



Planning & Zoning
July 26, 2024

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,
-----x

July 18, 2024
7:00 p.m.

Greenburgh Town Hall
177 Hillside Avenue
Greenburgh, New York

BOARD MEMBERS:

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

STAFF MEMBERS:

- Edward Lieberman, Esq.
Deputy Town Attorney

- Kyra Jones, Secretary of the ZBA

- Liz Gerrity
Deputy Building Inspector

(Whereupon, at 7:15 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: Today is July 18th, 2024. Madam secretary, can we please have a roll call for the Board?

MS: JONES: Yes. We are going to begin roll call. Eve Bunting-Smith?

CHAIRPERSON BUNTING-SMITH: Present.

MS. JONES: Kristi Knecht?

MS. KNECHT: Here.

MS. JONES: Louis Crichlow.

MR. CRICHLLOW: Here.

MS. JONES: Diane Ueberle?

MS. UEBERLE: Here.

MS. JONES: William Bland?

MR. BLAND: Present.

MS. JONES: Shauna Denkensohn.

MS. DENKENSOHN: Present.

MS. JONES: Pauline Mosley?

MS. MOSLEY: Present.

MS. JONES: That concludes our roll call.

CHAIRPERSON BUNTING-SMITH: Thank you. The meeting for the Zoning Board for the Town of Greenburgh will now come to order with a full Board tonight. Thank you all.

We have eight cases that are scheduled on tonight's agenda, however, Case -- now I'm getting confused, because we have changes coming very late today.

Case Number 24-07, Chick-fil-A, had been closed for decision on tonight's agenda, however, we received a request from the applicant with new information that asked us to consider reopening it. And we will consider that.

Case 24-11, 154 North Road, has been adjourned to the meeting of August 15th for noticing.

Case 24-12, which is 529 Central Avenue, Scarsdale, also had been closed for decision only on tonight's agenda, but that may need to be opened because some of the new material came in on that case.

Please note that the Zoning Board will have our regular meeting on Thursday, August 15th at 7 p.m. As usual, if we cannot complete the hearing of a new case tonight, it will be adjourned to another meeting to hopefully be completed at that time.

Also, as is usual, to save time, we will waive the reading of the property location and the relief sought for each case and, 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 in this room to discuss the cases we have

heard tonight. Everyone here is welcome to listen to our deliberations, but the public will not be permitted to speak or participates at that time.

After our deliberations, we will come back into this room to announce the Board's decision for the formal record and for it to be broadcast to the community.

If you're present and going to speak tonight, you must come up to the microphone, clearly your state name and your address or your professional affiliation if you are not a named applicant.

Please, in those circumstances spell your name for the record. We've heard testimony on some of the cases at prior meetings. All prior testimony is already in the record and should not be repeated.

Before I call the first case to be heard on the agenda, is there anyone who wanted to comment on any of the cases tonight that I mentioned were being adjourned?

If so, and you cannot come to the next meeting, please submit your concerns or opinions in writing or ask another person to express them for you on your behalf.

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Case No. 24-07 ZBA : 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.

CHAIRPERSON BUNTING-SMITH: And the first case to be heard tonight is Case 24-07, Chick-fil-A, has requested to be reopened.

So can we hear that application, please? Do we have a motions to reopen?

MR. BLAND: Madam Chair, I make a motion that we reopen Case Number 24-07 for additional information.

CHAIRPERSON BUNTING-SMITH: Do I have a second on that?

MR. CRICHLLOW: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. DENKENSOHN: Aye.

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

MR. CRICHLLOW: Aye.

MR. BLAND: Aye.

MS. MOSLEY: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye. Okay. So do we have someone here this evening at all?

MS. JONES: I think somebody is trying to.

MR. GOTTLIEB: This is Charles Gottlieb on behalf of Chick-fil-A. We look forward to presenting some new information to the Board and to see you all in August.

CHAIRPERSON BUNTING-SMITH: Okay. Thank you very much.

MR. GOTTLIEB: Thank you.

CHAIRPERSON BUNTING-SMITH: Was there anyone here tonight, okay, that was familiar with this? With the

information they've submitted? Okay. You will have to come back when we put this on the record. Okay. Thank you.

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

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.

CHAIRPERSON BUNTING-SMITH: The next case we have is a Case 24-09, 600 South Central, Scarsdale, LLC.

MR. SINSABAUGH: Good evening, Madam Chair, Members of the Board. My name is Brian Sinsabaugh. I'm an attorney with Zarin and Steinmetz on behalf of the applicant, 600 South Central Avenue, Scarsdale, LLC.

We were previously before you on the 20th. At that time, a portion of our application was resolved. What's remaining before you are the two area variances that were sought. One being a parking variance to form nine parking spaces where 25 are required.

Just as a note, those nine spaces are the existing nine spaces on the site. Secondly, is the accessory outdoor displays with merchandise on the property.

The applicant's is seeking -- has been seeking to improve the property's appearance. And that's part of this application before you. So he understands the issues and concerns the municipality has with regard to the appearance of this property. And he's hoping to resolve that.

Quickly, going through it, he had interior alterations last year. A stop work order was issued on December 4th. Building permits were filed in February. Denial issues February -- later that month.

We then applied to your Board in April. This is all part of the ongoing process of them trying to improve the site.

I do want to clarify also, we're not proposing to store on the site. I think that where store is legally in terms of what we're looking to do, but for all intents and purposes, we're requesting to display merchandise that is for sale outdoors.

Merchandise will be comprised solely of outdoor furniture that is in condition to sell. The types of merchandise that would be stored outdoor. Includes, tables, chairs, lounges and umbrellas.

The patio block or bricks, there are -- those are

already installed on site. An expansion of that would requires site plan approval. We acknowledge that.

Fencing is already installed on the site as well in terms of fencing that's being displayed, but the applicant is willing to make uniform chain-link fencing throughout the back if that's what the Board wishes to do to further improve the site.

Indoor goods or accessories will be inside the building. Nothing, again, nothing outside aside from the outdoor furniture, which is the the tables, chairs, lounges and umbrellas.

We proposed a landscaping plan as previously circulated from our prior submission. That landscaping plan we believe is sufficient to screen portions of the building as well as the display areas.

The Boxwoods will extend throughout the entirety of the perimeter of all the fencing on the site. That's a total of 150 feet of Boxwood that we have. The Boxwood will be approximately three feet in height.

Furniture that would be displayed within the display areas would be limited to tables, which are approximately 28 to 30 inches in height. Chairs, which are approximately 18 to 23-inches in height, and the seat then is 26 to 34-inches to the top of the back.

Chaise lounges, which are a little less than 30

inches. And so also other chairs would comprise, like a sofa or a larger chair that you may have that will be closer to 30 to 35 inches. So each of those items would fall below what the Boxwood height would be.

Other improvements; we did include a letter on Mr. David Ross's letterhead. He's also available here by Zoom for any questions for the applicant.

Those improvements include; the fencing, signs, facade, awning and then other miscellaneous work, such as electricians for wiring and labor support contracting, painting, permits.

In total, he's looking to invest approximately 112,000, if not more, into the site. We do believe that this is the best viable use for the property. It is a unique property. The size of the property is unique. The building itself is unique.

We do not want this to -- what would happen without this variance is that the business wouldn't be able to operate in this site.

We acknowledge even across the street, 599 South Central Avenue, the former T-Mobile store sat vacant from 2009 to 2023. We're trying to improve this location.

So we believe that the granting of this variance, rather than sticking with the status quo, and I'm not saying that this was vacant, but rather than having this building

contained and de-molded and try to be used for different possible uses.

We believe that the investment our client is willing to put into this property would be the best and quickest way to improve that intersection.

In sum, the record before you we believe supports approval of the requested variances. The benefit to the applicant does outweigh any detriment to the health, safety, welfare of the community.

I just stress; that the outdoor display, this is not anything new to the site. Since the early 1960s, Broschetto's had opened in the early 1960s and operated at the site.

Immediately following Broschetto's occupancy, patio.com came in around 1999 and has operated at the site. So the continuous outdoor display of this property would not be a change from the current conditions.

What we're really trying to propose here is a positive change. Something that the Board would be receptive to and would help the municipality to make it look a lot nicer.

I know we did provide -- I'm not sure if it can be pulled up, but we do have renderings that we did provide showing what it would look like. We also provided a landscaping plan.

All in all, I think that's everything that I want to present. If there's any questions from the Board, we would be more than willing to answer them.

CHAIRPERSON BUNTING-SMITH: When you say in condition to sell, when you mentioned the items that would be put on display, what does that mean to you?

MR. SINSABAUGH: So the condition to sell, it would be what the applicant is looking to do. Is to bring in new merchandise from the warehouse to the site.

The condition to sell, I want to clarify, because I believe last time there may have been questions as to what would be brought to the property. Are we storing items, are they going to be in boxes. These items will be fully constructed, ready to sell. It's something that if they're there for display, then they're there fully operational and in good condition.

CHAIRPERSON BUNTING-SMITH: So you would be selling items in a setup so if someone saw them, they can buy that particular piece. Not something that would be there as a model and then it would be delivered from a warehouse elsewhere?

MR. SINSABAUGH: There's always the option. I believe the client has that, but so if you really did want to purchase the pieces there, you could. I think it's preferable to most individuals that they would rather have

it be delivered to their site. They also want something brand new that hasn't been sat on, hasn't been exposed to any elements.

So I think there is that preference, but those items will be kept in a condition that they can be stored in.

CHAIRPERSON BUNTING-SMITH: Well, you can sell anything that some person desires. I mean, the property pieces I should say could be out there for two or three years, because they're still in vogue. And someone would say well, it's out here. They still look pretty good. I want to buy them. Is that what you mean or not?

MR. SINSABAUGH: In speaking with the client, and I will have him speak in a second as to this, but my understanding of the operations is that they would be bringing in new furniture once this is complete, all the improvements are completed.

At the end of year they would have an end of year sale to try to offload any merchandise that they possibly can. I would defer to the client who I believe is on Zoom right now as to what the status of the remaining items would be following that.

He does not want it to go to the state that it's exposed to be most recently. He's trying to keep it in good condition.

So I don't believe that what you're going to see is items that sat there for multiple years and were exposed to elements. So the hope is that all those items would be sold each year. If not, they can be recirculated to another location to be resold.

CHAIRPERSON BUNTING-SMITH: So that would be something that your client might consider if you agreed with what you offered? That he would dispose of the property after a certain period of time that he has on display or at least move it from there?

MR. SINSABAUGH: I think that, operationally, I mean, it's more in the business operation portion of it, but it's a good merchandise that given -- I guess, take it, for example, like a wooden table that has now started to rot and started to have other issues, that I'd have to defer to the client to see, but I would hope that he would agree that that would be taken away.

