

12/15/2022 - Case No. 22-05

(Whereupon, at 7:00 p.m., the meeting of the Zoning Board of Appeals for the Town of Greenburgh was called to order.)

ACTING CHAIRPERSON KNECHT: This is the meeting of December 15th, 2022. We have a very full agenda this evening. We have a total of 10 cases tonight, and for that reason we are going to attempt to limit each matter to approximately 10 minutes so that we can get through the entire agenda tonight, within a reasonable time.

Please note that Case No. 22-05, Orly Gez, has been adjourned to the meeting of January 19th. If we cannot clear the complete the hearing of any case tonight it will be adjourned to the next meeting. Also to save time we will waive the reading of each property.

Can you hear me?

We're going to waive the reading of the property description to save time. After the public hearing of tonight's cases the Board will either meet here to deliberate each case. You're able to listen to our deliberations; however, you may not participate while we deliberate.

When you are coming up to present your case, please state your name for the record and who you are, or if you're an attorney who your client's name and your name. I think that's it. Good? Okay.

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Case No. ZBA 22-31 Alice McPherson, 18 Argyle Road (P.O. Scarsdale, N.Y.) - Area Variance. The Applicant is requesting an area variance from Section 285-36G(3) of the Zoning Ordinance to construct a pool and associated decking in a side yard, when swimming pools may be located in a rear yard only. The subject property is located in an R-7.5 One-Family Residence District and is designated on the Town Tax Map as Parcel ID: 8.460-323-2.

ACTING CHAIRPERSON KNECHT: So we'll just jump right in. The first case on tonight's agenda is Case No. 22-31, Alice McPherson, 18 Argyle Road, Scarsdale.

MR. SCHWEITZER: Okay.

ACTING CHAIRPERSON KNECHT: Just don't forget to state your name for the record.

MR. SCHWEITZER: Good evening, Board Chair and members of the Zoning Board of Appeals. I'm Robert Schweitzer, landscape architect and applicant for property owner Alice McPherson, residing at 18 Argyle Road.

The Board Chair, so we are going to waive the variance, the description of the variance for the record and just move right to the presentation. Okay.

Let's see. This is the one I'm looking for, Garrett.

MR. DUQUESNE: Okay. Just a moment. Sir, refer to the screen and just stay at the podium. Okay. Anthony, can you get that mic.

MR. SCHWEITZER: Okay. The property is in the middle. It's yellow. It's from --

MR. CRICHLLOW: It's upside down.

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MR. SCHWEITZER: That was from the Town map, and there are some six properties surrounding it immediately. It's hard for you to see, but three of those have green stars, two of those have red stars and one has nothing.

So there is six properties, one empty lot. The three green stars represent the support letters that you have. There are two red stars. My client's tried to reach out to these people. They were unsuccessful with the lot that adjoins where the pool is going to be. And you can see where the pool is on the yellow property there, they made two attempts. The people weren't home or weren't responding. The kids were out the second time anyway. It didn't work. The property on the other side, they did meet with a neighbor but she did not give them the support letters because she said she is going to be attending the meeting via Zoom and have some questions to bring up at the meeting.

So, in doing this, I took a town map -- I'm going to refer to this later. There is a section elevation that goes from the house across the pool to the abutting lot adjoining the pool; which, by the way, has a pool themselves. And I took that from a Google Earth map. And I will present that at the end of my plans.

So I'll start right away with a site plan. If you have any questions before we move on, that would be L-1, Garrett. Okay. So there you see. Can you Zoom in on that?

MR. DUQUESNE: Yes.

MR. SCHWEITZER: Okay. Yes. So there you see the pool site. You see the contract limit line. The pool equipment is in the back there. There is a some grades which I'll address, if you have any questions. It's very straightforward. It

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is in the side yard and there is no room in the rear yard. If you can move this plan down the screen to show the rear yard, that's the front. Yes, you have actually I think 22 feet 6 inches. I didn't dimension it on this plan but I have it on the other. So from house to property line is 22 feet 6 inches, doesn't or minus. There is a setback so it couldn't leave any room to put a pool in this rear space.

There are two side yards. The only space possible to put a pool is where I'm showing it, the other side doesn't have the room. It's a very simple pool.

In doing this my clients have significantly downsized the pool to a 10 by 18. Standard pools are 18 by 38, 20 by 40. For obvious reasons you can see we've made every attempt to fit this into the space instead of forcing it into a space, having a larger pool.

It's a very small pool. There is a rear -- there is a rear free-standing wall, and then there is a little patio area between the wall and the pool, and there is a little patio on the house side of the pool, and then there is a lawn strip and then that connects to a porch.

There are some trees -- existing trees that you see. These are arborvitae trees. There is also a privacy fence that goes from the rear 6 foot privacy solid board fence comes down the side of the fence, down the side of the property and if we can move to the front now, Garrett. Thank you.

That fence goes along the side of the road and then cuts back to the house where the gate is shown and then I "L" it back to the house. So that's a 6 foot enclosure all the way around.

That's really the proposal, without

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getting too technical. I have a planting and screening plan that I can show that I can show you next. That's the section elevation. We'll save that to last, if we can move to the planting plan.

That would be L-4. That's it. So if you look at the left drawing, you will see the existing trees and we have extended that hedge row, taking out some shrubs and some loose plantings along that border. We've actually grouped some of those rhododendrons up on the top extending the rhododendron hedge or screen on the top which is the rear of the site.

So there is a continuous hedge row of trees. Those trees that you see there existing are 12 to 14 feet. I'm proposing we put in 10 to 12; height maturity would be 15 feet on that hedge.

Behind that hedge is a 6' privacy fence. So you are well screened from that one neighbor that I showed you earlier that has the pool, by the way, on their side of the property.

The front is not an issue. The rear being that we're not putting the pool there but you also have the privacy fence. You also have the rhododendrons which are 6 to 7 feet. On the right side it's out of the view window of the pools but there are some poor, poor cedar trees, in very poor condition, and we're removing those and adding new cedar trees, which would, again, create a hedge screen along the back.

So as you see on the drawing on the right, that would be -- those trees there are about 10 feet. And you see in front of them there is a decorative trellis. It doesn't show up well. I have it in color. Would you like to see it? I've rendered it in color.

ACTING CHAIRPERSON KNECHT: Sure.

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MR. SCHWEITZER: Okay.

ACTING CHAIRPERSON KNECHT: Thank you.

MR. SCHWEITZER: So it's a simple design. And we're not trying to beat it to delegate. So, that's the layout. I then -- I now have a section elevation plan which I don't think you have. That was not digitized. So I'm going to have to show that to you.

ACTING CHAIRPERSON KNECHT: Okay.

MR. SCHWEITZER: Okay. And I'll just quickly --

MR. DUQUESNE: It's different than what's on the screen?

MR. SCHWEITZER: Okay. And I'm just quickly. It's different than what's on the screen? It's rendered. Okay. It's rendered.

But you can see that those are the two houses that and then I'll show you the rendering. So on the right, the house on the right is the owners house (indicating) okay then you see the small pool. Then as you move you don't see the patio; but you see the free-standing wall, and then you see the trellis behind the free-standing wall and then you see the hedge and then you see the privacy fence.

And that hedge is not at height maturity. That's a 10 foot hedge so we're going to grow that.

MR. CRICHLow: Okay.

MS. KNECHT: Thank you.

MR. SCHWEITZER: And that's pretty much the proposal.

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MS. KNECHT: Okay.

MS. DENKENSOHN: You know.

ACTING CHAIRPERSON KNECHT:
Garrett, is there somebody on Zoom? Anyone
in the audience?

MR. DUQUESNE: Does anyone in the
audience want to speak?

ACTING CHAIRPERSON KNECHT: Does
anyone want to speak on this application?

MS. SINDER: I would like to. I
don't know if you can hear me. I just
unmuted myself. Bernice Sinder.

MR. DUQUESNE: We're all set, Ms.
Sinder.

MS. SINDER: I live in the property
-- if you face their house, to the right.
So I'm near their small side yard. I'm not
near where the pool is proposed to go in.
By the way, I have no objection to a pool in
the side yard I think it's the only --

MS. KNECHT: Ma'am, what is your
name? Say your name.

MS. SINDER: My name is Bernice
Sinder.

MS. KNECHT: What's your address?

MS. SINDER: 26 Argyle Road.

MR. CRICHLow: Spell your last
name. Any questions with respect to?

MS. SINDER: Can you hear me?

MR. DUQUESNE: Yes.

MS. SINDER: In the proposal -- I
made a copy because the McPhersons were nice
enough to share it with me. So appendix B,

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the short environment assessment form, page two references to drainage.

Number 11 says, "Will the proposed action connect to existing waste water facilities?" Yes or no was not checked off, by the way, but a comment was typed in. "Pool draw-down will be drained into the Town stormwater sewer."

So I was wondering, you know, if there could be any backup, if there is a huge pool which drains into the stormwater could it cause back up into adjacent houses or could it even just flood the road. And then further down on page two, number 17-B, "Will stormwater discharges be directed to establish conveyance systems runoff and storm drains?" And yes is checked off. And the typed in statements are "Impervious surfaces expansion will be measured -- will be measured to the town engineer's design storm to quantify net runoff which will be contained via subsurface infiltration. Overflow will be via pipe. Point for discharges over the owner's lawn draining to the town roads sewer."

So I was just concerned, you know, if this drainage is a problem or if it's not a problem, I'm okay with it. You know, I certainly want to be a good neighbor but, you know, I wouldn't want backup into my house.

Then a new issue arose just introduce now when I looked at the architectural drawing I notice there is pool equipment if the right rear yard which would be adjacent to my yard. What kind of pool equipment? Is it noisy? What does it do? So that's the extent of my concerns.

MR. DUQUESNE: Madam Chair, there are other or speakers. Do you want the applicant to answer those questions?

MS. KNECHT: Yes, please.

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MR. SCHWEITZER: Sure. With regard to the pool equipment, it's a heater and a filter. That's the purpose of it. So it will cleanse the water and heat it and send that to the pool itself.

As far as stormwater is concerned. We are proposing -- it's months these plans but my next step will be to work with the Town Engineer-- and what we typically do is perc tests or percolation rate. I send that to my engineer and we calculate the runoff from the expansion and impervious surfaces. I believe it town has a 25-year storm so the rain water even off from the expansion impervious services is quantity guide to cubic feet. That is put into it the ground via subsurface chambers conveyed through a surface system that I've already proposed.

Excess runoff, if you have a storm that's greater than 25 years, you know, potentially will get excess runoff and that will discharge out to the town stormwater system on the road. And that's a standard way that we do these things.

So I hope I've addressed your question, ma'am.

MR. DUQUESNE: One question. If it was advisable from the Town the Bureau of Engineering, would you be open to instances where you have to drain the whole pool, doing it into a truck and taking it off site? Because I've seen that done before. Would you be open to that?

MR. SCHWEITZER: I would if that's the Town policy. I mean, pool water has a little chlorine. It's clean. There is no bad chemicals. But that's not for me. It's the Town policy.

MR. DUQUESNE: Okay, thank you.

MR. SCHWEITZER: My client would be happy to abide.

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MR. DUQUESNE: Thank you.

ACTING CHAIRPERSON KNECHT: Any questions from the Board?

MS. DENKENSOHN: Yes. I just wanted to make sure that woman's question was answered. Part of what she asked was if the pool equipment was loud. And my question is, having grown up with an in-ground pool, is that underground or is it above ground?

MR. SCHWEITZER: It's above ground. The pool equipment is above ground.

MS. DENKENSOHN: How would that be closer?

MR. SCHWEITZER: Usually it's a 4 to 5' fence, solid board fence; that will help control some of the sound. But the equipment today is not that loud. I mean, what else should you do?

MS. DENKENSOHN: Make sure her point was addressed.

MR. SCHWEITZER: Absolutely. It will have fencing around that but you also have beyond that you have a solid board privacy fence on the perimeter area.

MR. DUQUESNE: We'll call on you in a moment.

MS. SINDER: Okay.

MR. SCHWEITZER: So you have two fences working there. Okay.

MR. DUQUESNE: Does the speaker want to make more comments? Anything else from the Board?

MS. UEBERLE: Whose property is that?

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MR. SCHWEITZER: It's on the McPhersons.

MS. SINDER: Can the --

MR. DUQUESNE: When we call on you that's when it will be.

MS. SINDER: Oh, I'm sorry.

MR. DUQUESNE: Thank you.

MR. BLAND: Two small questions. So in reference to the pool equipment, how far from the property line is that? Roughly?

MR. SCHWEITZER: I think I've said it. I'd have to see the drawing. I think it's 12 feet.

MR. BLAND: 12 feet.

MR. SCHWEITZER: 12 feet, I think.

MR. BLAND: Number two, other than being placed in a side yard, that meets all the setbacks if it were to be required in the rear yard?

MR. SCHWEITZER: I believe the rear yard is for a pool 10 feet. Correct me if I'm wrong, sir. Yes. So I'm showing on my site plan 17 feet to water line, then the deck extends to the wall. And some towns -- not too much -- consider that part of the pool.

I couldn't find anything in your code if that's actually part of the pool or not. So if it's to water line it's 17. If it's the beam, you'll add another foot. So it would then be -- instead of 17 it would be 16 feet to the pool beam.

MS. KNECHT: Any other questions from the Board?

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(No response.)

MR. DUQUESNE: Ms. Sinder, did you have one more comment. You could unmute and speak.

MS. SINDER: Is it possible for that pool equipment to be located closer to the pool so that it's not right near my property line? It looked like it was quite close from the drawing, you know, that it was almost, you know, like, just a couple feet from the fence.

MR. DUQUESNE: Okay. Thank you. Let's have that answered.

MR. SCHWEITZER: Yes. I've tucked it into the corner here to preserve some of the rear space for my clients. I would have to ask them if that's a condition that the Board states that it has to be. But, honestly, if you were my client I would think that you would want to have some open space here. They have two young kids. I believe there is some play equipment out here. So if we're going to move it, I wouldn't want to move it a lot. Just to preserve this space here.

MS. DENKENSOHN: Is there some reason it's not on other side? Over here?

MR. CRICHLow: Closer to the pool.

ACTING CHAIRPERSON KNECHT: The other corner.

MR. SCHWEITZER: In here? I have some shrubbery.

MR. DUQUESNE: Sir, if you can go to the podium.

MR. SCHWEITZER: Yes. The planting plan. There is a space on the other side but you can see that I have a lot of plantings in there, and the pool equipment

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would be very close to the pool if we move it to that side.

It's not ideal, but it's out of the way and you have the fencing on this side. If the pool was going to be in the back, you would probably have the same thing going on. So, yes, but I don't think my clients would be thrilled about it.

MR. BLAND: One more question. Clearly you might not be able to answer it right now. In terms of how many decibels, that would be running 24 hours a day during season, or would it be just turned on while they are utilizing the pool?

MR. SCHWEITZER: I can't answer that, sir, but I can find out for you.

MR. DUQUESNE: If the pool were in the rear yard, there would be no oversight by the Board on where it's situated, and where it's situated does not require that.

MR. SCHWEITZER: We could also install sound fencing around the pool. That would be a sandwich system, it would be an upgrade from regular.

ACTING CHAIRPERSON KNECHT: What's it called?

