've decided to incorporate the Board's recommendations. And we have -- well, I'm getting a little bit ahead of myself.

Let me just show you -- a picture's worth a thousand words. This is the existing driveway. This is the existing house right here.

The stone wall is, for all intents and purposes, the property line. So you can see; the existing driveway is right against the property line.

And because it's a little excessive in this photograph, but this hill is fairly steep. The garage would have to go, effectively, where the red car is in the photograph.

Because he just could not move the garage to any other location and still have it practical to access the garage from the street.

So this is, again, a rendering of the proposed project. Again, would be the garage at the base of the driveway so that it would be easily accessible by vehicles entering and existing the driveway.

Additional living space above and this was that breezeway I've referred. So it doesn't look like there's

just a big mass building there broken up somewhat.

So we were originally before the Board for five variances. And we have reconfigured the project. We've conceded that point. And we have incorporated the Board's recommendations.

We've adjusted the size of the garage a little bit. And what that allows us to do is completely eliminate two of the variance requests.

So we're now only here for three of the original five requests.

One of those requests; the driveway setback, this is what I referred to earlier. The existing setback was zero feet.

So that is a -- that's an existing, conformance. So there's nothing we can do about that.

There was also an existing, nonconformance for the -- excuse me. As it was. The -- the front yard setback and the side yard setback are now really the only ones that we need to ask for. And we have also reduced those as well. So that they have mitigated the affect of the project.

How have we done that? I think that's best shown by this drawing that Takaaki put together. This was the original, in the red right here. This was the original footprint of the garage.

We have reduced the size of the garage. It is not

as much space as the family wanted. We are now at 22-feet wide, which is, I think, the bear minimum for two modern vehicles.

And to be able to open the doors without hitting the adjacent vehicle.

But by doing so, as you can see, the red line here was the original proposal. And we have reduced the size of the garage to gain two more feet here. That has eliminated two of the variances and mitigated two of the other ones.

So that is how we responded to the Board's comments. This is just showing you on the site plan kind of the same concept.

Again, this is the existing building. This is the new building up here.

We hold it in from the side property line to increase the side setback and to eliminate two of the variance requests for the stairs and for the deck.

So I believe that is as much as we are able to move the garage and still be able to have a safe access to Blueberry Hill Road.

And the only final thing I would like to mention is that this project does have community support. The Board is in receipt of a letter from the adjacent neighbors.

This, 4 Blueberry Hill Road, is the property immediately adjacent to them, to the north.

So they would be ones most impacted by the construction. And for the new garage. They are in full support of the project.

And, as you can see, we have included this photograph, which we have sent you before, which shows that the neighbors to the north have a very similar setup with a two-car garage setback from their main dwelling with a breezeway in between.

So, in conclusion, again, we have considered the Board's requests. We believe we have accommodated your requests and complied with your directions.

And we think the project we are presenting to this Board now has no substantial affect upon the community.

And it would greatly help the family and within their right in the residential district to have a garage.

So with that, are there any questions?

MS. DENKENSOHN: I do. I'm looking at the plans and I'm looking at your comparison to the neighborhood. In the original set of plans that you submitted to us, the structure being built was a one-story garage.

And then there was -- above it there was a small office area. And the rest of it was an open deck -- that's probably the wrong word, but it was not a built space.

In your new plan, while it's two inches further away from the property line --



MR. SORRELL: Two feet. Two feet.

MS. DENKENSOHN: Two feet. I'm so sorry. Two feet from the property line. It is now a -- the entire space except for a small veranda with a copy table and chair is now a whole master bedroom suite.

So the open area is now a full second floor with, I think, from the drawing you just showed us, with a pointed roof. So -- and it's -- now it's something over 27-feet-tall.

So the structure and you compared it to the one-story, little garage next door.

This is a big addition to the house now. Is it not?

MR. SORRELL: I don't think it's a big addition to the house. We do comply with all the zoning regulations for that. As far as the footprint of the building, it's actually reduced from our original submission.

So -- and from -- so from that perspective, there really -- to the point of the Zoning Board would be interested in. The footprint has been reduced and we have reduced the need for a variance.

So the internal configuration of the building is really -- I don't think it's really pertinent to the discussion regarding variances.

And as far as the character of the neighborhood,

again, going back to the original, some of these photographs here, from the -- from -- we have not changed the appearance from the street.

Because, from the street, you would have seen the original plan. We did have some living space above the garage with a -- perhaps a larger deck.

However, we have divvied up that space differently, which is within the owners' right to do. And we've actually accommodated the Board's request in doing so.

MS. DENKENSOHN: No. I'm not disputing that the zoning, in other places, but we're talking within the 25 feet that is not supposed to built on that needs a variance to build on that 25 feet, what's being built on that 25 feet is a master bedroom, and another bedroom, and a very -- it's not what the drawing -- it's more than within that 25 feet of the variance is a very different concept of what's being built.

I just wanted to confirm that that was right.

MR. SORRELL: So Takaaki, please, correct me if I'm wrong, but the lady said the drawings is the correct set of drawings. And, again, that is not news to my mind. The question before the Board --

MR. KAWIBATA: Yes. It is a different continuation. Because it's due to the -- I will say --

MR. CRICHLLOW: Who is this?

MR. KAWIBATA: Of course. My name is Takaaki MR. Kawibata. I am in charge of architectural design and I am a partner of LLC.

For the months we spend to accommodate your request, the only thing I got a phone call from the owner and they are expecting new baby coming up, which was not initially part of the problem for us to design the space.

Because of expected new addition of the baby to the family, owner requested us to increase the habitable space of the second floor.

MS. LEE: Can I just add to that? This is Elizabeth Lee. Me husband, Justin and I, are the owners of the property at 2 Blueberry.

