



TOWN OF GREENBURGH
ZONING BOARD OF APPEALS Meeting Results
Thursday, May 16, 2024 – 7:00 P.M.

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TOWN OF GREENBURGH

The Meeting of the Zoning Board of Appeals (ZBA) of the Town of Greenburgh was held on May 16, 2024 in Greenburgh Town Hall and online via Zoom. Chairperson Bunting-Smith called the meeting to order at 7:07 P.M.

Members Present: Chairperson Eve Bunting-Smith, Diane Ueberle, Kristi Knecht, Louis Crichlow, William Bland, Pauline Mosley

Absent: Shauna Denkensohn

Staff: Garrett Duquesne, AICP, Commissioner Community Dev. & Conservation
Ed Lieberman Esq., Deputy Town Attorney
Elizabeth Gerrity, Deputy Building Inspector
Kyra Jones, Secretary to the Zoning Board of Appeals

1. 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 Lot IDs: 8.120-70-53 and 8.120-70-54.

ON A MOTION BY MS. BUNTING-SMITH, SECONDED BY MR. CRICHLLOW, THE BOARD VOTED TO DENY THE REQUESTED VARIANCE. VOTING WAS AS FOLLOWS: CHAIRPERSON BUNTING-SMITH: AYE, MS. UEBERLE: AYE, MS. KNECHT: AYE, MR. CRICHLLOW: AYE, MR. BLAND: AYE, MS. MOSLEY: AYE

2. Case No. ZBA 23-35: Ernest Tartaglione, 24 Tarrytown Road (P.O. White Plains, NY 10607) – Area Variance and Removal of a Condition of a Previously Granted ZBA Decision

The Applicant is requesting the reopening of a previously granted ZBA Case 23-35, to request an additional area variance from Section 285-28B(3)(f)(1) of the Zoning Ordinance to reduce the minimum distance between a Restaurant and residential district boundary line from 50 ft (required) to 24 ft (proposed) in order to obtain a Special Permit to operate a restaurant on the site. The property is located in the DS - Designed Shopping District and is designated on the Town Tax Map as Parcel Lot ID: 7.500-310-1.

ON A MOTION BY MR. CRICHLLOW, SECONDED BY MS. KNECHT, THE BOARD VOTED TO GRANT THE APPLICANT'S REQUEST TO WITHDRAW HIS APPLICATION. VOTING WAS AS FOLLOWS: CHAIRPERSON BUNTING-SMITH: AYE, MR. CRICHLLOW: AYE, MS. UEBERLE: AYE, MS. KNECHT: AYE, MR. BLAND: AYE, MS. MOSLEY: AYE

3. Case No. ZBA 24-07: Whiteman Osterman & Hanna LLP / Chick-fil-A, Inc. "CFA", 20 Tarrytown Road (P.O. White Plains, NY 10607) – Area Variances

The Applicant is requesting area variances from Section 285-28C(5) of the Zoning Ordinance to reduce the distance from a detached canopy structure to the side lot line from 40 ft (required) to 6.8 ft (proposed); from Section 285-28C(5) to reduce the distance from a principal building to the Tarrytown Road side lot line from 40 ft (required) to 36.8 ft (proposed); from Section 285-28C(5) to reduce the distance from a principal building to the County Center Road side lot line from 40 ft (required) to 5.4 ft (proposed); from Section 285-28C(5) to reduce the total of two side yards from 80 ft (required) to 42.2 ft (proposed); from Section 285-28C(6)(a) to reduce the distance from off-street parking to the principal building from 10 ft (required) to 7.7 ft for the parking lot and 0 ft for the Drive-Thru (proposed); from Section 285-38E to reduce number of parking spaces from 143 (required) to 112 (including vehicle queue [33], Greenburgh off-street parking [49] and White Plains off-street parking [30] spaces); from Section 285-38C(6)(b) to reduce the distance

from off-street parking to the front lot line (Old Kensico Road) from 20 ft. (required) to 3.4 ft. (proposed); from Section 285-38C(6)(b) to reduce the distance from off-street parking to the side lot line (County Center Road) from 10 ft. (required) to 2.4 ft. (proposed); from Section 285-38C(6)(b) to reduce the distance from off-street parking to the Tarrytown Road side lot line from 10 ft (required) to 2.2 ft for the drive-thru lane (proposed); from Section 285-36K to increase the height of exterior lighting (OD, ODI, OD2) from 14 ft. (permitted) to 17 ft. (proposed); from Section 285-28C(5) to reduce the distance from an accessory storage shed to the Old Kensico Road front lot line from 30 ft (required) to 21.8 ft (proposed); from Section 285-28C(5) to reduce the distance from an accessory storage shed to the County Center Road side lot line from 40 ft (required) to 19.5 ft (proposed); and from section 285-36J to change the location of an accessory use (shed) to a front yard (proposed) where only the side or rear yard is permitted, for the construction of a new fast food restaurant and related improvements. The property is located in the DS - Designed Shopping District and is designated on the Town Tax Map as Parcel Lot ID: 7.570-328-1, 7.570-328-2.

THIS CASE WAS ADJOURNED FOR ALL PURPOSES TO THE MEETING OF JUNE 20, 2024.

4. Case No. ZBA 24-08: Midway Shopping Center, LP / Chick-fil-A, 913 Central Park Avenue (P.O. Scarsdale, NY 10583) – Sign Variance

Applicant is requesting a sign variance from Section 240-3C(8) of the Sign & Illumination Law to increase the maximum height of key letter ("C") from 4 ft (permitted) to 5.54 ft (proposed) in order to install a wall business sign on the subject property. The property is located in the CA - Central Avenue Mixed-Use Impact District and is designated on the Town Tax Map as Parcel Lot ID: 8.530-363-2.

ON A MOTION BY MS. BUNTING-SMITH, SECONDED BY MR. CRICHLOW, THE BOARD VOTED TO DENY THE REQUESTED VARIANCE. VOTING WAS AS FOLLOWS: CHAIRPERSON BUNTING-SMITH: AYE, MS. UEBERLE: AYE, MS. KNECHT: AYE, MR. CRICHLOW: AYE, MR. BLAND: AYE, MS. MOSLEY: AYE

5. Case No. ZBA 24-09: 600 South Central Ave Scarsdale LLC / Patio.com, 600 Central Park Avenue (P.O. Scarsdale, NY 10583) – Area Variances

Applicant is requesting an area variance from Section 285-38E of the Zoning Ordinance to reduce the minimum number of parking spaces from 25 (required) to 9 (proposed). In addition, Applicant is appealing from the determination of the Building Inspector that a previous nonconforming use utilizing outdoor storage and display of goods for retail sale was discontinued for more than six (6) months. If said appeal is denied, applicant is seeking, as alternative relief, a variance from Section 285-29.1B(2)(a)[1] of the Zoning Ordinance to use the exterior of the property to display items for retail sale (proposed), where only fully enclosed (interior of building) retail sales are permitted. The property is located in the CA - Central Avenue Mixed-Use Impact District and is designated on the Town Tax Map as Parcel Lot ID: 8.471-346-23.

THIS CASE WAS ADJOURNED FOR ALL PURPOSES TO THE MEETING OF JUNE 20, 2024.

DATE FOR NEXT MEETING

The next regularly scheduled meeting of the Greenburgh Zoning Board of Appeals will be held on Thursday, June 20, 2024 beginning at 7:00 pm.

Respectfully Submitted,



Kyra Jones

Secretary to the Zoning Board of Appeals