What we would maintain on site, there is something that they have concrete tables that can be cleaned, kept maintained, if that's kept on site.

I don't believe a certain timeframe may be so applicable to do that, but in terms of maintaining the site in good operational way that that video helps customers. We show them the site, they want to see it. That's his goal.

CHAIRPERSON BUNTING-SMITH: And you mentioned that

they would put up a chain link fencing. Previously I thought that how the fencing had been described was with various portions of the fencing is demonstrating what they could sell. So that would be your mixture of things, but now you're saying removing that mixture of setup and just having a chain link fence would give more, I guess, attraction or attractiveness to the area. I'm not quite seeing how that works.

MR. SINSABAUGH: So currently we have a mix of different items that could be sold of fencing. So you have different types of fencing that probably stands about six feet in width. And its various items he coming around the corner. And it's in the rear of the site.

So I know it's not really exposed to any roadway necessarily, especially given the topography of the area and existing vegetation. But what we're stating in terms of fencing more uniformity. If that's what you're looking to have a cleaner look for uniformity that that would be something that the client would concede to.

CHAIRPERSON BUNTING-SMITH: I mean, I see chain link fencing as that goes has a little top thing sticking up. So you're not supposed to crawl over it, but that doesn't necessarily appear to me.

You said that -- how many items would the property have roughly that would be demonstrated?

MR. SINSABAUGH: It would vary, I guess depending on what type of material. Obviously, the bulkier the materials, the fewer that we can have. I can have the client speak to that. I know he's on.

MR. CRICHLLOW: Indoors.

CHAIRPERSON BUNTING-SMITH: I'm talking outdoors only. And what is the Boxwood height again.

MR. SINSABAUGH: Boxwood height would be three feet approximately. I believe that's at planting.

CHAIRPERSON BUNTING-SMITH: And you're saying that products that you have, I assume, except for umbrellas and things of that nature would all be below that level.

MR. SINSABAUGH: Correct. I think the sole exception maybe it you had like a dual chair or an Adirondack type chair. It may slightly the back of that and it may slightly go above.

CHAIRPERSON BUNTING-SMITH: And is it possible, because I'm not that familiar, with an individual driving by in a car to see over the Boxwoods? So that they could see that on display or they have to come to the property?

MR. SINSABAUGH: I see it as the screened majority of it. I would have to do official enhancing visuals, but it also provides arborvitaes by what type of vehicle you're driving. At one point along Old Army Road they're driving. I know that comes down and slopes. So that area is an area

where you will be able to see up and over.

CHAIRPERSON BUNTING-SMITH: I think the last question I have: You talk since 1960, but I was around in 1960. And there have been big changes to the neighborhood.

And the type of, you know, farm-type of garden number setup they have at that time was somewhat isolated from the community that's there now that surrounds it.

And the site appears that something that's not in an area where you only go necessarily shopping for other things. It's very, you know, isolated in and of itself. So I do see that there are changes to the neighborhood.

And I'm not sure if this is a change that fits the neighborhood in a way in which you described. So that wasn't really a question. That was my thought you can comment on it or your.

MS. UEBERLE: I have a few questions. If you guys are so -- previously we had talked about the type of merchandise they were going to be like, kids playsets and like jacuzzis and stuff. Are you just talking outdoor furnishings now?

MR. SINSABAUGH: Yes. Those are building percents submitted by possible entity that would come in. They did have a jacuzzi, play furniture, things like that. That is no longer someone who is interested in the property.

So the property is going to be remain patio.com to

so the furniture could simply stay as outdoor furniture.

MS. UEBERLE: This is a very seasonal business. I know we had touched on it a but, but, you know, like previously furniture was left outside and there would be like three feet of snow on it and things.

So and he can speak more it, you know, the owner when he gets on, but you know, the expectation is probably that would go inside or somewhere else in storage and not be left outside offseason, even if it's not sold; correct?

MR. SINSABAUGH: That's something I could have the client speak to in terms of operations.

MS. UEBERLE: There's land in the back, you know, which is kind of not even it's really on the site, because it hits both streets that, but there's also a plot that was previously used for storage right on Central Avenue. What is specifically planned for that front area?

MR. SINSABAUGH: So I guess on the -- are you describing the area along Central Park Ave?

MS. UEBERLE: Yeah. It's got like those Boxwoods around that. There's where like the front door is.

MR. SINSABAUGH: Yeah. So currently that fence is in disrepair. What's being proposed at that fence to be repaired, the Boxwood, as shown on this landscaping plan, we have Boxwoods that would run from the front of that -- there would be some display on that area, but it would not be

displayed beyond that area.

MS. UEBERLE: Thank you.

MR. CRICHLow: You had specifically mentioned product that would be on display in the front of the building on Central Park Avenue that would be no more than 35 inches tall. You didn't mention umbrellas as an example. Would umbrellas be on display in front as well.

MR. SINSABAUGH: I will let client speak to that as to the operations and how he wants to operate. I believe he's -- David Ross. Can we confirm that he's on a.

MS. KNECHT: I have one more question that's more technical. This might be also maybe the -- does the Greenburgh zoning code differentiate between the displaying outdoor storage, outdoor materials and storing outdoor materials? Is it distinguished in the code or is it all one.

MS. GERRITY: Liz Gerrity, Deputy building inspector. It's consumer merchandise for sale. Whether it's displayed or stored, it's the same. So even if they're storing it, if it's for sale, it still requires the variance.

MS. KNECHT: It doesn't matter what you're displaying or storing?

MR. GERRITY: Correct.

MS. KNECHT: Okay.

MS. DENKENSOHN: You may have answered this, but the air conditioning is really loud but I'm a little unclear. Your application talks about off-street parking and accessory outdoor display and storage of merchandise.

One of the concerns that was raised last time you spoke was that there would be boxed merchandise stored outdoors.

MR. SINSABAUGH: So I -- hopefully I can clarify. I just used the same terminology used in the denial letter. I think those are interchangeable terms within the code.

The storage display and storage as just recited from the denial, what we're looking to do is just display. There wouldn't be anything inside the boxes that's stacked up in the back. Anything that's out there would be actual --

MS. DENKENSOHN: So in the back there would be boxed merchandise?

MR. SINSABAUGH: Any boxed merchandise would be indoors.

MS. DENKENSOHN: Okay. So there would be no boxed merchandise outdoors?

MR. SINSABAUGH: Yes.

MS. DENKENSOHN: Or being told that it wouldn't happen?

MR. SINSABAUGH: Correct.

MS. DENKENSOHN: Thank you. That was my question.

MR. SINSABAUGH: Yeah.

CHAIRPERSON BUNTING-SMITH: Anyone else?

MR. BOWDEN: My name is Murray Bowden. In the past you've described what was there now. It had been. We moved to a different selling environment than what we did a year or two ago. Everything on that site I expect will be displayed quality.

I don't expect they will have anything stored there. That kind of selling is over. The piece of property that they have they want people to come and see it and it will be shipped from the central warehouse.

I could have things shipped to me in eight hours on Amazon. And their competition is Amazon, Lowe's and Home Depot, but, personally, when I buy something, I like to go there and rub it and feel it and see it.

And when I go shopping at Home Depot, mostly, somebody comes and takes me and gives me service. They stop what they're doing, and they go with me.

So it's in the interest of the owner that this be at most appealing to the community and to be no boxes, no unsightly things, because they want people to come and see them.

Their competition is online and they have to be aware they don't give the correct service, people will go online and buy it somewhere else. That's a big danger.

Central Avenue has lost integrating. They have it. It is coming soon. I heard yesterday the description of it will attract people to the Central Avenue because its all design.

The problem you have is you're using a code that is basically outdated. And so you have to look at it in a flexible way. We want to keep as much business in this area as we can.

And those businesses are determined to present the best face they can to the community. Nobody running a business today wants opposition in the community. They will bend over backwards to make it appealing. Otherwise, they'll be here and complaining.

I'm here to encourage a flexibility and an accommodation where possible so that some of those empty stores will be filled.

I drove through Irvington and Tarrytown the other day looking for ice cream and the number of empty stores in Tarrytown was astounding.

So any chance we have to be in the business that has to take care of their customers, has to look sparkling. We should take that opportunity.

It's very difficult for practitioners. You've been around a long time. The world changed. The world have been changing. It's very hard to do so.

Think flexibility. How can you accommodate bringing in something that if not perfect they'll be out of business in six months.

MR. BLAND: I want to thank you because you are actually saying I think what we're all trying to say. We don't want this to be a blight on the community. That this property will be reflective of an establishment that the people driving at home doesn't look like it's a junkyard.

So if the applicant is prepared to ensure that when people go home, when it's the winter, that doesn't look like it's in an abandoned lot. I think we're in favor of doing something. So thank you for your comments.

MR. BOWDEN: If it looks abandoned, they'll be out of business in a year.

MR. BLAND: Thank you.

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

MR. PINE: Good evening, members of the Zoning Board of Appeals. Hello again. I am Dillon Pine, a resident of Edgemont and I am president of the Edgemont Community Council.

I am here this evening to speak against the area variance request for 600 South Central Avenue. First, I would like to thank the ZBA for upholding the determinations of the building inspector that a previous nonconforming use utilizing outdoor storage for display of goods, for retail

sales was discontinued by the applicant for more than six months.

I live on Old Army Road and drive by 600 Central Park Avenue nearly every day. It's the responsibility of the ZBA to enforce the code that it has.

Now that the previous nonconforming use has been discontinued, they're operating a from a clean slate. The Edgemont Community Council objects to the applicant's request to seek an area variance to use the exterior of the property to display items for retail sale where only retail sales and fully enclosed interior of the building are permitted.

I have lived on and off Old Army Road my entire life. And this property has been an eye sore the entire time.

When the outdoor display was previously permitted under the prior nonconforming use, the applicant displayed complete disregard for how their property was maintained, and demonstrated they cared little about being a good neighbor.

Even after years of the community reaching out to applicant and the Town with concerns and grievances, about how they're blighted property and building reflected on the community.

And throughout those years they still maintained

operations or at least maintained their business. They also demonstrated a complete disregard to the Town processes attempting un-permitted work before receiving a stop work order.

This property is in the very heart of Edgemont where Underhill Road and Old Army Road and Central Avenue meet. Roads which have some of our oldest and most historic and most beautiful houses.

With an opportunity for a fresh start and the responsibility of the applicant to demonstrate will not negatively impact the character of the neighborhood and be a detriment to nearby properties.

The applicant should not be rewarded for their previous bad behavior with a new variance. We finally have an opportunity to clean up this intersection and the risk of this property becoming a junkyard once again is just too great.

Additionally, the applicant is seeking a variance to reduce the minimum number of parking spaces. The 25 required by the Town code, the nine parking spaces proposed.