And I just wanted to confirm that I did find out I was expecting -- I don't know if you guys know this, but we have two young children already.

So this would be our third. We have three bedrooms up there in the house, one master and one each for our existing children, our seven-year old and our one-year old.

And so our thought when I find out I was pregnant in late January and due this fall is that this is our opportunity and sort a of blessing in disguise that you guys had kicked back, you know, the design, for review and reconsideration.

And that in addition to, you know, reducing the

amount of variances that we're asking for, that we could really try to make this house work for us in light of the news.

And, so, you know, we think that it makes sense to add another bedroom. And it would really, you know, for us it really matters in terms of utilization and how we use the space going forward with our growing family.

So I thank you for catching that design change that I think is something that you obviously would have needed to look into closely to see and that's, you know, the basis for our change.

MR. CRICHLLOW: I believe that we can confirm that the change of the use of the space above the garage is not germane to the Zoning Board's looking at your application.

MR. LEE: Okay.

MS. UEBERLE: The chart that you have with the variances, you're asking for, I don't believe we got that in our packets.

MR. SORRELL: You do have it, ma'am. Where it is you can find it, it is on the new site plan. I just blew it up on the screen so that, you know, just to facilitate the viewing in the auditorium there.

But you would find it on the revised site plan.

MS. UEBERLE: Okay. I found it. Thank you.

MR. SORRELL: Yep. You're welcome.

MR. CRICHLOW: Are there any other questions?

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

MR. BLAND: Nope.

CHAIRPERSON BUNTING-SMITH: Anything from the  
audience? Okay. Thank you.

MR. SORRELL: Okay. Thank you.

\* \* \* \*

Case No. ZBA 23-33: Gregory M. Leong, 149 Princeton Drive (P.O. Hartsdale, NY 10530) - Area Variances.

The Applicant is requesting area variances from Section 285-15B(5)(b) of the Zoning Ordinance to reduce the minimum distance from a driveway to the side property line from 10 ft. (Required) to 6.16 ft (proposed); from Section 285-15B(3)(d) to increase the maximum impervious surface coverage from 40.75% (permitted) to 43.87% (proposed); and from Section 285-38B to increase the maximum driveway width from 30 ft (permitted) to 68.75 ft (proposed) in order to legalize a circular driveway added onto a non-conforming driveway on 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: 8.210-158-5.

CHAIRPERSON BUNTING-SMITH: Next case is 23-33, Gregory Leong. 149 Princeton Drive.

MR. LEONG: Hi. I am Greg Leong. 149 line Princeton Drive. So I'm applying for a variance for my driveway. We presented. After our first presentation, I did get the letter from the Board.

And I do appreciate the concern for the visual impact of the driveway.

I would also be concerned if I thought it was an eyesore in the community, but I -- besides my neighbors telling me they thought it was an improvement over what was

previously there.

I did -- I would like to point out that there are several other circular driveways. Ron, are you there?

MR. ENG: I am.

MR. LEONG: So if I can just quickly show you just some picture that I managed to take of some of the other driveways that are fairly similar to mine and see.

Should hopefully be on the screen soon.

MR. ENG: I can -- Im just going to share. Should I introduce myself as well?

MR. LEONG: Yes.

MR. ENG: My name is Ron Eng, E-N-G. We are the architects for the property. So as you can see; this is 149 Princeton Drive here. I think, Greg, if you want to -- do you want to start with Yale?

MR. LEONG: Alexander.

MR. ENG: We can look at Alexander. Yep. Okay.

MR. LEONG: Yeah. The PDF I gave.

MR. ENG: So what we can show you is probably the most prominent --

MR. LEONG: Do you have the PDF? Do you have the PDF I sent you?

MR. ENG: I can dig that up.

MR. LEONG: Okay.

MR. ENG: But this gives you a sense of its

location relative to 149 Princeton.

MR. LEONG: I did have a PDF that's --

MR. DUQUESNE: We have access to that if you need it.

MR. LEONG: Oh, yeah. Can -- they can actually show it, Ron.

MR. ENG: Okay. I can stop. Yep.

MR. DUQUESNE: Okay. If you're finished with that.

MR. LEONG: Thanks.

MR. DUQUESNE: Sure.

MR. LEONG: So these are all within a couple of blocks.

MR. DUQUESNE: I'll have it up in two seconds.

MR. LEONG: Okay. Thank you.

So this is Alexander, which is very similar. This driveway is very similar to mine.

MS. UEBERLE: Just a question on that.

MR. LEONG: Sure.

MS. UEBERLE: Is that in White Plains or in?

MR. LEONG: So I -- when I look it up, it's two blocks and then it's right around the corner.

I believe it's Hartsdale, because I have used to have a co-worker on who lived on Alexander. She used to say, ah -- she used to say she lived in Hartsdale also.

MS. UEBERLE: I think that particular house is



right at the border of White Plains.

MR. LEONG: It could be right on the border. Okay. Then there's Yale, which is definitely in college corner. Essentially, a circular driveway.

And they have the driveway in the back also.

And then there's Cornell. Which I think you brought up last time. All right. Then you have that circular driveway with the driveway.

Then there's one right up the block from me on Princeton. I don't know. These pictures aren't great, but hopefully they illustrate.

And then Columbia -- thanks.

So there are -- I'm, you know, hopefully my driveway is not such an anomaly in the neighborhood, as there are several others there, but, like I said, whatever I said, or showed them last time, isn't enough to persuade you.

As I stated, my primary goal is to make it manageable for my dad to get access to the house. So, to that extent, my architect has come up with an alternate plan. If nothing I said can persuade you. Ron, do you want to run that by them?

