



TOWN OF GREENBURGH
ZONING BOARD OF APPEALS Meeting Results
Thursday, June 20, 2024 – 7:00 P.M.

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The Meeting of the Zoning Board of Appeals (ZBA) of the Town of Greenburgh was held on June 20, 2024 in Greenburgh Town Hall and online via Zoom. Chairperson Bunting-Smith called the meeting to order at 7:10 P.M.

Members Present: Chairperson Eve Bunting-Smith, Kristi Knecht, Louis Crichlow, Shauna Denkensohn

Absent: Diane Ueberle, Pauline Mosley, William Bland

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 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); 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; and from section 285-28B(3)(e) to allow 20 outdoor seats (proposed) where none are permitted in a fully enclosed fast food establishment, 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 ID: 7.570-328-1, 7.570-328-2.

THIS CASE WAS CLOSED FOR DECISION ONLY TO THE MEETING OF JULY 18, 2024

2. **Case No. ZBA 24-09: 600 South Central Ave Scarsdale LLC / Patio.com, 600 Central Park Avenue (P.O. Scarsdale, NY 10583) – Area Variance / Appeal Building Inspector Determination**

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 ID: 8.471-346-

ON A MOTION BY MS. KNECHT, SECONDED BY MS. DENKENSOHN, THE BOARD VOTED TO DENY THE APPLICANT'S APPEAL FROM THE BUILDING INSPECTOR'S DETERMINATION THAT THE PRIOR NONCONFORMING USE OF OUTDOOR STORAGE AND DISPLAY OF ITEMS FOR SALE HAD BEEN DISCONTINUED FOR MORE THAN SIX (6) MONTHS. VOTING WAS AS FOLLOWS: CHAIRPERSON BUNTING-SMITH: AYE, MS. KNECHT: AYE, MR. CRICHLAW: AYE, MS. DENKENSOHN: AYE

APPLICANT'S ALTERNATIVE REQUEST FOR VARIANCES TO PERMIT THE OUTDOOR STORAGE AND DISPLAY OF INVENTORY FOR SALE WAS ADJOURNED FOR ALL PURPOSES TO THE MEETING OF JULY 18, 2024

3. Case No. ZBA 24-10: Melissa White, 3 Winnetou Road (P.O. White Plains, NY 10603) – Area Variances

Applicant is requesting area variances from Section 285-14B(4)(b) of the Zoning Ordinance to reduce one side yard from 12 ft (required) to 10.75 ft (proposed) and from section 285-14B(4)(c) to reduce the total of two side yards from 26 ft (required) to 25.31 ft (proposed), in order to construct a second story 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: 7.340-165-3.

ON A MOTION BY MS. DENKENSOHN, SECONDED BY MR. CRICHLAW, THE BOARD VOTED TO GRANT THE REQUESTED VARIANCES. VOTING WAS AS FOLLOWS: CHAIRPERSON BUNTING-SMITH: AYE, MS. KNECHT: AYE, MR. CRICHLAW: AYE, MS. DENKENSOHN: AYE

4. Case No. ZBA 24-11: Alberto Tirri, 154 North Road (P.O. White Plains, NY 10603) – Area Variances

Applicant is requesting area variances from Section 285-15B(4)(b) of the Zoning Ordinance to reduce the minimum distance between the principal structure and a side lot line from 10 ft. (required) to 3.72 ft; from Section 285-15B(3)(d) to increase the maximum impervious surface coverage from 40.75% (permitted) to 47% (proposed); and from Section 285-42C(1) to enlarge a nonconforming structure where such action will increase its nonconformity, in order to construct an addition 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: 7.340-154-11.

THIS CASE WAS ADJOURNED FOR ALL PURPOSES TO THE MEETING OF JULY 18, 2024.

5. Case No. ZBA 24-12: 529 Central Park Avenue, LLC, 529 Central Park Avenue (P.O. Scarsdale, NY 10583) – Area Variance and Amend a Condition of A Previously Granted ZBA Decision

Applicant is seeking to amend condition #4 of a previously granted ZBA decision No. 20-14, to reduce the minimum required off-street parking spaces from 68 spaces (required) to 45 spaces proposed and currently existing on the property in anticipation of an increased enrollment from 105 (existing) to 152 (proposed) full-time students at the Child Day Care Center (Lightbridge Academy) on the subject property. The property is located in the CA - Central Avenue Mixed-Use Impact District and is designated on the Town Tax Map as parcel ID: 8.410-298-6

THIS CASE WAS CLOSED FOR DECISION ONLY TO THE MEETING OF JULY 18, 2024.

6. Case No. ZBA 24-13: White Plains 450 Realty, LLC, 450 & 460 Tarrytown Road (P.O. White Plains, NY 10607) – Area Variances

Applicant is requesting area variances in connection with a proposed subdivision of its property as follows: from Section 285-31B(3)(a) of the Zoning Ordinance to increase the maximum coverage of all buildings on proposed Lot 1 from 30% (permitted) to 32.13% (proposed); from Section 285-31B(3)(a) to increase the maximum coverage of all buildings on proposed Lot 2 from 30% (permitted) to 31% (proposed); from Section 285-31B(3)(b) to increase the maximum impervious surface coverage on Lot1 from 80% (permitted) to 90% (proposed); from Section 285-31B(3)(b) to increase the maximum impervious surface coverage on Lot 2 from 80% (permitted) to 90% (proposed); from Section 285-31B(4)(b) to reduce the minimum westerly side yard on Lot 1 from 20 ft (required) to 9.3 ft (proposed); from Section 285-31B(4)(b) to reduce the minimum easterly side yard on Lot 1 from 20 ft (required) to 9.8 ft (proposed); from Section 285-31B(4)(b) to reduce the minimum westerly side yard on Lot 2 from 20 ft (required) to 9.8 ft (proposed); from Section

285-31B(4)(c) to reduce the total of two side yards on Lot 1 from 40 ft (required) to 19.1 ft (proposed); from Section 285-31B(4)(c) to reduce the total of two side yards on Lot 2 from 40 ft (required) to 29.8 ft (proposed); and from Section 285-39C(8) to subdivide a lot where doing so will impair conformity with requirements with respect to existing building(s), yards and other required spaces. The property is located in the IB - Intermediate Business District and is designated on the Town Tax Map as parcel ID: 7.480-296-7.

THIS CASE WAS ADJOURNED FOR ALL PURPOSES TO THE MEETING OF JULY 18, 2024

DATE FOR NEXT MEETING

The next regularly scheduled meeting of the Greenburgh Zoning Board of Appeals will be held on Thursday, July 18, 2024 beginning at 7:00 pm.

Respectfully Submitted,



Kyra Jones

Secretary to the Zoning Board of Appeals