The ECC concerns about there variances were outlined in our letter dated June 20th of this year. While I will not repeat those concerns tonight, I will point out again that it is counterintuitive for the applicant to argue on one hand it needs more storage and display than the Town

code already allows, but less parking than the Town codes already allows.

If the applicant does not expecting a high number of customers at any given time, they shouldn't need to maintain the high quantity of items on the premises and leverage their network local showrooms to meet customer needs.

If the applicant feels there is not a pad of its workload of the interior of the building to operate their business, the community at large should not have to suffer the consequences.

I will also just point out that as the applicant has played fast and loose with history over the course of this application, the T-Mobile store has not been empty since 2009. It's been rented on and off.

I know at some point within the past ten years, Liam navaka had his complain headquarters out of that property.

In conclusion, the Edgemont Community Council respectfully urges the ZBA to deny the requested variances by 600 South Central Avenue Scarsdale, LLC.

Thank you for attention to this matter. We trust the ZBA will make a decision that aligns with the best interest of the Edgemont community. Thank you.

MR. CRICHLLOW: Excuse me. I just have a quick

comment.

MR. PINE: Sure.

MR. CRICHLow: You had made a statement about the responsibilities of the Zoning Board of Appeals to enforce the zoning regulations as they exist. That's actually the responsibility of the Building Department.

As the Zoning Board of Appeals, it is our responsibility to grant variances when found necessary. So I just wanted to make sure that you understand that we're not here to enforce.

MR. PINE: Thank you. Understood.

MR. BLAND: I do have one question.

MR. PINE: Sure.

MR. BLAND: With the proposal of a new screening if they put up a fence, would that be acceptable?

MR. PINE: I mean, I think as Kristi mentioned with the code being ambiguous on storage and display, ultimately, if the ZBA approves the variance, the applicant would then be able to do --

MR. BLAND: I'm asking you personally.

MR. PINE: Personally, I think there is such erosion of trust between the community and the applicant over the past number of years, that I have a hard time.

MR. BLAND: If we did put a stipulation to the Building Department, as my colleague has said, that that

screening could be appropriate to develop that parking, set aside or displayed outside, would you be okay with that?

MR. PINE: I mean, you know, with the -- the display in the summer is different from display in the winter and why all Boxwood should be full year round. I think it would be difficult for the Town to enforce that.

MR. BLAND: It would be one in the variance. That they have to maintain and if they don't maintain it, there would be a penalty for that.

MR. PINE: And they failed to maintain for the past 20 some-odd years. We've lived with the results of that.

MR. BLAND: Thank you.

CHAIRPERSON BUNTING-SMITH: Anyone else in the audience want to be heard on this or?

MS. JONES: I believe we have Madelon O'Shea online.

CHAIRPERSON BUNTING-SMITH: Thank you. Ms. O'Shea, are you there?

MS. O'SHEA: Yes. Can you hear me?

CHAIRPERSON BUNTING-SMITH: Yes.

MS. O'SHEA: Thank you. I have two letters to read, one from the Council of Greenburgh Civic Association and one from 9 Edgemont Circle.

Chairperson Bunting-Smith and members of the ZBA,
Dear Chairperson Bunting Smith & Members of the ZBA, the

Council of Greenburgh Civic Associations (CGCA) again reminds that §285-29.1B(2)(a)[1] of the Zoning Ordinance requires that stores for the sale of consumer merchandise are to be "fully enclosed." §285-3B states: "Further, any land use that is not specifically permitted in this chapter is prohibited." Since displaying products outside the building is not a specially permitted use of the land, a Use Variance is required.

The written record contains numerous complaints over several years about the unsightliness of this property. The ZBA granting a variance to store and display products outside the building will not enhance this intersection or the adjoining residential neighborhood. Indeed, granting such a variance will set a precedent and encourage other retail establishments to seek similar relief. (No one can forget the Cross Roads Sign variances)

The CGCA respectfully asks that the ZBA uphold the Zoning Ordinance and deny the variance Patio.com is requesting for outdoor storage.

And it's signed, Madelon O'Shea, Chair.

And Madelon O'Shea lives at nine Edgemont Circle Scarsdale.

And before I begin, I too have lived in the community since the 60s. Broschetto's displayed plants. I don't remember anything other than nursery products.

I believe a letter last month outlined what I remembered and how patio.com bought the property.

600 Central Avenue is the only commercial property on the four corners of Central Avenue, Old Army Road, Fort Hill Road, Underhill Road, with a driveway off a residential street.

When they were built, the commercial buildings on the corners of Fort Hill and Underhill Road were denied driveways under those residential streets.

The developer was encouraged to put in plantings on the intersection of Old Army Road to put in plantings on the residential sides to soften the conditions between commercial and residential.

When the intersection of Old Army Road and Central Avenue was widened by the state, the gas station had to close its Old Army Road driveway and put in plantings, such as they are.

Yes; patio.com's driveway onto Old Army Road probably dates to the late 60s. So the neighborhood is stuck with that. However, patio has never made an attempt at screening subjecting the neighborhood to viewing a general mess.

Why should any area be subject to a property cluttered with items for sale when the zoning code prohibits outside retail sale of merchandise? And wouldn't you think

that by now the applicant would have the property pristine?

As of 1 p.m. today, there is still a smattering of derelict chairs and tables around the property. Granting the variance for outside retail sales slash storage will have a domino effect.

Stores Town-wide will want the same quote "favorite store" closed quote treatment. Out of respect for those of us who live in the immediate neighborhood, out of respect for our quality of visual life, and out of respect for the zoning code, please uphold that code and deny this variance request. Thank you.

CHAIRPERSON BUNTING-SMITH: Anyone else?

MS. JONES: It doesn't appear so.

CHAIRPERSON BUNTING-SMITH: If we hear no one else that wants to comment, does the applicant himself want to try to answer some of the concerns that were raised?

MR. SINSABAUGH: Yes. I would like to respond. First, I would like to note that the applicant has made an effort to improve the site. Again, the stop work order was not issued because we were making the site worse.

The stop work order because material improvements were being done to the site. That was the first step to the overall improvements of the site.

Secondly, there is no location with regard to the interior of the site for us to move or locate our driveway.

It would be immediately exiting onto the intersection. This is not a possibility.

Third, with regard to screening is what's being proposed now. We're not trying to go before the Board and scam the municipality here.

We are in the municipality with multiple opportunities here to set conditions, to set stipulations, to make sure that what is being proposed now actually gets done.

That includes the landscaping plan that we proposed as well as multiple improvements on the site. Again, fencing, signage, facade, awning.

Overall, these improvements, six-figure improvements that are being proposed by our applicant, he's not doing so just to try to scam the municipality. He wants to have a regular business.

The business is not going to be operational in the site without those improvements. With regard to what's being stored on site, I want to be clear: We will not have any boxed merchandise.

What's going to be displayed on the site is not simply storage. It's display, it's meant for -- this is going to be a showroom. So we want people to come be able to see the merchandise that's there.

I, in the meantime, since public was speaking, I

was messaging with my client.

And with regard to offseason, I think the question was raised, what do we with anything that's leftover offseason? We will bring that indoors. What cannot be brought indoors will be moved to a patio location end of year.

So that would be out of site for the majority of the property. It would be in the rear that would not be found in the four corners of site and will not be found in the front of the site.

Overall we feel that this is a significant improvement to the site. It's not an adverse change to the neighborhood.

The neighborhood has been subject to conditions of the site with the outdoor storage. Other outdoor-type retails along the South Central Avenue, that includes businesses such as car dealerships on the corner.

Even has clearings to the school area, talking about gas stations that may have firewood, ice boxes in the front. Other -- that's the lower end, but we believe that this is a good location for where this is.

It's not a change. We're not moving anything new. We're proposing an improvement to what already exists.

Lastly, on the parking, the parking variance, I think, is more than adequate. We are not stating that we

are building anything that requires 25 parking spots. 25 parking spots are required for what's existing on the site and what has existed on the site for years.

We are simply trying to legalize what is there, which is the nine spaces. Which we're going to stripe and show on the site.

If there are any other questions from the Board, I would be willing to have our client come on and speak for any questions you did have. I think there was -- I did take some notes here with regard to umbrellas in the front.

CHAIRPERSON BUNTING-SMITH: Why don't you just do that then.

MR. SINSABAUGH: Yeah. Dave, are you on?

MS. JONES: Can you un-mute yourself.

MR. ROSS: Sorry about that. Can you hear me?

MS. JONES: Yes.

MR. ROSS: Okay. I would like to answer some of the questions. And I thank the Board for the hearing tonight.

If you take a look at the 3D-renderings that we provided and I think I provided like six or seven different shots.

You will see the transformation and modernization of both the property and the building. We are putting in more money into the site than any of other other eight

sites.

We are doing landscaping and greenery all around the building and all around the fences. The merchandise that is inside, the pens, will be look like the best backyards in Westchester.

The furniture will be high-quality and good-looking, because that's what we sell. And typically, I think I testified, we use typically one or two parking spots.

It's been there for 20 years. And you can see that there's never a problem with parking on the site. And you can see how the building looks much much better in the renderings with all the landscaping around it.

That's how it should look. That's how we want it to look and that's what we're asking to do. That's how it should look. Thank you.

So you see the tall arborvitae trees,

MR. SINSABAUGH: There's a total of 50 arborvitae that will be planted around the building itself. The Boxwood will surround the display areas.

MR. ROSS: We selected black fencing to match the fencing in the back. And also because when you put the greenery around it, it disappears.

MR. SINSABAUGH: So you can see here that the awning that is in disrepair currently is removed in the

site. So -- and the facade is actually upgraded. We're also planting and putting planting in front of what is currently the garage door. So that that will be improved.

It will look more like a permanent building less than a temporary fix as to what we had previously. If you go down a little more, I believe that is the letter that we have to outlining some of the other improvements in addition to the landscaping that's something that can be utilized in terms of the conditions, the stipulation, that is signed by the applicant himself.

Dave, I just want you to speak also, I think one of the main questions was asked is the furniture placement as well as what you do with the furniture at the end of season. So if you could just speak as to your operations on that, please.

MR. ROSS: Sure. The furniture will be high-quality furniture as in the best backyards in Westchester. This is what we do. It's very high-end furniture and the displays will be nicely placed inside the pen.

99 percent of the furniture gets delivered from Stamford directly to a consumer's house. So the showroom will basically -- it doesn't have a lot of truck deliveries. We do one delivery a week, maybe two in peak season where we come in with a box-truck and pickup or drop-off some things,

but it's not a heavy traffic.

It's not a very intense use. Furniture is the least intense use and outdoor furniture is even less intense than that. And high-end outdoor furniture is even less intense than that. So -- and seasonally when we -- when it's slower, we will have less product there.