MR. ENG: Yeah.

MR. LEONG: Which I believe you have plans.

MR. ENG: So we are seeking the two variances for

the overall width of the drive and the other one's the square footage calculation.

And so what we're showing in this particular case is at the bottom, this is a drive that the portion of the drive we would remove.

So it would terminate just -- it would be a backing-out-condition. They'd have to drive in and he'd have to drive -- back out in to re-park in the garage.

And so we also included, I think it's in your package, some renderings of how we can possibly do that just so you can see.

It was the comment that we received after the January presentation was to mitigate, visual impact.

So we thought it was an appropriate. Because it still gets them to the entrance. And it reduces the variance requested by about 20-some-odd-feet in width and about 400 square feet in area. So --

MR. LEONG: Yes. So that's what my architect came up with.

Hopefully -- I'm hoping -- becoming caretaker for my 93-year old dad has a lot of issues, but I'm hoping at least this one, I can find some resolution on. Because who knows what's going to happen tomorrow.

So thank you for your time. Anyone has any questions? No? Okay.

MR. DUQUESNE: Thank you. Stop share, please.

MR. LEONG: Thanks, Ron.

CHAIRPERSON BUNTING-SMITH: Anyone else want to  
make comments on this case? All right.

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Case No. ZBA 24-01: Lee & Petra Boykoff, 160 Fort Hill Road (P.O. Scarsdale, NY 10583) - Area Variances.

The Applicant is requesting area variances from Section 285-12B(5)(b) of the Zoning Ordinance to reduce the distance from off-street parking (driveway) to the north side property line from 16 ft (required) to 2.5 ft (proposed); and from Section 285-38B to increase the interior driveway width from 30 ft (permitted) to 39.3 ft (proposed) in order to legalize a driveway expansion 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: 8.520-356-2.

CHAIRPERSON BUNTING-SMITH: Next case on tonight's agenda is Case 24-01, Lee and Petra Boykoff. 160 Fort Hill Road, Scarsdale.

MS. BOYKOFF: Hi. I am Petra Boykoff. I am the owner at 160 Fort Hill. We were here last time. So thank you again for taking the time to consider our appeal.

As a reminder, we are asking the ZBA for a variance warding our driveway. In the last meeting, we did not successfully describe how the cars turn around in our driveway.

So we're here tonight to provide additional details and clarity and we've created a few diagrams to help illustrate how these cars enter and exit our driveway.

As a quick reminder, we live on Fort Hill Road, which is a narrow, curvy, two-lane road, with drivers frequently speeding by as a means to bypass Central Avenue.

As a result, it is not safe to back out of our driveway. And our objective is to design a driveway that easily enables cars, not just us, but also our guests, to safely turn around and exit in a front-facing manner.

There is no street parking on Fort Hill Road. All visitors must pull into our driveway. And there's also a heavily-used sidewalk in front of our driveway. Further necessitating our desire for a front-facing egress.

Do you want me to share or?

MR. DUQUESNE: If you prefer that, I could stop.

MS. BOYKOFF: No. Either way.

MR. DUQUESNE: It's your preference. Whatever you want.

MS. BOYKOFF: Hold on one second. Because I'm trying to do everything here. So we provided a packet to the ZBA here. There's a written section here and then we provided four diagrams here, which I'm going to show you.

So just very briefly walking through. The first diagram is an overall plan of the driveway clarifying some of the details that were asked at the last meeting. The second diagram is to give you a sense of scale for what a car looks like when pulling out of the garage.

And I think what's important to note here is that you need to pull straight out of the garage before you can turn, before you can turn the car. And you can't turn until you're fully out of the garage. And so otherwise, you would hit the garage. And so because of this, when backing up the car, ends up about here.

So the third diagram; this is the current five-point turn that is required. And this is current. To exit the garage from our driveway.

As you can see from here, our car backs up into position number two, then fronts into position number three, then backs up again into position number four, and then can finally turn around in a front-facing manner to exit the driveway in position number five.

And then in the last diagram; this is how a car that's parked in front of our house. Somebody who's dropping off a playdate, my elderly mother, my elderly mother-in-law, would come, would turn around, and turn back out. And then exit in a front-facing manner.

So me we hope this additional submission provides more clarity and context and I'm happy to answer any questions from the Board.

CHAIRPERSON BUNTING-SMITH: Any questions?

MS. BOYKOFF: Thank you for your time.

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Case No. ZBA 24-02: Marcia Zeppieri, 86 Windom Street (P.O.White Plains, NY 10607) - Revision of a Condition of a Prior ZBA Decision.

The Applicant seeks to revise condition 7 of a previously granted decision for ZBA Case 23-34, requiring Applicant to erect a 6 ft. Fence along the east property line, to permit Applicant to plant Arbor Vitae trees for screening instead. The property is located in the R-10 One Family Residence District and is designated on the Town Tax Map as parcel ID: 7.520-314-24.

CHAIRPERSON BUNTING-SMITH: Next case is Case 24-02, Marcia Zeppieri, 86 Windom Street.

CHAIRPERSON BUNTING-SMITH: We don't hear you.

MR. DUQUESNE: Chris, we cannot hear your audio. There's a phone-in feature. Maybe we would go to the next application. Give it a few more seconds.

CHAIRPERSON BUNTING-SMITH: Okay.

MR. DUQUESNE: You can use the chat function, Chris, if you have any troubleshooting questions. She's going to call in.

CHAIRPERSON BUNTING-SMITH: All right.

MR. DUQUESNE: In the interest of time, do we want to switch to the next application?

CHAIRPERSON BUNTING-SMITH: Sure. We can do that.

MR. DUQUESNE: Chris, if you can please stop share.

