



Planning & Zoning

July 22, 2025

STATE OF NEW YORK
TOWN OF GREENBURGH

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Public Hearings and Decisions Before
The Zoning Board of Appeals of
Greenburgh, New York, in Connection
with Various Applications in Relation
to the Town Ordinance of the Town of
Greenburgh
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July 17, 2025
7:00 p.m.

Greenburgh Town Hall
177 Hillside Avenue
Greenburgh, New York

BOARD MEMBERS:

Eve Bunting-Smith, Chairperson
Diane Ueberle
Kristi Knecht
Shauna Denkensohn (Virtual)
Louis Crichlow
Peter Bleir

STAFF MEMBERS:

Edward Lieberman, Esq.
Deputy Town Attorney

Garrett Duquesne, Commissioner
Community Development & Conservation

Kyra Jones, Secretary to the ZBA

Liz Gerrity, Deputy Building Inspector

Jais Skaria, Building Plans Examiner

MICHAEL A. DeMASI, JR.
OFFICIAL COURT REPORTER

(Whereupon, at 7:18 p.m., the Meeting of the Zoning Board of Appeals for the Town of Greenburgh was called to order.)

CHAIRPERSON BUNTING-SMITH: Yes. Madam Secretary, can we have a roll call for the Board?

(Recording in progress.)

MS. JONES: Madam Chair, 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: Present.

MS. JONES: Diane Ueberle?

MS. UEBERLE: Here.

MS. JONES: William Bland -- is absent.

Shauna Denkensohn?

MS. DENKENSOHN: Yes.

MS. JONES: Is remote.

And Peter Blier?

MR. BLIER: Here.

MS. JONES: Is present. And that concludes our roll, Madam Chair.

CHAIRPERSON BUNTING-SMITH: Good evening, all. This is the Zoning Board of Appeals, July 17th, 2025. The meeting will now come to order.

We have eight cases scheduled for tonight's meeting, however, the ZBA cases, 25-13, Taco Bell, and 25-15, Thalle Industries, have been adjourned to the August 21st, 2025, meeting. Looking forward, the Zoning Board will have our next regular meeting on August 21st. Please mark your calendars accordingly.

Because of the number of cases we have to hear tonight, we will limit each case to 20 to 25 minutes. If we cannot finish hearing the case, it will be adjourned to another meeting to be completed at that time.

As in the past, in order to save time, we will waive the reading of the property location and the relief sought for each case, however, the reporter will inert 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 meets here to discuss each case.

However, at that time, everyone is welcome to listen to our deliberations, but the public will not be able or permitted to speak or participate. After our deliberations on all the cases, we then announce the Board's decision for the formal record and broadcast it to the Community.

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

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

* * * *

Case No. ZBA 24-32A: Sal Olivia, 279 Jackson Avenue (P.O. Scarsdale, NY 10583) – Amend Condition of a Previously Granted Decision / Area Variances.

Applicant is seeking to amend condition #5 of a previous decision (ZBA Case 24-32) granting certain variances for its nonconforming nursery on condition that they would lapse if Yonkers denies subdivision approval for a portion of its property in that municipality. Applicant requests that the following variances be exempt from the lapse condition: From Section 285-12B(3)(d) of the Zoning Ordinance to increase the maximum impervious surface coverage from 29% (permitted) to 59.2% (proposed); from section 285-12B(5)(b) to reduce the minimum setback from a side property line to the existing nursery gravel parking area from 16 ft (required) to 0 ft (proposed); and from Section 285-42(C)(1) to increase a nonconforming nursery use thereby increasing such nonconformance, to legalize the expansion of a nonconforming nursery (expansion of material storage areas and construction of several accessory structures) on the subject property. The property is located in the R-20 One Family Residence District and is designated on the Town Tax Map as parcel ID: 8.580-399-2, 8.580-399-3, 8.580-399-4.

CHAIRPERSON BUNTING-SMITH: The first case we have tonight is Case 24-32A, Sal Olivia, 279 Jackson Avenue.

MR. SCHNEIDER: Good evening, Members of the Board, Madam Chair. My name is William Schneider, and I am a professional engineer with the Engineering Firm of PS&S Engineering. 1 Larkin Plaza, Yonkers, New York 10701.

My client, Mr. Sal Olivia, is unable to be here tonight due to something personal. So he asked me to please appear on his behalf.

And first, I want to thank you, the Board, for granting us the variances at this time for Mr. Olivia's project. We are very much appreciative of that and we look forward to working with the Board.

The reason for our appearance here tonight is for to request a change in one of the conditions. And Mr. Olivia did appear, I believe, at the previous meeting.

And one of the comments from the previous meeting was for us to determine the amount of impervious surface that would remain if the project does not go forward.

We will need to get approvals from the City of Yonkers and possibly Westchester County in order for this to proceed should those approvals not happen.

The only variance we will not need will be the one associated with the new driveway as it goes from Jackson down to the residential buildings.

Since the residential buildings would never be built, there's no need for a driveway, therefore, we would

not pursue that at all, however, the other variances would need to remain, because the site would continue to exist as a nursery in the form that it's in today.

So we would like to request that only the variance associated with the driveway, the new driveway, extinguish should approvals not happen in the City of Yonkers and Westchester County.

And that's the reason for my appearance today.
Thank you for your consideration.

CHAIRPERSON BUNTING-SMITH: Thank you. Any comments from the Board? Comments from the individuals who are not present?

MS. JONES: No, Madam Chair.

CHAIRPERSON BUNTING-SMITH: Anyone here sitting in the audience have any statement to make with respect to this?

MR. LIEBERMAN: I have a question: Is it not true that the existing, even whether it's granted or denied, is still nonconforming for the -- to the --

MR. SCHNEIDER: That is true.

MR. LIEBERMAN: So you still would need a variance to go to 26.1-percent?

MR. SCHNEIDER: 62 point -- that is true. And that's why the only variance that I'm requesting that we are -- that I'm stating we will not need is the one associated

with the new driveway. You're correct.

MR. LIEBERMAN: All right.

CHAIRPERSON BUNTING-SMITH: Any questions now? All right. Thank you.

MR. SCHNEIDER: Thank you very much for your attention in this consideration.

* * * *

Case No. ZBA 25-04: David S. Chao, 0 Clayton Road Subdivision (P.O. Scarsdale, NY 10583) - Area Variances.

Applicant is requesting area variances in order to subdivide the subject property into three lots (two residential lots [Lots 1 and 2] and a non-buildable shared-access driveway lot [Lot 3]). In order to do so, Applicant is requesting the following variances: For residential Lot 1: From Section 285-39(C)(9)(c) of the Zoning Ordinance to reduce the minimum required street frontage from 25 ft. (Required) to 0 ft. (Proposed); and from Section 285-11B(5)(b) to reduce the minimum distance between an accessway and side property line from 18 ft (require) to 0 ft (proposed). For residential Lot 2: From section 285-39(C)(9)(c) to reduce the minimum required street frontage from 25 ft. (Required) to 0 ft. (Proposed); and from section 285-11B(5)(b) to reduce the minimum distance between an accessway and side property line from 18 ft (required) to 0 ft (proposed). For Lot 3: From Section 285-11B(5)(b) to reduce the minimum distance from the accessway to the west side property line from 18 ft. (Required) to 15 ft. (Proposed); and from section 285-11B(5)(b) to reduce the minimum distance from the driveway to the east side property line from 18 ft. (Required) to 15 ft. (Proposed). The property is located in the R-30 One Family Residence District and is designated on

the Town Tax Map as parcel ID: 8.400-281-31.

CHAIRPERSON BUNTING-SMITH: The next case is Case 25-04, David Chao.

MR. BERNSTEIN: Good evening. My name is Bob Bernstein. I am counsel for David Chao. With me tonight is David Chao. So he's with me right here and he is the applicant.

Following the hearing on June 12th, last month, by letter dated June 18th, you asked that we submit by July 7th a drawing showing what the proposed subdivision would look like if it were zoning-compliant.

In other words, with a 26-foot-wide roadway along the access-strip, culminating with a zoning-compliant cul-de-sac. We were also asked that we provide a written narrative of the differences. We've done so.

The zoning-compliant drawing increases impervious surface by at least 6,000-square feet. It will cause the removal of mature trees, screening roadway into the residential lots alongside the access-strip, and it will result in the removal of a substantial number of mature trees to accommodate the code-compliant cul-de-sac and the two driveways to be built thereon.

We do not need to move the pro forma footprints for either of the two houses. So their relative proximity to neighboring homes would be the same.

Both drawings show the easements mentioned by the neighbor, Susan Schwartz. Neither plot imposes any limitation on these easements.

Copies of the zoning-compliant plats and cover-letter were provided to Mr. Feinstein, counsel for the neighbors objecting to the variances.

On -- for the record, since the June hearing, and in the ten days since he's received the zoning-compliant plat, Mr. Feinstein has had no communications with me concerning the variances or the zoning-compliant plat, other than, his letter to the Board, dated July 16 -- yesterday -- a copy of which I got yesterday as well.

In his letter, Mr. Feinstein objects to the granting of the variances, solely, on legal grounds, that he says prevents the ZBA from taking any vote to approve these variances.

He contends that what we're proposing to do here is create two adjoining flag-lots that are substandard for which he says additional variances are required.

He also contends, based on the premise, that these are adjoining flag-lots, that the proposed subdivision violates a subdivision regulation under Chapter 250 of the Town Code.

These arguments are red herrings.

In his letter, Mr. Feinstein states that it is

quote, "It is undisputed that the subject application seeks to create two flag-lots accessing a public street via a third lot which the applicant has dubbed access parcel, but in reality, is simply the stem of the flag.

We dispute that characterization. What we're proposing is a two-lot subdivision being connected to a Town road by means of a private road approved to Town standards. It is a subdivision that is permitted under Chapter 250 of the Town Code's subdivision regulations.