MR. SCHWEITZER: Sound fence system, which is a sandwiched system, where you would actually have two fences, then in the middle a foam cord so that would give you a lot more sound absorption. That may be a good compromise all along.

ACTING CHAIRPERSON KNECHT: Thank you. Thank you very much. Just as a reminder. We deliberate at the end of the meeting.

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12/15/2022 - Case No. 22-32

Case No. ZBA 22-32 Carolyn Jones, 53 Riverview Avenue (P.O. Ardsley, N.Y.) - Area Variance. The Applicant is requesting an area variance from Section 285-12B(4)(c) of the Zoning Ordinance to reduce the setback total of two side yards from 40 ft. (Required) to 28.33 ft. (Proposed), in order to construct an enclosed deck on the subject property. The property is located in an R-20 One-Family Residence District and is designated on the Town Tax Map as parcel ID: 8.380-271-11.

ACTING CHAIRPERSON KNECHT: The next case on tonight's agenda is Case No. 22-32, Carolyn Jones, 53 Riverview Avenue, Ardsley.

MS. JONES: Good evening. I have been a resident of Ardsley, unincorporated Greenburgh, for 45 years.

MS. KNECHT: Could you just state your name and address.

MS. JONES: Carolyn Jones. I'm a resident at 53 Riverview Avenue, Ardsley, which is in unincorporated Greenburgh, which is, we have an existing deck that as a cancer patient I am photosensitive, and my husband, we're both seniors, so for health reasons we decided to cover this deck because we're not able to enjoy the backyard.

We began with replacing the deck which desperately needed replacing. The only addition to dimension was to one side of it, by extending it by two feet on to an existing patio, which would not change anything in the landscaping.

The identical proportions of the deck are remaining. However, the plans that we provided you with -- and my architect is on Zoom -- Sandro -- the plans that we provided you with show the expansion of the footings which were needed in order to support the roof to make sure that

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architecturally this was, you know, it was ratio as it is.

We are the dead-end house on the street. Our property is flat, goes quite a-ways back so we are not disturbing any plants. We are not disturbing anything, other than replacing the deck and extending the roof line to put a portico and window room. It will be a three season room I think the plans speak for themselves. They are very detailed. We have had, like, three or four revisions of those plans just to make sure that they met with all of the specs.

We also went through the Wetland and also the community surveys that were required, and we provided you as a Board with all of the information. It does not impact at all the front of the house. And, as I said, it's an existing deck which the Board -- when we expanded the deck in I believe it was 2010 they agreed to that. It's fine.

So the only difference is that we're now enclosing that, so we're able to enjoy our privacy in our yard.

Sandro is on Zoom I believe.

MR. DUQUESNE: Thank you. Mr. Sandro, you can feel free to unmute and please feel free to speak if you like.

(No response.)

MR. DUQUESNE: I see you are unmuted. Can you speak?

Sir, I see you're unmuted. Looks like we're having some -- no, we cannot hear you. Just chatted. "Cannot hear." So continue to work on that, please, and maybe it makes sense for the Board to ask questions if you have any.

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ACTING CHAIRPERSON KNECHT:
Questions from the Board?

MR. CRICHLLOW: So the deck is existing and you're just covering it?

MS. JONES: Oh, yes. The deck is existing. It has existed. We went through the Board. It was originally a smaller deck, and in 2010 we widened it, depth-wise. We go right through the dining room on to the deck.

It's just impossible for us to sit out there. There is no shade. There are no trees. And we eliminated all trees because we had five or six trees hit the house. So nothing above four feet is around the house. So the deck is there.

Again, our neighbors -- the closest neighbors -- they have fencing all-around their property. It's a privacy fence. The neighbors directly behind us, they are not behind us. There is a hill that goes down so it does not affect them. And we have a lot of depth on the property, so it would not.

MR. BLAND: To your knowledge would be a wooden roof? What type of roof? Flat roof or extension of the existing roof?

MS. JONES: It's going to be a -- it's going to hook into our roof, but it will be a triangular -- I don't know what architectural term is. Sandro will be able to give you that information. But I'd work closely with the contractor and with the architects around the design of it to make sure that it's in keeping with the design of the house.

MR. SANDRO: Hello. I'm sorry. Sandro.

MR. DUQUESNE: We can hear you. Hold off for one moment. Did you want to

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ask your question?

MS. DENKENSOHN: Just a clarification. On the demolition plan it shows the existing deck as 16 feet wide, and the construction is 19 feet 8 inches. So less than four feet larger but it is larger according to the plans.

MS. JONES: I think it's only two feet larger actually; but Sandro would be able to give me that. It's only going out over the existing staircase.

MS. DENKENSOHN: Right, yes. No, it looks like your neighbor's house, it's covering the same as one of your neighbor's decks.

MS. JONES: We don't have neighbors that are close to us at all. We have --

MS. DENKENSOHN: But I'm saying, according to the plans, that's the difference that I see as being written here.

MS. JONES: If I could see what you're talking about.

(Approached the dais.)

MS. JONES: See if you look at the next page closed, they are not extending over to there.

MS. DENKENSOHN: They are saying this dimension is 19.8.

MS. JONES: It's 19.8 on the house.

MS. DENKENSOHN: That would be this dimension. 17.3, from the house to here is 17.3. From here to here is 19.8.

MS. JONES: Right. Well, this is all property. No. No.

MR. DUQUESNE: It's a little

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difficult to operate like this. I think.

MS. DENKENSOHN: I just wanted to clarify that it is wider.

MR. DUQUESNE: So, ma'am, if could you please go back to the podium. We have the stenographer on Zoom, I want to make sure she can hear.

MS. JONES: Sandro would be able to give us the technical --

MR. DUQUESNE: Sandro, would you like to present?

MS. UEBERLE: I just have one question. So you're putting in a three-season room. You said the reason for this was kind of to get shade. Right? Have you thought about any other way to put a roof, or, like an awning over the deck so you could still go outside?

MS. JONES: No. No. Really, I have real difficulty with temperature regulation with my body. I really need the enclosure at this point. The sun beats down that you can't even walk on that deck because we get so much sun. Because we're at a high point. Everything else from behind us is below, goes down to McKinley. That's way down.

And we have, you know, we have the property. It's not infringing on anything or anyone. It's existing now. They are just expanding it. They are making it a little wider, over the steps, and then the steps that will go down will go right on to an existing patio.

MR. DUQUESNE: Okay, Sandro.

MR. SANDRO: Well, my name is Sandro. And I work for Jim Mullen (phonetic), associate architects.

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It's pretty much like my client said, we're just extending the room into the patio, existing patio, probably like three feet, plus or minus. But actually the width of the deck it will be pretty much the same as the existing one. So we're not going near the neighbors, so pretty much we're staying the same line as the house.

We're not going farther or closer to the fence or near the neighbors.

ACTING CHAIRPERSON KNECHT: Okay. Thank you.

MS. JONES: So it's not changing the depth. It's just expanding on one side where the house already exists and the patio already exists. We're just expanding it by a couple of feet.

ACTING CHAIRPERSON KNECHT: Thank you. Is there anyone else here that would like to comment?

Anyone else on the Board?

(No response.)

MS. JONES: I just wanted to know when we would be able to --

ACTING CHAIRPERSON KNECHT: After we hear all the cases we deliberate, and then we should have a decision generally tonight.

MR. DUQUESNE: I'll call you tomorrow morning.

MS. JONES: So you'll call me in the morning?

MR. DUQUESNE: Yes, I will.

MS. JONES: Thank very much for your attention.

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12/15/2022 - Case No. 22-33

Case No. ZBA 22-33 Michael and Beth Sadicario, 4 Fort Hill Road (P.O. Scarsdale, N.Y.) - Area Variance. The Applicant is requesting one area variance from Section 285-12B(3)(d) of the Zoning Ordinance to permit impervious coverage of 35.6% (existing/proposed) where a maximum of 29% is permitted, in order to legalize an existing patio on the subject property. The property is located in an R-20 One-Family Residence District and is designated on the Town Tax Map as parcel ID: 8.460-326-35.

ACTING CHAIRPERSON KNECHT: All right. Thank you. The next case on tonight's agenda is Case No. 22-33, Michael and Beth Sadicario, 4 Fort Hill Road, Scarsdale.

MR. WITT: Good evening, Members of the Board. Can everybody hear me okay?

MR. DUQUESNE: Yes, sir.

MR. WITT: Excellent. My name is Bill Witt. I am representing Michael and Beth Sadicario, 4 Fort Hill Lane, in support of their application for an area variance.

As you may have seen looking at the application, the area variance came about -- or the need for it came about when we applied for an interior renovation to do a kitchen remodel.

My clients purchased this property about seven years ago, in 2015, in its present condition on the exterior. They have built no patios, increased -- did not increase to the exterior impervious surfaces in any way, and we're just unaware that their existing patio was undocumented. It was brought to our attention when we filed for the interior renovation of the building permit.

I requested the Building Department to attempt to legalize, and in doing so we

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submitted applications for a Steep Slope and Wetland plans, all part of the application been approved. As you can see on the screen that was put up, there is an existing patio that runs the length of the house.

Again, it is existing. It's not visible from the street. It's I doubt very much even visible from neighboring property. The property is well-drained. There is no standing water on it so there is no issue with the amount of impervious surface as it sets now on the property. As I said, it is existing. This was clearly of no fault of their own.

I would suggest that approving this variance won't have impact on the neighborhood or neighboring property values. And I mean that's generally it. They want to be able to keep the patio that was with the house when they purchased it seven years ago. It's their only outdoor space.

The only thing I'd like to add to my presentation is that the property is currently zoned -- excuse me -- in the R-20 zone, although the size of the property is only 8,900 square feet. If it was zoned in the R-10 zone, or more appropriate sized zone is where the allotment of coverage would be 37 percent, we wouldn't be here asking for this variance. In fact, if we can apply for an interior renovation to do a kitchen we wouldn't be here asking for this variance.

I'm trying to make the point that, because it's over-zoned or the lot is undersized -- as are most properties in the neighborhood -- it requires us to legalize the existing patio. And I'm happy to answer any questions that the Board might have.

ACTING CHAIRPERSON KNECHT: Yes.
Questions from the Board?

MR. CRICHLAW: Yes. Why the need

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to legalize a patio now?

MR. WITT: I don't know. It was something that was brought to the my attention through Anthony Zacarolli. He said because it's existing -- he mentioned it was undocumented. When this house was built in the I believe 1920s, 1930s or when this patio was put in 30, 40 years ago, there was either no permit process or that process wasn't followed at the time.

MR. CRICHLLOW: So there is no intent to sell the house?

MR. WITT: None at all. None at all. It just came about because we filed an application to renovate the kitchen.

MS. DENKENSOHN: Is there any intent to do improvements or anything to the patio?

MR. WITT: There is no intention to do improvements to the backyard, no. We have never proposed an addition. There was no increase in the impervious coverage that we were proposing at the time of the interior renovation. We just want to maintain use of it.

ACTING CHAIRPERSON KNECHT: Is there anyone in the audience that wishes to comment?

MS. DENKENSOHN: I'll do it. Did you get any feedback from your neighbors about the experience variance request?

MRS. SADICARIO: Hi. I'm Beth Sadicario. No, I did not.

ACTING CHAIRPERSON KNECHT: Okay. Okay. Well, with that, thank you.

MR. WITT: Thank you for your consideration.

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12/15/2022 - Case No. 22-34

Case No. ZBA 22-34 Sang Hoon Yoo, 11 Scarsdale Farm Road (P.O. Scarsdale, N.Y.) - Area Variance. The Applicant is requesting an area variance from Section 285-12B(5)(b) of the Zoning Ordinance to reduce side yard setback from the driveway from 16 ft. (Required) to 6.78 ft. (Proposed), in order to expand the existing driveway. The property is located in an R-20 One-Family Residence District and is designated on the Town Tax Map as parcel ID: 8.460-319-13.

ACTING CHAIRPERSON KNECHT: Next on the agenda is Case No. 22-34, Sang Hoon Yoo, 11 Scarsdale Farm Road.

MR. HILDEBRANDT: Good evening. Could everyone hear me?

MR. DUQUESNE: Yes, sir, we can hear you.

MR. HILDEBRANDT: Hi. For the record, Brian Hildebrandt. I'm the civil engineer for this project, and I'm joined tonight in person with the owner Mr. Sang Hoon Yoo. And we have a relatively simple application. I can either share my screen or --

MR. DUQUESNE: Feel free to share your screen, sir.

MR. HILDEBRANDT: Okay. Is the site plan visible?

MR. DUQUESNE: Yes, we can see it.

MR. HILDEBRANDT: Okay. So we are here tonight for a variance, a driveway variance. We're notified that we needed a variance when -- from the Building Department -- that we have a 16 foot side yard setback, two driveways for parking. Our existing driveway is already closer. It's just under seven feet.

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What we were proposing to do was to reshape the driveway, the parking area. The existing apron is a little awkwardly shaped now. All we were trying do is just square it off, fill-in this hammerhead (indicating) and extend the driveway about five feet. This would allow a car to be parked and also allow a car to use the driveway just allow for better maneuverability.

This was part of a bigger project that involved the rear patio. So the stormwater, any increase in impervious was already approved by the Engineering Department we're offsetting our runoff with new infiltration. New infiltration system. So we don't think there would be any stormwater impact. We do have photos which should help. Are the photos visible?

ACTING CHAIRPERSON KNECHT: Yes.

MR. HILDEBRANDT: Okay. So this is looking down the applicant's driveway. This is all we're talking about, is just squaring off this grass area and extending the driveway. It's in keeping with the neighbor's driveway.

I believe the owner was going to reach out to the neighbors. I don't know if he could speak to that tonight, if they had any support or objections. But all in all that is why we're here tonight.

MR. CRICHLow: So then -- I'm sorry. The existing driveway is already non-conforming?

MR. HILDEBRANDT: Correct. Yes. It's -- the drive aisle is not conforming.

MR. CRICHLow: So the only reason why you're trying to legalize that is because of the expansion of the driveway itself?

MR. HILDEBRANDT: Exactly. We're

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not increasing or, you know, we're not going any closer to the property line. But since the driveway is already non-conforming it triggered the need for a variance.

MR. CRICHLow: Okay. Sorry.

MR. YOO: Good evening. My name is Sam Yoo. My legal name is Sang Hoon Yoo. I'm the owner of the property that Brian walked you through.

The property was built in 1964 I believe, as part of the original site plan for Scarsdale farm. So I believe that driveway has been in existence for 60 -- almost 60 years. So we purchased the property in 2019. We have done all the permits required for renovation, for the patio expansion, now the driveway.

One of the key reasons for doing the driveway was a sink hole. It's hard to see on the pictures. But in between our house and our neighbor's house where the driveway is there is actually a dip, and it's getting bigger, so we need to remediate that. And as part of that we figured we might as well extend it a little bit into our property and we're not going wider.

Our neighbor's driveway is about the same distance from the property line as ours. It actually goes deeper into their property than ours would, so it's probably a difference of a few feet. I thought that picture might show it. Well, maybe not. But we're -- it's not a very large expansion but, you know, I have young kids, at some point they will be driving. We plan to stay in this house until they are out of the house.

