



**TOWN OF GREENBURGH**  
**ZONING BOARD OF APPEALS Meeting Results**  
**Thursday, July 18, 2024 – 7:00 P.M.**

2024 JUL 23 A 9:00

The Meeting of the Zoning Board of Appeals (ZBA) of the Town of Greenburgh was held on July 18, 2024 in Greenburgh Town Hall and online via Zoom. Chairperson Bunting-Smith called the meeting to order at 7:15 P.M.

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

**Absent:** None

**Staff:** 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) – Appeal of Building Inspector Determination; 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.

**ON A MOTION BY MR. BLAND, SECONDED BY MS. KNECHT, THE BOARD VOTED TO REOPEN THE HEARING TO THE AUGUST 15, 2024 MEETING. VOTING WAS AS FOLLOWS: CHAIRPERSON BUNTING-SMITH: AYE, MR CRICHLAW: AYE, MS. DENKENSOHN: AYE, MS. UEBERLE: AYE, MS. KNECHT: AYE, MR. BLAND: AYE, MS. MOSLEY: AYE**

**2. 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). Additionally, Applicant is requesting 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: 8.471-346-23

**ON A MOTION BY MS. KNECHT, SECONDED BY MR. CRICHLAW, THE BOARD VOTED TO GRANT THE APPLICANT'S REQUEST TO REDUCE THE MINIMUM NUMBER OF PARKING SPACES FROM 25 SPACES TO 9 SPACES. VOTING WAS AS FOLLOWS: CHAIRPERSON BUNTING-SMITH: AYE, MR. CRICHLAW: AYE, MS. DENKENSOHN: AYE, MS. UEBERLE: AYE, MS. KNECHT: AYE, MR. BLAND: AYE, MS. MOSLEY: NAY**

**ON A SEPARATE MOTION BY MS. KNECHT, SECONDED BY MS. UEBERLE, THE BOARD VOTED TO DENY THE APPLICANT'S REQUEST TO USE THE EXTERIOR OF THE PROPERTY TO DISPLAY ITEMS FOR RETAIL SALE, WHERE ONLY FULLY ENCLOSED (INTERIOR OF BUILDING) RETAIL SALES ARE PERMITTED. VOTING WAS AS FOLLOWS: CHAIRPERSON BUNTING-SMITH: AYE, MR. CRICHLAW: ABSTAIN, MS. DENKENSOHN: ABSTAIN, MS. UEBERLE: AYE, MS. KNECHT: AYE, MR. BLAND: AYE, MS. MOSLEY: AYE**

3. **Case No. ZBA 24-11: Alberto Tirri, 154 North Road (P.O. White Plains, NY 10603) – Use Variance**  
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 42% (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 AND RE-NOTICING TO THE MEETING OF AUGUST 15, 2024 .**

4. **Case No. ZBA 24-12: 529 Central Park Avenue, LLC, 529 Central Park Avenue (P.O. Scarsdale, NY 10583) – Area Variances**  
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

**ON A MOTION BY MS. KNECHT, SECONDED BY MR. CRICHLAW, THE BOARD VOTED TO REOPEN THE HEARING TO THE AUGUST 15, 2024 MEETING. VOTING WAS AS FOLLOWS: CHAIRPERSON BUNTING-SMITH: AYE, MR CRICHLAW: AYE, MS. DENKENSOHN: AYE, MS. UEBERLE: AYE, MS. KNECHT: AYE, MR. BLAND: AYE, MS. MOSLEY: AYE**

5. **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 CLOSED FOR DECISION ONLY TO THE MEETING OF AUGUST 15, 2024**

6. **Case No. ZBA 24-14: Kyle Ortiz, 1 Glenwood Road (P.O. Scarsdale, NY 10583) – Area Variance**  
Applicant is requesting an area variance from Section 285-15B(4)(d) of the Zoning Ordinance to reduce the minimum distance between the principal structure and rear property line from 26 ft (required) to 19.7 ft (proposed) in order to roof and screen two portions of an existing raised patio 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: 8.470-345-14

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

7. **Case No. ZBA 24-15: Game On 365 Land LLC, 701 Dobbs Ferry Road (P.O. White Plains, NY 10607) – Area Variances**  
Applicant is requesting area variances from Section 285-11B(4)(a) of the Zoning Ordinance to reduce the minimum front yard setback from 35 ft (required) to 26.6 ft (proposed); and from Section 285-42C(1) for the alteration of a nonconforming use (golf driving range) to increase such nonconformance, in order to install an awning to cover the existing tee line on the subject golf driving range. The property is located in the R-30 One-Family Residence District and is designated on the Town Tax Map as Parcel Lot ID: 8.50-28-8.

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

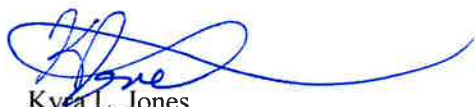
8. **Case No. ZBA 24-16: Brad Jerris, 19 Tomahawk Drive (P.O. White Plains, NY 10603) – Area Variances**  
Applicant is requesting area variances from Section 285-14B(4)(b) of the Zoning Ordinance to reduce one side yard from 12 ft (required) to 10 ft (proposed) and from section 285-14B(4)(c) to reduce the total of two side yards from 26 ft (required) to 25.42 ft (proposed), in order to construct an addition to an existing single-family structure 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: 7.340-163-18

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

**DATE FOR NEXT MEETING**

The next regularly scheduled meeting of the Greenburgh Zoning Board of Appeals will be held on Thursday, August 15, 2024 beginning at 7:00 pm.

Respectfully Submitted,



Kyra L. Jones

Secretary to the Zoning Board of Appeals