We'll call you next after this next application. Thank you.

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Case No. ZBA 24-03: Talita Cristina Pedro Cordeiro de Andrade & Andre Innocenzi Alves de Souza, 3 Laura Lane (P.O. Scarsdale, NY 10583 ) - Area Variance.

The Applicant is requesting an area variance from Section 285-12B(3)(d) of the Zoning Ordinance to increase the Maximum Impervious Surface Coverage from 29% (permitted) to 33.5% (proposed) in order to construct a deck extension and pergola 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: 8.450-315-9.

CHAIRPERSON BUNTING-SMITH: Moving to Case 24-03, Talita Cristina Pedro Cordeiro de Andrade & Andre Innocenzi Alves de Souza, 3 Laura Lane.

MR. COMPTON: Evening, Madam Chair, Members of the Board. My name is Ben Compton. Joe Bello Architects. 6334 Northern Boulevard in East Norwich here.

I'm here representing the owners of 3 Laura Lane in their request for a variance for coverage. The property is located on the North side of Laura Lane in the R20 District.

The code section that we're looking for relief is is Code Section 285-12B(3)(D) which is the maximum impervious coverage limited to 29 percent.

The variance requested is for 33.5 percent. I just want to point out the existing coverage of the site before we do any of the work, just due to the nature of the

additions that were done to the site before they purchased the property, is at 32.7 percent.

Which means that the increase that we're asking from the existing is 0.8 percent for the work we're looking to do. The work that they're looking to do is to better connect their house or their living space to the backyard.

Thank you for pulling that up. The two areas that they're looking to put an addition is the first is on the north side -- sorry -- on the west side, which is on the top of the drawing.

Which is really just a stair that comes out of the dining room, which is probably best seen on the plans as opposed to site plan. It's just a door with a landing and a set of steps that allows them to go out to the backyard.

One more. And so that set of steps also then -- sorry -- so basically that set of steps there also reconfigures the existing exterior set of steps that connects to a room in the basement.

And so that ends up being the width of that. What that allows them to do is that currently all of their -- to get to their backyard, their back deck, they actually have to go through one of the bedroom of some form.

So this connection allows them to go in the side yard and then to the backyard. The other addition that they're looking for is to actually connect the other

bedroom, which is in the corner in the northeast corner also to the that deck.

And so there's an existing deck back there. With the small addition they're looking to do, really just connects the one-bedroom through a door to the same deck in the back.

I'll note that both of these structures are actually in the backside of the house. So there's no visual impact from the street as you look at them. And it is just a minimal request. If there's any questions?

MS. DENKENSOHN: So most of this is legalizing what's there?

MR. COMPTON: No. No. No. All the stuff that was there has been there, as far as I know. I don't know of.

MS. DENKENSOHN: I couldn't see your arrow. I just didn't.

MR. COMPTON: Oh, sorry.

MS. DENKENSOHN: It's very -- in order to understand where the additions are and how big they were.

MR. COMPTON: Okay. Bear with me one second. The new side entry on the north side. If we go to the site map, which is probably the easiest. Which is on top of the drawing.

That right there is an additional 140 square feet to be put on. And then the --

MR. BLAND: And just before you go further, that's just for stairs, because the way it's hatched out, there's not going to be a deck there. It's just the stairs.

MR. COMPTON: Because the house is raised a little bit back there, there's a set of steps. There's a platform there and a set of steps that goes down.

MR. BLAND: There's a platform.

MR. COMPTON: You can have like a platform outside the door. It's, you know, so it's a small platform basically to allow them to step out.

MR. BLAND: The platform is the hatched out area in gray.

MR. COMPTON: Just the one small section of it. One half of it approximately. The other hatched section is the area that goes down to the basement.

Because there's an existing curved basement stair that falls along the house. So we're looking to basically replace that. Yeah. If we go to the first floor plan, it's probably the easiest.

MR. DUQUESNE: I was going to see if there's a photograph. Okay. Sorry. Where would you like me to go to? The drawing set and which one? Elevation?

MR. COMPTON: I'm sorry. Just scroll down one more page to the first floor plan. Yep. Scroll all the way to the bottom. All right. So in the bottom corner there, you

see the platform, which is white, because they have sliders on the back of their house.

It's part of the design. So we put a slider there. And then the stair platform that comes off of that is just basically the width needed to basically encompass the slider.

It goes down and then you'll see it goes out to a small platform and then that stair actually wraps back around underneath to get them access to the basement where it currently exists.

The dashed area that's right next to that, there's a current stair, which kind of curves around the side of the house and goes into that basement.

So that's going to be replaced with the stair basically coming wrapped around that way.

MR. BLAND: The other question that I was going to ask: I know you indicated that it was 31 percent. You said that was already covered.

MR. COMPTON: 32.7 percent.

MR. BLAND: So the question was raised that would be preexisting nonconforming.

MR. COMPTON: Nonconforming.

MR. BLAND: So actually, that would have to be, in our minds, you're actually, just because it was there, do you know if there was a variance for that?

MR. COMPTON: I do not know. I do not know. Yea.  
The total increase is four-and-a-half percent. That is the  
bottom line. The relief that we're looking for is  
four-and-a-half-percent additional.

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

MR. COMPTON: Thank you.

\* \* \* \* \*

Case No. ZBA 24-02: Marcia Zeppieri, 86 Windom Street (P.O. White Plains, NY 10607) - Revision of a Condition of a Prior ZBA Decision.

The Applicant seeks to revise condition 7 of a previously granted decision for ZBA Case 23-34, requiring Applicant to erect a 6 ft. Fence along the east property line, to permit Applicant to plant Arbor Vitae trees for screening instead. The property is located in the R-10 One Family Residence District and is designated on the Town Tax Map as parcel ID: 7.520-314-24.