And that's why we're here. The variance or the whatever you call the issue, the setback wasn't raised. We started the process in April, maybe even April of this year we were told we needed an engineer. We

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got an engineer. We put all the plans on, finally got the patio approved then it was, "oh, by the way, the driveway needs a variance."

So we need there is rules in zoning for regulations but we did speak to our neighbor. They do not have any issues with extending our driveway into our property and not making it wider towards their property. We are making it wider into our property because there is just kind of a little bit of dead space. So that will kind of meet with the patio, so there is a little nice little transition as you go out of the car into the back yard.

ACTING CHAIRPERSON KNECHT: Does the Board have any questions?

MS. DENKENSOHN: Would you consider using permeable surface in the expansion instead of just more asphalt?

MR. YOO: No. That hasn't been raised. I don't think we have drainage issue there. There is an existing drain front of the garage where it's probably about eight to 10 inches wide. It's actually a pretty decent drain. It's iron or steel. It's metal with metal grate. Their grass. I'm not sure where it drains to, frankly, because we didn't put it in there. And speaking with Brian and the Town Engineer, I think the view is there is plenty of drainage for that, plus the fact that we added a dry well for the patio expansion.

MR. CRICHLow: The impervious surface percentage isn't part of the application.

ACTING CHAIRPERSON KNECHT: Is there anyone in the audience or on Zoom that would like to comment on this?

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(No response.)

ACTING CHAIRPERSON KNECHT: All right. Thank you. With that we will move on.

MR. HILDEBRANDT: Thank you.

MR. CRICHLow: Have a good evening.

MR. HILDEBRANDT: Thank you very much.

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Case No. ZBA 22-35 Kin and Pauline Lee, 305 N. Clayton Road (P.O. Scarsdale, N.Y.) - Area Variances. The Applicant is requesting an area variance from Section 285-38B of the Zoning Ordinance to allow an increase in the maximum permitted width (30 ft.) Of a driveway to 36.3 ft. (Proposed), and an area variance from Section 285-11B(5)(b) of the Zoning Ordinance to reduce the setback of one side yard from 18 ft. (Required) to 11 ft. (Proposed) in order to relocate an existing driveway on the subject property. The property is located in an R-30 One-Family Residence District and is designated on the Town Tax Map as parcel ID: 7.400-281-32.

ACTING CHAIRPERSON KNECHT: The next matter on tonight's agenda is Case No. 22-35, Kin and Pauline Lee, 305 North Clayton Road in Scarsdale.

MR. BERNSTEIN: Good evening, Madam Chair, Members of the Board. My name is Bob Bernstein. I'm the attorney representing Ms. Lee, who is sitting here with me.

What this is is an application somewhat similar to the one you just heard. It's to for a variance to expand the width of a driveway from 30 feet to 36.3 feet and also to legalize the 11 foot setback. The 11 foot setback was where the driveway had been situated going back to 1935. This is an R-30 zone so the setback is normally 18 feet, but this house going back to 1935 has always had 11 feet as the setback.

Adjacent to that is a vacant lot that is about 55 feet wide. And so, to the eye, because it's a vacant lot people wouldn't necessarily know where the property line is. So when Ms. Lee purchased this property a few years ago and tore down the house and built a new house, they kept the driveway location where it was. And when the builder built the driveway, rather than continue the 11 foot setback up to the

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garage, he laid it out in a straight line, 90 degrees perpendicular; and as a result because the property line curves at a different degree, instead of it being 11 feet at the area of the garage it was more like 7 feet.

So when the Lees sought to get their certificate of occupancy, having completed their home, they were informed by the Building Department that this was -- the driveway width was too wide, that they would need both a variance for the setback of 11 feet going down to 7, and they would need to have a variance for the driveway width, because if it was to remain where it was built, it would be a 40 foot driveway width rather than 30 feet.

So we took a look at that and we asked the question, do we really need 40 feet? And can't we really just live with the 11 foot setback that had always been there? And so an agreement was made that the Lees would have that portion of their driveway reconstructed. Going to move the driveway so that the portion that is closest to the garage is consistent with the 11 foot setback from the street up to the garage level. That reduces the amount of the overage on the driveway width at that area from 40 feet to 36.3 feet.

The reason for the overage or the increase is largely driven by the fact that there is, in that portion of Clayton Road there is a swale or a drainage ditch that exists only there, by the way, only in front of their house, and along that drainage ditch, which makes it impossible or unsafe, I should say; not impossible but it's unsafe to have off on street parking in front of their house.

So the idea of having the additional oversized driveway five to six feet by the garage is really to accommodate parking that otherwise can't be accommodated

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in front of their house. And that's the reason for it. The notices were given to neighbors, of course. I also represent the Chou's, who own the property adjacent, they have no objection. And I think I've answered -- I think I've addressed the essence of the application. Do any of you have any questions?

ACTING CHAIRPERSON KNECHT:
Questions?

MS. DENKENSOHN: I'm usually pretty good at reading plans and I had a lot of trouble with this one, so please help me a little bit.

I see where you're getting rid of a curb, which is unusual, and you're straightening out that line. I'm not sure where you're adding.

MR. BERNSTEIN: Oh, it's, what it is is, the curb was put in by the builder when they were renovating the house, then we're moving that.

MS. DENKENSOHN: I see that. I see the straight line for 11 feet. But are you making it deeper into the property?

MR. BERNSTEIN: No. When you do that, when you correct the side setback so that it's 11 feet all the way through, you end up with a driveway at that area that, instead of it being 30, as required, it's really 36.3. So that's non-conforming and you need a variance for that.

It's not expanding it. It's just saying, look, you're going to need a variance if you're going to have a driveway at that width at that location.

Now I should say that, in doing that, before we can submit this plan, which went through Elliot Senor, licensed professional engineer. Elliot had to

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certify that there is no impervious surface issues, no drainage issues. And he had do the calculations, and satisfy the Engineering Department that there were no issues there; which is not surprising because they did this drainage, storm water mitigation plan, when the original plans to renovate the house were first done a couple of years ago.

MR. CRICHLLOW: Well, Bob, I'm glad that Shauna asked you that question because I was having a hard time understanding it as well.

MR. BERNSTEIN: Sure.

MR. CRICHLLOW: And I know how to read plans. So I can see now where you're setting the 11 foot setback all the way back.

MR. BERNSTEIN: Yes.

MR. CRICHLLOW: Why does that now make it wider?

MR. BERNSTEIN: It doesn't make it wider.

MR. CRICHLLOW: To the left of that, that's where the existing curb was correct?

MR. BERNSTEIN: The existing curb was installed two years ago. And when you installed it -- when they installed it it resulted in a driveway. Had it been paved -- they didn't pave it. But had it been paved it would have been 7 feet from the setback rather than 11. So we're moving it back to where it should have been, 11.

And the problem is that even at 11 feet, the driveway is still too big. And so, because it's too big we're seeking a variance to legalize it so they can enjoy the driveway, albeit cut back from where it was originally.

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MR. CRICHLow: It's still too big.

MR. BERNSTEIN: It's still too big so we need a variance.

MS. DENKENsoHN: So it is smaller but it's still --

MR. BERNSTEIN: Exactly.

MR. DUQUESNE: This is rather crude, but on the screen I drew a triangle that's essentially coming out. So we are rendering a non-conforming situation less non-conforming.

MS. DENKENsoHN: That point that didn't come across.

MR. BERNSTEIN: I apologies. That's exactly what we're trying to do. We recognize that when seeking a variance you only seek the minimum you need, not the maximum. You can get away with. But the minimum you need -- and from discussions with town staff this we felt was the minimum needed to accomplish what needs to be accomplished. And the owner was, you know, willing, wants to do everything we can to cooperate.

There have been other issues that have been addressed with town staff to get this property ready for a C of O. This is the last remaining hurdle and that's why we're here. Okay. Any other questions?

ACTING CHAIRPERSON KNECHT: Is there anyone in the audience or on Zoom who would like to ask a question?

(No response.)

ACTING CHAIRPERSON KNECHT: Okay. Thank you.

MR. BERNSTEIN: Thank you.

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Case No. ZBA 22-36 Terence Gallagher, 1000 Dobbs Ferry Road (P.O. White Plains, N.Y.) - Area Variances. The Applicant is requesting an area variance from Section 285-14B(4)(b) of the Zoning Ordinance to decrease the minimum required setback (12 ft.) From the principal building to the northerly side yard to 11.66 ft. (Proposed), an area variance from Section 285-14B(4)(c) of the Zoning Ordinance to reduce the setback of two total side yards from 26 ft. (Minimum required) to 21.83 ft. (Proposed), and an area variance from Section 285-42C(1) of the Zoning Ordinance to enlarge a nonconforming structure to increase such nonconformance, in order to construct a deck, porch and related improvements on the subject property. The property is located in an R-10 One-Family Residence District and is designated on the Town Tax Map as parcel ID: 8.110-60-4.

ACTING CHAIRPERSON KNECHT: Okay. Moving right along. The next case on tonight's agenda is Case No. 22-36, Terrence Gallagher, 1000 Dobbs Ferry Road.

MR. POWER: Good evening. My name is John Power. I'm the architect for the Gallaghers. Good evening to the Board. A little out of practice out of our little hamlet on Croton on Hudson where I do most of my work.

This project has two kinds of aspects of it. Area of the site plan showing a drawing A-1 is, there is a deck addition that complies perfectly with the zoning regulations. It's what is being rebuilt of the existing home that doesn't.

As you can see area work number one, and it's on the plan there toward the top there, and also in photographs which we'll show later on.

It's an existing screened in porch.

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This house is built in 1939. And as you can see, where that porch was built the footprint is just short of the 12 foot side yard setback.

So, but the porch itself is structurally unstable. The photos -- I think my last page in the narrative show that the support of that porch -- which is on the first floor of the residence. There is a slope to this site. And this is supported by very slender brick piers.

And because of the retaining wall that is supporting the wall of this porch, that's on the Dobbs Ferry Road side, kind of midpoint of the house, that retaining wall is starting to fail. So this porch has become unstable. The porch itself is a framed structure, but below that first floor it's all brick piers. Very tall, as you can see. Very slender. Very tall.

So the project involves to rebuild this porch, but to improve it to the point of making it a three season porch, and to have a more stable foundation to enclose the level below, which is really at the basement level, and to increase the footprint or floor space on pavement level to provide a home gym, small home gym underneath the porch.

So basically the variance is all about -- well, two things. It's the fact that the footprint is not getting any larger. It's just matching exactly the same footprint that exists now. And like I said, the home built at a point in 1939, the other side of the house which is the other variance that's being required is the additional two side yards, both sides additional. And that shows that side of the home, there is only 10 foot 2. So when you add that up it comes short of the 26 feet that's required.

So there is no additions or

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improvements been done to that side of the home, which is where the driveway is. It's all about this porch. The porch will not be any taller. It will have a shingle roof as the existing porch does, but it will be enclosed with double hung windows around offering, you know, the feeling of having a screened in porch during the summer and spring and fall, but being able to, you know, close the windows and have a, you know, a controlled space there.

So that's basically it.

MS. KNECHT: Thank you. Questions from the Board?

(No response.)

MS. DENKENSOHN: I guess I'm just a little confused. There is a 4 foot 2 inch change, you're saying that the footprint doesn't change at all of the deck?

MR. POWER: The 4 foot 2 variance is both sides together. So both sides together need to be 26 feet. So when you add 10 foot 2 on the other side of the house and add that to 11 foot 8 we're coming up 4 -- well, 4.2 or 4.17 feet short.

MS. DENKENSOHN: And this is probably my own ignorance, but I notice that there is no variance requests or any other requests for the pool and the gym. Those are As of Right? That why that's not mentioned?

MR. POWER: Well, the deck itself -- oh, the pool? Well, the two level deck -- which there will be a small exercise room -- is, you know, within the buildable area, without a problem.

MS. DENKENSOHN: And the open deck as well.

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MR. POWER: And the open deck, yes.

MS. DENKENSOHN: Okay.

MR. POWER: Both levels of those decks are pervious. It's a decking that has the gaps. So, you know, we have gone through this with the, you know, conservation CAC board and such.

And as mentioned before, this is a very small -- it's one of those current pools or endless pools. So it doesn't have the volume of a built-in in-ground pool. And the water can be trucked off site very easily.

ACTING CHAIRPERSON KNECHT: Is there anyone in the audience or on Zoom that is like to speak? To be heard?

(No response.)

ACTING CHAIRPERSON KNECHT: I take it you don't have any objection from neighbors about this?

MR. POWER: No.

MR. GALLAGHER: Terence Gallagher. We did speak to a couple of the neighbors about this and no one has raised any objection.

ACTING CHAIRPERSON KNECHT: Thank you. Any other questions?

(No response.)

ACTING CHAIRPERSON KNECHT: All right. Thank you.

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12/15/2022 - Case No. 22-37

Case No. ZBA 22-37 Tarrytown Road Partners, 212 Tarrytown Road (P.O. White Plains, N.Y.) - Area Variance.

The Applicant is requesting an area variance from Section 240-3C(9) of the Code of the Town of Greenburgh to permit a wall sign on a non-corner lot, in order to legalize a third canopy sign on the subject property. The property is located in the DS Design Shopping District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.490-303-3.

ACTING CHAIRPERSON KNECHT: The next case on the agenda is Case No. 22-37, Tarrytown Road Partners, at 212 Tarrytown Road.

MR. VILLANI: Good evening. Jonathan Villani representing Annunziata Villani Design Consultants, which is 212 Tarrytown Road Partners, for project located at 212 Tarrytown Road.

My firm, as well as my contracting firm, did an extensive renovation to 212 Tarrytown Road, which included the canopy structure that got approved way back in 2018-19. At that time vendors weren't chosen to represent the station. They eventually had BP, and BP wasn't aware of the signage code represented in the Zoning Ordinance.

So they have presently -- and it's situated where the canopy is exposed to Hillside Avenue as well as Tarrytown Road. Tarrytown Road is exposed on two fascia boards that you can actually visualize the canopy.

So they put -- not even -- these signs do not have lettering. It's just the actual BP first that on the three fascia boards instead of two.

It was mentioned -- announced to me that they weren't allowed to have three;

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they would have to have two. Even though it doesn't have lettering on it. So it represents the BP station, but they didn't put a BP sign just the sunburst.

So we're here, after the fact, to request permission to have that third sunburst, simple emblem on fascia board that faces Tarrytown Road.

ACTING CHAIRPERSON KNECHT: Just the logo?

MR. VILLANI: It's just the logo; it's no lettering.

MR. CRICHLLOW: So what was confusing me when I was looking at the plans was that, on one plan it says the third BP sign is being proposed on the south elevation of the canopy. That's the one facing --

MR. VILLANI: 119.

MR. CRICHLLOW: Tarrytown Road.

MR. VILLANI: Well, there is two fascia that face Tarrytown Road. Because the car wash that's presently adjacent to the subject property is set back. So you can actually see two fascias on Tarrytown Road; which is represented in that picture there. That's from -- so that's not actually from the Hillside avenue if you look on the other side, there is two fascias.