MR. SINSABAUGH: And I believe, Dave, you can confirm for me, I did tell the Board that when out of season and maybe you can provide more detail as to what the out of season is for you.

Furniture that is there going to the winter season will be relocated to the rear along the patio area; is that correct?

MR. ROSS: I think that we can't do all of that, but we will do some of that. And we will just keep the place looking as good as it can.

Most of the furniture, you won't be able to see anyway, because there's Boxwoods and Arborvitaes there. Most of the building you won't be able to see because there's arborvitaes and Boxwoods.

So it's taking up spots that right now doesn't look the way I would like it and the way it should look it. It's making it look as good as it potentially could. It would look basically like people's backyards, greenery around it. And you don't see so much the gray building anymore.

And we got rid of the blue facade. We've already done a bunch of improvements to the building. We didn't finish them all, but we already did a bunch.

It used to have a blue shingle with man-size or roof. And it's now been changed and gray and black are the two themes of the building. And now green.

And if you look at it, I think you can't make it look any prettier than that. I mean, if you want, we can plant flowers around the front too, but those would be seasonal and I think this shows more what a permanent look would be.

And I'm happy to answer any other questions anybody has.

CHAIRPERSON BUNTING-SMITH: Any other questions from anyone?

MS. DENKENSOHN: What is precluding you from bringing the outdoor furniture in in the offseason?

MR. ROSS: We can't fit it all inside. And the offseason is not a zero season. We keep employees on all year around. It is a little slower, but we do these sales all year round.

And having it there is important. And it's really hard to make it in a seasonal business if we -- our store in Boca, and that sells every day of the year. And it's a little harder to do it in Westchester. It's like selling

ice cream in Westchester.

It's a little hard, because the season is short. And we do the best we can. And we're trying to make a successful business in a world that's changing around us and everything's going online.

Our business is truly an in-person store business. Without the store, it doesn't work. And we can do that because it's very high-end when somebody buys a patio set on Amazon. It's usually not the kind of patio furniture we're selling. We don't really compete with Amazon on patio furniture. We're much higher-end. We more compete with the Restoration Hardware, or RH.

CHAIRPERSON BUNTING-SMITH: Any other questions or comments?

MS. UEBERLE: So it's hard because there's no furniture in your renderings to actually visualize what it's going to look like.

So I went to the your website to look at what your other stores looks like. Would you say it's going to be similar to those that are in like, Westport?

Because in those areas, the pictures of those buildings you're actually storing stuff outside and stacking it. It's not just display.

MR. ROSS: Yeah. So this will be -- this is the first one that we're completely renovating. We're putting

over \$100,000 into the building and the landscape and the fencing and the facade.

This is our largest investment. And we want it to look magnificent. And it will look magnificent. If you see the pictures, if you see, we're three-quarters of the way done already. We just need to finish the other quarter and then you'll see the difference.

Go compare it to a picture from five or 10 years ago and look at what the building looked like. And now go look at the building today as you drive by. The building has been totally changed. It's like a blue building, it's now a gray building. The window treatments are now black around it.

We've modernized the doors. We've, you know -- and by the time -- and we've worked on the inside and by the time we finish, the place will look magnificent. And that's what I'm asking to be allowed to be done is to make -- finish this off with the landscape plan and to make it look magnificent.

MS. UEBERLE: Okay. Thank you.

CHAIRPERSON BUNTING-SMITH: Well, hearing no further comments, we will take what we've heard this evening under advisement.

MR. SINSABAUGH: Thank you very much.

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CHAIRPERSON BUNTING-SMITH: The next case is Case 24-13, 450 Realty.

MR. VILLAREALE: Good evening all. I'm Diego Villareale with JMC. I'm happy to start now. I wasn't sure if there was anything you needed to start with first.

CHAIRPERSON BUNTING-SMITH: Certainly.

MR. VILLAREALE: Great.

CHAIRPERSON BUNTING-SMITH: Would you speak up just a little bit?

MR. VILLAREALE: Certainly.

CHAIRPERSON BUNTING-SMITH: Okay.

MR. VILLAREALE: Diego Villareale with JMC Planning and Engineering consultant for the applicant here on behalf of White Plains 450 Realty, LLC.

Their property is located at 450 and 460 Tarrytown Road. As we discussed at the last Board meeting, just to do a quick recap. I know there's a number of Board members that were not here at the last meeting.

The property site is about 1.75 acres in size. It contains two buildings on it. Right now it is a single lot. One building is in the process of being renovated to occupy a Nissan dealership. The second building is vacant right now.

The applicant has gone before the Planning Board and proposed a single line subdivision to create two

individuals lots. The purpose of that, again, is so that each of the buildings on the property are on their own individual lots. This allows for the sale of an individual parcel as opposed to land use or some other type of transaction.

The owner of the property right now as discussed at the last meeting is in the process of occupying one of those buildings with the Nissan dealership. And then they have the intention of subdividing and selling the other building to another user.

Again, the subdivision facilitates that. Without the subdivision, the sale of the property can't act to another individual.

As discussed at the last meeting, I do have a rendering or I do have a site plan which I can share, if that's okay.

I believe everybody sees the screen now. This just shows the property, again, the outside perimeter of the property is highlighted in green. Tarrytown Road is on the bottom portion of the page.

The subdivision itself is that red line that is literally going right between the two buildings. That is where the new variances are being created. As a result of this subdivision line, there is the side yard variance that is being created as a result of this.

We did review this previously, and, again, I think it's important to recap on it. The property itself, there were several variances that were granted previously; lot coverage, building coverage, the side yard setback as well as the combined two-yard setbacks.

So there were four variances that were previously granted for the property as a whole and that was under decision 9/13.

Now, since we're subdividing the property into two lots, we have to reapply for those variances. Variances need to be regranted for the individual parcels.

They're not new variances that are being created as a result of the subdivision. It's just granting the variance now to those individuals lots.

So lot one, the property on the left-hand-side, requires six variances as a result of this. The first one is for the lot coverage that was previously granted. The building coverage is previously granted. The side yard setback, in this case, the left-hand side, was 9.3 feet. Still 9.3 feet; that needs to be granted again.

The new variances is on the right-hand-side, which is 9.8, as opposed to the 20 feet that's required. So that's a new variance.

And, again, the combined side yard which was applicable previously, is still needed, but that was also

granted before.

And then your code does not allow us to create a new lot that requires variances. So we need a variance from that section of the code.

So really there are two new variances that are required as a result of this. One of which is relief from that section that doesn't allow us to subdivide it, but that's also because that line is proposed right down the middle of the lot.

The right-hand lot, or lot two, same thing. This one requires five variances, because that right-hand lot line does conform to your 20-foot setback requirement. That always was the case, and will continue to do so.

It's simply the left-hand-side requires that relief, because only 9.8 feet is provided, as opposed to the 20 that is required. Excuse me.

At the last Board meeting there was a letter that came out that the requested some additional information. And there were five comments. We provided a response letter to that and provided some supplemental information that we hope will help the Board understand what we're trying to accomplish and how that's being done.

The first one really looked at if there was any other alternatives that were explored to this plan that would reduce the number of variances that are required. And

the answer is: We did look at it.

It's really where that line is going to be placed. We're trying to put two buildings on two individuals lots. Whether that lot line is drawn immediately adjacent to the building on lot two or immediately adjacent to the building on lot one, the same variances are required, because there's not 20 feet between the buildings.

So if there was, maybe we can keep it to one side and it would eliminate the need for one variance, but regardless of where that line is placed, the same variances would be required.

So we tried to look at some alternatives. We just thought the best place to be would be down the center of that driveway.

I'm going to jump to another comment that was provided. I'm going to skip ahead a little bit, which talks about easements.

Because that lot line is down the middle of that driveway there, there is going to be an access easement between the two property owners that allows the use of that driveway to both of those lots. So it's not an HOA. That's not going to be put in place. It's just an easement that will be provided between the two property marks.

Now, going back comment two, any other legal mechanisms that would allow them to do this. Again, the

intention of the applicant or the owner of the property is to sell the other building.

He has a dealership that he's going into one and the intention is to sell the other parcel to another user. He's not interested in having two dealerships or two uses like that on his own property.

It's one dealership that he will own and maintain and then the other parcel will be sold off with the individual building.

Comment four relates to future impact or development potential of the site. It really has no impact. Again, no physical improvements are proposed as part of this subdivision. It's really to facilitate the sale of the individual lot.

That's really the goal of the application and the variances in the subdivision allows the property owner to do that.

The buildings itself, again, just to remind everybody, one is being occupied, the other one is vacant. The goal and objective is to reoccupy these buildings. Having the vacant building we believe is the detriment to the community.

It's not having a vacant building is not a positive in any way. Allowing this subdivision to move forward and having these properties on two individual lots, again, as we

discussed last time, increases the viability of that individual lot and allows them to sell and it hopefully reoccupy it much sooner rather than later.

That we believe is a positive not a detriment to the community. Having both of these buildings occupied, improved vibrance and active, we believe is a positive along this corridor and the frontage of Tarrytown Road.

And then, finally, other comparable examples: There was one; ironically, our office had worked on that application previously as well. It's Case 12-34.

And it was very similar what was done. We processed an application with the Zoning Board. First with the Planning Board for a two-lot subdivision where there were two principal buildings or two buildings on a lot and a subdivision was proposed and variances were required as a result of that.

FAR, parking, and that variance from that provision where you can't subdivide a lot creates a nonconforming lot. So those variances were granted. Again, 12-34. The case number was provided and a copy of that decision was included in the application.

And it was very very similar in the sense that it was a subdivision. No physical improvements. It was, again, to allow to facilitate the sale of the individual parcels to two different entities.

And, again, lastly just to reiterate, again, the goal and the objective of the applicant is to reoccupy these buildings as quickly as possible.

They've been vacant. One is the process of being renovated and will be reoccupied very very shortly. As part of this subdivision application, the Planning Board is putting a condition.

If it's so, if this moves forward back to them, that it requires some additional landscaping be installed along the frontage of the property.

That was a commitment that was done prior to our property owner owning these individual lots. That was a commitment made previously, but, again, these buildings were never occupied. So those improvements were never constructed.

The applicant is proposing to, again, install that landscaping that was proposed as part of that previous application.

No other physical improvements are being done. It's just relandscaping in frontage of the front.

So, again, there's no additional environmental impacts. The property is remaining exactly as they are now, except they're going to be reoccupied and revitalized, but there are no physical environmental impacts that are being created.

There's no detriments that are being created there. If anything, again, we believe that this will be a positive for the community on the frontage of this property.

So hopefully happy to answer any additional questions. Hopefully that provides the Board the additional information that you're looking for.

CHAIRPERSON BUNTING-SMITH: With respect to access to the rear of the property, is that something that is being done through the buildings or through the easements that you refer to?