The Planning Board and Town Staff has recommended, however, that we narrow the width of the private road from 26 feet, which is required for two-way traffic, to 20 feet, with the -- which the Fire Code requires. So that it would function, instead, as a shared-driveway, in order to reduce impervious surface, preserve trees, and be consistent with the overall character of the neighborhood.

We agreed to do that, but to do what the Planning Board has recommended we do requires variances. Here, by memorandum, dated January 29th, 2025, as amended, on May 6th, 2025, the building inspector, initially, Frank Morabito and then, Deputy Building Inspector, Liz Gerrity, determined that a total of six variances are required.

They consist of; two variances, one for each buildable-lot, reducing the required street-frontage for a subdivision from 25 feet to zero feet. And two variances,

one for each building-lot, to allow for a Fire-code-compliant driveway, to extend from the accessway across each side lot -- each lot's side property-line, which normally requires an 18-foot side setback.

They also require two variances for the private roadway instead of the 18-foot minimum distance between the accessway to the east and west-side of the property lines. A variance is needed to reduce that 15 feet, but Mr. Feinstein contends that the building inspector made a mistake.

After having over a month to think about it, and consulting, he says, with his experts, Mr. Feinstein believes the building inspector should have concluded that what's being proposed here is instead a subdivision consisting of two-substandard, adjoining flag-lots, for which two additional variances are required, but in order for Mr. Feinstein and his clients to challenge the Building Inspector's determination as of May 6th, 2025, that a total of only six variances are required, Town Law Section 267-A(5)(B), requires that an appeal of the Building Inspector's May 6th, 2025, determination be taken by an aggrieved party within 60 days after the filing of that determination.

This 60-day deadline for filing an appeal of the Building Inspector's determination with the ZBA is a statute

of limitation. The time to have filed that appeal expired on July 6th.

Mr. Feinstein knew or should have known that the May 6th, 2025, determination, he should have known about that determination when he appeared at the last ZBA hearing on this application on June 12th.

Because, under the ZBA rules, that May 6th, '25, determination was part of the ZBA application for the variances. It's right there. He would have seen it.

And as someone skilled in this field, he knows that there's a 60-day statute of limitations for filing an appeal. He could have done so. There was still time.

And Mr. Feinstein was making the same argument then back on June 12th as he is today that the proposed subdivision is for adjoining substandard flag-lots, but even though, his clients were arguably aggrieved by that May 6th, 2025, determination, he didn't file an appeal. He let that deadline pass.

And -- but even though he's time-barred, he still the says the ZBA should, nevertheless, not be allowed to decide the variances which are properly before the Board, which are the six variances identified by the Building Inspector.

In other words, you don't have jurisdiction to hear his argument about the flag-lot variances he claims should

have been included. He could have had it had he appealed, but he didn't.

So these variances should now be decided on their merits. Mr. Feinstein also contends in his July 16, 2025, letter, that the application for variances violates the Town Subdivision Regulations under Chapter 250. We do not believe there's any violation here at all.

His argument is predicated on the same false assumption that the proposed subdivision is to adjoin two substandard flag-lots, which it frankly isn't, but that too is not an issue for the ZBA.

Chapter 250 is not under the ZBA's jurisdiction. Chapter 285 of the Zoning Law is under your jurisdiction. So that issue, should he choose to raise it, is an issue for the Planning Board to address, not the ZBA.

So if Mr. Feinstein wants to raise this argument before the Planning Board, he can do so when the Planning Board schedules its public hearing on whether to approve the proposed subdivision.

But that hearing can't happen unless and until the ZBA grants the six variances we're requesting. In which it should be noted, the Planning Board has, in each case, issued a positive recommendation.

So to review: The purpose of these variances is to preserve the existing character of the neighborhood, reduce

impervious surface and minimize loss of tree canopy.

The alternative of proceeding with a zoning-compliant plat would substantially increase impervious surface. You can see that on the drawing we presented. Increase loss of tree canopy and be inconsistent with the neighbor's existing character. Which, again, you've also seen.

Mr. Feinstein doesn't dispute any of this, but expresses confidence that, upon SEQRA review by the Planning Board, the Zoning-compliant plat will not be approved. Maybe, maybe not. That's speculation.

I'm sure the Planning Board will take a good hard look, if we have to go that route, consistent with its obligations under SEQRA, just as it with did the plat requiring variances.

And if because of the additional impervious surface and loss of trees, additional mitigations will be needed to address environmental issues, such as stormwater management, runoff, drainage, and the like, not to mention, the replacement of trees.

It will do so, but no matter what the Planning Board may do, should it be faced with a zoning-compliant plat, instead of the one before you, the one thing it can't do, will be to go back to the original plan, because that's the one that requires zoning variances.

So the end result will be to go down that route, is that that Planning Board may end up approving a zoning-compliant plat that nobody wants.

Second, the benefits sought here cannot be achieved by any method other than the variances being requested. Well, it is clear, the neighbors would prefer that the land not be subdivided at all, not even built on at all.

The property owner has the right to subdivide the property if the lots meet the minimum size required by the Zoning District. In this case; R-30, which here, they clearly do.

And the Planning Board is satisfied with the variances granted. And having already issued a negative dec. under SEQRA, the proposed subdivision poses no threat to the public, health safety or welfare.

MR. CRICHLLOW: Can I interrupt?

MR. BERNSTEIN: Oh, absolutely.

MR. CRICHLLOW: We have seen the two plans that show the zoning-compliance and the ones that you're requesting. Can you put that up on the screen?

MR. BERNSTEIN: Can Town Staff do it? I don't have my computer with me. If Town Staff can do so.

So it is the zoning-compliant drawing. And there should be the other one. The second drawing I gave you was the existing one. The one before you --

MR. CRICHLLOW: They both look like those have the cul-de-sac.

MR. BERNSTEIN: Right. The second drawing.

MR. BLIER: That's two --

MR. BERNSTEIN: That's two of the same. Whoever's doing it, do you have the drawing? I want to make it easier so you have the two drawings so that you can look at them side-by-side.

MR. CRICHLLOW: Right. And I just want to make sure that everyone else can see the comparison.

MR. BERNSTEIN: Yeah.

MR. CRICHLLOW: So when you say the Zoning-Compliant plan uses up more space and more impervious surface?

MR. BERNSTEIN: Yes.

MR. CRICHLLOW: That it's more obvious to see that.

MR. BERNSTEIN: I agree with you. And that's why I'm hoping that we can put the two up side-by-side.

MR. CRICHLLOW: Because just listening to you say it --

MR. BERNSTEIN: Saying so doesn't make it so. I agree.

MR. CRICHLLOW: Right.

MR. BLIER: While you're trying to put it up, because I have the benefit of having them both in front of me.

MR. BERNSTEIN: Yes, sir.

MR. BLIER: What I don't see is the positioning of the two proposed houses changing with the two proposed --

MR. BERNSTEIN: They did not change.

MR. BLIER: Is there a reason they do not change?

MR. BERNSTEIN: There was no need to. I think there was concern at the hearing last time that if we had to put in the cul-de-sac, it might push the houses further out toward the borders of the lots.

Within the setback, of course, but closer to potentially these houses. And it turned out when the engineer drew this, with the zoning-compliant plat, that he could leave the houses where they were. They didn't need to be pushed further out.

MR. BLIER: Is there a benefit to where they are versus someplace else?

MR. BERNSTEIN: Not really. I think they just put them where they thought it would make sense. They, of course, are guided by the borings that were done to make sure there's no disturbance, no rocks, or things like that, that would prevent the houses, the foundations, from being built there. That is where we --

MR. CRICHLLOW: We covered last month. That the placement of the homes were based on the sloping so that there were areas that best fitted the location of the

structures.

MR. BERNSTEIN: I think that was a factor, but there really is no material steep slope in this area. It's, essentially, flat. So it wasn't driven by the sloping, necessarily. It was driven by -- can they put it here? It's central, it's in the center. They didn't want to place it so that it would -- Ms. Schwartz has that easement.

I didn't want to block her easement. So the easement continues to run where it is and not block the houses. And because they're not building the houses, that would block where that easement is mapped. So that was the only factor.

Of course, you know, once subdivision is approved by the Planning Board, I think they can put the house wherever -- houses wherever a developer proposes to put them, as long as it's zoning-compliant within the plat.

In other words, it doesn't require variances for setbacks, as long as it's within the setback requirements for an R-30 District.

They can put the house wherever they want once the subdivision plat is approved, but in terms of where it is now, these are pro-forma houses. They were placed there because they fit there.

There was no reason not to place them. And there was no reason to move them, but placement of that cul-de-sac

which is, you know, so large, I thought it would cause them to be moved, but they said, no, you can keep it where it is.

MR. CRICHLLOW: Okay. You can continue.

MR. BERNSTEIN: Okay.

MS. DENKENSOHN: Wait. Can I be heard?

CHAIRPERSON BUNTING-SMITH: Yes.

MR. BERNSTEIN: Yes.

MS. DENKENSOHN: Okay. I'm just trying to get back to some of the legal points that you made. My memory and understanding is that this is currently zoned for one-family flag-lot; is that accurate? Step one.

MR. BERNSTEIN: The subdivision that exists is a one-family flag-lot. The property --

MS. DENKENSOHN: Okay.

MR. BERNSTEIN: The property itself is not zoned for one-family flag-lot. The subject property is zoned R-30, but a flag-lot was approved by the Planning Board a couple of years ago.

MS. DENKENSOHN: Okay. So now -- and this may be more for the legal department, because I'm trying to understand the difference between the two sets of laws that people are saying apply or don't apply.

Sir, I forget your name -- the attorney for the client, but -- the applicant, but you're saying it is currently as-of-right two flag-lots even though it's zoned

for one flag-lot?

MR. BERNSTEIN: No. I did not say anything of the sort. I apologize if that's how I was understood.