So originally when I submitted the drawings, the one that's directly parallel with Tarrytown Road, as you could see, that was deemed as the one we were applying for the variance for. But then after the plans were reviewed, it was announced to me that we have to actually reverse that. The one that's parallel to Tarrytown Road is allowable. It's the one that faces the car wash. So I had to then amend the drawings

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to say that the one that faces the car wash, as well as Tarrytown Road, would have to be applied for.

MR. CRICHLLOW: The note at the bottom -- one of these notes is wrong, I take it.

MR. DUQUESNE: Just to clarify. I may not have the most recent plan, but so if we just follow on the screen with my marker. So this faces Hillside Avenue.

MR. VILLANI: That's Hillside Avenue. There is an emblem on this.

MR. DUQUESNE: There is an emblem. This is Tarrytown Road/119.

MR. VILLANI: Which are in your photos. If you look at the photo, which is the one that's off, was taken off.

MR. DUQUESNE: Yes.

MR. VILLANI: That was the original submittal. Then it was announced to me that I had to amend the drawings, and actually, the third fascia, which faces the car wash, would have to be the one that would be, would have to be applied for. So I then replaced the drawings. You might have scanned the first set.

MR. DUQUESNE: Presently there is one here.

MR. VILLANI: There is one here. This is it. Yes, this is the one we're asking for.

MR. DUQUESNE: Okay.

MR. CRICHLLOW: Next.

MR. VILLANI: Yes, correct.

MR. CRICHLLOW: So it's the note

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pointing to the blanked out one in the upper right hand corner that says "Third BP sign is being proposed on the south elevation."

MR. VILLANI: That was already altered and submitted. But you get the scan that Garrett has.

MR. DUQUESNE: I think I copied the wrong plan. At the end of the day, when the Board comes to a decision, we'll ensure that you're approving the right thing. If you're inclined to improve we'll make sure it's referenced, the east facing side.

MS. UEBERLE: The one that's not in the picture?

MR. VILLANI: Correct.

MR. CRICHLow: Okay.

ACTING CHAIRPERSON KNECHT: Any other questions from the Board?

MR. DUQUESNE: Just a quick comment. The applicant will be installing a sidewalk along the frontage of both Hillside Avenue and 119, and making landscaping improvements.

They are finishing up their approval process with the New York State D.O.T.. so there is a lot of good work left to be done on that site, that I think will really beautify the site; as a side note, just so you're aware.

MR. VILLANI: With the D.O.T. we're going on two years two and a half?

MR. DUQUESNE: It's a lengthy process, but I'm confident they will be doing that work this spring.

MR. VILLANI: Hopefully.

ACTING CHAIRPERSON KNECHT: Anyone

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else in the audience or on Zoom who wants to comment?

(No response.)

ACTING CHAIRPERSON KNECHT: Okay, thank you.

MS. UEBERLE: Sorry. Why do you need the third -- I know you have it, but what's the need?

MR. VILLANI: Well, it's actually required by the vendor, to have, when there is three exposed sides, so it's actually in contradiction to your local Zoning Ordinance; which means that you only allow to two, but when a canopy is composed to the street on three sides as a marketing, they require you to have the burst symbol on three fascia.

So if there is a fascia that's facing a building or a wall, like the fascia on the north side doesn't have a emblem on it that faces the building. So every exposed side that faces the street, they put a burst on there.

MS. UEBERLE: Would you be able to see the BP in front and the Tarrytown Road as you're driving down Tarrytown Road or do you need it?

MR. VILLANI: Well, there is no BP. It's just the burst. There is no lettering. As you come up Tarrytown Road took place Elmsford going towards Elmsford, you actually see it on both fascia boards, when you come up, because it appears as a corner.

ACTING CHAIRPERSON KNECHT: Okay, thank you.

MR. VILLANI: You're welcome.

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12/15/2022 - Case No. 22-38

Case No. ZBA 22-38 S&J Service Center, 245 S Central Avenue (P.O. Hartsdale, N.Y.) - Area Variances. The Applicant is requesting an area variance from Section 285-29.1C(3) of the Zoning Ordinance to decrease the distance from an attached accessory structure to the front yard from 20 ft. (Minimum required) to 10.66 ft. (Proposed), and an area variance from Section 285-40B(4) of the Zoning Ordinance to increase the height of an attached accessory structure from 12 ft. (Maximum permitted) to 18 ft. (Proposed), to construct a canopy over fuel pumps on the subject property. The property is located in the CA Central Avenue Mixed-Use Impact District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.290-225-2.

ACTING CHAIRPERSON KNECHT: The next case on tonight's agenda is number 22-38, S&J Service Center, at 245 South Central Avenue in Hartsdale.

MR. VILLANI: Good evening. Annunziata & Villani Design Consultants, Jonathan Villani again, representing S&J Service Center, at 245 South Central Avenue.

ACTING CHAIRPERSON KNECHT: I'm sorry.

MS. UEBERLE: I wanted to say here I know the Pyruses (phonetic) very well, so I'm recusing myself on this case.

MR. VILLANI: Thank you.

MS. UEBERLE: They are the owners.

ACTING CHAIRPERSON KNECHT: So you have to sit in the other room.

MS. UEBERLE: Oh, I do?

ACTING CHAIRPERSON KNECHT: Then

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when we're done we'll -- remind me to call her back.

MR. VILLANI: So this is a presentation of a canopy structure. It is a first step in a well-needed, I think, improvement to that property along Central Avenue. So they are changing the vendor, changing the brand. I'm going to improve the building. Right now the first step is the canopy; because, obviously, you lose customers to non-covered fuel pumps. So the present condition, four pumps existing. They are going to put a canopy structure over it, the variance, obviously, all canopies throughout Greenburgh need a variance, because the clearance to the underside of the canopy needs to be 14 to 16 feet, which generally the structure then supercedes the allowable height.

But on top of that we are requesting a variance in the front yard. Because it's 10 feet away from the property line, but it's far enough away from the walkways, that it's not hindering as any passageway from the pedestrians.

But it's going to be a new structure that eventually will now hopefully be back in to renovate the actual structure service station, and put a convenience store there. So this is the first step in another very long process.

MR. BLAND: Possibly an unfair question, but will this be another BP? Because, again, now this being closer to the road, maybe a little more of a sign to turn, you need that third one off central?

MR. VILLANI: Here is the thing. It's actually not going to be a BP. But in this case now that I'm involved, when we received the canopy variance for the previous canopy, there was no vendor chosen.

So, now, just in as a preparation

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for this canopy, I can actually request that, and say, listen, they do not allow it in Greenburgh. So I could say, you could only put it upon two sides, so you've got to pick a side. BP didn't do that in the first case. I wasn't involved with the vendor. So they, as their general rule, they put it on three sides. But now with this one I can say, you can only really put it on two sides, put it on two sides. But it's not even a BP. I could get the vendor they are using. But I know the vendor beforehand so I can have discussions with them.

MS. DENKENSOHN: In the previous you've showed us a picture of the canopy and everything else. There is no description here of what you're talking about in terms of, like the BP canopy is very well -- it's not just lit down, it's very much to the side and up or whatever, and it's got big logos. What is this canopy going to look like?

MR. VILLANI: Well, that usually comes with the second stage of this where -- I have to actually apply for signage. So I would actually present another to the signage board to get approval for the actual fascia boards around the canopy.

So that's where I would come in and say you can only do two signs and then I would represent color runners of whatever the canopy was. It's actually their responsibility to, but I would probably present it. But I don't know what their plan is with their plan is with fascia. It's not like BP where it's regular. I don't know whether he's choosing between two or one but it's definitely not --

MS. DENKENSOHN: On the BP there is like this much that's lit?

MR. VILLANI: Yes.

MS. DENKENSOHN: It's just not lit

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down. So is this request for lit down?

MR. VILLANI: Well, it has to be lit down. You have to have lights underneath. So it's generally LED. On all canopies it's going to be bright underneath, but every fascia does have LED lighting in it. BP has the entire perimeter of, some canopies just have it on wherever their signage is. So it's one or two. Generally all canopies, lighting around. Certain vendors just like their symbols.

MS. DENKENSOHN: We're giving a variance for something we don't know what it's going to look like.

MR. VILLANI: We're actually given a variance for placement of the structure. I believe. It's an area variance for the placement of the structure, from my experience.

From what it looks like I usually present the signage to the Board, because the placement of it is the height and variances for the distance off the property line signage.

ACTING CHAIRPERSON KNECHT: Do you know, are they increasing the number of gas pumps?

MR. VILLANI: No. Existing. Same amount.

MR. DUQUESNE: So you say the Service Center will remain?

MR. VILLANI: Yes. Everything is remaining. The same owners. There is actually in conjoining partners with my client from 212 Tarrytown Road. So now they are going to renovate. They are going to keep the service station but renovate the store, and actually renovate the exterior.

MR. DUQUESNE: You'll have a side.

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MR. VILLANI: Eyesore one on Central Avenue.

MR. CRICHLOW: So if we are to approve this, the height will be restricted to 18 feet maximum?

MR. VILLANI: Yes, maximum.

MR. CRICHLOW: So we won't come back and find out that there is --

MR. BLAND: Put a roof on top?

MR. VILLANI: No.

MR. CRICHLOW: We had one of those once, a little further down the road.

MR. VILLANI: Absolutely not. I've been down that road before. I don't like coming, asking for forgiveness.

ACTING CHAIRPERSON KNECHT: Does anybody in the audience or on Zoom that would like to speak to this?

(No response.)

ACTING CHAIRPERSON KNECHT: Okay, thank you. We have to wait for our other board member to come back.

MR. VILLANI: Thank you very much.

* * * *

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Case No. ZBA 22-39 Secor Woods Subdivision, 245 Secor Woods Road (P.O. Hastings-on-Hudson, N.Y.) - Area Variance. The Applicant is requesting an area variance from Section 285-15B(5)(b) of the Zoning Ordinance to reduce the setback of one side yard from 10 ft. (Minimum required) to 2.5 ft. (Proposed), in connection with a driveway proposed as part of an active subdivision application with the Planning Board on the subject property. The property is located in an R-7.5 One-Family Residence District and is designated on the Town Tax Map as parcel ID: 8.170-103-6, 7, 8, 9.

ACTING CHAIRPERSON KNECHT: Okay. The next okay -- okay. Sorry. We'll just wait for our other board member to come back. The next case on tonight's agenda is Case No. 22-39, Secor Woods Subdivision, at 245 Secor Woods Road.

MR. ESCALADAS: Good evening, everyone. My name is Emilio Escaladas. And I have to say, I miss Carole, and I know we all do. I'll try to be very quick.

I'll give you two handouts so that you graphically see, and color-wise because it's a little tricky to explain verbally. The other one is the item that is causing the variance.

ACTING CHAIRPERSON KNECHT: Hand out and then speak. Wait to speak until you get back so they can hear you.

MR. ESCALADAS: This is an introduction to what this project is about.

This parcel is being subdivided anew, resubdivided. We have an old lot that was purchased and the land was subdivided back in the '70's, I suppose. It was approved by the Board. It was signed by the Health Department. And it was used -- it was never -- effectually subdivided. As a matter of fact, you might remember there was

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a red barn looking structure which was a flower shop and it was there for many, many years.

My client purchased it with the knowledge that he had the right to build four lots. And much to our surprise, the additional lot to the right was an independent parcel of land and they decided to build that one as the market. They did. They built the house. The house was sold and then the next question was, when are we're going to do the next four houses?

So we started to have conversations with staff with respect to submissions of building floor plans, and it was apparent that staff said, let's rethink this, because the old subdivision didn't have this, didn't have that, and then there is an outstanding legal position that either person can take, saying, look, we have four lots, we want to carry out our rights.

I slowed down the process. I said to the owners, there is no reason -- we can follow the advice of the Town and make it better, and the betterment, of course, shows and adheres to all the code requirements for drainage, for size of lots, for everything. We comply with everything. Stormwater.

So we're now in the process of submitting -- we have submitted a resubdivision plan, which is here.

I just want to see, I've got all the signatures here.

I think I have had two or three meetings with the Planning Board. They have sent, I think, a positive letter of recommendation to you folks. We have discussed everything that I've just mentioned. The drainage, locations of homes and so on.

In satisfying one of the

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requirements, of the Fire Chief, of course, has asked for this type of turnaround. Not the Fire Chief; the requirements that we need for dead-end street have to provide a geometry of the pavement so that the apparatus can enter and exit.

We have done so. And in doing so we found out the Building Department is the only one that caught it. Anthony was the only one that caught it. I did not. But you can see that in this composite of color. The green area that you see there is the one that is in conflict with the side yard and the pavement. Now that pavement is forced upon us because of the geometry necessary for the apparatus.

And in further investigation with the Fire Chief, it is apparent that he says that in any situation like this, that they would never actually turn the vehicles upon that surface, that is minimally required for approval. That they will go in straight and come back straight. They would never risk turning the apparatus near any fire. I'm just saying that because it was a surprise to me, but it made sense. Because this is only -- it's less than 150 feet long this road, this new road.

So it's one of these short in case of the fire for the last house, we are installing of course a new hydrant. He indicated where he wanted it, the Fire Chief. I don't want to get out of the process of planning approval. That is planning, but the green area is that this area is the distance that we need to satisfy.

So, therefore, the 2.5 at the beginning of the arc and the touching the green corner is what the variance that we need instead of 10. So, instead of providing a 10 foot to the yellow pavement we only can provide 2.5 at that beginning of that arc. That's it. That's the essence of

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my request.

MR. BLAND: Did you provide documentation in terms of the fire department's request?

MR. ESCALADAS: Well, that was an internal staff matter. I didn't. I was not involved in that. I left that, whatever he said we did. That yellow is part of that.

MR. DUQUESNE: Just to clarify. Procedurally the application started out as a subdivision with the Planning Board. And when the plans were submitted, the plans and applications we referred them out to various agencies, including the local Fire District, who did review the plans and received comments from Town Engineer, and of course building hence the variance.

So the Planning Board, as part of a coordinated review under S.E.Q.R.A., did render a Negative Declaration for the project in its entirety. And the Planning Board did make a Positive Recommendation with respect to the variance.

I believe the Planning Board indicated that it had a preference that the driveway for this home be some sort of permeable surface which I believe you discussed with them.

MR. ESCALADAS: That's correct. There were some caveats that we had to adhere to. They wanted to zone for the snow removal, we gave it to them, and they asked for -- would the applicant cooperate and have a more permeable surface and we agreed. So that this is absolutely a must and it's a plus.

Just one note. The original application that was approved that we probably have the right to execute -- didn't have any of the advantages that we're now forcing upon the owner. Better road, better

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drainage system. A wider road. All of those things were not incorporated in the 1970's approval.

Because of the staff suggesting this and that, we were able to convince the owner that, yes, this is the best path. Yes, we have to go back through the subdivision and so on, but this was the right thing to do. Also for marketing it's the right thing to do.

MS. DENKENSOHN: Does this house stay within the Town's impervious surface rule?

MR. ESCALADAS: Yes.

MS. DENKENSOHN: What percentage is that?

MR. ESCALADAS: Well, the impervious surface for the R-7.5. 40.75, it's high. 40.75 of the surface area of the lot can be impermeable. But we're bettering that because the entire driveway will be permeable pavers. You know, we're meeting it. The answer to your question is yes, we're meeting it. Plus. We're meeting it plus.