CHAIRPERSON BUNTING-SMITH: Next case is Case 24-04 --

MR. DUQUESNE: Is it okay if we go back to -- let's at least do a quick test.

CHAIRPERSON BUNTING-SMITH: Oh, that's right.

MR. DUQUESNE: Chris, do you hear us?

MS. BRODA: Yes. I hear you.

CHAIRPERSON BUNTING-SMITH: This is Case 24-03, I'm sorry, 24-02, Marcia Zeppieri

MS. ZEPPIERI: I'm sorry. It's Marcia Zeppieri.

CHAIRPERSON BUNTING-SMITH: Yes.

MS. BRODA: Chris Broda. Can you hear? Me.

CHAIRPERSON BUNTING-SMITH: Yes.

MS. BRODA: Hi. Good evening, everyone. My name is Chris. I am architect for the project. We have

previously received a zoning variance for this project. We are here tonight to simply change one of the stipulations of the project.

Just to take a look at. This is the view down Windom Street. This is Mrs. Zeppieri's house. Currently we have made changes from what this image shows. We had to reduce the size of the driveway.

And part of our stipulation was to put a fence along the border between these two houses. What -- and this is what you could see here. That's a narrow passageway between -- in the previous iteration of the property, we had the driveway going right to the property line.

It is now cut back so that there's a three-foot space in between the two.

So our previous submission and improved plans were to do a fence like this, but if you take a look at the rest of the properties around, nobody has a fence between their properties and this would be only one.

And if we come a little further down here, and see, you could see that there's actually some planting from the neighbor's property that would be interfered with.

And what we would like to do instead is instead instead of putting fence there is to put some arborvitaes. And that would give us -- it would actually be better for managing the stormwater issues that were on the property



before.

We've since built the curb and put in drainage. You don't see it here, but we have a drainage line here and in the back that collects all the water. The driveway's been redone to slope back and forth, not to the sides.

And what we'd like to do is simply put in a nice hedge of arborvitaes that would be a lot more natural, would actually absorb a lot better, and just be a much more, I think, in keep with the neighborhood.

Where you've got hedge rows here on the neighbor's property so you can see. Maybe get everybody in there, but you can see that on Google Maps version as well.

And so that's really why we're here. We're just simply asking to, instead of do a fence, that we can do natural planting along the property line between the two properties.

MR. BLAND: Have you consulted with your neighbor? I do remember the case. Are they in agreement with that?

MS. ZEPPIERI: We don't --

MS. BRODA: Go ahead, Marcia.

MS. ZEPPIERI: Oh, no. I was going to say, like, we really not like -- we don't really speak, you know. We tried, they're selling. And I have a --

MS. BRODA: For sale as well. Yeah. They are moving.

MS. ZEPPIERI: They're selling the house.

MR. BLAND: Okay. Thank you. The neighbors are moving.

MS. BRODA: The neighbors are moving. They've got the house up for sale at this point.

CHAIRPERSON BUNTING-SMITH: Any other questions?

MR. CRICHLLOW: Any reason why you wouldn't use the same type of hedge rows like, across the street?

MS. BRODA: No. I would just say probably, I have a feeling from what it looked like, that these guys are Privet Hedge. And that is actually --

MR. BLAND: Lower.

MS. BRODA: -- maybe not. Maybe that's -- that might be you, but they're not -- they're very trim. Very -- if they're Privet, they're not allowed, but that's an invasive species, but it looks like -- I mean, it's very manicured, very sculpted, very straight.

They tend to overtime have a lot of brown spots, brown areas. Because they're so jammed together that they -- the branches tend to die.

And once they do, you have to really replace the entire shrub. Whereas, if you were to do arborvitae, it's a more natural form. It's a lot looser. And has a little bit of air going through. And they tend to survive better.

Once you get Hughes or Boxwood or anything like

this, it tends to have a real problem with die-off of the shrubs.

MR. BLAND: Okay. And to your estimate right now, how many arborvitaes are you planting?

MS. BRODA: Well, we would be planting them. I mean, the recommended spacing between arborvitae is four to five feet in between. Depends on which variety you're getting.

So the variety that we were looking at, which would grow taller, their recommendation, you know, and they have a little bit more of a spread. They're about four to five feet spacing.

MR. BLAND: So how many of them?

MS. BRODA: Well, right now, I'm just showing about seven, but actually, we want to go back. There is --

MR. BLAND: So you're going back further than what you're showing?

MS. BRODA: This is an existing fence that's actually on the -- I believe the neighbor's put up.

MR. BLAND: Okay.

MS. BRODA: But this existing fence is there. We would go all the way back to that fence.

MR. BLAND: Okay.

MS. BRODA: So probably -- there is one of their shrubs that's here. I suppose if there's a buyer, we can

talk to them about, you know replacing it there. I can show you what that shrub looks like right now.

MR. BLAND: That's okay. No. Thank you. That's good. Thank you.

MS. BRODA: But, you know, yes. We would take it all the way so that it would make it complete distance. You know, separation between the two properties. It would go all the way and complete this area here.

MR. BLAND: Thank you.

CHAIRPERSON BUNTING-SMITH: Anything else? Anyone in the audience? Okay. Thank you.

MS. BRODA: Thank you.

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Case No. ZBA 24-04: The Arthur Marlow Living Trust, 6 Lark Avenue (P.O. White Plains, NY 10607) - Area Variance.