What I said was that the property is currently a one-lot subdivision that is a flag-lot that complies with the Town's Flag-Lot Ordinance and the Zoning Code.

What we're proposing is to before the Planning Board -- not the Zoning Board -- before the Planning Board, we're proposing to redivide that property into a two-lot subdivision under the Town's Subdivision Regulations under Chapter 250.

A subdivision can be made here, so even though the is it -- a subdivision can be made here, so long as there is access to a public road, and that access to the public road needs to be a road approved to Town standards, so the code says.

MS. DENKENSohn: My understanding is -- my understanding is that this access-road, which is currently part of the lot, is being broken out as a third-lot unto itself. And would leave -- would leave the other two lots inaccessible without that; correct?

MR. BERNSTEIN: That is correct. It will be a separate lot, but that lot will be owned by one of the properties. We haven't determined which one. Either one with a right-of-access by permanent easement by the other

lot.

So that you're creating an access-road using an access-strip that will provide access to these two lots. And the two lots are code-compliant in terms of what's required in an R-30 Zone.

To be in an R-30 Zone, each lot has to have a minimum square footage of 30,000-square feet. Each lot does exceed that, but in order for it to be a legal, two-lot subdivision, the Town road -- being Clayton -- and it must be that it be has been approved to Town standards.

MS. DENKENSohn: So what you're saying is that currently as a one-unit-lot, it is in compliance because it has access?

MR. BERNSTEIN: As a --

MS. DENKENSohn: So breaking it up into three units that are two-noncompliant-parcels -- you keep saying they're complaint parcels, but they are not compliant-parcels, because the access-road is being pulled out of that.

MR. BERNSTEIN: No. That is not correct.

MS. DENKENSohn: It's not part of those two parcels?

MR. BERNSTEIN: In order for this -- may I proceed?

MS. DENKENSohn: Yeah.

MR. BERNSTEIN: In order for this to work, Town Staff has recommended that the two lots that are buildable

be separated from the access-strip. That that be a third-lot, not buildable, which the Planning Board has the authority to create, provided it's understood that it's not to be built on.

And it's to be used for the purpose of housing a road to provide access to Clayton Road. And that road normally -- it must be by code -- a road approved to Town standards under Chapter 250 of the Subdivision Regulations.

But the Planning Board has the discretion, under Chapter 250, to waive or modify any of those requirements in the exercise of its discretion.

This is under Chapter 250, Sections 27 through 29.

MS. DENKENSohn: So my question is: Why are you coming to us before you got approval from the Planning Board to create these three parcels?

MR. BERNSTEIN: Because the Planning Board's procedure is that once we presented this proposal to them and received their input from Town Staff, that we proceed by obtaining -- by creating these three lots and with the access-road.

The rules require that before the Planning Board can hold a public hearing on whether to grant the subdivision, the variances that the Building Inspector requested or determined must be obtained -- must first be granted by the ZBA.

Then, once granted by the ZBA, it goes to the Planning Board, which will then schedule a public hearing where they can hear from the public on any objections they may have as to why the subdivision with these three lots should not be granted, or the property should not be redivided, to accommodate the two-lot subdivision.

That's the process.

I can't -- I can understand maybe frustration that it comes before the Zoning Board before the Planning Board has ordered this or approved this, but under the Planning Board's rules, they can't hear it until they know that the variances have been granted.

If the variances have been granted, they can then hear whether or not to grant the subdivision. And if they do grant preliminary approval of the subdivision, then there is a further step requiring submission to the Board of Health.

And then it goes back to the Planning Board, but the piece of this that is the ZBA's piece, is solely to determine whether the variances that the Building Inspector says must be granted in order for the Planning Board to approve a two-lot subdivision of the kind described.

That has to happen before anything. That's just the way the process works.

MS. UEBERLE: But it makes sense. Okay. From the

perspective, because if we do or don't grant the variances, it depends on how they would look at that and go to the public with the hearing with a public road versus this, essentially, private driveway; right?

MR. BERNSTEIN: Right.

MS. UEBERLE: Right. With the lots. So it makes sense. If you look at it otherwise, if they would go to it with the assumption that the variances are granted they, you know, do the subdivision.

And then they -- we don't grant the variances, they have to start again. So, actually, it makes sense from a perspective --

MR. BERNSTEIN: It's a chicken-and-egg thing.

MS. UEBERLE: Yes.

MR. BERNSTEIN: That's the Town's rules, and they're not unusual. That's the way it works in most municipalities in New York. So that's --

MS. DENKENSOHN: If we were to grant these variances, and then the Planning Board did not grant the subdivision, what happens?

MR. BERNSTEIN: Then the subdivision would remain as it is. A one-lot flag-lot, where the one lot is an oversized-lot, that's more than twice the minimum required size, which is required under the Flag-Lot Law in the Town.

And the applicant will have to review his options.

He has determined -- and he's here right now. He has determined that it's better to -- for the property in order to be marketed, to be marketed as a two-lot subdivision, rather than the one-lot subdivision, which has, thus far, remained unsold.

So he has the prerogative.

I want to correct the perception that by proceeding with a zoning-compliant plat, that's proceeding to obtain a subdivision as-of-right. I know that terminology was used. And I think it's better to say it's a, Zoning-Compliant plat.

The Planning Board presented with a zoning-compliant plat that is to go through the same process that it has already gone through with respect to this proposed plat that requires variances.

Namely, it has to do a SEQRA-finding, it has to determine what the environmental impacts are by taking a good, hard, close look. That's what the statute requires at this proposed subdivision. That's zoning-compliant.

The one with the big cul-de-sac and the 26-foot-wide road and determine whether it will have an adverse impact upon the environment. It could in terms of -- because of the increase in impervious surface. There could be issues with respect to stormwater management. They would have to be addressed by the engineer.

It could be -- certainly, would be a requirement that more trees would have to be put in. That would be part of the landscaping plan, but these kinds of things have to be determined by the Planning Board in the exercise of their discretion.

So that process takes place. And because there's an element of discretion in what the Planning Board may do, I can't say that the zoning-complaint plat is as-of-right.

What I can say is that the zoning-compliant plat doesn't require any approval from the Zoning Board. It goes directly to the Planning Board.

And having, basically, presented the two options to them, when we met with them in work session, and after work session -- I think there were a total of three -- which are all available to be screened by the public. They're all online.

What became clear, very clear, actually, from Town Staff, but more importantly, from the Planning Board members, was they much preferred that we go with a narrower road. Not one -- the 26-foot-wide road that's approved to Town standards, which is designed for two-way traffic.

Because this was never going to be to service two homes, a two-way roadway. So they said, a 20-foot roadway would be better. Why 20 feet? Because the fire department requires a minimum width of 20 feet.

And so they said, If you were to do that, a 20-foot-wide roadway, rather than a 26-foot-wide roadway, not do a cul-de-sac, but do a Y-shape configuration, which is also Fire Code-complaint, with the Fire District signing off that on that configuration. That's what we want you to do.

Because that will reduce the impervious surface, reduce the number of trees that will have to come down. And that would also be consistent with the character of the neighborhood. Because that would, in their view, would be in the best interest of the neighborhood if there's to be a two-lot subdivision. And that's what happened.

So, lastly -- lastly, this is a difficulty that is not really self-created, because both Town Staff and the Planning Board have recommended that, rather than proceed with a code-compliant plat for the two-lot subdivision, which we could have applied for -- and I guess we still can. The applicant proceed instead with access to the two buildable lots by means of a private road whose width is reduced to 26 feet -- from 26 to 20.

And to do that requires the six variances identified by the Building Inspector. And the idea here is that the Planning Board, under the Chapter 250 of the Subdivision Regulations, has the discretion to modify the width of the road.

It has the discretion to do other things about the road too, but one of the things it does have is the discretion to modify the width, but it can't do that without being cognisant of the Zoning Law.

And so that is why the Building Inspector had to determine that variances were required and we have to obtain them before we can go to the Planning Board.

And this was very similar to what was before the Zoning Board a few years ago when similar variances were granted on the Van Cott property -- Teverbaugh -- I think it was called. But I included that decision with the application. So, you know, this was not the first time you dealt with this.

And the extent of the variance going from 25-feet frontage to zero-frontage, really doesn't tell you the significance. Because you're really talking about a roadway that's going from 26 feet to 20 feet, a six-foot reduction in width.

But to accommodate the Zoning Code, which requires that there be access to the public road, we have to ask that for the variance go from 25 to zero, which was what was granted in the Teverbaugh application.

So if you have any other questions, just let me know. Mr. Chao is here. He can answer any questions you must have, but other than that, I think --

MS. DENKENSOHN: I would just make the comment that I think you're, you know, being self-created is not dispositive. It doesn't make that, you know -- but this -- to phrase this -- to phrase this that this is not self-created is a misnomer. It's not dispositive. Things are approved regularly that are self-created, but this is very much self-created.

MR. BERNSTEIN: I appreciate your point-of-view on that, but there are those who feel that self-created means that if you buy something with knowledge of the infirmity, and you want to change it, because your lot doesn't conform, you know, you're creating the need for the variance, but we can quibble over that, but I agree. That factor is not dispositive, one way or the other.

It's just a circumstance that presents here that you should take into account. Okay. Thank you.

CHAIRPERSON BUNTING-SMITH: That took much more time than I expected to. Do you have anyone else in the audience here who wants to address this?

MR. FEINSTEIN: Yes, ma'am. May I be heard?

CHAIRPERSON BUNTING-SMITH: How many hours will it --

MR. FEINSTEIN: It won't take even an hour.

CHAIRPERSON BUNTING-SMITH: Thank you.

MR. FEINSTEIN: Thank you. And good evening, Madam

Chairwoman and Members of the Board. My name is Steven Feinstein, from the firm of Feinstein and Naishtut. I had the privilege of appearing before you last month. It was my first appearance at the public hearing on this matter.