ACTING CHAIRPERSON KNECHT: What's the F.A.R.? This is an R-7.5?

MR. ESCALADAS: The portion of the flatness of the land. The land is 100% flat so there is a direct relationship.

ACTING CHAIRPERSON KNECHT: I know what it is, but what --

MR. ESCALADAS: The F.A.R. is .345. So each lot -- if you multiply the area of each lot by .345, the first lot you have 2,789 square feet of buildable area. The second one -- I'm sorry. You're around 2,789. We're proposing 2,700. In the Lot 2, you are allowed 2,796. We're proposing

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2,790. The third lot, 2,796, is the same area. We're proposing 2,788. And, likewise, in the last lot it's 2,650.

Now, these will be reviewed again once you do the submission to each the individual lot for a building permit.

This is theoretical number that we think we're going to do. But, ultimately, the number that will be approved will be the number for the house that actually gets submitted to the building department.

ACTING CHAIRPERSON KNECHT: When write the maximum house area --

MR. ESCALADAS: That's what I'm allowed to by code.

ACTING CHAIRPERSON KNECHT: It says 3,450, that seems huge.

MR. ESCALADAS: Yes. The ratio -- one lot you're allowed, Lot 1 is -- No. That is impervious surface. We're asked about F.A.R.

ACTING CHAIRPERSON KNECHT: So maximum house area -- the maximum house area is the impervious surface?

MR. ESCALADAS: Impervious surface are allowed 3,294 apartment effect lot their 303 and the third lot their 303 and in the last lot 2099.

ACTING CHAIRPERSON KNECHT: I guess I was just asking this pink house.

MR. ESCALADAS: No; the pink.

ACTING CHAIRPERSON KNECHT: It says maximum house area 3,450 square feet, which seems too big.

MR. ESCALADAS: House there.

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ACTING CHAIRPERSON KNECHT: Lot 1.

MR. ESCALADAS: Lot 1. My apologies. The maximum there cannot exceed 2,789. I think the draftsperson --

ACTING CHAIRPERSON KNECHT: That's a typo.

MR. ESCALADAS: That would never -- thank you for the correction. Yes. That's not correct.

ACTING CHAIRPERSON KNECHT: Okay.

MR. ESCALADAS: The maximum house size for Lot 1, as I stated earlier, is 2,789. That's a typo.

ACTING CHAIRPERSON KNECHT: Okay.

MS. DENKENSOHN: Not the 3,450?

MR. ESCALADAS: No.

ACTING CHAIRPERSON KNECHT: No.

MS. DENKENSOHN: That started looking.

MR. CRICHLow: The same as the one below it.

MR. ESCALADAS: Sometimes these drawings get changed 22 times and the draftsman just misses it.

MS. DENKENSOHN: Could you answer one question for me? I see a box that's kind of all different, you know, shapes. It looks like it's a house. And around it is another big dashed line.

MR. ESCALADAS: No, that's the setback envelope. So the edge of the red is stopped, in essence, by the setback envelope. So anything that's white beyond that, that's the buildable area. The

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buildable envelope. You can fit the house within that white area.

MS. DENKENSOHN: Got it.

MR. ESCALADAS: So the red is limits the do not touch area. I wanted you to see where I'm touching with the intrusion of that turn around. That's the green shaded area. That's the only thing in violation. The green shaded area.

MS. DENKENSOHN: It was mentioned to us before that the fire trucks will be going in straight and coming out straight.

MR. ESCALADAS: This is the opinion of the professionals; when you speak to them that's what they stated.

MS. DENKENSOHN: So my question is, what is this green curved space needed for if they are just going up and back, what is this turn for?

MR. ESCALADAS: The minimum standards. Who knows what would happen in the future?

So to make sure that there is never a limit to the equipment's capacity to enter and exit, the pavement has to be strong enough and has to be under the area of the geometry that's minimally necessary for those large engine trucks to turn.

And it is a known -- that's why I gave you the yellow. The yellow copy is the minimum standards nationwide for that type of large apparatus. And that must be -- by staff and by us and by me as an engineer stamping this -- I want to make sure that that pavement is there, strong enough, paved to the point of capacity for the load of the truck.

So it's not just so to have an access that the truck -- an open garden.

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That's not enough, because the wheel can get stuck in a non -- badly supported surface. So that's why it has to be paved and reviewed by the engineers and inspected when built, and that's the minimum geometry that we must have, our staff, ourselves. The Fire Chief simply said, I would never use them I'd go straight in and straight out. It's safer and faster than.

MS. DENKENSOHN: My other question is a comment. There is no legend on your plans so it's a bit hard to read them. That would have helped me, because the only thing that says it's permeable is the checkerboard area. The speckled area is not labeled as to what it's made out of. So you're saying the driveway and everything is permeable but yes it's coded exactly the same way as the street.

MR. ESCALADAS: The permeable is marked; but I implied it was the entire driveway. It's just that eight foot strip in all of the driveways. That's the checkered pattern that you see there. The checkered pattern is, in every driveway, and that was 8' strip that we are going to use with permeable pavers.

MS. DENKENSOHN: So where it says 29.2, which is the part of the driveway going to the house?

MR. ESCALADAS: Yes.

MS. DENKENSOHN: Which is speckled like the street is really checkerboard?

MR. ESCALADAS: No. No. No. No. Just the first eight feet of the property driveway.

MS. DENKENSOHN: Before you just said the whole driveway.

MR. ESCALADAS: I have not read what the specifications of the Board -- the

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Planning Board. This was suggested. We discussed it, but I have spoken to my client about it. I'm sure that he'll agree. But I'm saying, right here in this drawing all I have committed the applicant to is the eight feet.

The suggestion from the Board I'm yet to discuss with the owner. But I assure you that if the Board requires that we will do it. They'd like it better, like a palace.

ACTING CHAIRPERSON KNECHT: Any other questions from the Board?

(No response.)

ACTING CHAIRPERSON KNECHT: Any questions from audience or Zoom?

MR. DUQUESNE: Yes, you have a speaker on Zoom. Maryanne, welcome. And please feel free to unmute and make your comments, please.

MS. REDA: My name is Maryanne Reda, and I live at 18 Eastway. So my backyard will be bordering where the homes are being built. I do not have the plans in front of me so I have a couple of questions.

The road that they are talking about building. Where is that going to be on the property? Is that going to be backing my property? Is that in the middle of the development?

MR. DUQUESNE: If you could please recite your street address again.

MS. REDA: 18 Eastway, Hartsdale, New York.

MR. ESCALADAS: Where does it sit with respect to the property?

MS. REDA: You know the house

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that's built already? I'm on the opposite street. The opposite side. So I'm on Eastway.

MR. ESCALADAS: So you're across Ivy?

MS. REDA: I'm not on Ivy.

MR. ESCALADAS: Okay.

MS. REDA: Where the first house was built, the opposite side, not on but on Eastway.

MR. DUQUESNE: Hold on, Emilio. So we understand where your home is, so you would like to know how the development is situated in relation to your home. Do you have any other questions, ma'am?

MS. REDA: Yes. I am concerned about the drainage system, because I was friendly with the previous owners and all of the houses in this area have a water problem. And behind where the florist was, water used to shoot out of the ground. And we -- almost all of the houses on Eastway have sump pumps and water issues to the backyard.

So I'm concerned about -- with the digging and water pumps, because that area has had a long history dating back on over 50 years ago of having excess water in the ground.

I just want to make sure everybody is aware of that, when they are working on it; we do not have runoff into our homes and into our yards. And there is a history of that through the Town of Greenburgh.

I thought that the house that was already built was like 3,500 square feet, and I heard somebody mention that they couldn't go over 2,700.

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MR. DUQUESNE: Okay, ma'am. Any other questions or is that it?

MS. REDA: So I know a couple of neighbors wrote in letters I was wondering if you would be riding them tonight?

MR. DUQUESNE: Okay. Any other questions, ma'am?

MS. REDA: No. That's it. Thank you.

MR. DUQUESNE: Emilio, is it okay if we have the applicant address?

MR. ESCALADAS: If the graphics on the Board represent your house, the driveway would be completely on the other side of your -- of the common property line.

So the original driveway, in the original subdivision, was on your side. The proposed to be built will be all the way across 125 feet to the other side.

MS. REDA: When you say the other side, do you mean Ivy?

MR. ESCALADAS: Yes. Yes. It would touch the property line of the new house that was built.

MS. REDA: So it's going to be in the middle of the whole development?

MR. ESCALADAS: No, it's not in the middle. The property as it's being proposed -- if you look -- are you looking at the meeting? Can you see the graphics that we have?

MS. REDA: I can see Lot 3, lot 4.

MR. ESCALADAS: Okay. Look at Lot 4. Lot 4 touches your backyard.

MS. REDA: Okay.

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MR. ESCALADAS: Go all the way to the right, and that's where the road is. In other words, it is as far away from your lot as it is possible.

MS. REDA: Okay. So it's going to be in between the houses, not my house but in between.

MR. ESCALADAS: Yes; between the house that's already built and the house that's being proposed for lot four. Yes.

MS. REDA: Okay. Thank you.

MR. DUQUESNE: Speak to the stormwater.

MR. ESCALADAS: Well, the storm water, we have an elaborate system of over-design, always over-design of water storm water that will pick up all the surface water from the road and take it to individual dry wells; which will overflow after a 25-year storm, into the city stormwater system.

In doing that it didn't really help the situation in the area. We also have individual Cultec units, which are underground storage systems for the homes. And depending on the size, or depending on the impermeable services that we end surfaces -- or the owner ends up building -- they will be designed and approved and submitted to the Engineering Department the moment that those houses become a reality, in terms of submission to the system, to the Building Department.

So all of that, but we are allocating the units in the rear, in the side, to accommodate whatever stormwater 25-year events are needed as we did for the house, that was for the house that was already built.

MR. DUQUESNE: Two more things. Do

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you know offhand the size of the home that was built by your client?

MR. ESCALADAS: 2,800. I think 2,728. It is a pre-fab house.

MR. DUQUESNE: There were two comments that were received. I e-mailed them to you, albeit, you know, just before the meeting.

I did provide the Board with a copy of that correspondence. There was, for the record, Steven Kornell, 2 Northway, submitted e-mail correspondence, as did Robin Blatt at 7 Northway. I have them handy. It's up to the Board whether you want that read into the record or not.

ACTING CHAIRPERSON KNECHT: We have them. I don't think we need to read them into the record.

MR. DUQUESNE: Okay.

ACTING CHAIRPERSON KNECHT: I think most of what they read you covered.

MR. ESCALADAS: Generic drainage. And fears. I must add that the house that was built brought the value up. It was sold for 1.3. It's important. I don't know if the neighbor's know that, but that's a plus for the neighborhood. A real plus.

ACTING CHAIRPERSON KNECHT: I'll also just comment that an environmental review was conducted by the Planning Board.

MR. ESCALADAS: Yes. We're basically at the end of the process. And, as I said, the Building Department picked up on something that nobody had seen. Even I.

MS. DENKENSOHN: I'm just a little curious, it seems a little confusing. The green part that you're looking for the variance. You're not looking for the

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variance for the green part even though it says you need 10 feet clearance there?

MR. ESCALADAS: No. I precisely gave you this graphic so that you could understand. Because it's so hard to explain that the yellow portion that is needed to be fabricated, falls within the 10 foot side yard, which is that red strip that's intercepted by the green.

So if the green wasn't there, the red would complete the outer rectangular shape. But because of the yellow pavement is intruding into the 10 foot; but it is only the corner on the very beginning of the yellow pavement that needs the variance. That's the smallest distance.

MR. DUQUESNE: So, just to be clear, unless I'm mistaken, the green is exactly what the variance is needed for.

MR. ESCALADAS: Correct.

MR. DUQUESNE: Looks like you show that.

MS. DENKENSOHN: I thought you were saying it wasn't the green, it was the little piece of yellow.

MR. ESCALADAS: I think it was little -- I think maybe I said so -- I said green.

MR. DUQUESNE: I think your graphic, but I don't have but I'm looking at that portion of the driveway is set.

MS. DENKENSOHN: This is the variance is the green.

MR. DUQUESNE: Exactly.

MR. ESCALADAS: Yes.

MS. DENKENSOHN: Okay. I heard it

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the opposite.

MR. ESCALADAS: It's all about green and it's all about hope. Very famous.

MR. DUQUESNE: Just curious. Would your client be open to consistent driveways from the private property line in with the permeable pavers?

MR. ESCALADAS: Whatever the Planning Board wants they will get. That's a general statement. But that's -- I think it's good, and I think it just lessens the fear that everybody has with drainage.

All we're doing the drainage and this is just par for the course. And that poet was killed during the Civil War in Spain. It was terrible. They kidnapped him in the middle of the night and shot him. He was famous, amazing poet. Just unnecessary information.

ACTING CHAIRPERSON KNECHT: All right. Anything else?

(No response.)

ACTING CHAIRPERSON KNECHT: All right. Thank you. Garcia Lorca was his name.

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12/15/2022 - Case No. 22-40

Case No. ZBA 22-40 Kimona Hanson, 128 Florence Avenue (P.O. White Plains, N.Y.) - Use Variance. The Applicant is requesting a use variance subject to the requirements pursuant to Section 267-b(2)(b) of New York State Town Law to permit the construction of a two-family residence on the subject property. The property is located in the R-5/LTF One-Family/Limited Two-Family Residential District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.140-229-1.

ACTING CHAIRPERSON KNECHT: All right. The last case on tonight's agenda is 22-40, 128 Florence Avenue. Where?

MS. HANSON: Good evening. My name is Kimona Hanson. This is my husband.

MR. AMORAH: Pascal Amorah.

MS. HANSON: And these are our three kids.

MR. AMORAH: We thank you for the distinguished guess for inviting us here today. It's been a while. It's been over a year now. I think February 3rd, 2023 will be 10 years that we have been here in Greenburgh. So we are Greenburgh citizens through and through. We have been here. We live here. We've work here.

It was last year, September 2nd, I think it was a Wednesday, when a calm day turned into a very traumatic day for myself and my family.

MS. HANSON: On September 1st, 2021, our home was badly battered by the Hurricane Ida. We lost all of our belongings. All of our belongings were completely submerged in the water. It goes to neck level. What was ordinarily supposed to be a quiet night, as I took my kids in bed and read them bible stories, preparing for a good night's sleep, soon turned into a

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disaster that has haunted us even up until today.

The hurricane with the heavy rain it brought with us several hours of me and my husband struggled to get out of the house with some of our belongings we weren't able to get everything. We tried to put as many things as we could opinion on top of our bed which was a king-sized bed but the water soon rose to 5' so we had no other options but to leave the house with the kids and go to our neighbor's house whose house was on a more elevated plane.

Since that day in September, my children and I have been living in an unsettled life. We have been moving from neighbor's couches, hopping from hotel to hotel, to one relative's hard floor to another. You know, at that time I was just six months pregnant with my son. And although, you know, now we have, you know, the baby here he has never known the peace of settling in a proper home.

My children are aged 12 and nine, and now my newborn six month, you know, they barely have a good night's sleep. They are all pretty much very traumatized by the events of that night and, you know, we are still continuing with the stress of it.