MR. VILLAREALE: It's being done. It's between the two. It's going on easements themselves. So the driveway would continue to operate as it does now. So you can drive between the two buildings and access the back portion of the property.

CHAIRPERSON BUNTING-SMITH: Could you tell me how that's going to be done? Without, I mean, once it gets divided, and you have different uses, is it a one way, a one area?

MR. VILLAREALE: No. It continues to access. It's just under 20-feet wide and that will be driveway that provides access to the back.

There's no proposal to shrink the area between the two buildings. There's nothing that's also the right-hand-side as well. So the driveway would remain as it

does today.

CHAIRPERSON BUNTING-SMITH: When you say the "right-hand-side," are you talking about lot one or lot two?

MR. VILLAREALE: Excuse me. Lot two. That right-hand-side there of the building, there's that driveway as well.

CHAIRPERSON BUNTING-SMITH: So would you have an easement on that for say larger vehicles bringing in carts or anything of that nature?

MR. VILLAREALE: It's a valid point. That's something we would discuss with the Planning Board for sure to make sure that access would be provided to the back portion of the property.

CHAIRPERSON BUNTING-SMITH: Any other questions?

MS. DENKENSOHN: Yes. I've actually been doing a lot of thinking about this one. Can you tell me what is the nature of how Nissan is on lot one? Is that a land lease? Is that a lease?

MR. VILLAREALE: That's the current property owner. It's his dealership and he is occupying that building with one of his dealerships at that location.

MS. DENKENSOHN: He owns that building?

MR. VILLAREALE: He owns the entire property and he's occupying it with his Nissan dealership franchise. The intention is to subdivide it sell the other building.

MS. DENKENSOHN: So he's trying to sell one property?

MR. VILLAREALE: Correct. Yes. Just one. He would own and operate the Nissan dealership that is currently under construction.

MS. DENKENSOHN: I'm trying to understand. I know there are pictures, but it's -- I'm not sure which is building one, which is building two.

They look -- one of them looks like, essentially, it is a cinderblock kind of shell of the building. Is that building one or building two?

MR. VILLAREALE: I'm not sure which pictures you're referring to. I would have to see it. When you're facing the two buildings, the left-hand side is building --

MS. DENKENSOHN: All it says is, site from the east on Tarrytown Road.

MR. VILLAREALE: I'll look real quick. Is that the document that was submitted? Bear with me one second and I'll just look at it.

MS. DENKENSOHN: Here's why I'm having the same confusion.

MR. VILLAREALE: I want to make sure I'm looking at what you're looking at.

MS. DENKENSOHN: It's the one that's not a painted building. You can see through the ceiling. I don't know if

it's a glass ceiling or opened to the sky or it's a bubble.

MR. VILLAREALE: So that's the one that's being renovated. That is the left-hand building. That's lot one. So that's --

MS. DENKENSOHN: Lot one.

MR. VILLAREALE: Yeah. If you're looking at the plan, I'm happy to share it again. 460 is lot one, which is the left-hand-side. Yeah, sorry. That's the one that's under construction with the fence around it. That's lot one.

MS. DENKENSOHN: It actually looks like it's more occupied than lot one.

MR. VILLAREALE: It just has the vehicles parked in front of the building. The building is vacant.

MS. DENKENSOHN: And, again, you know, to ask for a variance is a pretty big deal. And you're saying the reason you're doing that is you can't do a land lease or don't want to do a land lease?

MR. VILLAREALE: The owner owns a car dealership. He is not in the business of being a landlord for another car dealership or another use on the property.

It's his dealership that he is going to own and occupy and he wants to sell the property to another individual that would occupy that building.

MS. DENKENSOHN: Is this a wish list thing or is

there a buyer lined up?

MR. VILLAREALE: There is a potential buyer lined up that would purchase the property, not lease it. So it, essentially, it could facilitate the failure of that transaction and then the building could remain unoccupied, essentially.

MS. DENKENSOHN: Do we have documentation of that?

MR. VILLAREALE: No, I don't have that. That's just, again, it's nothing formal at this point. The only application that's been made that's formal before this Board is the subdivision application and the Nissan dealership application.

Right now the owner's in the process of subdividing the lot to be able to facilitate that sale.

MS. DENKENSOHN: And just in proposed lot two, which is the building on lot two, again, can you describe the inside of that building to me at all? Was it ever offices, was it ever divided? Was it a warehouse?

MR. VILLAREALE: It was a car dealership before as well, I believe. I do not recall the last dealership that was there.

CHAIRPERSON BUNTING-SMITH: It was.

MR. VILLAREALE: Thank you. My recollection was it was a car dealership. These buildings have been occupied as car dealerships primarily. That's been a couple that have

come and gone.

Right now, Nissan, again, is going into that building there. And the right-hand-side, the intention is to hopefully occupy it with another car dealership.

MS. DENKENSOHN: And I guess my final question is: What looks to be a significant renovation going on in the Nissan section lot one as you're calling it, was there ever any thought made to make that so you didn't need so many variances?

If you're redoing it, I mean, it looks like really new walls and everything else. And I'm just curious why when you rebuilt it there was no thought made into make it so it would be in compliance.

MR. VILLAREALE: The intention was to work within the building that was there. Maybe renovating it. That's something that they worked with the Building Department with.

There's only certain renovations that they could make before it's considered a complete demolition and reconstruction, but if they were to do that, they would have to do a complete demolition. And it would require a much smaller building, obviously, with the larger setbacks and reduced coverage and other things like that.

So they were working within the confines of the existing building and the existing variances that were

previously granted on the property.

CHAIRPERSON BUNTING-SMITH: Is there anyone else out there?

MR. VILLAREALE: Again, happy to answer any other questions if the Board has anything.

CHAIRPERSON BUNTING-SMITH: All right. Come on up.

MR. BOWDEN: Murray Bowden. I've been in Greenburgh for years and years -- I'm losing my voice -- relied on auto dealerships, for a good deal of their tax revenue. That's over.

The example of Safelite who puts in windshields and they send the car to your driveway and they change the windshield right in your driveway.

There is a real transition to electric vehicles, like it or not, they're coming, for numerous reasons. And Greenburgh is going to lose a lot of tax revenue as these dealerships shrink and close, but what they're doing is very similar to what, as in Westchester, they have dealership showrooms right in the wall.

Because they want to highlight the car. What they appear to be doing is recognizing the fact like patio.com, they're going to have an area where people are coming and view their product. And then order it to be delivered in a different place.

That's coming all over. Greenburgh has very

high-priced buildings to sell cars. And it costs every buyer and everybody else a couple thousand dollars because they're limited to require you to buy a car from the dealer in New York State.

Many states have started to have the right to repair laws where the information to repair the car is online and you are no longer required to go to a dealer to have your car fixed. That's a new concept, but it's coming fast.

And the problem that you will be dealing with in the future, and it's not too far away, is these big dealership buildings that they've been doing in the last couple of years, will become vacant. And how will you use them? They were built for cars to be on a second and third floors.

I get requests from my dealership, from my cars that come and bring to the dealer, which is costing, to say the last. Money is getting tight.

And more people and more people are finding skilled local mechanics, because the information is now available where it was confined before.

So you can go to your local mechanic, your Westchester County friends with. I always did when I was young.

Patio.com showed you what a shared salesroom looks

like. This is comparable to what they're doing. They're creating a salesroom where you can come, try the car, sit in it, and then it would be delivered, I presume, somewhere else.

Greenburgh's going to have a tough time replacing the income from these dealerships. Because it's changing fast. Faster than anybody realizes.

The mines for batteries are all over the United States by companies from all over the world and it's taking time to get the infrastructure up to speed.

The throughway and other places are having places to refill your electric car. I won't be here to see it, but some of you will still see it.

And a real challenge to this Board and to Greenburgh is to update how they deal with a changing economy, in a changing world. I wish you luck.

CHAIRPERSON BUNTING-SMITH: Any other comments?

MR. VILLAREALE: Not from us. Unless there's any other questions from the Board.

CHAIRPERSON BUNTING-SMITH: Apparently not. Thank you.

MR. VILLAREALE: Thank you.

CHAIRPERSON BUNTING-SMITH: You're welcome.

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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.

MR. DUDLEY: Mathew Dudley of Harris Beach.
Counsel for 529 Central Park Avenue, LLC.

CHAIRPERSON BUNTING-SMITH: Yes. I recognize that.
Your case had been closed for decision only to the meeting
of July 18th which is this evening, however, that's the one
that has to be reopened because new material came in.

And I said, if there was something that someone
here who wanted to comment on the cases that we're not going
to discuss it tonight, simply because it has to be
re-noticed. Because these other variances that need to be.

MR. DUDLEY: But the building inspector issued a

memorandum on Tuesday, I believe, of this week, stating that no further variances were needed.

CHAIRPERSON BUNTING-SMITH: I'll let the building inspector comment on that.

MS. GERRITY: Yeah. There are no further variances that are needed to 529. 154 North needed more variances.

CHAIRPERSON BUNTING-SMITH: Okay.

MS. UEBERLE: I think on this one is we did not have the latest plans from the Planning Board, so I think that was --

CHAIRPERSON BUNTING-SMITH: That was part of it.

MS. UEBERLE: Yeah. That was part of it and that was why we're looking to reopening because that essentially is new data. So we wouldn't be able to actually look at that unless we reopen.

MR. DUDLEY: Respectfully, this is a variance for less than the minimum required off-street parking spaces. Nothing within any subsequent plans that have been submitted to the Planning Board is part of the amended site plan and special permit approval have changed the number of spaces on the parking lot.

This is a site that's fully developed already. All the spaces are there now. We're simply seeking to increase the cap of full-time equivalent children permitted to attend the daycare center that's thriving.

Currently the cap is at 105 children. We would like to bring it to 152 children. Hopefully, you know, before the September school year starts.

Nothing has changed with respect to the number of parking spaces on the plan in the plans that have been submitted to Planning Board.

In fact, last night at the Planning Board meeting, they said they couldn't decide their application until this Board decides the application for an area variance.

CHAIRPERSON BUNTING-SMITH: I mean, I don't have a full understanding of what it is that is coming in. So if anyone else is here who wants to speak with respect to that, I appreciate it.

MS. KNECHT: I think the issue was that there was a revised site plan that was recently given to the Planning Board and that was not forwarded to the Zoning Board before we made our decision.

So I think the idea was to have everybody have the same set of plans that we're referring to for our decision.

CHAIRPERSON BUNTING-SMITH: Because the plan has to be noted in agenda and noticed. We can't just rely upon.

MR. DUDLEY: Isn't there -- don't the two boards run parallel? And might there be sometimes changes to a proposed site plan while an application before your Board for an area variance is pending?

I think sometimes the area variances are decided prior to the finalization of the site plans.