And I would like to respond to some of the what you just heard from Mr. Bernstein. Obviously, he's excellent at what he does, very experienced, very persuasive. He said that I made a legal argument and that in response to that, he made a legal argument, that said, I can't make my legal argument, because I didn't do it in time.

However, the truth is, you decide what happens here. You're not time-barred from hearing the truth. You have the ability, as the Zoning Board, to decide what should and shouldn't happen here. And there is no question you're credulity is being challenged.

If you don't think that this is a flag-lot, in fact, two flag-lots, Mr. Bernstein told you what's approved is a single-flag-lot. Now, we're going to make it two flag-lots. There's no dispute about that. There, at least, shouldn't be a dispute about that.

And, as two flag-lots, there is, clearly, several other variances which are required. Now, I do not know why the Building Department, the Building Inspectors -- there two involved -- I don't know why they didn't raise these issues.

I'm not privy to the Planning Department's handling of this. What I do know is that three variances -- two zoning matters and one planning matter -- were missed. It's not arguable. They're missed.

Section 285-39.10 says, A flag-lot must have double the minimum lot area in the applicable Zoning District. These are two flag-lots. They can't have 30,000-square feet, which is what it's required. They have to have 60,000-square feet each. That's what it says. 285-39.10 says, A subdivision is only allowed one flag per lot. This flag is serving two-flag lots. That's a hundred-percent variance.

And your Subdivision Code, very clearly, from 250.12(G)(2), gives you very limited ways to use this access parcel as a driveway. This access parcel is a lot. It has side yards. Those sides yards have to be respected. If you respect the side-yard regulations in your Code, what's left is a five-foot piece of driveway.

Clearly, this is not going to be a five-foot driveway, whether it's 20 or 26 feet, but whatever it is, it's not a code-complaint application, because they haven't dealt with the side-yard setback for that lot. Access lot, flag-lot -- it's still a lot.

So what I submit to you is what has to happen is this Board needs to connect with the Planning and Zoning

people and find out why all of the variances that absolutely are required for this subdivision have not been put on the table. I can't explain it, but they absolutely should be.

And if, in fact, this is going to go forward and be streamlined, we don't want legal action and appeals. We want to get to the bottom line. This village deserves the bottom line.

What happened to these other variances? Why are they not being requested? They're clearly flag-lots. This didn't meet the Code. Why are we not asking for all of the variances?

Now, I cited for you -- I realize it's legal, but I cited for you a couple of cases that came from New York's Court of Appeals. As I know you know, that's New York's highest Court.

And it stands for the proposition -- which is well-known to all lawyers who do land-use -- that Zoning Boards shouldn't take variances piece-meal. They shouldn't have a variance on a Tuesday, and then, six months later, when an application, you get another variance.

Because the cumulative effect of all of the variances is what sometimes can make a determination that, hey, this is too many variances, too much of a variance. And so you don't want to do it piece-meal. The highest Court in New York has told you that.

So all I am saying is, let's do substantial justice. Let's do the right thing by the neighbors. I have seven of them that are now my clients that surround this property.

Let's find out why these variances have not been requested. Let's take a breath. You're entitled to that information. Let's not come back after a Court appearance and find out that we need the other variances. It's pending right now. Let's get the answer to the question.

And I am absolutely confident the answer is going to be that was an inadvertent mistake. We need to add these variances. And now maybe your determination isn't as straightforward as you might think it is with respect to the variances that are pending before you.

Because now there's some very significant other variances and the cumulative effects of those variances is what's going to weigh on your decision.

The other thing I wanted to bring to your attention is the -- and counsel did clarify this idea of, you know, whether this is some sort of as-of-right subdivision.

And he correctly pointed out that all he really meant was there is a plan that his client could submit, but hasn't. That theoretically doesn't require any variances.

And whether it gets approved by the Planning Board as a subdivision, we don't know, because that's never been

presented. And it's not pending. No SEQRA review was done of it.

We don't know whether it will ever get past the Planning Board and have to come back to you for variances. So what we know is there's one that would involve a road and that maybe variances aren't required.

And it probably costs a lot more for the applicant to do than this road without the cul-de-sac and narrower and maybe one is better for the environment, maybe one is worse. We don't know because that hasn't been determined.

The applicant wants this application to go forward as quickly as possible because it's less expensive, quite frankly, than the one that he claims requires no variances, but I contend to you, that if that application was pending before the Planning Board, that it would have a very difficult time passing SEQRA and ever getting to you.

So when my clients are saying, Well, they don't want anything to be built there. And counsel says to you, Well, the owner's entitled to apply, absolutely, he's entitled to apply, but the neighbors are entitled to go the Planning Board and say, the SEQRA regulations say that this is not in compliance with the health, safety and welfare of the community.

That are there are environmental concerns and make those arguments. And maybe it just doesn't get passed and

maybe no subdivision gets passed here. Maybe it's a single-lot subdivision, the single flag-lot that counsel said exists that gets done. And maybe that is much better for the neighbors than two homes.

And two sets of cars, and two sets of deliveries, coming up that driveway. As neighbors, they're entitled to voice their views and opinions. And through me, they've done that.

But I submit to you, there is absolutely no reason for you to go forward with this narrow, minimal, application, when we know that mistakes were made and other variances are required.

This is indeed a flag-lot, serving two lots. And the Zoning Code could not be clearer on what additional variances are necessary.

Thank you for your time. I'm happy to answer any questions that you might have. I know there's a legal element to this, so I've tried to speak as plainly as I can.

CHAIRPERSON BUNTING-SMITH: Any questions?

MR. BLIER: I have some questions.

MR. FEINSTEIN: Yes, sir.

MR. BLIER: First of all: Are there any members that you represent that would be speaking tonight? Any of your --

MR. FEINSTEIN: I don't believe so, unless they're

speaking remotely.

MR. BLIER: During this month, since your last appearance, have there been any discussions between your clients and the applicant?

MR. FEINSTEIN: No.

MR. BLIER: Why not?

MR. FEINSTEIN: We took the time to figure out exactly what this application was and wasn't. What violations of your Zoning Code existed and to raise those with you.

There may be an appropriate time to have those discussions. We didn't believe that the time to have those discussions was before we addressed all of the issues that we brought to your attention.

MR. BLIER: It is your contention that lot-three is not large enough to have a code-compliant Town road built on it?

MR. FEINSTEIN: No.

MR. BLIER: You're not making that contention?

MR. FEINSTEIN: No.

MR. BLIER: If you're not making that contention, I don't understand your argument against this being in the plan one that showed the cul-de-sac not being an as-of-right use of the property.

MR. FEINSTEIN: As-of-right, means that you have to

-- so -- and Mr. Bernstein addressed it a moment ago and I echo his explanation.

As-of-right, in this context, simply meant that no variances were necessary. That the size of lots and distances comply with the Code.

His contention is that complies.

What's not clear is whether the Planning Board would grant a subdivision. Because they have to do a SEQRA review. There are issues with respect to drainage and trees coming down. And other issues that will have to be vetted.

So whether it's entitled to be granted as a subdivision approval or not, there's no as-of-right subdivision here.

There may be an as-of-right, meaning, no variance is plan. So they can go to the Planning Board and the Planning Board doesn't have to refer it out for -- for variances.

I personally believe these are two flag-lots, and as two flag-lots, unless they're 60,000-square-foot lots, they're not going to be code-compliant lots.

So I don't think there is a code-complaint-zoning, a free-variance application.

MR. BLIER: The difference between this being two flag-lots and being two zone-complaint lots, is whether or not the cul-de-sac road can be built according to the

existing requirements.

MR. FEINSTEIN: Correct.

MR. BLIER: And it's been presented that that road can be built according. And you didn't -- I just gave you the chance that, no, it can't be built and you didn't say that.

MR. FEINSTEIN: From a zoning-perspective.

MR. BLIER: From a zoning-perspective.

MR. FEINSTEIN: Correct. I don't disagree with you.

MR. BLIER: And your clients are convinced that by -- when they recognize that this road can be built --

MR. FEINSTEIN: No, they -- just that it doesn't need a variance. Not that it can't be built. That's going to be for the Planning Board to decide.

MR. BLIER: Okay. But so -- as opposed to looking for any kind of compromise here, your clients, they're trying to say that they're hoping that this all falls apart, even though the road that nobody wants can be built.

And so, in someways, they're saying, Hey, look, we're going to make them build this road nobody wants.

MR. FEINSTEIN: No. We're very confident that the Planning Board will not approve a subdivision with a code-compliant road.

We are confident that it will not pass SEQRA. We

are confident that it will not ultimately be approved. That what will we built there, will be a single home.

MR. CRICHLLOW: Where do you get that confidence from?

MR. FEINSTEIN: Based on our understanding of what the impacts would be of the larger road of the non-variance-required application.

We feel confident that we can raise issues and issues will be raised by our experts that will give the Planning Board much to think about in addressing SEQRA, and then, ultimately, granting a subdivision here.

MR. CRICHLLOW: Elizabeth, I don't know if I want to put you on the spot.

MS. GERRITY: Sure.

MR. CRICHLLOW: But here's your opportunity to say whether or not Mr. Feinstein is correct in his accusations.

MS. GERRITY: The memorandum from the Building Department on May 6th --

MR. CRICHLLOW: Are you on microphone?

MS. GERRITY: Oh, I'm sorry.

The memorandum from the Building Department on May 6th is accurate. There are no additional variances that are required.

This is not a flag-lot under the definition of a flag-lot, which is a lot having the required frontage that

does not have the minimum required lot-width.

The proposed three-lot subdivision, at 0 Clayton Road, was not determined to be flag-lots, as the two lots proposed for development do not have any frontage and rely upon the third non-buildable lot for access.

Additionally, each of the two proposed lots for development have the minimum-lot width, 135-feet, for the R-30 Zone.

So they're not -- they are not -- flag-lots; it is a three-lot subdivision with two lots proposed to be developed, with a fire access-road on a third lot.