It does break my heart every day, waking up every morning and seeing bags under their eyes and, you know, waking them up from bad dreams. And they have lost so much weight since that, you know, that time-frame. Because we've lost everything, from clothes, important documents. We lost our car. Everything on the property got submerged into the water.

We had nothing that really could assist us. We were unable to rebuild our house as a result owing to the hurricane so we're here today to plead an appeal to you guys to allow us to build a two-family

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residence on there.

So originally when we moved to the Town of Greenburgh, we were aware that our existing home was a UAR, which was a Urban Development, and at least in the future we knew that we could have at least turned it into a two-family.

So once that situation happened and we lost our home, we quickly got the architect to help us design the house for us. And he also, when he looked it up on line, he saw that it was still listed as a UAR. So we went forward and did plans for a two-family based on what we found on line, to later learn that they had actually changed it from a UAR to a Single Family development.

My contractor is on the line. And I would like him to touch on this piece about it a little bit more, because he's been the one on it, doing a lot of research, and going back and forth we'd be able. His name is John Caballero and he's on now.

ACTING CHAIRPERSON KNECHT: Okay, go ahead.

MR. DUQUESNE: Unmute your mic, sir.

(Lost connection.)

MR. AMORAH: Okay

MS. HANSON: Okay.

MR. DUQUESNE: Hopefully he comes back. It looks like he dropped off for a second. I have your plans handy.

MS. HANSON: Okay. So just continuing with what I was talking about. So, you know, at this moment we are paying mortgage on the existing property. We're paying about 2,850 on that property for the

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mortgage. And we're also now staying at the glass house. We were able to get a rental there, which is 3,850. So we're paying 3,850 there. We're paying our mortgage. We are still paying our mortgage, now our monthly expenses are over 6,000.

In addition, we've had to take out a line of equity to help us towards building the house. And pretty much all of our savings, everything that we've had that we've built over the years, every money that we have been able to save over the years is now going towards the building of that property.

From the research -- and building a Two-Family would be actually more cost-efficient than just building a Single-Family, so that's one of the reasons we decided to go that route.

So when I reached out to the contractor and the Greenburgh architect last year when we lost our home, it was listed as a UAR, like I mentioned, and the website stated that. So we created plans for a Two-Family.

In our area, everyone's home in my area are two-families. In addition to the website saying that we have to have 3,000 square feet for each dwelling and the requirement was 6,000 square feet for Two-Family, which we have. We actually have -- our home was 6,500 square feet.

Currently we submitted our plans and we were denied, that we needed a use variance for 7,000 square feet; but the website said 6,000 square feet. Again, I also provided an attachment in the paperwork.

MR. DUQUESNE: Which website was that, if you have it?

MS. HANSON: I put a copy of it in

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the packet.

MR. DUQUESNE: Okay. Sorry. I didn't mean to interrupt.

ACTING CHAIRPERSON KNECHT: You can keep going.

MS. HANSON: Okay. So over 90 percent of the properties in my neighborhood are Two-Family dwellings. And they are also building a 200 unit multi-family home across the street from where I am. So I'm on Florence, and then Manhattan Avenue is the cross street. So we took photos of pretty much all of the properties that are in our area. We're not looking to set a precedent. We're just looking for our property to get grandfathered in.

You can show those photos to them. I included photos of how the house looked after the flood. And then these are the two-family dwellings that are surrounding our area, along with the addresses of them behind the pictures. That's up too.

So about 10 -- I want to say one, two, three, four, five, six, seven, eight, nine, 10, 11, 12, 13 -- about 14 of the properties in our surrounding area are two families. We did speak to quite a few of our neighbors about the plan and what we wanted to do, and many of them were in agreement with us, and many of them have joined the Zoom call as well.

So we're just asking for the Town of Greenburgh to please approve our request so that we can build our home. This will help us to mitigate all our expenses, our costs expenditures, all the debt. We've accumulated so much debt. I can't even tell you how much debt we've accumulated.

So I feel like the Two-Family will help to bring down the cost of our stuff. So, you know, having the second apartment

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as, you know, renting to a family member. We already have a family member that's willing to stay that will help to offset our expenses.

I've also brought receipts from currently where we're staying now, what we're paying there now, and then, you know, what we are paying for our mortgage.

I can show you just so you can see, you know, because of how much -- because of the inflation and what's going on in the country, the cost of supplies have really gone up. Like what it would cost to build a Single-Family before was maybe like \$200,000, it's now almost like 4 or 500,000, which is just a little bit less than what a Two-Family would cost us.

So it would have just made sense to just continue with the Two-Family and it would have helped us to, you know, pay off a lot of our debt. So at least when we move in, part of what we're getting we would be able to pay off our debt, you know, towards the mortgage and all the loans that we have taken.

Like, we're doing hand-to-mouth literally, you know. Give to them the mortgage statement. Nona, give them to them. We know that this is not common now, since they have changed the -- since they have changed the zoning. So you know, we are just asking for us to be grandfathered in. We don't want to set a precedent. We don't want to cause any changes in the Town, but we're just asking for us to be grandfathered in.

And, you know, like I said, we've spoken to many of our neighbors -- most of our neighbors in front, to the side of us, they are all multi-dwellings, so. And then just across the street you'll see them building that big multi-family home. So it would just help us a great deal if we had a

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Two-Family rather than going into a Single-Family. My husband wants to talk.

MR. AMORAH: This was necessary, because after we had the situation we went for program after program after program after program, and it was to no avail. We didn't get any help, so we had to take it upon ourselves to do everything by ourselves. Everything. Food. Clothing, everything. We had to -- everything was gone. Everything. So for almost one and a half years we had been doing everything by ourselves. No help. No help.

For a young family who is trying to build something for ourselves, we have worked so hard and then -- we need help. We don't get help. We don't get help. Then that is why we are here today.

MS. HANSON: Apparently, we were told that a flood had happened previously. Whoever lived in the house had a flood, they never told us. So kind of like they omitted information, and then we bought the house. And when we bought the house. And apparently they said that the gutters in the Town hadn't been cleaned for over 20 years, because they tried to get to the root of why the water did not go into the drain.

So coming to find out apparently the drainage hadn't been cleaned they didn't know who owned who was supposed to clean it whether it was the Town of Greenburgh or the City of New York. That's the back story.

So now they know who owns it and were able to clean the drainage after almost 20-something years. So it was piled up with all kind of stuff in there which is what caused all of the water to kind of come up. So it was like we ended up getting the brunt of it, because now we moved in.

We didn't even know that the previous owner had the same situation until

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I think when we bought furniture the guy came and like, oh, this is the guy's house that flooded, and we were like, what? We didn't know anything. We just thought, oh, at that time my son was just about one year-old when he said that. But we didn't think anything of it until this happened to us in 2021.

ACTING CHAIRPERSON KNECHT: What year did you buy the house?

MS. HANSON: 2013. I was 6 months pregnant with my son, who is now nine years old.

MS. DENKENSOHN: What's the status of the existing house?

MS. HANSON: It's condemned. They had to knock it down because it had black mold all over. The house was unlivable. We couldn't live in it. So the Town of Greenburgh had to condemn it. They had to put a condemn on it and knocked it down. It's been demolished.

We did the demolition, like, maybe a few months back. It was completely unlivable. If we could have lived in it we would stayed, patched up the walls and just called it a day. But it was just black mold all over. If you walked in you would have to wear a mask and other things just to keep yourself from inhaling the contents of the mold.

MS. DENKENSOHN: It's been mentioned that -- you've mentioned that you've spoken to some people at the Town of Greenburgh. And I gather they have explained the complexities and the intricacies.

MS. HANSON: They did.

MS. DENKENSOHN: Of what needs to be shown?

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MS. HANSON: I wish my contractor was on line to talk. Is he back?

MR. DUQUESNE: There was someone on an I-phone that they chatted with me. I don't know if that was them. I don't believe so. But if the architect is on, by all means.

MS. HANSON: He says "I see you but I don't hear you."

MR. DUQUESNE: Yes. He chatted that to me as well.

MS. HANSON: Can I call him on the phone? Or is that not allowed?

MR. DUQUESNE: Sure.

MS. HANSON: I could put him on speaker. So I have the Town of Greenburgh here. I have you on speaker phone.

MR. CABALLERO: Cool. Because I see you guys but I can't hear you.

MR. DUQUESNE: We can hear him perfect right now if he wants to just identify himself and please you know feel free to speak.

MS. HANSON: So if you can identify yourself then you can talk.

MR. CABALLERO: My name is John Caballero. I'm a builder here in Westchester County.

I was hired to build Kimona and her husband a new home. And we drew the plans a couple of months ago, but, you know, yearly talked to them about it, and he said that we were going to have to come back before to go to the Board. But he said that because they were building the -- I guess the complex across the street on Manhattan Avenue and stuff like that, he didn't think anything

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was going to have any effect on this. And, now, unfortunately he have passed. He was a good man. And this was months ago, and we have been doing this for a year now.

We had Mike from Hudson Engineering to do the storm drainage. We've had a bunch of people involved with this, engineers and everything like that, to try to get this thing done. It's pretty much Two-Family homes in the area surrounding her house. It would make me know nothing of a greater change to the neighborhood except for the fact that this house might raise the numbers a little bit, you know, for the homes in the neighborhood. In a new house I know you have a high water table over there, but we have everything set up to handle everything over there.

She just wants to get back in her home. She wants her home back. They were there for a long time. It wasn't just a house for them; it was a home. And they'd like to get back into another home of their own, instead of having to rent and everything else, and all the hardships that they are going through. And I'm sure you guys would like to get the tax roll back, you know.

MS. HANSON: John, can you explain, when we first started the process, what did it show on the website and where?

MR. CABALLERO: You talking about the 7,000 square feet?

MS. HANSON: Yes.

MR. CABALLERO: So originally what they have, this was the thing I had brought up to Robert. He said that they -- I guess they never changed on the new website. If you look on your website now I believe it's still there. It's 3,500 square feet per home per -- for dwelling, and it still says it's 7,000 square feet on there. So it's

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still up on the web page, showing that.

That's what our architect had read on that when he started this last December on the drawings. He's an architect. And he's a plan reader for the City of White Plains. He's the head plan reader for the City of White Plains, but he said that this was on the website.

MS. HANSON: I submitted the property in the packet that I gave to them.

MR. CABALLERO: So then I believe it's still up there on -- the number is still on there, on the website. I don't know. I don't know what else to say. I mean, you know, they have had enough with the year of losing everything that they have had.

MS. DENKENSOHN: What's the website?

MR. CAVALLERO: I think it's on the zoning. It says the zoning, how many square feet and setbacks and everything else like that. It's on the Greenburgh government website.

MS. HANSON: And I have some other neighbors. Most of my neighbors came, especially the one that are surrounding Florence Avenue. They heard about my story and they all decided to participate and be supportive to me as well.

MR. DUQUESNE: I appreciate that. So, you know, at some point tonight on we will get to public comments, so thank you for letting us know that. At this point, does the Board have any questions?

MS. DENKENSOHN: What year was the property rezoned?

MR. DUQUESNE: So the rezoning from the UR Urban Renewal District to the present

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Zoning District, which is the R-5 Limited Two-Family occurred in November of 2018.

MS. HANSON: So I believe the house -- he's also on the phone. Sorry.

MR. AMORAH: The only reason we were hit badly was because our home was a ranch house. And it was actually the base of the valley, so all the water came into our house. The other homes, yes, they got flooded. So many of them, their basements, most of them homes around us, their basements. Actually, our neighbor who took us in that night, you know, had a problem with his basement. The water got into his basement.

So, yes, the only reason ours was -- we were the -- actually we were really affected because of where our home was located.

MS. HANSON: Where it stopped, where there was, like, what? It was like, the drain was not moving at all. There was a drain.

MR. AMORAH: The drain -- the drain was right in front of our house. The whole thing was collecting it and coming straight in our house.

MS. HANSON: I know the remediation for the new house is that they are raising it up a little bit here so that water wouldn't go in there. So if there is another time, another flood like that happened, God forbid, it would be a little bit higher up. So it would prevent the water from coming inside the house.

ACTING CHAIRPERSON KNECHT: And would you consider a Single-Family home? Building a Single-Family home?

MS. HANSON: I mean, of course, but we would rather go. Like I said, when we

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purchased the house -- when we first bought this house we were under the presumption that we would have eventually changed it, because we knew it was a URA. We didn't even know the city or Town of Greenburgh had changed it in 2018 and they removed their zoning. We had no idea of it. You know, we never got any paperwork or anything. They said we were supposed to have received something in the mail, but we should have known about it. Because even the guy that lives across the street, he changed his -- he changed his to a Two-Family. So we knew like eventually, oh, eventually one day we want to do the same thing.

MR. AMORAH: Even though we knew we were very comfortable, you know, in our home. And circumstances have actually, you know, presented itself to the point where, like you said, since we had the time that we had this tragedy, we did not have income. We have so much debt. How are we going to pay for this debt? And we all know how it is in this country; if you have a debt there is no way out. You have to find a way of paying the debt. So that was actually the reason why we felt like, okay, what can we do to be able to settle some of these debts?

You know, if we have to go back to our Single-Family home, how are we going to pay all that debt? What are we going to do to be able to settle our debts? And that's why it came that. Oh, okay if we can be able to convert that Single-Family home into a Two-Family home, probably that can be able to help us to settle these loans and the debt that we are accruing. And it is not for any money to be gained that we are asking for this. It's just a way to be able to settle our debt, which is too much on us.

We don't want to leave this debt to our children. That's why we came here today, to plead, you know, if we can get that opportunity to be able to go that route to have this, you know.

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MS. DENKENSOHN: So, you said your house is different from the other houses, and unique from the other houses, because you were right next to the drain that was clogged?

MS. HANSON: Yes.

MS. DENKENSOHN: You also implied that your house was lower on the slope. Is it on a hill or something? I'm trying to understand.

MS. HANSON: No, it's not on a hill. But I think the -- it's at the lowest point -- it's at the lowest point. Could repeat yourself?

MR. CAVALLERO: It's at the lowest point where all the water is going to go to. Any waters coming down from the school -- this is a school at the top -- the water coming down, any water coming from Manhattan Avenue is going to come down and go into their house, their house is the lowest point. It's the end of the road. When you have a major drain there but I guess the water wasn't able to drain off fast enough.

MS. HANSON: It was actually clogged for -- after they went in and investigated, they found out it was clogged, and it had been clogged for so many years. It hadn't been cleaned for 20-something good years.

ACTING CHAIRPERSON KNECTH: Just so, you know, you're asking for a use variance here. Just so, you know, you're asking for a use variance here. It's very hard to prove, because we have to go by four criteria and you have to check off -- all of them have to be checked. In other words, different than an area variance when you only need, you know, one or two, you have to have all four. And so the first one is that you can not realize a reasonable return on the property, and that has to be

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demonstrated by, you know, by financial evidence.

So what that means is that, it's sort of a piece of property that has absolutely no value and you would show proof of that, whereas if you tried to, you know, sell it, you can't do anything.

MS. HANSON: We couldn't sell it because of what it looks like.

ACTING CHAIRPERSON KNECHT: I understand. But it's not so much the house; unfortunately, it's the piece of land that we're talking about.

MS. HANSON: Yes.