MS. DENKENSOHN: If we haven't seen the new site plan, we don't know if that's true. We can't just -- you can say it. That's very nice that there's no change. If we don't see it in a legal document, then it's very hard for us to make a legal decision.

CHAIRPERSON BUNTING-SMITH: And if that plan, the one that was noticed, is it similar, not similar?

MR. DUDLEY: Nothing has changed with respect to the parking spaces.

CHAIRPERSON BUNTING-SMITH: Well, we don't know that.

MR. BLAND: Just question for me; because I wasn't at the last meeting. It is written here you are moving from 105 to potentially students to 152. Is that the reason for the parking change?

MR. DUDLEY: Correct. The number of students and the associated staff in the daycare --

MR. BLAND: Driving.

MR. DUDLEY: -- drives the number of parking spaces required for the daycare center.

MR. BLAND: Was that part of the original plan, the 152?

MR. DUDLEY: 152 was -- in 2020 when we applied to

both your Board and the Planning Board for approvals, 152 was the goal, but at that time, we agreed to cap that number at 105.

And the point where we reached close to 105 provide an updated site wide utilization study, parking utilization and traffic update study, and at at that time the Town boards would reconsider removing that condition from the prior approvals.

MR. BLAND: And C of O and everything else, that's all being taken care of?

MR. DUDLEY: Correct. The site has been fully operational for almost two years now. I guess, I'm wondering, are you still only looking to reopen the public hearing tonight like you did for the Chick-fil-A application?

MR. BLAND: No.

CHAIRPERSON BUNTING-SMITH: Yeah. We have to.

MS. KNECHT: Reopen the hearing to.

CHAIRPERSON BUNTING-SMITH: You're opposing it. We don't have -- my opinion at least a solid basis to say that, you're correct.

MS. DENKENSOHN: At the last hearing I believe I know that someone brought up that we did not have a correct as built. And we did not receive anything yet; right? That accurately does that, so this is not exactly new

information.

MR. DUDLEY: If that was said at the last meeting, why was the public hearing closed?

CHAIRPERSON BUNTING-SMITH: We didn't have any information to demonstrate that that was the case.

MR. CRICHLLOW: It was closed, but new information was brought in front of the Board which requires us to reopen so that we can put that new site plan into our record.

MR. DUDLEY: So is it possible for this Board to approve the area variance conditioned upon the submittal of an updated final site plan?

CHAIRPERSON BUNTING-SMITH: But it has to be noticed. That's the problem.

MS. UEBERLE: So we can't just look at any new site plan tonight and take in information unless we notice it to the public.

MR. DUDLEY: I'll just make a representation for the record that the parking spaces have not changed since then.

CHAIRPERSON BUNTING-SMITH: We believe that that may be true, but we don't have anything to support it.

MR. BOWDEN: I object to the facts are not quite the same as he proposed.

CHAIRPERSON BUNTING-SMITH: You're not on the mic.

When you say you were at the meeting, what -- hold on a second. When you say you were at a meeting, what meeting were you referring to?

MR. BOWDEN: Planning Board last night where this came up. There are changes that was said to me in regard to the crosswalks in particular that they were going to investigate.

They took the name -- they took the document, where it had to be re -- where the information was and -- but for him to say that there are no substantial plans changes in the parking, is wrong. I was there.

There's a camera recording it. You can look on last night's meeting. And they are going to look at crosswalks and change them.

Because they're not the safest crosswalks for Greenburgh. That was a breakthrough and somebody finally looking at it.

There are substantial changes that you need to see the changes in a reviewed document. And that has to go to the proper hearing. Without the change and updated parking diagrams, you cannot approve it.

Because I will show that the safest for Greenburgh is a different design than they had last night.

CHAIRPERSON BUNTING-SMITH: Thank you.

MR. DUDLEY: I will repeat, that there's the same

amount of parking spaces in the first plan as the revised plan. He's speaking -- Mr. Bowden is speaking to the crosswalk. I'm speaking to the number of parking spaces for which this area variance is being sought.

MR. BOWDEN: Reopen the hearing. I have a right to comment on it as to the parking spaces and anything else. The hearing is open. I get a chance to speak. It's not restricted to what he wants to say. It's a public hearing. I'm the public.

MR. DUDLEY: And I was just correcting the record because there are no changes to the number of parking spaces.

CHAIRPERSON BUNTING-SMITH: We understand that.

MR. CRICHLow: Shall we make it clear: That this case is still closed until we reopen it?

And I don't think we're going to change our minds in terms of reopening. If only for procedural aspect of making sure that the information that we are looking at is correct.

It doesn't necessarily mean that we will change whatever decision we had originally come to, but it also gives the public an equal opportunity to speak in front of the Board at that time as well.

You can say all you want, that it's just the parking spaces. That doesn't change the facts on hand.

MR. DUDLEY: Understood.

MR. CRICHLOW: That's clear; right?

MR. CRICHLOW: Okay. Thank you.

MR. DUDLEY: Thank you.

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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.

CHAIRPERSON BUNTING-SMITH: Case number 24-14, Kyle Ortiz.

MR. ORTIZ: Good evening, Madam Chair and ZBA Board. It's nice to be before you. My name is Kyle Ortiz, together with my wife Sofia. We own 1 Glennwood Road in Scarsdale, which apparently is Edgemont, which apparently is Greenburgh. So this was very confusing when we moved here six years ago.

I'm joined by my architect, Mr. Parangi. I first would like to thank the Board for their time and their efforts looking through this.

I wanted to thank, Ms. Jones, and all the folks at the Township. They've been very helpful as we try to put together these materials for stuff that we're not familiar with.

Of course, our architect is very familiar with it and I think everybody in the town has been extraordinarily helpful and appreciate that.

So what we're asking the Board to do is to approve a variance to our back porch, which I think is in the materials. It is, and actually from my understanding, it's always been in violation of this ordinance since the day it was built a hundred years ago.

CHAIRPERSON BUNTING-SMITH: How many years ago?

MR. ORTIZ: A hundred years ago. This year, 1924. This home was built. It is a raised back porch, which I think you guys can see in the materials.

It is partially covered and then it's like the third in the middle is covered and then there's two-thirds on the other end that are uncovered, but it's raised and it goes to 19.7 feet from our backyard, which I thought was our side yard, but we have a rear, yard so apparently it's our backyard.

CHAIRPERSON BUNTING-SMITH: You learned a lot.

MR. ORTIZ: I have. This has been quite an experience. But the it should be 26 feet, but, obviously, it currently exists.

So what we're looking to do is to take that covered portion to both ends of that raised porch and then screen it in. And the reason we want to do that, I note that it's

actually, as it is today, an absolutely wonderful place to sit. What it currently looks like right now, where I love to have coffee, but you'll see there's two big posts there holding it up. Which, if I was to zoom in, is because it looks like this at the bottom of that one post.

So it's work that we would need to do and we also have, among our three kids, our youngest is named James. He's nonverbal autistic. He will wander, he will not understand where out in nature, like, Crane Pond, which is just behind our house, he will receive help.

He's a very happy, lovely, wonderful kid who loves to be outside, but it's very hard to be outside with him in places where he's not enclosed. So we're hoping to enclose that.

He also, unfortunately, he just, everything that could go wrong with this poor kid goes wrong. He has terrible skin, he has eczema. When he gets bit by mosquitos, he just itches until the skin's not there.

So we'd love to have a place that he can be that's outside, but it's enclosed. I would note, again, that the structure, other than extending it, that does exist today, it's preexisting.

We are near a pond. We are also near the Bronx River, which both tends to produce a lot of mosquitos this time of year. We also do get the lightning bugs, which are

beautiful, but they tend to tell you that they're also mosquitoes in the area.

And I would note that we are very fortunate, it's at the end of a cul-de-sac and there's really nobody around us. And even the house that is the house that's beyond our apparently backyard, is down about ten or 15 feet. And doesn't really see us. And it's very wooded in the area as you can see.

We don't even see that there's anyone around there, so hopefully it wouldn't be encroaching anybody else, and, you know, work with our architect and our contractor to keep the nature of the building unchanged.

And so that's simply what we're hoping do. And, you know, I've been sitting, hearing. And I see you are all taking your time to be here to what has been probably a relatively long meeting.

And I certainly don't want to keep you any longer than needed. So I'll leave it there, unless there's any questions for myself or my architect.

CHAIRPERSON BUNTING-SMITH: Thank you. Maybe I should ask the architect to make it simpler.

Do you know whether the screening that we see is on your property or on the neighbor's property that would face where the structure that you intend to repair is?

MR. ORTIZ: I'm sorry. The screening that you see?

CHAIRPERSON BUNTING-SMITH: Yeah. In other words, when you say that there's a lot foliage there, I don't know whose property that foliage is on.

MR. ORTIZ: Oh, right. The foliage that you see is on my property. And then beyond that, as it goes down, you actually see that the treeline drops quite a bit.

That's actually probably Scarsdale that you're seeing there. And then the trees beyond this it's, you know, because this is -- what you don't see down here is Edgemont Place which then goes into Pipeline Road. So that's actually just woods over there.

CHAIRPERSON BUNTING-SMITH: But what I'm asking you is: When you increase a visual, you know, we just want to know if it's -- you pointed out that it's screened, so that it doesn't disturb your neighbor. And I assume that you got that information from your neighbor or is that something that you surmised?

MR. ORTIZ: We have spoken to them. And I actually think there is a page that has the neighbor's. The neighbor that's below there is 134 Aqueduct Drive.

And I know these pictures are somewhat difficult, but you can actually kind of see our house in the absolute far right of that picture.

And that kind of gives you an idea of how much they see. We did speak to our neighbors. We did have our direct

next door neighbor also did put in a letter of support because, they, unfortunately, know James very well.

Because they're the first house that he goes to when he gets out. And thankfully, I very much appreciate this, they have an attractive nuisance of a trampoline that he likes to go to first, which is helpful, but he also likes to go through the front door, but, yeah. It's the one that is --

CHAIRPERSON BUNTING-SMITH: All I'm really asking you, and I realize you're trying to be helpful and when we have someone that enlarges a structure that might impact a neighbor.

We want to know, and you say that at least you're trying to give the impression that it would not bother that neighbor or any subsequent neighbor that perhaps, you know, has that property later.

Is their screening on their property, to your knowledge, or is it on your property? And the only reason I'm asking that, is we often ask people who are making an addition to screen if that's something that would be necessary.

MR. ORTIZ: Understood, Madam Chairwoman. If you look at the picture that's on the screen right now, the house that you see is a little bit on the right, that's our second floor roof.

So there's a lot of topography where you first have to go up quite a bit and there's those trees which are actually rhododendrons, which are green all yearlong.