MR. FEINSTEIN: I think that's -- I think that's legally incorrect. I think it is, in fact, a flag-lot.

MR. CRICHLLOW: Legally incorrect?

MR. FEINSTEIN: I think that interpretation is incorrect. I think it is a flag-lot. And I think the Flag-Lot Regulation should be applied to it.

MR. CRICHLLOW: That's what you think.

MR. FEINSTEIN: Well, I don't have a vote. So I can only tell you what I think.

MR. CRICHLLOW: Okay. We're the ones that have to vote, as you stated earlier. We then have to go by what's in the Zoning Codes, not by what you think is in the Zoning Code.

So I guess I'm just feeling that you're just trying

to raise points that aren't really raisable. And that's just me. That's what I think.

I guess the other members of the Zoning Board have their own thoughts that they can determine when we get to having our discussion.

MR. FEINSTEIN: I'm sorry you feel that way. I think they're raisable points. I think they're important points. And I think I've raised them as quickly as we could possibly have raised them.

Notice of this came to the clients the week before the public hearing. For us to get involved in the application, and to have our experts take a look at it, you know, took a handful of days.

And we've raised it on the, you know, prior to the second public hearing.

MR. CRICHLow: I was one of the first ones to agree that you weren't given a lot of time last month.

MR. FEINSTEIN: And appreciate that.

MR. CRICHLow: And so we now gave you an additional month. And you've come up with this argument which you then presented yesterday?

MR. FEINSTEIN: Correct.

MR. CRICHLow: And that is later than the ten-day restriction on submitting information to go in front of the Board.

So you're kind of like, putting us in a predicament here. And, I guess, we will discuss that during our discussion.

MR. FEINSTEIN: I apologize. I wasn't aware of your ten-day limit. That's my fault. It wasn't intended to give it to you at the last minute, but we were working with our experts throughout the last week to get it to you as quickly as we could.

So I apologize for that. It was unintentional.

MR. BLIER: I have to ask you one more time: You keep saying that it's a flag-lot.

MR. FEINSTEIN: Correct.

MR. BLIER: You seem to think that you have a legal argument that it's a flag-lot. What is your legal argument as to why it's a flag-lot?

MR. FEINSTEIN: Because it's a lot accessed by a flag-stem that provides frontage. You're getting a variance to use this flag-lot as your street frontage.

It's a -- it's a -- it's a two -- it was a one-lot flag-lot. All we've done here is create a two-lot flag-lot.

Calling the flag a separate lot doesn't change the fact that this is, by definition, a flag-lot. And we can twist and turn it into something else if we choose, but it is ultimately a flag-lot.

It was a flag-lot when it was one lot, it's a

flag-lot when it's two lots.

MR. BLIER: But if you build a code-compliant-roadway to the location, it's not a flag-lot.

MR. FEINSTEIN: Correct.

If you build it to Code, you can claim that it's not a flag-lot. That's correct.

You can go forward without needing the requirements of a flag-lot as a code-compliant, built to code, built to Town standard roads.

That's not what's being proposed.

MR. BLIER: That's not what's being proposed, because the Zoning Board, taking into considerations, environmental impacts and the type of things that's in the community requested that it not go forward in that format.

MR. FEINSTEIN: The Planning Board you're referring to?

MR. BLIER: No. I'm referring to the Zoning Board.

MR. FEINSTEIN: Well, I think the Planning Board made that referral to you guys as the Zoning Board.

MR. BLIER: Then I'm mistaken. I'm sorry.

MR. FEINSTEIN: I understand what you're saying.

MR. BLIER: I'm trying to understand the argument here. That's all I'm trying to understand.

MR. FEINSTEIN: So the background, you know, remember the -- there's been no public hearing in front of

the Planning Board.

The procedures in this town are that; the applicant meets in work session with the Planning Board and no public is heard, no submissions from the public are considered.

So that hasn't happened yet.

In those private meetings, which are viewable, but for which we have no comment, counsel has explained to you that in those meetings, it was the recommendation of the Planning Board, that a narrower road be used, instead of the code-compliant one.

So all we can do is go based on the fact that what's being applied for is not a code-compliant, built to town-standard road.

And I understand the attractiveness of that argument; it's narrower, it's fewer trees, that's got to be better, but what I'm submitting to you is it's not a comparison between a code-compliant-road and a narrow-road. That is a false premise.

What ultimately will be decided is between a narrow road and a completely new application that will go in front of the Planning Commission for a code-compliant road. And we will have an opportunity to go through the SEQRA process again.

And drainage will be discussed, and tree removal will be discussed. And all other things will be done to

determine whether it is in fact worthy of a negative declaration of environmental impact by the Planning Commission -- by the Planning Board.

That's going to have to happen if the applicant submits a code-compliant application. So the reality is, the comparison is between whether you grant variances for a narrow road, or the applicant goes back to the Planning Board with a new application for a code-compliant road.

Now maybe he needs no variances, but he still needs subdivision approval. And SEQRA will do its job.

And, as I said, I think my clients and I are confident that there will be real issues there if you build a code-complaint road, that we feel pretty good about raising the issue and suggesting that that's not a subdivision that this Town Planning Board should approve and that SEQRA would not result in a negative declaration.

MR. CRICHLLOW: And I contend that you and the members of your -- representatives that you -- I'm sorry -- that represent, do that in front of the Planning Board.

MR. FEINSTEIN: Well, once you grant the variances, there won't be another opportunity to address SEQRA if they've already given a negative declaration on the narrow road.

So my clients will not have an opportunity to appear at a public hearing and argue anything having to do

with SEQRA. That ship has sailed on the narrow road.

MR. CRICHLLOW: I'm sorry, but I thought I heard you say that that is something that you can do.

MR. FEINSTEIN: For the full road. For the code-compliant road, that will require a new application and a new SEQRA review process. Not for the application for the narrow road, which is the subject of these variances.

That's why I'm suggesting that you not grant the variances. Certainly, not at this juncture. And if counsel wants to submit a plan for a code-compliant road, that's going to go back to the Planning Board. It may, in fact, require no variances, as you suggested.

And I've agreed with, it won't require variances, but it still must go through the SEQRA process. And that process for that new application is one that we will be paying keen attention to.

And I -- as I think is the case, there will be issues that will be of some concern to the Planning Board and to the community.

MR. BLIER: Can I just ask: What's happened to this point? It looks to me like, the original plan that was put into the Planning Board was the code -- potentially code-compliant cul-de-sac road; is that correct?

MR. FEINSTEIN: The original application that is in the work session.

MR. BLIER: Right.

MR. FEINSTEIN: Correct.

MR. BLIER: Right. So they applied for that.

MR. FEINSTEIN: Correct.

MR. BLIER: The Planning Board said, We'd rather these changes to be made and that's what the second plan is. The second plan is what's in front of us asking for variances.

MR. FEINSTEIN: Yes, sir.

MR. BLIER: And when did SEQRA weigh in on this, on this process?

MR. FEINSTEIN: During the work sessions, having appointed themselves the lead agency for SEQRA purposes, they ultimately voted on a neg dec based on the application as amended for the narrow road.

MR. BLIER: So the narrow -- okay. So the narrow road, as far as they're concerned, passed it. And you're saying, don't pay any attention to the narrow road. Go back to the road that is more complaint. And then you want a public hearing to bring out the fact that the road that nobody really wants to build, will not pass environmental scrutiny.

MR. FEINSTEIN: I'm only asking you to not grant these variances. The process that will result, since Counsel's indicated that if we don't get these variances,

and suggesting to you, that there is a reason why you should grant them, if you don't give me the variances, we're going to do a -- all I am suggesting is that if the variances are not granted, counsel is essentially threatening, we're going to build a code-compliant roadway.

And what I'm indicating to you is that process will require the SEQRA review to being anew at the Planning Board-level. Because that's not what they evaluated. They evaluated the roadway that's in front of you for a variance.

So when the suggestion is; you're making a decision between a wide road, because it's as-of-right, and a narrow road, that's not true, because the wide road has not passed the Planning Board's approval.

And so I don't want there to be this false premise that, hey, guys, if you say, no, we're all going to get a wide road. We don't know that. That's going to be for the Planning Board and the SEQRA process to decide.

That's the only point I wanted to emphasize.

MR. CRICHLLOW: Okay.

MR. FEINSTEIN: Thank you.

MR. CRICHLLOW: I've heard enough. Anyone else on the Board?

MR. FEINSTEIN: Thank you very much.

MS. UEBERLE: The only question I have: And maybe, Liz, you can ask answer this for us. Is this was multiple

lots that were joined together in one lot previously; correct? Buildable-lots; was it not?

MS. GERRITY: And I would have to defer to Mr. Bernstein, but --

MS. UEBERLE: Wasn't it multiple? At that time, were they defined as flagship-lots or?

MR. BERNSTEIN: No. These were before the merger of the -- into the one-single lot. They were three separate tax-lots.

They were not subdivided -- they were subdivided by deed, perhaps, but not subdivided by the Planning Board.

So this was the first time they were before the Planning Board. And what they did was they merged the three separate tax-lots.

MS. UEBERLE: All right. Thank you.

CHAIRPERSON BUNTING-SMITH: Anyone out there? All right.

MS. DENKENSOHN: Yeah. Just one question: When was the merging of the three lots done? And -- do you know?

MR. BERNSTEIN: Yes. I believe it was done in September of 2023 it was finalized. I think that's accurate.

MS. DENKENSOHN: Was that by the current owner?

MR. BERNSTEIN: Yes. And just so it's clear: The current owner does not plan to develop these lots, although,

I suppose he might.

His plan is to sell them to a developer who will present plans in conformity with whatever the Planning Board authorizes, by way of subdivision.

CHAIRPERSON BUNTING-SMITH: Thank you.

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Case No. ZBA 25-08: Zhen Tan c/o Hudson Engineering & Consulting, P.C., 56 Dobbs Ferry Road (P.O. White Plains, NY 10607) - Area Variances.