ACTING CHAIRPERSON KNECHT: So that's number one. And the second one is the hardship relating to the property in question. I understand that the house is gone, it was destroyed; but the property in question isn't necessarily a unique piece of property. It's not like it's a property that's on a slope of a mountain or with a giant rock sticking out of it. You know, it's a similarly situated piece of property in the neighborhood.

I understand that you want to put a Two-Family house there but, unfortunately, the property was rezoned in 2018 and you can't anymore. And, I mean, you can put a Single-Family home there. I understand what happened to you is terrible, and the circumstances of this are extremely, unfortunate, but to us it is very hard. We're sort of wedded to these four factors here. And it's very hard for us to, you know, to wiggle within them. Do you understand what I'm saying?

MR. CRICHLow: I also want to just say, did anyone ever tell you how difficult it is to --

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MS. HANSON: Someone did. We felt like, you know, our story is a bit unique. I mean, we literally lost everything in the flood. You know, we're scraping pennies to build this house. You know, we want to recoup most of whatever we're going to put into the house. You know, does that not matter to anyone?

That, like, we don't have the funds. That we are really utilizing all of our savings and everything? I mean, I guess that doesn't really matter about meeting what the four criteria is. You know, we don't have anybody to help us. We've literally lost everything. We're using our life savings to build a house. You know, we are taking out so much loan out of our house, three kids who will eventually go to college.

MS. DENKENSOHN: We're not -- we understand this. We are compassionate. There is a financial question here that we have to respect. And that may require more ability to present an argument that addresses this question than you may be able yourselves to gather.

It needs to be presented in a way -- we understand the hardship and we understand the lack of fairness in this in a global sense.

MS. HANSON: I could understand if that was not --

MS. DENKENSOHN: But the issue is not that you are having a hardship personally. We're a Zoning Board, and we have to go by the zoning questions; and there is a certain professional way that it needs to be stated to meet these four questions.

MR. CRICHLAW: I guess what is being alluded to is that you should be trying to gain some kind of representation

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legally to assist you with this. Literally you are putting me in a very bad situation. Because I'm -- I feel for you very strongly, but I also need to tell you what the realities are, and what you need to do in order to prove the need for a use variance.

Also, were you expecting us to approve the use variance tonight?

MS. HANSON: I don't think so. I think, you know, we knew were coming to present our --

MR. AMORAH: Our situation, we know it's unique. Because the reason it's unique is, most of the time when there are disasters you get some form of relief, you know, and in our case we haven't gotten any. We've tried F.E.M.A., whatever. Even our rent we're paying, we don't have any. We do it ourselves.

We have been doing it for so long. We felt like our situation is a bit unique, and for us we also lost this town. We have been living here for close to a decade and we feel like it's a place for us. We have contributed into this town. We have paid taxes. We have worked in this community so we feel like, okay, if there is a way that we can present our situation in front of, you know, you, to see how best you guys can also take that situation to help us. That's why we are here.

MR. DUQUESNE: It is a public hearing. And I believe there are definitely at least one resident that would like to speak. Do we like to hear from the public at this point?

ACTING CHAIRPERSON KNECHT: Yes, great.

MR. DUQUESNE: I see the McMillans on. Are you prepared to speak?

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MR. McMILLAN: Sure. Can you hear me? Me and my wife are listening. And other than them, we lost everything in our house, and we don't even have a basement. We didn't lose a whole house like they did, but we lost everything inside.

(Broken connection.)

MR. DUQUESNE: Boy, that's unfortunate. It looks like they are coming back. If they continue to have problems --

MR. McMILLAN: We live down the block on Warren Avenue, and there is a little brook right by our house, and it was backed up, and we have to hurry up and get out. And by the time we got out in the yard, the water was up to my waist. Like I said, we don't have a basement, and this is the second time it happened. The first time it happened was --

(Broken connection.)

MR. BLAND: We lost him again.

MR. McMILLAN: We went to -- hearing about this. And basically we want to know, what's going to be done for this? And are we going to be compensated? Like they are saying, luckily we were able to get some of our stuff squared away, but something has to be done. How can this keep happening every few years and insurances don't want to pay and people don't have money like that?

MRS. McMILLAN: Our main concern is for our neighbors. We'd like very much for you to consider their appeal, because there are other Two-Family homes in our area and no one cares about that. And I know our block is --

(Lost connection.)

MR. DUQUESNE: At this point I'm

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going to recommend, if they come back, indicate to them that whether it be, the application is ultimately decided to be adjourned or not, there will be an opportunity to provide something in writing.

But, in this format, unfortunately, I don't know if the weather is causing internet issues, but I think it's difficult to pick up from the Stenographer's perspective. Is anyone else out there on the Zoom that wishes to speak on this application, or anyone in the public?

Welcome, ma'am. Please come back. Yes, please come on up to the podium.

ACTING CHAIRPERSON KNECHT: Just come up and state your name and address for the record, please.

MS. COKE: My name is Marjorie Coke. I live on Carlton Street. So I live on top of the hill, not below the hill where they are. But in that area right there, every time it rains too much or whatever, it does get flooded in that area; because there are four storm drains right in that little area right there. So the city, as she said, has not cleaned out the storm drain. It's the the storm drain that's the problem.

So when it rains too much what will happen is that everything gets flooded. A couple of times the neighbors have actually cleaned the storm drains out and it goes right into the storm drain, and then go into the sewer. But the problem is, it is the storm drain, again, that's the problem.

There is a creek up the street from where they are, too. It gets flooded. Everything -- it's perfect storm. As I said, I live on the hill so I never get affected by anything. And that's all I have to say.

ACTING CHAIRPERSON KNECHT: Thank

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you.

MR. DUQUESNE: Thank you. Please repeat your address, if you could.

MS. COKE: 49 Carlton Street. I'm up the street.

MR. DUQUESNE: Please repeat your address.

MS. COKE: 49 Carlton Street.

MR. DUQUESNE: I believe that's all the speakers.

ACTING CHAIRPERSON KNECHT: All right, thank you. With that, we will adjourn to our deliberations.

MRS. JONES: Excuse me. Hello.

MR. DUQUESNE: We concluded the public hearing and we'll provide you with additional information if you need. So I will put my phone number in the chat right now.

(Whereupon, at 9:50 p.m., there was a brief recess, followed by deliberations.)

(Whereupon, 10:38 PM, the ZBA returned from deliberations to place their Motions/Findings on the record.)

ACTING CHAIRPERSON KNECHT: So we're back. We've concluded our deliberations.

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ACTING CHAIRPERSON KNECHT: All right. So starting with Case No. 22-31, I have a S.E.Q.R.A. resolution.

WHEREAS, the Greenburgh Zoning Board of Appeals has reviewed the above-referenced application with regard to S.E.Q.R.A. compliance;

And, WHEREAS, the Greenburgh ZBA has determined the application will not have significant impact on the environment;

Now, THEREFORE, be it resolved that the subject application is a Type II Action requiring no further S.E.Q.R.A. consideration, pursuant to Section 617.5-C-16 of the S.E.Q.R.A. regulations. Do I have a second?

MR. CRICHLow: Second.

ACTING CHAIRPERSON KNECHT: All in favor?

MS. DENKENsoHN: Aye.

MR. CRICHLow: Aye.

MS. UEBERLE: Aye.

MR. BLAND: Aye.

ACTING CHAIRPERSON KNECHT: Chair votes aye. Then do I have a motion for?

MS. DENKENsoHN: I move that the application in Case No. 22-31, be GRANTED, provided that:

1. The applicant obtain all necessary approvals and file same with the Building Department;

2. 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

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thereafter in conformity with the plans dated October 26th, 2022, submitted in support of this application, or as such plans may be hereafter modified by another approving board or agency or officer of the Town (provided that such modification does not require a different or greater variance than we are granting herein.);

The variances being granted is for the improvement 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 variance we have approved.

Further, that the following conditions shall be met: The applicant shall provide landscaping that should be planted pursuant to the planting plan and to the satisfaction of the Town Forestry Officer.

The applicant shall install a sound fencing system around. Water shall be trucked off-site if deemed appropriate by the Town.

MR. CRICHLLOW: Second.

ACTING CHAIRPERSON KNECHT: All in favor?

MR. BLAND: Aye.

MR. CRICHLLOW: Aye.

MS. DENKENSOHN: Aye.

MS. UEBERLE: Aye.

ACTING CHAIRPERSON KNECHT: Chair votes aye. Yes. The findings will be read at a later date and put into the record at a later time, and will be available for review.

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Town of Greenburgh
ZONING BOARD OF APPEALS

INSERTED FINDINGS:

The Applicant owns property located in the R-7.5 Zoning District and proposes to:

Construct a pool and associated decking in a side yard, when swimming pools may be located in a rear yard only.

In order to do so, the applicant requires the following variance(s) from the provisions of the Zoning Ordinance:

1. Construct a pool in the side yard. In granting this application, the Zoning Board has weighed the benefit to be derived by the applicant from the proposed variance(s) against the impact that the variance(s) might have on the health, safety and welfare of the neighborhood and community. After doing so, we hereby find that:

1. Granting the variance(s) will not result in an undesirable change to the neighborhood or detriment to nearby properties provided the conditions are fully complied with because:

The visibility of the pool will be limited to the neighborhood with the installation of plantings per the plan and the location of an existing 6ft privacy fence. The adjacent neighbors have an existing pool in a similar location on their property. The noise from the pool equipment will be minimized with the installation of sound proof fencing.

2. The goal of the applicant cannot be achieved by some other feasible means without obtaining the variance(s) we are granting now because:

The pool will not fit in the backyard.

3. The requested variance(s) is are

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(not) substantial in relation to the requirement sought.

4. Granting the variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district (i.e. drainage, steep slopes, wetlands, aesthetics (viewsheds), impervious surface, flooding conditions, etc) because:

Lot coverage for impervious services does not exceed the permissible amount.
The pool size is reduced (10' x 18') from a standard size (20'x 40') to fit the scale of the house and yard.

5. The applicant's need for the variance was self-created, because (he/she/it) purchased the property with knowledge of the requirements of the Zoning Ordinance; however, the fact that an applicant's need for an area variance is self-created does not, by itself, require us to deny an area variance.

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12/15/2022 - Case No. 22-32

ACTING CHAIRPERSON KNECHT: Next is 22-32, I have a S.E.Q.R.A. resolution.

WHEREAS, the Greenburgh Zoning Board of Appeals has reviewed the above-referenced application with regard to S.E.Q.R.A. compliance;

And, WHEREAS, the Greenburgh ZBA has determined that the application will not have a significant impact on the environment;

Now, THEREFORE, be it resolved that the subject application is a Type II Action requiring no further S.E.Q.R.A. consideration, pursuant to Section 617.5-C 16 of the S.E.Q.R.A. regulations.

MR. CRICHLow: Second.

ACTING CHAIRPERSON KNECHT: All in favor?

MR. CRICHLow: Aye.

MR. BLAND: Aye.

MS. DENKENSOHN: Aye.

MS. UEBERLE: Aye.

ACTING CHAIRPERSON KNECHT: Chair votes aye. Do I have a motion?

MR. BLAND: I make a motion. I move that the application in Case No. 22-32, be granted, provided that:

1. The application obtain all necessary approvals and file the same with the building department;

2. 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

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dated October 7th, 2022, submitted in support of this application, or such plans may be hereafter modified by another approving board or agency or officer of the Town (provided that such modification does require a different or greater variance than what we are granting herein.);

3. The variance being granted is for the improvement shown on the plans submitted in support of this application oath. Any further or additional construction that's not in conformity with the requirement of the Zoning Ordinance shall require variances even if construction conforms to the height, setback or other variances we have approved herein.

No further conditions need to be met.

MR. CRICHLLOW: Second.

ACTING CHAIRPERSON KNECHT: All in favor?

MR. CRICHLLOW: Aye.

MS. DENKENSOHN: Aye.

MS. UEBERLE: Aye.

MR. BLAND: Aye.

ACTING CHAIRPERSON KNECHT: Chair votes aye. The findings will also be put into the record at a later date and will be available.

Case No. 22-32

(INSERT FINDINGS) *

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* * * *

12/15/2022 - Case No. 22-33

ACTING CHAIRPERSON KNECHT: Moving on to Case No. 22-33. I have a S.E.Q.R.A. resolution.

WHEREAS, the Greenburgh Zoning Board of Appeals has reviewed the above-referenced application with regard to S.E.Q.R.A. compliance;

And, WHEREAS, the Greenburgh Zoning Board of Appeals has determined the application will not have a significant impact on the environment;

Now, THEREFORE, be it resolved at that time subject application is a Type II Action requiring no further S.E.Q.R.A. consideration pursuant to section 617.5-C-17 of the S.E.Q.R.A. regulations.

MR. CRICHLow: Second.

ACTING CHAIRPERSON KNECHT: All in favor?

MS. UEBERLE: Aye.

MS. DENKENSOHN: Aye.

MR. BLAND: Aye.

MR. CRICHLow: Aye.

ACTING CHAIRPERSON KNECHT: And Chair votes aye. Do I have a motion?

MR. CRICHLow: I do, Madam Chair. I move that the application in Case No. 22-33, be granted, provided that:

1. The applicant obtain all necessary approvals and file same with the Building Department;

2. 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

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thereafter in conformity with the plans dated October 7th, 2022, submitted in support of this application, or as such plans may be hereafter modified by another approving board or agency or officer of the Town (provided that such modification does not require a different or greater variance than what we are granting herein.)

And that 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.

Do I have a second?

MR. BLAND: Aye.

MS. UEBERLE: Aye.

MS. DENKENSOHN: Aye.

MR. CRICHLLOW: Aye.

ACTING CHAIRPERSON KNECHT: And Chair votes aye. Those findings will also be read into the record at a later date.

INSERTED FINDINGS:

The Applicant owns property located in the R-20 Zoning District and proposes to:

Legalize an existing patio.

In order to do so, the applicant requires the following variance from the provisions of the Zoning Ordinance:

1. Increase impervious coverage on the lot.

In granting this application, the Zoning Board has weighed the benefit to be derived by the applicant from the proposed variance against the impact that the variance might

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have on the health, safety and welfare of the neighborhood and community. After doing so, we hereby find that:

1. Granting the variance will not result in an undesirable change to the neighborhood or detriment to nearby properties provided the conditions are fully complied with because:

The patio has existed for many years in its current state and so there is, in fact, no change at all to the neighborhood and pre-dates the current owners/applicants.

2. The goal of the applicant cannot be achieved by some other feasible means without obtaining the variance we are granting now because:

No other options exist to provide an outdoor activity/seating area on the property due to the limited impervious coverage allowance and that reducing the existing patio area to meet the current code would represent a significant reduction to the outdoor living space that the applicants have become accustomed to.

3. The requested variance is substantial in relation to the requirement sought to be varied; in that the requested relief is 35.6% compared with 29% (permitted), a 22.8 % (increase).

4. Granting the variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district (i.e. drainage, steep slopes, wetlands, aesthetics (viewsheds), impervious surface, flooding conditions, etc) because:

The patio has existed for many years without having an adverse effect or impact on the physical or environmental conditions in the neighborhood.

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5. The applicant's need for the variance was self-created because the applicants purchased the property with knowledge of the requirements of the Zoning Ordinance; however, the fact that an applicant's need for an area variance is self-created does not, by itself, require us to deny an area variance.