So that's kind of the view that the closest house to this grouping would see, which you can't even see the current porch in that picture, because it's under that kind of call it treeline or bush line, but that's where it is and we have --

CHAIRPERSON BUNTING-SMITH: So you would maintain that?

MR. ORTIZ: Of course. We love the greenery.

MR. BLAND: Maybe I'm confused. The screening that you're talking about is after screening the porch?

MR. ORTIZ: Correct.

MR. BLAND: It's not additional screening outside the property line. It's the porch itself?

MR. ORTIZ: That's right, Mr. Bland.

CHAIRPERSON BUNTING-SMITH: That's what I'm saying. It's your screening?

MR. ORTIZ: Right.

CHAIRPERSON BUNTING-SMITH: So when you're building this, you're not intending on taking that screening down in anyway?

MR. ORTIZ: No. So we don't currently have screening. So what we're looking to do is expand the porch

is to instead of having it just be open air is to screen it in.

MR. BLAND: Simple question: The footprint of the existing patio, are you increasing that?

MR. ORTIZ: No, Mr. Bland.

MR. BLAND: You're just going to put a screen around what's existing?

MR. ORTIZ: Correct, but we are increasing the footprint. So if you look at this podium as sort of the porch, the footprint will not change, but right now it is only covered in the middle.

What we'll be wanting to do is have it be covered for the full length.

MR. BLAND: And then screen it in.

MR. ORTIZ: And then screen it in.

MS. DENKENSOHN: The two different screens that you're talking about, like the screens like a porch, I think Eve was talking about, the tree screening. They're two different screens.

MR. ORTIZ: Yes.

MR. BLAND: I was confused.

MR. ORTIZ: This is kind of foliage screening that, you know, because that other house is down below that.

MR. BLAND: Got it. Okay.

MR. PARANGI: Max Parangi. I'm a local architect

here in Greenburgh. P-A-R-A-N-G-I.

If I may, there is an existing porch which is partially roofed in the middle. And we are not increasing the footprint of the porch. We are just roofing the two end sections of the roof and screening the porch itself.

Basically we are seeking variances. We are supposed to be 26 feet away from the rear property line and this is a preexisting condition, I would like to stress.

We are at 19.7 feet instead of 26. So we are seeking relief for the difference. And right now the porch itself is in slight disrepair and had to short temporary.

So we are also restoring the short -- it's a traditional Tudor. Tudor. And to respond to Madam Chair's question about the screening on the property line, basically the topography of the land is such that this back screen and back porch is really not visible from any of the other neighbors' properties.

Other than that, I have very little to add. This happens when your client is an attorney and he said most of the things.

CHAIRPERSON BUNTING-SMITH: Now we know.

MR. PARANGI: If there are any other technical questions, I would be glad to answer.

CHAIRPERSON BUNTING-SMITH: The only thing I was is thinking of, and I guess probably not, your client did say

that the porch that exists is a hundred years old.

So, obviously, that doesn't fall within our zoning code at this point, but -- so it's really, I guess, how can we term it because it's been there all this time and it's not in line with --

MR. PARANGI: Also, I don't know if it was noted, there is a letter from the adjacent neighbors in support of Mr. and Mrs. Ortiz.

And they know their son, James, quite well, because sometimes he wanders back in the property. And there is also a safety issue that I might add. There is a nearby pond and so the screened porch will be as to the parents to make sure the kid is not wandering.

MR. CRICHLow: Can you speak up more.

MR. PARANGI: I'm saying that this would aid the parents in making sure that their kid, James, their son, James, is not wandering around the property.

MR. CRICHLow: Which house is the neighbor that wrote the supporting letter or there were two supporting letters; right?

MR. PARANGI: I have only one. I will let Mr. Ortiz speak to the neighbors.

MR. ORTIZ: Yeah. It's the Palmer's who are at 5 Glenwood, which is our next door neighbor.

MR. CRICHLow: 5 Glennwood?

MR. ORTIZ: Yeah. There is no 3 Glenwood. That's apparently, half of our yard and half of their yard.

MS. MOSLEY: I just have a question: In regards to the composition of the screen, how durable is that? Because could an animal make a hole?

I would hate for you to invest in this fence or screen for James and then an animal, a squirrel or something, would make a hole and put James at risk.

So the composition of the fencing or the screen, how durable is that against, you know, animals?

MR. PARANGI: It's just a regular screen that you can find in most of the, you know, porches and closed porches, but to answer your question, there is also a very low knee wall.

And so that around the porch, which is done on purpose. And the screen starts basically at a height of three feet. So that will be helpful probably in, you know, avoiding any, you know, penetrations from animals, birds or which probably is not going to be very often the case, hopefully.

MR. ORTIZ: I would also just note that to be very clear, James would never be unsupervised ever, but we do have two older children who, you know, do what children do and sometimes there's a distraction. He is the ultimate opportunist so.

It's -- but it would never be -- we would just leave James on the porch, obviously.

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

MR. ORTIZ: Thank you for your time.

CHAIRPERSON BUNTING-SMITH: You're welcome.

MR. PARANGI: Thank you for the opportunity.

CHAIRPERSON BUNTING-SMITH: We are trying to see if there's anybody out there in space.

MS. JONES: There are no comments.

CHAIRPERSON BUNTING-SMITH: All right. Thank you.

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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 ID: 8.50-28-8.

CHAIRPERSON BUNTING-SMITH: The next case tonight is Case 24-15, 365 Land LLC.

MR. KAYE: Good evening. My name is Kevin Kaye. I am one of the partners with the Game on 365 Land, as well as the partner in the operating entity Game on Golf Center. And I know you guys all have the documents that we presented and submitted.

I'm happy to walk you through a presentation if that would be helpful. We are here basically to request permission to build an awning, similar to what we already have on the property. Further enhancements and improvements to our facilities.

We've owned the property for the last about seven

or eight years now. I think we are in our eighth year and we have been updating the property and investing quite a bit of our resources into making improvements and further increasing the value of our facility to the community. So we're hoping to continue that. And we're here before you for that purpose.

CHAIRPERSON BUNTING-SMITH: So what you did since last month was that applying the prefab -- the new concrete platform? It was something that you added? I believe. Because otherwise, I thought it was very simply last month.

MS. DENKENSOHN: Could you walk us through what you're doing? Because none of the photographs are labelled, nothing's labelled. You can't figure out where you are. I had a very confusing time figuring out what you were doing and where it was.

MR. KAYE: Absolutely. I'll be happy to do that. Would you like me to share my screen? Is that acceptable?

MS. DENKENSOHN: Whatever. Use your little arrow. However you want to do it.

MR. KAYE: Okay. So we've been on that property, this facility has been on the property in the community for 75 years. Just celebrated that 75th year last year. As you can see, it's quite a large property.

The operating range is within this perimeter. You can see my mouse, hopefully, clearly. And there above you

can also see that we have an existing awning right here. Our parking is out front over here. The overflow lot and this is our existing parking lot here.

We do have a building over here. And just so you can put things in perspective, we are proposing the awning for the other side and the building on this side.

The property in question, and this is a little bit twisted, but basically this is the existing awning on this side. The building itself is here and we're proposing to put additional covered bays over here.

This is the closer look at it.

MR. BLAND: Not to interrupt your presentation, will the material be the same fabric type as you used on the other side, the blue and white?

MR. KAYE: It will not. It's going to be a I think a more premium quality structure. It's going to to be a prefabricated aluminum structure. So it's going to be sturdier with more of a structured roof. This is predesign, pre-engineered.

So it's basically -- we're building a concrete slab. And then this gets anchored to that slab.

This is a closer view of the plan and the distances that we're looking to get the variance for. The corner of that structure is right here if you can see where my mouse is there. We're proposing 19 feet.

CHAIRPERSON BUNTING-SMITH: We can't see it.

MR. KAYE: Can't see it now?

CHAIRPERSON BUNTING-SMITH: No. There we see it.
There it is. It gets lost.

MR. BLAND: The side closet to the road?

MR. KAYE: Correct. That would be the closest
point would be 19 feet.

The T-line does bend around. So the T-line is here
and as you bend around, it does get closer to the road. So
we actually do not conform currently with our T-line.

This is the area in question; the T existing. The
awning is here, the shop is here, and we'd like to cover
these here.

MS. DENKENSOHN: Is the purple line the concrete
slab?

MR. KAYE: No. That's just the perimeter of the
area. Just to highlight it. The slab will -- let me go
back.

The slab would basically be in front of the
existing bays. So, I'm sorry. This would be better.

So our existing bays look like this. And we are
proposing a concrete lab here. In that area. Right behind
the existing bays.

MS. DENKENSOHN: How about the grass?

MR. KAYE: Well, we're not going out on the grass.

The grass is here. What we'll do, we'll stake it there, we build a slab, which basically just levels this area. It's already asphalt. So it's already impervious.

We're just raising a little bit to make it more level so that you have a consistency of the floor. And then above that, I guess you'd have the covered piece that would go above the bays to add shelter and create additional covered space behind. Similar to what we have on the other side.

CHAIRPERSON BUNTING-SMITH: Are these new structures that you're putting up in any way allowing you to open and perform or let your customers perform what they they're doing for a longer period of time, for the year or not?

MR. KAYE: It will help with the seasonality. We're open 356 days a year. We do have people who play all year around already.

This would help us and in the current environment, we're trying to always make improvements. There are many facilities that are opening up that have indoor stimulators.

Most of our customers like to hit the ball and see the ball fly, but these people, you know, having them sheltered from the elements is a big thing for them.

So in the wintertime it would help us, rainy times it would help us in. So even in the peek season, people

would be able to hit when they're covered, when it's raining, they'll be covered and sheltered. So it's significantly beneficial for us.

CHAIRPERSON BUNTING-SMITH: Does it also allow or have you thought about extending the hours?

MR. KAYE: We don't have any plans to extend hours. We already are open until about 10:00. So we would love to do that, but sometimes we need to sleep too.

Now, I'll take you through to show you some photos so that you -- to give you some perspective. These are more technical drawings of the construction. This is the awning that currently exists.

So would he have a platform and you hit into the field. As you can see behind the actual bays, we have covered area. And that's what we're trying to achieve here.

The difference is that we would like to have this decking continue at the same level. It's safer, it's cleaner, can be more easily maintained. Allows us to accommodate premium experience. And that's what we're trying to achieve.

This is the other side; looking now the opposite direction. So behind this photo would be where the other awning is. So we're looking at it going -- this is the view from looking towards the east, and this is looking at it going west.

So this is exactly where the covered area of the concrete platform and the awning would be located. I hope that helps.

Again, another view. And this is looking at it in the opposite direction. So you can see this is the background, the other awning, as well as the shop.

You can see how close our T-line gets to the actual road and the fence. This is what it would look like. Some renderings. Okay.

MR. BLAND: Now, in terms of bulk and color, any thoughts on that just yet?