Applicant is requesting an area variance from Section 285-35D(1) (Table I) of the Zoning Ordinance to increase the maximum lot coverage from 35% (permitted), 37.4% (existing) to 48.34% (proposed); and from Section 285-38E to reduce the number of parking spaces for the extension/construction of a driveway to 3 parking spaces (proposed) for a pre-existing nonconforming use requiring six off-street parking spaces for 3 apartments within a three family dwelling. The property is located in the UR-LTF - Urban Renewal - Limited Two-Family Residence District and is designated on the Town Tax Map as parcel ID: 7.480-295-37.

CHAIRPERSON BUNTING-SMITH: Next case is Case 25-08, Zhen Tan, C/O, Hudson Engineering and Consulting. That's 56 Dobbs Ferry Road.

MR. KOHANY: Good evening, Members of the Board. My name is Thomas Kohany. I'm with Hudson Engineering. I'm going to briefly describe to you what changed in the application.

Essentially, we submitted new application documents based on your deliberation at the last meeting with two variances.

One, seeking a coverage-variance for 48.4-percent, where 35 is allowable. And a second seeking three parking spaces, where six is required.

I can review the plans if you would like, but I know it was part of the previous record.

CHAIRPERSON BUNTING-SMITH: Correct.

MR. KOHANY: So if you are -- I know you have a long night. I'm more than happy to skip that, if you prefer.

CHAIRPERSON BUNTING-SMITH: Any questions?

MR. BLIER: Did you in fact submit a plan for three parking spaces?

MR. KOHANY: Yes. That was included in the packet.

MS. UEBERLE: Could we bring that up?

MR. KOHANY: Sure. If you go to the second sheet, the parking diagram is in the top-right corner.

And this is a scenario where the back-half of the driveway was chopped off. So it will all be paved to about halfway through the house.

MS. UEBERLE: Well, that's what was confusing to me. I did not see this. And I can't find it.

MS. DENKENSOHN: It's --

MS. UEBERLE: Oh, it's double-sided. My mistake.

MR. KOHANY: Oh, I apologize.

MS. UEBERLE: No. It's not you. It's me. No

apologies. Okay.

MR. KOHANY: So, essentially, it will be three 9 by 20 legal-size parking spaces with one blocking access to the other two.

MR. BLIER: What is the change in the impervious area that you're requesting now?

MR. KOHANY: So it would be 48 percent, where 35 is legal. The other, I believe, was approximately 57. With the full-length-driveway for the six spaces.

CHAIRPERSON BUNTING-SMITH: Not hearing any questions from the Board at this moment, is there anyone in the audience who has any comments on this proposal?

MR. CRICHLLOW: Thank you.

MR. KOHANY: Thank you.

MS. KNECHT: Thank you.

MR. KOHANY: Thank you. Have a good night.

MS. UEBERLE: Thank you.

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Case No. ZBA 25-11: William & Kristine Welker, 34 Highridge Road (P.O. Hartsdale, NY 10530) - Area Variance.

Applicants are requesting an area variance from Section 285-36N(1) of the Zoning Ordinance to reduce the setback between the side property line and an existing shed from 5 ft (required) to 0.3 ft (proposed), in order to legalize a shed 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: 8.360-262-8.

CHAIRPERSON BUNTING-SMITH: The next case is case 25-11, William and Kristine Welker, 34 Highridge Road, Hartsdale.

MS. WELKER: Hi. I haven't been behind a podium and a microphone in a very long time. So I'm Kristine Welker, obviously. This is my husband, Bill Welker. The only reason I'm doing the presenting is because I created the application. So I'm a little more fluent in what you have in front of you.

So we are residents of Hartsdale for 26 years and we have put forward an passion for a building permit to legalize a shed on our property. And I think you can probably see in the packet, and, Kyra, if I can refer to you as Kyra and not Town Staff, if that's appropriate.

If you can pull it up. I think we agreed -- it might be easier. I'll just, you know, walk through the

relevant pages of the application.

On the first page, I did want to just clarify that the shed that is -- that we're requiring the setback on, it's not the entire shed. There's one of the four corners.

We put the shed on an angle and it turns out that the one corner of the shed is too close to the property line. So I just wanted to point that out for clarification.

So what I thought might be best -- and I'll do this as briefly as possible and we can always go back if you want more information. I thought it would be best to go through the proposal -- proposal -- I kept hearing proposal. So it's in my head.

The application and speak to any of the questions. I thought it might be easiest -- and I know I'm jumping ahead, but if we can go to the survey. I think that would be the best visual, more so than the pictures I took.

So if you look at -- and it's just after the application ends. And it looks something like this. So it's before the photos and just at the very end of the application packet. Sorry. It's not numbered. There we have it.

So the reason why I wanted to point this out, I thought it was easier. You can see where the shed is located on the property.

The reason why I wanted to bring this up is that we

have a very unusual property shape. So you can see that there's lots of sort of indentations, but as it pertains to the shed, if you see where the shed is, where I asterisked it on the shed corner.

We actually put this shed up 20 years ago. We only just realized recently that the one corner was in violation. And so that was, admittedly, our oversight. We thought that the property line, the fence line.

And when we angled it, which I'll explain in a minute, we didn't realize that that one corner -- and we only just recently discovered this, but if you think back 20 years where you see the shed corner and where the deck ends, that was all wooded area.

So 20 years ago where we made the decision on where to place the shed, what we're looking at is that one corner at the bottom of the deck.

A couple of other things that make our property unique in our area is that the house is built on bedrock. So the backyard is pretty much a lot of rock.

So, for example, we don't have a basement, which is why the shed mattered so much. I only point that out here because where the shed is, that's all rock underneath it. So part of it -- if you can imagine when we made the decision 20 years ago, part of it was, it was wooded right up to the back.

And we were dealing with the fact that we didn't, you know, we have that sort of small corner. And we were also trying to level it on a pretty much raw foundation. It so if that's helpful, I just wanted to share that.

I do have some pictures of what it looks like, but those are the things I really just wanted to point out. And then I can really just -- if this is the best use of your time, I thought I would just answer your three questions.

Well, answer the application questions and then any other questions that you might have as it relates to things like, how does it affect the character of the neighborhood?

So as we described here, the shed is not visible to the street. It is in an -- actually, Kyra, if you wouldn't mind going up and putting up the neighborhood where the neighborhood map.

It -- if it affects anybody in the neighborhood, it's our immediate neighbor right next to us. We do have a letter of support. They've been our neighbor for the entire 26 years that we've lived there.

So we do, you know, have their letter of support, but also describing the locations. So once you see this here, you'll see that the area where the shed sort of goes up to -- which is what I was describing in the application -- is that -- I guess you might describe it as a constricted area, but it's a pie-shape area.

So very wooded. They can't see our shed from their property, but anyway, that's what I tried to describe there just to give you a sense of where that one corner is, but I think our neighbor does a better job of describing it in their letter that is also included in the packet.

So just the other thing as far as the character of the neighborhood, which I do point out. It's also not visible to the street. Back when we put it in, we put in landscaping. So there's a lot mature trees that make it, you know, create this nice, visual barrier.

This might be more detail than you need so I can skip over that. And then the next question I think I already described a little bit, but it asked about any other methods that feasible to pursue. So, in other words, is there an alternative to the shed? We have no basement, we have no attic.

So really, the basement. The shed sort of acts where we put all of our various things, snowblowers, you know, lawn equipment. All of that.

You might think that a garage would be an alternative, but it's a 1920 house. So our garage is very small. And pretty occupied with bikes, and things like that. So I was just trying to do the best to answer that question.

And, yes, Kyra. Thank you. So these are -- I

didn't hire a photographer. These are me taking pictures. So this in the earlier spring, but you can see here that that corner that you're looking at is not in violation to Town Code, but it's that back right -- that back corner. Thank you, Kyra.

And if you go to the next one, I'll show you that. This gives you a sense of how much space there is. So you could see most of the shed is -- adheres to Town Code.

As I said, it's just on that angle, but this gives you a sense -- if I'm standing at the angle that we're talking about, this gives you the visual between our fence and the shed. The back of the shed.

MS. UEBERLE: And that was the one question I have. That is actually your fence, not your neighbor's fence?

MS. WELKER: That's our fence. Yes.

MS. UEBERLE: Okay. Great. Thank you.

MS. WELKER: Yes. And we can just flip through a couple of these. So this, I think, is probably the one that gives you a really good sense of, you know, just the closeness to the shed.

And you can see, you know, just by nature of its appearance, you can see the age of the shed. It's not, a -- obviously, a new shed. As I mentioned, we put it in quite sometime ago.

And I think I threw in a couple of other pictures

because, we thought it might be good to show what it looks like from our neighbor's perspective.

So we went over and -- I just took a couple of pictures from their property, just yesterday and thought it might be useful.

And I think I have a couple of them printed. Kyra, I don't know if you were able to drop them in.

MS. JONES: Bear with me for just a second.

CHAIRPERSON BUNTING-SMITH: While she's looking for that, what was it that brought this to the attention of the Town?

MS. WELKER: So what we decided to do was to put a pool into the backyard. So when we got the permit for the pool, and they were doing the C of O, that's when they had noticed it. I will say to that -- it was on the as-built.

And I will say that we also had four other permits that we put in. So we didn't intentionally -- we don't have history a of going outside-the-lines, so to speak.

You know, we put in four other permits and gone through the process. This was just -- didn't even honestly realize that it was in violation, but when we did get the permit, when we did get the C of O, that's when they noticed it. When they came through.

And they went in to just to make sure that it wasn't a pool-house and they sort of went inside and looked

at it. Just to verify that it's where we stored all of our lawn equipment, but that is how it came up.

MS. UEBERLE: Can you bring up back the other -- the picture that you just that showed that was a lot of screening and trees. Are those screens on your property or are they on your neighbors property?