The Applicant is requesting an area variance from Section 285-14B(4)(b) of the Zoning Ordinance to reduce the Minimum Distance between the principal building and side property line from 12 ft (required), (6.1 ft previously granted under ZBA Case 98-30), to 5.5 ft (proposed) in order to legalize an addition on the subject property. The property is located in the R-10 One Family Residence District and is designated on the Town Tax Map as parcel ID: 7.520-319-34.

CHAIRPERSON BUNTING-SMITH: Moving onto Case 24-04, The Arthur Marlow Living Trust. 6 Lark Avenue.

MR. SINSABAUGH: Good evening, Chair, Members of the Board. My name is Brian Sinsabaugh. I'm an attorney at Zarin and Steinmetz, on behalf of the applicant, and the prior owner Arthur Marlow Living Trust.

I also have with us tonight Will Hoops in the audience who is the new attorney owner of the property.

The property is located at 6 Lark Avenue. It's a 0.38-acre property in the Town's R-10 District. To approve a single-family zoning that was originally constructed in 1961.

Just to give some background on this; I know it's

part of our subdivision, but I want to make sure it's clear. A one-story revision was constructed in 1998 pursuant to building permit number 27896.

At the time the building permit was approved, the property was in the R-20 District Zone. It required four separate variances. Individual, total side yard setback variances, impervious surface coverage variance and the variance permitted alteration of what was nonconforming structure in the R-20 District.

All four of these variances were granted on by the ZBA on September 24th, 1998, in what was Case Number 98-30.

The individual side yard setback that was approved by the ZBA at that time was 6.1 feet along the southerly boundaries.

The ZBA resolution findings at that time, no except landscaping. Majority of which still exists today.

The plans submitted to the Town as part of that application, as well as those plans that were approved by the Town Building Department, both show 6.1-foot setback.

This is also shown on the site plan identified as site plan for additions to the house that was prepared by architect Var Hansen and dated October 23rd, 1998.

The addition was constructed following the approvals and no further additions have been made to the structure since that time.

On December 19th, 2023, the property was sold to Mr. Hoops. During the closing process, a survey was prepared by Gabriel Senor [ph.] PC, dated December 20th, 2023.

That identified a 5.5-foot southerly side-yard setback, or, in other words, a 0.6-foot or 7.2-inch reduction to the side yard setback that was approved by the ZBA in 1998.

That's what brings us to you tonight.

Tonight we're seeking an area variance approval for the reduction of the properties and visual side yard setback market in the R-10 District which requires a minimum of 12 feet.

That's pursuant to Code Section 285(14b4B). Accordingly, a six-and-a-half foot reduction to the town and side yard setback requirement is needed tonight.

We strongly believe that the benefit of granting this variance far outweighs any impact that the granting of the variance may have on the community.

First of all, there's no undesirable change to the neighborhood or detriment to the nearby properties.

This property has been in the same condition for over 25 years. There's significant natural screening that exists between the addition and the southerly lot line.

And what we're asking, again, although, it's a

six-and-a-half foot change, due to the ZBA variance that was approved in 1998, it really is, in essence, a seven-inch difference of what was previously approved.

The benefits sought by the applicant cannot be achieved by any other method feasible for the applicant to pursue.

Again, this has been constructed for over 25 years at this point.

The only other method of resolving this would be to remove the addition. And not even in full. That could cause -- what we don't even know in terms of compromise to the structure, but all for what is such a minimal variance.

The requested area variance is also not substantial. As the Board knows, New York Courts have held that what was considered the actual impact of the requested variance on the surrounding community when evaluating the substantiality. You can't just look at a number in a vacuum.

Here, the applicant is seeking a six-and-a-half-foot reduction to the side-yard. That's a 54 percent reduction.

However, as noted, the granting of this variance, is, in essence, reducing what the ZBA has already approved for this very structure on this very property, by a mere seven inches.



The requested variance will not adversely impact the environment. Again, this has been constructed for 25 years without issue.

Approving this variance will not increase any impervious surface area, will not remove any additional screening. It will just simply improve what it is today.

And lastly, while we do believe that this is a simple measurement error, in that -- and one that had gone unnoticed for 25 years, even if this Board finds it's a self-created hardship, New York Courts have long held that such a finding is not dispositive.

That's all I have at this point. So if there are any questions?

CHAIRPERSON BUNTING-SMITH: Any questions from the Board?

MR. BLAND: Just one small one. How did this come to the building inspector?

MR. SINSABAUGH: So I would have to refer back to the building inspector to see how it came to her, but I do know we had a survey in terms of --

MR. BLAND: Were you seeking a C of O or?

MR. SINSABAUGH: No. We're in the closing process right now. So the survey did show a discrepancy. And this is necessary to resolve that closing process.

MR. BLAND: Thank you.

MR. SINSABAUGH: Yes.

CHAIRPERSON BUNTING-SMITH: Okay.

MR. CRICHLOW: This is a real tough one.

CHAIRPERSON BUNTING-SMITH: Okay. Thank you.

MR. SINSABAUGH: Thank you.

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Case No. ZBA 24-05: Sebastian Guerra, 31 Hidden Glen Road (P.O. Scarsdale, NY 10583) - Area Variances.

The Applicant is requesting area variances from Section 285-12B(4)(d) of the Zoning Ordinance to reduce the distance from the rear property line to an open wood deck from 27 ft (required) to 17 ft (proposed); and from Section 285-12B(3)(d) to increase the Maximum Impervious Surface Coverage from 29% (permitted) to 37.3% proposed in order to remove and replace a rear deck 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: 8.510-352-16.

CHAIRPERSON BUNTING-SMITH: The last case we have on tonight's agenda is Case 24-05, Sebastian Guerra, 31 Hidden Glen Road.