MR. KAYE: In terms of color, I think we're looking for like, a bronzish look.

MR. BLAND: Something that would kind of just blend in?

MR. KAYE: Yeah.

CHAIRPERSON BUNTING-SMITH: Any other questions?

MR. CRICHLow: You're Kevin?

MR. KAYE: I am.

MR. CRICHLow: I have very important question. How do you sign your name?

MR. KAYE: As confusingly as possible. That way -- my professors used to say that they would get to the case and they would -- I would just raise my hand.

MR. CRICHLow: Other than that, I don't have any

other questions. Okay?

CHAIRPERSON BUNTING-SMITH: Anyone in the audience here or there?

MR. KAYE: Thank you so much.

CHAIRPERSON BUNTING-SMITH: Thank you.

MS. JONES: I don't believe there's anyone that has any comments.

CHAIRPERSON BUNTING-SMITH: Okay.

* * * *

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.

CHAIRPERSON BUNTING-SMITH: And we go to Case Number 8, it's the last listed, Case 24-16, is Brad Jervis. 19 Tomahawk Drive.

MR. DiLEO: Good evening, Members of the Board. My name is Rocco DiLeo. Architect Brad Jerris, owner of 19 Tomahawk Drive.

And tonight we are seeking an area variance for a proposed addition that we are placing to the rear of the property. Let me share that screen.

So this is an existing single-family, single-story residence. Approximately 1,491 square feet. And towards the rear of the property, we are proposing proximate 549 square feet addition, also single-story.

This is in an R-10 zone. In an R-10 zone, the

minimum side yard setback is 12 feet. Total combined is 26 feet. And what we're proposing with the addition is simply to align the addition with the size of the existing house. So this is an existing, nonconforming dwelling within the R-10 residential zone.

Again, we're proposing the addition to align with the east and west side of the home, which approximately gives us a 10.79-foot setback, in comparison to the 12-foot required setback.

And on the opposite side, where 14 would be required, we have 15.42 feet or combined total of 26.21 square feet.

So that is what we're proposing. Again, we're seeking an area variance. And specifically relief to the side yard setbacks.

We do have two supporting letters from our neighbors, one at 17 Tomahawk Drive, which is the property to the west of the property -- to the west of the applicant. And 21 Tomahawk Drive, which is the property to the east of the applicant's property.

And I'm here to answer any questions that you may have.

CHAIRPERSON BUNTING-SMITH: Don't everybody speak at once.

MS. JONES: Madam Chair, there are no comments.

THE COURT: Thank you. We have no questions.

MR. DiLEO: Okay. Thank you.

CHAIRPERSON BUNTING-SMITH: You're welcome.

And with that, we'll take a five-minute break.

(Recording stopped.)

(Whereupon, a break is taken before the Board begins their deliberations.)

* * * *

CHAIRPERSON BUNTING-SMITH: We are back on the record with the results of our deliberations for this evening. And, as indicated previously, Case 24-07, has been adjourned already to meeting of August 15th.

The next case we have is case --

MR. LIEBERMAN: It's been reopened.

CHAIRPERSON BUNTING-SMITH: I'm sorry. You're right. It's late.

We're reopening because it had been marked for decision only. So it has been reopened and put on the calendar for next month.

* * * *

CHAIRPERSON BUNTING-SMITH: The next case we have on is Case 24-09, 600 South Central Avenue, Scarsdale, patio.com.

And whereas the Greenburgh ZBA has reviewed the above-referenced application with regard to SEQRA consideration. 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: Do I have a -- you're seconding the SEQRA?

MS. KNECHT: Aye.

MS. UEBERLE: Aye.

MS. DENKENSOHN: Aye.

MR. CRICHLLOW: Aye.

MR. BLAND: Aye.

MS. MOSLEY: Abstain.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

And do we have a motion?

MS. KNECHT: Yes. Madam Chair, I move that the request to reduce the minimum number of parking spaces from 25 required to nine proposed be granted for application number 24-09, 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 the building permit and proceed diligently thereafter in conformity with the plans dated February 7th, 2024, and stamped received April 15th, 2024, submitted in support of this application, or as such plans may be hereafter modified by another approving Board or agency or officer of the Town. Provided that such modification does not require a 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 the requirements of the zoning ordinance shall require variances, even if the construction conforms to the height, setback or other variances we approve herein.

I'm not going to read the findings this evening, but they will be entered into the record at a later date.

MR. CRICHLLOW: I second the motion.

MS. KNECHT: Oh, I'm sorry.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. DENKENSOHN: Aye.

MS. UEBERLE: Aye.

MS. BLAND: Aye.

MR. CRICHLLOW: Aye.

MS. KNECHT: Aye.

MS. MOSLEY: Abstain.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

MS. KNECHT: Sorry what I said about the findings. Further, for Case Number 24-09, I move that the request to use the exterior of the property to display items for only permitted be denied.

CHAIRPERSON BUNTING-SMITH: Thank you. Is there a second?

MS. UEBERLE: I second it.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. MOSLEY: Aye.

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

MR. BLAND: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

MR. CRICHLLOW: I abstain.

MS. DENKENSOHN: I abstain.

CHAIRPERSON BUNTING-SMITH: Yeah, the voting is different. That's why.

MS. UEBERLE: We captured that. Is.

MS. KNECHT: The granting for the parking --

CHAIRPERSON BUNTING-SMITH: Was five to 2.

MS. UEBERLE: Yeah. We had the two people abstain --

MS. DENKENSOHN: No. That was for the display.
The parking os six to one. Professor Mosley said no on
parking. And then five two on display.

* * * *

CHAIRPERSON BUNTING-SMITH: The next case is Case 24-11, Alberto Tirri, 154 North Road, White Plains. This one has to be re-noticed, because new material came in. So we have to reopen this matter.

MR. LIEBERMAN: No. No.

CHAIRPERSON BUNTING-SMITH: I'm sorry.

MS. DENKENSOHN: Adjourned to August 15th.

CHAIRPERSON BUNTING-SMITH: Yeah. To August 15th.

Okay.

MR. LIEBERMAN: 24-11 has been adjourned.

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CHAIRPERSON BUNTING-SMITH: It's 24-12 that --

MS. DENKENSOHN: We need --

CHAIRPERSON BUNTING-SMITH: That we need to reopen correct. So 24-12 is 529 Central Park Avenue, and that has to be reopened because we have to re-notice it. No. We don't have to re-notice it.

MR. BLAND: Yes.

MR. LIEBERMAN: Yes.

MR. LIEBERMAN: We're reopening it to receive newly generated material.

CHAIRPERSON BUNTING-SMITH: Okay. Being opened to receive new generated materials.

MR. LIEBERMAN: And it's being adjourned.

CHAIRPERSON BUNTING-SMITH: And adjourned to August 15th.

MR. LIEBERMAN: You need a motion in this.

CHAIRPERSON BUNTING-SMITH: Yes. I do need a motion.

MS. KNECHT: I move that we reopen the hearing to receive the new generated material to the meeting of August 15th.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. DENKENSOHN: Aye.

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

MR. CRICHLow: Aye.

MR. BLAND: Aye.

MS. MOSLEY: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

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CHAIRPERSON BUNTING-SMITH: The next case is Case
24-13, and that is closed for decision only to August 15th.

* * * *

CHAIRPERSON BUNTING-SMITH: And the next case is Case 24-14, and whereas the Greenburgh ZBA has reviewed the above-referenced application with regard to SEQRA compliance and whereas it is therefore resolved that the subject action is a type two action requiring no further SEQRA consideration.

MR. CRICHLLOW: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. DENKENSOHN: Aye.

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

MR. CRICHLLOW: Aye.

MR. BLAND: Aye.

MS. MOSLEY: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

MS. DENKENSOHN: I move that Case Number 24-14 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 the granting of the last approval required for the issuance of the building permit and proceed diligently thereafter in conformity with the plans dated March 17th, 2021, and last revised October 24, 2022. Submitted in support of this application or as such plans may be hereafter modified by another approving Board or agency or officer of the Town.

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

Three, the variances 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 the requirements of the zoning ordinance shall require variances even if the construction conforms to the height, setback or other variances we have provided herein.

MR. CRICHLLOW: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. DENKENSOHN: Aye.

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

MR. CRICHLLOW: Aye.

MR. BLAND: Aye.

MS. MOSLEY: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

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CHAIRPERSON BUNTING-SMITH: And we have 24-15, Game On 365 Land.

MS. KNECHT: The findings for 24-14 will be entered into the record.

CHAIRPERSON BUNTING-SMITH: I was going to say that all of the findings will be entered into the record, because of the lateness of the hour.

But getting back to 24-15; Game On; whereas the Greenburgh ZBA has reviewed the above-referenced application with regard to SEQRA and therefore be it resolved that it is a type two action requiring no further SEQRA consideration.

MR. CRICHLLOW: Second.

CHAIRPERSON BUNTING-SMITH: Thank you. All in favor?

MS. DENKENSOHN: Aye.

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

MR. CRICHLLOW: Aye.

MR. BLAND: Aye.

MS. MOSLEY: Aye.

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

MS. UEBERLE: Yes, Madam Chair. I have a motion. I move that the application is Case Number 24-15 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 the building permit and proceed diligently thereafter in conformity with the plans stamped received June 12th, 2024, submitted in support of this application, or as such plan may be hereafter modified by another approving Board, agency or officer 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 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. CRICHLow: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. DENKENsoHN: Aye.

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

MR. CRICHLow: Aye.

MR. BLAND: Aye.

MS. MOSLEY: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

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CHAIRPERSON BUNTING-SMITH: And lastly, we have 24-16, Brad Jervis, 19 Tomahawk Drive.

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. UEBERLE: Aye.

MS. KNECHT: Aye.

MR. CRICHLLOW: Aye.

MR. BLAND: Aye.

MS. MOSLEY: Aye.

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

MR. BLAND: Madam chair, a motion. I would like to make a motion. I move that the application in Case Number 24-16 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 the building permit and proceed

diligently thereafter in conformity with the plans dated October 8th, 2023, and stamped and received June 17th, 2024. Submitted in support of this application or as such plans may be hereafter modified by another approving Board or agency or officer of the Town. Provided that such modification does not require a different or greater variance than what we are granting herein.

Three, 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 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 that we have approved herein. Findings will be enclosed after.

MR. CRICHLow: And I second your motion.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. DENKENsoHN: Aye.

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

MR. CRICHLow: Aye.

MR. BLAND: Aye.

MS. MOSLEY: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye. Thank you so much. And the next date for our meeting is August

15th. 7:00.

And with that, I appreciate everyone's appearance and work tonight and accomplishment. Thank you so much.

(Recording stopped.)

(Whereupon, the ZBA meeting for July 18th, 2024, is adjourned to the next meeting of August 15th, 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