MS. WELKER: It depends on which one. They're probably on both. So we planted back when we put the shed up, we put up like, Laurels that are now mature, but that we put in the laurels. So those are our trees. You can see. So this is a good picture. Those are Viburnum -- if anybody's a gardener.

Those are Viburnums that we put in the laurels. So that's between our shed and their property so we filled it into create a visual.

MS. UEBERLE: So it's your area --

MS. WELKER: Yes. And then the other picture that I showed is the area -- and I don't know -- did we show this one up there? Where it shows that they have a very narrow -- very narrow -- so it's right here in this corner where it sort of all comes together.

It's like, a little tiny corner. It appears bigger than it is, but the other pictures show that there's a lot of very big mature trees right behind on shed, but they're on their property.

So there's a lot of visual barrier. Like, if I stood on their back deck, you can't see the shed. That the area that I'm talking about -- oh, that's a perfect one.

So this is me in their backyard -- with their permission, by the way. And you can see that I tried to put a -- that's where the shed is on the other side.

So it's not really visible from their property or their deck, but, yeah, all of that, to answer that specific question, what you're seeing from this angle is all from their backyard. That big mature tree and all of this, this is from their backyard, their property.

So there's a lot of wooded area between both of us. I guess, I'm just trying to show pictures from both sides.

And -- and then I think those are probably the most relevant pictures. I have other pictures if you'd like. I did mention the letter that's in there from the neighbors describing the property.

So you don't have to take my perspective or the pictures perspective. There's a letter in there from our neighbor. And she describes the area as well.

And what else can I share with you?

I believe - I believe that pretty much speaks to the questions you asked us. I mean, I'll answer anything else.

There's no physical -- you know, all the impact

questions. I think I spoke to everything that was in the application.

So, you know, I know it's a lot. So I will just answer any questions that you might have as well.

Thank you very much.

MS. UEBERLE: Thank you.

MS. WELKER: I learned a lot tonight, by the way.
Thank you.

* * * *

Case No. ZBA 25-14: Alex and Yezenia Martinez, 120 Wood Avenue (P.O. Ardsley, NY 10502) - Area Variance.

Applicant is requesting an area variance from Section 285-40C(2) of the Zoning Ordinance to reduce the minimum distance between an open wood deck and the rear property line from 21 ft (required) to 9.1 ft (proposed) in order to construct a deck 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: 8.110-67-30.

CHAIRPERSON BUNTING-SMITH: The next case we have is Case 25-14, Alex and Yezenia Martinez. 120 Wood Avenue, Ardsley.

MR. GELARDI: Good evening. My name is David. I'm with Steven Secon Architects -- Dave Gelardi, here with the owners.

CHAIRPERSON BUNTING-SMITH: Can you speak up a little bit.

MR. GELARDI: Yes. Sorry. Not very good with the mic. I don't know if it's easier for me to log into the Zoom?

MS. JONES: Whatever you prefer.

MR. GELARDI: I'm going to share my screen. All right. So I'm here today to talk about the Martinez residence. Ultimately --

CHAIRPERSON BUNTING-SMITH: I'm sorry, sir. Yes. You're going to have to really get close in.

MR. GELARDI: All right. I'm here to talk about the Martinez residence, which is, ultimately, from -- open up the drawings. We are asking for a variance for a rear-yard setback.

The house currently -- I figured the best way is to kind of introduce you to the house itself. And here's some photos of the rear yard that's currently existing.

This is facing the rear yard from the house. And this would be the adjacent neighbor. And, ultimately -- I'm going to show the site plan.

This would be -- Wood Avenue is the front of the house just for orientation purposes. And the rear yard is back here.

And what we're trying to do is to extend the existing rear yard, open a porch and add on a deck for some level of outdoor living space.

And currently, you'll see the setback line. The rear setback, which is the house is nonconforming is residing right within the existing building. Making it very difficult to do anything within the rear yard.

So the existing -- the existing -- this would be the existing patio that's there now. It's roughly an open-roofed patio. That's about 20 feet by 10-foot-four.

And what we're trying to do is ultimately extend upon that existing patio. Maintaining the same height that's there. And create additional access to the rear yard, which currently, doesn't really exist. To, ultimately, allow for a deck, for some level of outdoor living.

Kind of show some elevations of it. This is the existing now. And this is the area that's being affected, which is where the existing patio is.

And there's a railing system there now.

And then, ultimately, the -- what we're trying to propose, this would be the deck that continues that existing platform above the patio and allows some stairs to access the rear yard.

This would a side view of that.

Again, this is the front of the house, this is the back of the house. And from this -- from the northwest side, you're ultimately seeing the steps coming onto the deck.

And to give some level of understanding of the construction of it, it's ultimately a pressure-treated deck.

We're going to show -- this section is kind of self-explanatory, but the patio is existing and we're just going to keep it at the same level and maintain, you know, a legal rail system around it. And some -- and build it off of the existing patio.

Again, this is a view looking out from the -- this is the view looking out off the existing patio straight-on. And this would be the view as if I'm standing on that deck and I'm looking to the adjacent neighbor.

And a little shot of that.

And this is looking at the existing shed on the property as if I'm walking down the stairs of the deck and this is looking back, as if I'm looking straight onto the future deck.

And we also submitted letters from the neighbors which are all in support of what we're trying to achieve here.

CHAIRPERSON BUNTING-SMITH: What's the overall square footage of the deck as proposed?

MR. GELARDI: The deck is 20 by -- the addition of the deck would be 20 by ten.

CHAIRPERSON BUNTING-SMITH: Any other questions? Anyone in the audience wanted to address this case? I guess you were taking advantage of our lovely -- we have coolness here.

MS. UEBERLE: So I have just a quick question: In your documents you said you had explored other alternatives, but they were too large or?

MR. GELARDI: Yeah.

MS. UEBERLE: Can you just say what other

alternatives you explored?

MR. GELARDI: Well, we were thinking about branching further towards the northwest, but it would -- like, the windows, the way they're situated in the house, and the views. You would lose some daylight. You know, we tried to maintain --

MS. UEBERLE: So longer along the back?

MR. GELARDI: Yeah. Longer around the back. And then we tried to maintain a certain level of proportion. You know, we want to stay within the proportion of the home and keep it, you know -- something that looked like it was part of the existing house.

But, yeah. It's still functional as an outdoor living space. So they can still put a table and some chairs and still have some level of outdoor living.

CHAIRPERSON BUNTING-SMITH: Any other questions or thoughts?

MR. BLIER: The specific neighbor that this backs up on is one of the letters that you --

MR. GELARDI: Yes. We do have a letter from them. Assuming you're talking about the picture that I was showing that was across the way. So this would be the neighbors. I took a Google-shot, just to make it easier to see.

So this is the house that we're talking about, the one with the red roof. This is our current resident and

this would be -- you know, the deck would be in this corner here.

We do have letters from 110, 130, and I believe this was -- I forgot the number, but we do have a letter from them and that would be number 3 Poplar Street. And this would be the letter from the neighbor.

MR. BLIER: Thank you.

MR. GELARDI: Thank you.

CHAIRPERSON BUNTING-SMITH: All right.

MR. GELARDI: Thank you.

* * * *

Case No. ZBA 25-16: Mauro Merchan, 35 Terrace Street (P.O. White Plains, NY 10607) - Area Variances.

Applicant is requesting area variances from Section 285-16(B)(4)(c) of the Zoning Ordinance to reduce the minimum total of two side yards from 18 ft (required), 10.65 ft (by variance granted in ZBA Case 15-21) to 9.6 ft (proposed); from Section 285-16(B)(4)(d) to reduce the minimum distance between the rear yard and principal building from 26 ft (required), 4.83 ft (granted in ZBA Case 15-21) to 0.9 ft (proposed); and from Section 285-16(B)(4)(b) to reduce the minimum distance between the northerly side yard and principal building from 8 ft (required) to 4.5 ft (proposed) in order to legalize the location of a building not in compliance with variances previously granted in ZBA Case 15-21. The property is located in the R-5 One Family Residence District and is designated on the Town Tax Map as parcel ID: 8.10-7-7.

CHAIRPERSON BUNTING-SMITH: The next case we have on our agenda this evening is Case 25-16, Mauro Merchan. 35 Terrace Street, White Plains 10607.

MR. MERCHAN: Good evening. My name is Mauro Merchan. Reside at 35 Terrace Street. And I'm here -- I applied for the CO. And there was an issues on the survey. And in the basement, you know, I haven't done anything on the basement. All the foundation was there existing.

And -- and from the -- my neighbor's fence to my house, is -- is on one side is about four-three, and the other side is like, five-nine. Everything was existing.

So I would like to know like, what's don't existing to get my CO?

MS. UEBERLE: So maybe you can share a little more. I see that you were given a variance back in 2015, but then, I guess, you built, and built too close to those lines. Did you do a survey before or?

MR. MERCHAN: No. No, I didn't build there. That was already existing. Everything was existing. I didn't do anything on the -- you know, on the basement. I haven't done anything on the basement.

So I just build the second floor. Before it was like, 7 -- 700-square feet. Now, it's -- I think it's like 1,000-square feet. So I build the second floor only.

MS. GERRITY: I can probably shed some clarity on that.

MR. MERCHAN: So the first floor --

MS. UEBERLE: Thank you.

MS. GERRITY: And I'll clarify for you: So in 2015, the architect of record incorrectly listed the rear yard and the side yard and flipped them.

So -- and the survey was not presented. There was only a site plan that was included in the original

application when the house was rebuilt after fire damage, I believe it was.

The house had to be 75-percent or more reconstructed in 2015. So when we got the application for a CO, it came to the Building Department's attention that the original variance that was granted in 2015 was incorrect.

And that the new survey provided the correct dimensions that were not provided in 2015.

MS. UEBERLE: Okay. Thank you.

MS. GERRITY: You're welcome.