MR. LEVIN: Hello. My name is Vladimir Levin. I am an architect with Michael Figueroa Architects. I'm here on behalf of the owners to present this project. The owner, Sebastian, is actually on the Zoom call as well. So he can at any time speak if so chooses.

This is a pretty straightforward variance. The owners, which I'm going to share my screen, which they would like to take down and rebuild in a more regular, user-friendly deck that's more practicable.

The existing deck is nonconforming with respect to

the rear yard setback, where 27 feet is required, and the existing is 17 feet.

And also, with respect to the impervious coverage, where 29 percent is the maximum allowed, and the existing is 37.3 percent.

So here, you can see a picture of that oddly-shaped deck -- Ill switch over to my site plan.

So the red is the existing deck, which is being taken down. And the lightly-hatched area is the new deck. The new impervious coverage and the existing impervious coverage will not change.

The configuration of the new deck is exactly the same square footage as the existing deck, which is being removed. They're both at 904-square feet. The nonconformity, the rear yard, is actually being lessened.

So the existing deck was 15-foot-eight-inches. And our new deck is actually going to be 17. So we're improving that nonconformity. That's it.

MS. DENKENSOHN: On the hilly area to the left-hand side of the screen on your floor plan, it shows that there's a hill. That's going downhill to the west of the house.

You have 192, 193, 186?

MR. LEVIN: Yes.

MS. DENKENSOHN: What is on the other side of that property line? And is there a runoff issue if we increase

the impervious coverage?

MR. LEVIN: Well, we're not increasing the impervious coverage. It is the same as it was. So, like I said, the -- it's -- the existing deck is 904-square feet, which is being removed. And the new deck is 904-square feet. So it's -- it's even.

MS. DENKENSOHN: Well, it says that the one of the variances that you're requesting is to increase the maximum impervious surface coverage from 29 percent to 37.3 percent.

MR. LEVIN: So the -- that's an existing, nonconforming condition. The existing impervious coverage is nonconforming.

MS. DENKENSOHN: Are there any drainage problems now and flooding problems?

MR. LEVIN: I don't believe there are.

MR. GUERRA: I can answer that. This is Sebastian. No. We haven't had any issues from a grading perspective. The runoff is fine. There's a creek in the back. There's kind of a big hill following that runoff that's shown. And then there's a creek and Saint Andrew's is back is there. And we haven't had any issues.

MS. DENKENSOHN: Could you -- I understand this backs onto Saint Andrew's. Could you tell me what hole approximately this backs onto? So I can have a better understanding of where you are?

MR. GUERRA: Yep. It's 4.

MS. DENKENSOHN: Okay. I know it. So you're near the green?

MR. GUERRA: We are -- correct. We're closer to the green. Yep.

MS. DENKENSOHN: Okay. That's a big hill. That's why I'm curious.

MS. GERRITY: Liz Gerrity, Deputy Building Inspector. I just want to make a point of clarification. The applicants are proposing to remove the deck.

So it's going to be asking for a variance, even though, right now, the deck exists. There's a previous variance that was granted for the setback of the existing deck, but the impervious surface, there's going to be a new variance for the setback and the impervious surface because they're removing the structure.

MS. DENKENSOHN: Right. So we're just kind of legalizing what's there?

MS. GERRITY: No.

CHAIRPERSON BUNTING-SMITH: No.

MS. GERRITY: No. So what's there is legal, but what they're doing is they're removing it. So now they need new variances. So you have to treat it as new.

MS. UEBERLE: I just want to clarify so -- just so that we get the numbers right. So from the distance from

the rear yard to deck, it was at 15.8; it's now at 17, but the impervious surface coverage is exactly the same?

MR. LEVIN: That is correct.

MS. UEBERLE: Okay.

CHAIRPERSON BUNTING-SMITH: Any other questions?

MS. UEBERLE: So the reason that we're -- the reason questioning that also is because, if you look at the drawings, it looks like it would be larger.

Because this lines -- the space where there are lines is larger than the space that the old space that is covering. At least that's the way it looks to us.

MR. LEVIN: Well, if the Board would like, as a condition of the approval, we can provide, you know, graphic evidence and calculations of the new deck versus the existing deck.

MR. CRICHLLOW: I don't believe that that is necessary. It's clearly evident on the site plan the difference between the existing to be removed and the new deck.

MR. BLAND: But I -- I would differ. In fact, if you say the impervious surface is exactly the same, visually, it's larger. The new stairs that are, I believe to -- well, to the left of the property from rear in the front.

MR. LEVIN: And the square footage is exactly the

same.

MS. DENKENSOHN: The big --

MR. LEVIN: The old deck is 904-square feet and the new deck is 904-square feet.

MS. UEBERLE: I don't need the calculations. I just wanted to hear it from you. That's all.

MR. LEVIN: Okay.

MS. UEBERLE: Thank you.

MR. LEVIN: Thank you.

CHAIRPERSON BUNTING-SMITH: Thank you.

So we will now adjourn for our deliberations after we take a ten-minute break.

(Recording stopped.)

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CHAIRPERSON BUNTING-SMITH: So we are back with the results of our deliberations.

Case Number 23-14, Hartsdale Greenhouse, is closed for decision only to the meeting of April 18th.

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CHAIRPERSON BUNTING-SMITH: Next case, Case 23-32  
Justin and Elizabeth Lee is adjourned for all purposes to  
the meeting of April 18th.

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CHAIRPERSON BUNTING-SMITH: Case Number 23-33, Gregory Leong. Do I have a resolution?

That the Greenburgh ZBA has reviewed the above-referenced application with regard to SEQRA compliance.

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

MR. CRICHLLOW: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. DENKENSOHN: Aye.

MS. KNECHT: Aye.

MS. UEBERLE: Aye.