MR. CRICHLow: Oh, yes. Thank you. Because I was trying to read through this whole packet to find out why the variance that we had approved in 2015. And this is almost ten years later is now no good.

MS. GERRITY: Right. Because in 2015, the architect of record provided the wrong dimensions on their site plan and in the application.

MR. CRICHLow: Okay. So it's that simple?

MS. GERRITY: It's that simple.

MR. CRICHLow: Any other questions?

MS. UEBERLE: No. That was it.

CHAIRPERSON BUNTING-SMITH: Thank you.

MR. MERCHAN: Thank you.

CHAIRPERSON BUNTING-SMITH: So I guess we can take a very short intermission before we do our deliberations.

(Whereupon, the Board takes a recess and starts
their deliberations.)

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CHAIRPERSON BUNTING-SMITH: And we are back with our deliberations. And I wish to advise everyone that because of the lateness of the hour, we will not be reading findings on the cases that we've deliberated and made decisions on this evening.

And that information will be provided in the record as well as you can contact the secretary if there's any questions that you have with respect to that.

So the cases we have this evening, 24-32A, that's Sal Olivia. That's 279 Jackson Avenue.

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

And whereas the Greenburgh Planning Board as lead agency conducted a coordinated review and determined that the subject application is an unlisted action.

Whereas, the Planning Board has determined that a positive proposed action will not have a significant adverse impact on the environment and issued a negative declaration on September 30th, 2024.

MS. KNECHT: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MR. CRICHLLOW: Aye.

MS. KNECHT: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye. And

do we have a motion?

MS. UEBERLE: Yes, Madam Chair. I have a motion. I move that the application in Case Number 24-32A be granted as follows: Condition number five of our decision in case 24-32 is hereby revised as follows: The variance from section 285-12(B)(3)(D) of the Zoning Ordinance for the driveway serving the proposed subdivision in the City of Yonkers shall lapse if applicant fails to obtain subdivision approval for construction of a maximum of four dwellings from the City of Yonkers or enter into interim municipal agreements for the provision of water, fire or other services to the proposed residences within 24 months from the date of this decision.

In such event, the variance for impervious surface coverage will be modified to prevent impervious surface coverage of 62.1 percent.

All other variances in conditions that were granted in Case 24-32 shall remain valid, even if applicant fails to obtain subdivision approval within 24 months from the date of this decision.

CHAIRPERSON BUNTING-SMITH: Thank you.

MS. KNECHT: Second.

MR. CRICHLLOW: Aye.

MR. BLIER: Aye.

MS. UEBERLE: Aye. All in favor? Aye.

MS. DENKENSOHN: Aye.

CHAIRPERSON BUNTING-SMITH: Aye.

MS. KNECHT: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

MS. UEBERLE: And the findings will be submitted
for the record.

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CHAIRPERSON BUNTING-SMITH: Next is Case 25-04, David Chao, that's Clayton Road subdivision.

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

And whereas the Greenburgh Planning Board as lead agency conducted a coordinated review and determined that the subject application is an unlisted action.

Whereas, the Greenburgh -- whereas, the Planning Board has determined that the proposed action will not have a significant adverse impact on the environment and issued a negative declaration on March 19th, 2025.

MS. KNECHT: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

MR CRICHLLOW: Aye.

MR. BLIER: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

MS. DENKENSOHN: Nay.

CHAIRPERSON BUNTING-SMITH: Okay. And do I have a motion?

MS. KNECHT: Yes. I move that the application in Case Number 25-04 be granted, provided that the applicant obtain all necessary approvals and file same with the

Building Department.

Construction shall begin no later than 12 months after the granting of the last approval required for the issuance of a building permit and proceed diligently thereafter in conformity with the plans stamped received February 21st, 2025, 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 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.

And, again, the findings will be entered into the record at a letter date.

MS. UEBERLE: Second.

MR. LIEBERMAN: First you have to vote on the --

MS. UEBERLE: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

MR. CRICHLow: Aye.

MR. BLIER: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

MS. DENKENsoHN: Opposed.

MR. LIEBERMAN: Now the findings shall be.

MS. KNECHT: Okay. Yes. And the findings will be
entered into the record at a later date.

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CHAIRPERSON BUNTING-SMITH: All right. Case Number ZBA 25-08, Zhen Tan, Hudson Engineering and Consulting, P.C.

Whereas, the Greenburgh ZBA has reviewed the above-referenced application with regard to SEQRA compliance. And, therefore, be it resolved, that the subject application is a type-two action requiring no further SEQRA consideration.

MR. CRICHLOW: Second.

CHAIRPERSON BUNTING-SMITH: Yes. You have to wait.

MS. KNECHT: No. That was right.

CHAIRPERSON BUNTING-SMITH: Yeah.

MS. KNECHT: All in favor?

MS. UEBERLE: Aye.

MS. DENKENSOHN: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

MR. CRICHLOW: Aye.

MR. BLIER: Aye.

CHAIRPERSON BUNTING-SMITH: Thank you. And do I have a motion?

MR. CRICHLOW: I do, Madam Chair. I move that the application in Case Number 25-08 be granted provided that the applicant obtain all necessary approvals and file same with the Building Department.

And that construction shall begin no later than 12 months after the granting of the last approval required

for the issuance of a building permit and proceed diligently thereafter in conformity with the plans stamped received, June 24th, 2025, 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.

Also, 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 have approved herein.

MS. KNECHT: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

MS. DENKENSOHN: Aye.

MR. CRICHLLOW: Aye.

MR. BLIER: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

MR. CRICHLLOW: And the findings will be recorded into the record.

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CHAIRPERSON BUNTING-SMITH: Next case and is case 25-11, William and Kristine Welker. 34 Highridge Road, Hartsdale.

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.

Do I have a --

MR. CRICHLLOW: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

MR. BLIER: Aye.

MR. CRICHLLOW: Aye.

MS. DENKENSOHN: Aye.

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

MS. UEBERLE: Yes, Madam Chair. I have a motion. I move that the application in Case 25-11 be granted provided that the applicant obtain all necessary approvals and file same with the Building Department.

Construction shall begin no later than 12 months after the granting of the last approval required for the

issuance of a building permit and proceed diligently thereafter in conformity with the as-built survey dated April 28th, 2023.

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 -- 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.

In addition, the following conditions need to be met. One, if and when the shed is replaced, it must be built to require setbacks for the side yard, rear yard and principal building.

And, two, existing screening must be maintained on the applicant's property.

MR. CRICHLLOW: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

MR. BLIER: Aye.

MR. CRICHLOW: Aye.

MS. DENKENSOHN: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye. And those findings also will be available.

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CHAIRPERSON BUNTING-SMITH: And the next case this evening is Case 25-14, Alex and Yezenia Martinez, 120 Wood Avenue.

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

And now, therefore, be it resolved, that the subject application is a Type-Two Action, requiring no further SEQRA consideration.

MR. CRICHLOW: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MS. UEBERLE: Aye.

MS. KNECHT: Aye.

MR. BLIER: Aye.

MR. CRICHLOW: Aye.

MS. DENKENSOHN: Aye.

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

MR. BLIER: I do, Madam Chair. I move that the application in Case Number 25-14 be granted, provided that the applicant obtain all necessary approvals and file the same with the Building Department. Construction shall begin no later than 12 months after the granting of the last approval required for the issuance of a building permit and proceed diligently thereafter in conformity with the plans

dated November 17th, 2023, and stamped, May 23rd, 2025, submitted in support of this application, or as such plans that may be hereafter modified by another approving Board or Agency or Officer of the Town, provided that such modifications does not require a different or greater variance than what we are granting herein. The variances being granted are for 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. CRICHLLOW: Second.

CHAIRPERSON BUNTING-SMITH: All in favor?

MR. CRICHLLOW: Aye.

MS. UEBERLE: Aye.

MR. BLIER: Aye.

MS. KNECHT: Aye.

MS. DENKENSOHN: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

MR. BLIER: The findings will be entered into the record at a later date.

CHAIRPERSON BUNTING-SMITH: Thank you.

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CHAIRPERSON BUNTING-SMITH: And our last case for the evening, 25-16, Mauro Merchan, 35 Terrace Street.

Whereas, the Greenburgh ZBA has reviewed the above-refereed 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. UEBERLE: Aye.

MS. KNECHT: Aye.

MR. BLIER: Aye.

MR. CRICHLLOW: Aye.

MS. DENKENSOHN: Aye.

CHAIRPERSON BUNTING-SMITH: And do we have a motion?

MS. KNECHT: Yes. I move that the application in Case Number 25-16 be granted, provided that the applicant obtain all necessary approvals and file the same with the Building Department.

Construction shall begin no later than 12 months after the granting of the last approval required for the issuance of a building permit and proceed diligently thereafter in conformity with the survey dated July 20th, '24, and stamped received, June 10th, 2025.

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 variances being granted -- the variance being granted is for the improvements shown on the plans submitted in support of this application only. The variances -- my apologies.

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?

MR. KNECHT: Aye.

MS. UEBERLE: Aye.

MR. CRICHLOW: Aye.

MR. BLIER: Aye.

MS. DENKENSOHN: Aye.

CHAIRPERSON BUNTING-SMITH: Chair votes aye.

MS. KNECHT: And the findings for this will be entered into the record at a later date.

CHAIRPERSON BUNTING-SMITH: Thank you. The date

for our next meeting is Thursday, August 21st, at 7 p.m.
And I hope everyone enjoys summer. And the rain doesn't
provoke us too much.

(Recording stopped.)

(Whereupon, the ZBA meeting for July 17th, 2025, is
adjourned to the next meeting of August 21st, 2025, at 7:00
p.m.)

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THIS IS TO CERTIFY THAT THE FOREGOING
IS A TRUE AND ACCURATE TRANSCRIPTION
OF THE ORIGINAL STENOGRAPHIC RECORD.

Michael DeMasi

Michael A. DeMasi, Jr.
Official Court Reporter