MR. CRICHLLOW: Aye.

MR. BLAND: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

Do I have a --

MS. KNECHT: Yes, Madam Chair. I move that application in Case Number 23-33 be denied.

CHAIRPERSON BUNTING-SMITH: Thank you. Because of the lateness of the hour today -- I'm sorry --

MS. DENKENSOHN: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. DENKENSOHN: Aye.

MS. KNECHT: Aye.

MS. UEBERLE: Aye.

MR. CRICHLOW: Aye.

MR. BLAND: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

Again, in lieu of the lateness of the hour, and the fact we have several cases to get through, we'll provide the findings in the record, as well as you can get the information from the secretary, if necessary. Thank you.

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CHAIRPERSON BUNTING-SMITH: Going onto our next case, Case 24-01, Lee and Petra Boykoff.

And 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 type-two action requiring no further SEQRA consideration.

MR. CRICHLLOW: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. DENKENSOHN: Aye.

MS. KNECHT: Aye.

MS. UEBERLE: Aye.

MR. CRICHLLOW: Aye.

MR. BLAND: Aye.

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

MR. BLAND: Okay. Madam Chair, I make a motion in application that Case Number 24-01 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 plans dated March 11th, 2024, and stamped received March 11th, 2024, submitted in support

of this application as or such plans may be hereafter modified by another approving Board or agency or officer of the Town provided that such modification does not require a different or greater variance than what we are granting herein.

The variances being granted are for the improvements shown on the plans submitted in support of this application only.

Any future or additional construction that's 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: Do I have a second?

MR. CRICHLOW: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. DENKENSOHN: Aye.

MS. KNECHT: Aye.

MS. UEBERLE: Aye.

MR. CRICHLOW: Aye.

MR. BLAND: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

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CHAIRPERSON BUNTING-SMITH: And the next case is  
Case 24-02, Marcia Zeppieri, 86 Windom Street.

This case is adjourned for all purposes to  
April 18th.

\* \* \* \* \*

CHAIRPERSON BUNTING-SMITH: And next case is 24-03, 3 Laura Lane. And that is -- 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 consideration.

MR. CRICHLLOW: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. DENKENSOHN: Aye.

MS. KNECHT: Aye.

MS. UEBERLE: Aye.

MR. CRICHLLOW: Aye.

MR. BLAND: Aye.

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

MS. DENKENSOHN: Yes, Madam Chair. I move that the application in Case Number 24-03 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 the plans dated November 14th, 2023, last revised, January 24th, 2024.

Submitted in support of this application or as such



plans may hereafter be modified by another approving Board or agency or officer of the Town.

Provided that such modification does not require a different or greater variance than what we are granting herein.

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

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

MR. CRICHLLOW: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. DENKENSOHN: Aye.

MS. KNECHT: Aye.

MS. UEBERLE: Aye.

MR. CRICHLLOW: Aye.

MR. BLAND: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

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CHAIRPERSON BUNTING-SMITH: And Case 24-04, Arthur Marlow Living Trust. 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 consideration.

MR. CRICHLOW: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. DENKENSOHN: Aye.

MS. KNECHT: Aye.

MS. UEBERLE: Aye.

MR. CRICHLOW: Aye.

MR. BLAND: Aye.

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

MS. UEBERLE: Yes. Madam Chair, I move that the application in Case Number 24-04 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 December 20, 2023, and stamped received February 7th, 2024, submitted in

support of this application or as such plains 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 requirements the zoning ordinance shall require variance even if the construction conforms to the height, setback or other variances we have approved herein.

MR. CRICHLOW: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. DENKENSOHN: Aye.

MS. KNECHT: Aye.

MS. UEBERLE: Aye.

MR. CRICHLOW: Aye.

MR. BLAND: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

\* \* \* \* \*

CHAIRPERSON BUNTING-SMITH: And the next case we have is Case 24-05.

MR. LIEBERMAN: The findings just put on the findings will be forthcoming.

CHAIRPERSON BUNTING-SMITH: Yes. I did say that in the very beginning that the findings would be forthcoming.

MR. LIEBERMAN: For all the cases.

CHAIRPERSON BUNTING-SMITH: Yeah. For all of the cases. I'm sorry.

Back to 24-05; 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 consideration. Is there a motion?

MR. CRICHLLOW: Second.

CHAIRPERSON BUNTING-SMITH: All in favor.

MS. DENKENSOHN: Aye.

MS. KNECHT: Aye.

MS. UEBERLE: Aye.

MR. CRICHLLOW: Aye.

MR. BLAND: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

MR. CRICHLLOW: I move that the application in Case Number 24-05 be granted provided that the applicant obtain all necessary approvals and file same with the Building

Department.

The construction shall begin no later than 12 months after the granting of the last approval required for the issuance of the building permit and proceed diligently thereafter in conformity with the plans stamped received February 15th, 2024.

Submitted in support of this application or as such plans may be hereafter be modified by another approving Board or agency or officer of the Town provided that such modification does not require a different or greater variance than what we are granting herein.

And 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 ordinance shall require variances even if the construction conforms to the height, setback or other variances we have approved herein.

MR. DENKENSOHN: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. DENKENSOHN: Aye.

MS. KNECHT: Aye.

MS. UEBERLE: Aye.

MR. CRICHLLOW: Aye.

MR. BLAND: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

And with that, we are complete for this evening.  
Hopefully spring will come faster than it is. And we'll see  
you all in April.

(Recording stopped.)

(Whereupon, the ZBA meeting for March 21st, 2024,  
is adjourned to the next meeting of April 18th, 2024, 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.

Michael DeMasi

Michael A. DeMasi, Jr.  
Senior Court Reporter