* * * *

12/15/2022 - Case No. 22-34

CHAIRPERSON KNECHT: The next case is Case Number 22-34. I have the S.E.Q.R.A. resolution.

WHEREAS, the Greenburgh Zoning Board of Appeals has reviewed the above-referenced application with regard to S.E.Q.R.A. compliance; and

WHEREAS, the Greenburgh Zoning Board of Appeals has determined the application will not have a significant impact on the environment;

Now, THEREFORE, be it resolved that the subject application is a Type II Action requiring no further S.E.Q.R.A. consideration, pursuant to Section 617.5-C-16 of the S.E.Q.R.A. regulations.

MR. CRICHLow: Second.

ACTING CHAIRPERSON KNECHT: All in favor?

MS. DENKENsoHN: Aye.

MS. UEBERLE: Aye.

MR. BLAND: Aye.

MR. CRICHLow: Aye.

ACTING CHAIRPERSON KNECHT: And the Chair votes aye. Do we have a motion?

MS. DENKENsoHN: I move that the application in Case No. 22-34, be granted, provided that:

1. The applicant obtain all necessary approvals and file same with the Building Department;

2. 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

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thereafter in conformity with the plans dated August 25th, 2022, submitted in support of this application, or as such plans may be hereafter modified by another approving board agency or officer of the Town (provided that such modification does not require a different or greater variance than what we are granting herein.)

3. The variance being granted is for the improvement 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. No further conditions are required.

MR. CRICHLow: Second.

ACTING CHAIRPERSON KNECHT: All in favor?

MR. BLAND: Aye.

MS. UEBERLE: Aye.

MS. DENKENSOHN: Aye.

MR. CRICHLow: Aye.

ACTING CHAIRPERSON KNECHT: And the Chair votes aye. And the findings will be read into the record at a later time.

INSERTED FINDINGS:

The Applicant owns property located in the R-20 Zoning District and proposes to: Expand an existing driveway. In order to do so, the applicant requires the following variance(s) from the provisions of the Zoning Ordinance:

1. Side Yard Setback. In granting this application, the Zoning Board has weighed the benefit to be derived by the applicant from the

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proposed variance(s) against the impact that the variance(s) might have on the health, safety and welfare of the neighborhood and community. After doing so, we hereby find that:

1. Granting the variance(s) will not result in an undesirable change to the neighborhood or detriment to nearby properties provided the conditions are fully complied with because: Neighboring properties are nearly identical to the proposed change due to the variance.

2. The goal of the applicant cannot be achieved by some other feasible means without obtaining the variance(s) we are granting now because: Any expansion of the driveway requires a variance.

3. The requested variance(s) is are (not) substantial in relation to the requirement sought to be varied; in that the requested relief is 6.78 ft, compared with 16 ft. (Permitted/required), a 57.62% (increase/decrease). The decrease is less impactful than the numbers imply because most of the increase is between the driveway and the garage/patio.

4. Granting the variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district (i.e. drainage, steep slopes, wetlands, aesthetics (viewsheds), impervious surface, flooding conditions, etc) because: The area of the driveway extension is relatively flat and adjacent to a drain so will have little, if any, impact.

5. The applicant's need for the variance was self-created because (he/she/it) purchased the property with knowledge of the requirements of the Zoning Ordinance; however, the fact that an applicant's need for an area variance is self-created does not, by itself, require us to deny an area variance. Yes, it is self-created but is not impactful on the environment, neighbors, or community.

12/15/2022 - Case No. 22-35

ACTING CHAIRPERSON KNECHT: The next matter is Case No. 22-35, Kin and Pauline Lee.

WHEREAS, the Greenburgh Zoning Board of Appeals has reviewed the above-referenced application with regard to S.E.Q.R.A. compliance; and

WHEREAS, the Greenburgh Zoning Board of Appeals has determined the application will not have a significant impact on the environment;

Now, THEREFORE, be it resolved that the subject application is a Type II Action requiring no further S.E.Q.R.A. consideration pursuant to Section 617.5-C-16 of the S.E.Q.R.A. regulations.

MR. CRICHLow: Second.

ACTING CHAIRPERSON KNECHT: All in favor?

MS. DENKENSOHN: Aye.

MS. UEBERLE: Aye.

MR. CRICHLow: Aye.

MR. BLAND: Aye.

ACTING CHAIRPERSON KNECHT: Chair votes aye. I will read the motion.

I move that the application in Case No. 22-35, be granted, provided that:

1. The applicant obtain all necessary approvals and file same with the Building Department;

2. 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

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dated September 14th, 2022 and last revised November 8th, 2022, submitted in support of this application, or as such plans may be hereafter modified by another approving board or agency or officer of the Town (provided that such modification does not require a different or greater variance than what we are granting herein.);

The variances being granted are for the improvements shown on 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.

There are no further conditions.

MR. CRICHLow: Second.

ACTING CHAIRPERSON KNECHT: All in favor?

MS. DENKENsoHN: Aye.

MS. UEBERLE: Aye.

MR. BLAND: Aye.

MR. CRICHLow: Aye.

ACTING CHAIRPERSON KNECHT: And Chair votes aye. And the findings will also be written into the record at a later date.

INSERTED FINDINGS:

The Applicant owns property located in the R-30 Zoning District and proposes to:

Legalize a driveway expansion on the property, as part of the construction of a new home.

In order to do so, the applicant requires the following variances from the provisions of the Zoning Ordinance:

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1. Driveway width at garage.
2. Setback from driveway to side property line

In granting this application, the Zoning Board has weighed the benefit to be derived by the applicant from the proposed variances against the impact that the variances might have on the health, safety and welfare of the neighborhood and community. After doing so, we hereby find that:

1. Granting the variances will not result in an undesirable change to the neighborhood or detriment to nearby properties because:

The location of the driveway entrance and the driveway itself remain in the exact same location and have not been altered as a result of the new construction. The driveway width is screened by a row of arborvitae and is not noticeable from the street.

2. The goal of the applicant cannot be achieved by some other feasible means without obtaining the variance(s) we are granting now because:

The only feasible location for the driveway is in its current location. This location avoids a low-lying drainage basin in the front yard of the house that extends nearly along the entire frontage of property. Because the driveway itself needs to avoid this drainage basin, encroachment into the setback area to accomplish a wider driveway width at the garage cannot be avoided.

3. The requested variances are substantial in relation to the requirement sought to be varied; in that the requested relief is 36.3 ft. Compared with 30 ft. Permitted, a 21% increase in the driveway width and 11 ft, compared with 18 ft. Required, a 38.9% decrease in the setback from the driveway to the property line.

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However, the impacts are mitigated by robust landscaping, a new stone wall, and the fact that a vacant, 50-foot wide unbuildable lot sits between the subject property (305 Clayton Rd) and the property directly to the north (315 Clayton Rd). This vacant land creates a substantial, natural buffer area between the driveway and the nearest house on neighboring property.

4. Granting the variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district (i.e. drainage, steep slopes, wetlands, aesthetics (viewsheds), impervious surface, flooding conditions, etc.) Because:

The placement of the driveway actually avoids a low-lying drainage basin in front of the house that collects water. The driveway complies with all other provisions of the zoning ordinance in terms of impervious surface and storm water management protocols required by the Town. There are no other significant environmental features on the site.

5. The applicant's need for the variances was self-created because (he/she/it) purchased the property with knowledge of the requirements of the Zoning Ordinance; however, the fact that an applicant's need for an area variance is self-created does not, by itself, require us to deny an area variance.

* * * *

12/15/2022 - Case No. 22-36

ACTING CHAIRPERSON KNECHT: And the next case is Case No. 22-36, and I have a S.E.Q.R.A. resolution.

WHEREAS, the Greenburgh Zoning Board of Appeals has reviewed the above-referenced application with regard to S.E.Q.R.A. compliance;

And WHEREAS, the Greenburgh Zoning Board of Appeals has determined that the application will not have a significant impact on the environment;

Now, THEREFORE, be it resolved that the subject application is a Type II Action requiring no further S.E.Q.R.A. consideration pursuant to Section 617.5-C-16 of the S.E.Q.R.A. regulations.

MR. CRICHLow: Second.

ACTING CHAIRPERSON KNECHT: All in favor?

MS. DENKENsoHN: Aye.

MS. UEBERLE: Aye.

MR. BLAND: Aye.

MR. CRICHLow: Aye.

ACTING CHAIRPERSON KNECHT: Chair votes aye.

MOTION:

MS. DENKENsoHN: Yes, Madam Chair. I move that the application in Case No. 22-36, be granted, provided that:

1. The application obtain all necessary approvals and file same with the Building Department;

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

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of a building permit and proceed diligently thereafter in conformity with the plans dated March 17th, 2021, and last revised October 24th, 2022, submitted in support of this application, or as such plans may be hereafter modified by another approving board or agency or officer of the Town (provided that such modification does not require a different or greater variance than what we are granting herein.)

The variances being granted are for the improvements shown on the plans submitted in support of this application oath. 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 variance we have approved herein.

There are no conditions.

MR. CRICHLLOW: Second.

ACTING CHAIRPERSON KNECHT: All in favor?

MS. DENKENSOHN: Aye?

MR. CRICHLLOW: Aye.

MR. BLAND: Aye.

MS. UEBERLE: Aye.

ACTING CHAIRPERSON KNECHT: The Chair votes aye. The Stenographer will be putting the findings for this one into the record at a later date.

INSERTED FINDINGS:

The Applicant owns property located in the R-10 Zoning District and proposes to:
Construct a deck, porch and related improvements.

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In order to do so, the applicant requires the following variance(s) from the provisions of the Zoning Ordinance:

1. Principal Building to side yard Setback.
2. Two Side yard Setbacks.
3. Enlarge a nonconforming structure.

In granting this application, the Zoning Board has weighed the benefit to be derived by the applicant from the proposed variance(s) against the impact that the variance(s) might have on the health, safety and welfare of the neighborhood and community. After doing so, we hereby find that:

1. Granting the variance(s) will not result in an undesirable change to the neighborhood or detriment to nearby properties provided the conditions are fully complied with because:

The structure will be built the footprint of and existing sideporch structure. The existing sideporch it is replacing is structurally failing.

2. The goal of the applicant cannot be achieved by some other feasible means without obtaining the variance(s) we are granting now because:

3. The requested variance(s) is are (not) substantial in relation to the requirement sought to be varied; in that the requested relief is 11.66 ft. Compared with 12 ft. (Permitted/required), a 2.8% (increase/decrease); and 21.83 ft. Compared with 26 ft. (Permitted/required), a 16% (increase/decrease)

4. Granting the variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district (i.e. drainage, steep slopes, wetlands, aesthetics (viewsheds), impervious surface, flooding conditions, etc) because:

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The structure is replacing a sideporch that has been attached to the house for over 80 years.

5. The applicant's need for the variance was not self-created, because:

5. The applicant's need for the variance(s) was were self-created because (he/she/it) purchased the property with knowledge of the requirements of the Zoning Ordinance; however, the fact that an applicant's need for an area variance is self-created does not, by itself, require us to deny an area variance.

* * * *

ACTING CHAIRPERSON KNECHT: Case No. 22-37, Tarrytown Road Partners, at 212 Tarrytown Road, has been adjourned to the meeting of for all purposes to the meeting of January 19, 2023.

Case No. 22-38, S&J Service Center at 245 South Central Avenue has been adjourned for all purposes to the meeting of January 19th 2023.

* * * *

12/15/2022 - Case No. 22-39

ACTING CHAIRPERSON KNECHT: Case No. 22-39, I have the S.E.Q.R.A. resolution.

WHEREAS, the Greenburgh Zoning Board of Appeals has participated in the above-referenced application with regard to S.E.Q.R.A. compliance as an interested agency; and

WHEREAS, the ZBA of the Town of Greenburgh as part after coordinated S.E.Q.R.A. review as Lead Agency has determined the application will not have a significant impact on the environment documented in a S.E.Q.R.A. Negative Declaration dated December 8th, 2022.

Now, THEREFORE, be it resolved that the Planning Board's -- it ends there. That the Planning Board adopted a Negative Declaration for S.E.Q.R.A.

Now, THEREFORE, be it be resolved, that the Planning Board's S.E.Q.R.A. determination concludes the S.E.Q.R.A. process.

ACTING CHAIRPERSON KNECHT: All in favor?

MS. DENKENSOHN: Aye.

MS. UEBERLE: Aye.

MR. CRICHLow: Aye.

MR. BLAND: Aye.

ACTING CHAIRPERSON KNECHT: Chair votes aye.

MOTION:

I move that the application in Case No. 22-39, be granted, provided that:

1. The applicant obtain all necessary

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approvals and file same with the Building Department;

2. Construction shall begin no later than 12 months after the granting of the approval required for the issuance of a building permit and proceed diligently thereafter in conformity with the plans dated January 7th, 2022 and last revised October 10th, 2022, submitted in support of this application, or as such plans may be hereafter modified by another approving board or agency or identify of the Town officer of the town (provided that such modification does not require a different or greater variance than what we are granting herein.)

3. 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.

And there are no further conditions.

MR. CRICHLLOW: I second.

ACTING CHAIRPERSON KNECHT: All in favor?

MS. DENKENSOHN: Aye.

MS. UEBERLE: Aye.

MR. BLAND: Aye.

MR. CRICHLLOW: Aye.

ACTING CHAIRPERSON KNECHT: Chair votes aye. The findings will be read into the record at a later date. With that, the meeting -- I'm sorry.

12/15/2022 - Case No. 22-39

INSERTED FINDINGS:

The Applicant owns property located in the R-7.5 Zoning District and proposes to:

Construct a driveway for a one-family residence as part of a subdivision application with the Planning Board.

In order to do so, the applicant requires the following variance from the provisions of the Zoning Ordinance:

1. Driveway Side Yard Setback.

In granting this application, the Zoning Board has weighed the benefit to be derived by the applicant from the proposed variance against the impact that the variance might have on the health, safety and welfare of the neighborhood and community. After doing so, we hereby find that:

1. Granting the variance will not result in an undesirable change to the neighborhood or detriment to nearby properties provided the conditions are fully complied with because:

The driveway in question will be the driveway for Lot 1, which is the last home (at the end of the new road) within the proposed subdivision. Therefore this driveway will not be visible from Secor Road and will resemble the three other zoning compliant driveways within the subdivision.

2. The goal of the applicant cannot be achieved by some other feasible means without obtaining the variance we are granting now because:

In order for public safety vehicles, such as fire trucks, to enter the area and serve the new homes, New York State Fire Code requires that a turnaround space be provided at the terminus of the road. There is no less impactful way to create an onsite turnaround area without infringing on the setback area adjacent to the

12/15/2022 - Case No. 22-39

Lot 1 driveway.

3. The requested variance is substantial in relation to the requirement sought to be varied in that the requested relief is 2.5 ft. Compared with 10 ft. Required, a 75% decrease in the driveway side yard setback.

However, impervious surface requirements have not been exceeded, and the use of "grass-crete pavers", as recommended in the SEQRA Negative Declaration prepared by the Planning Board, will lessen the impact of this encroachment. In addition, portions of the driveways associated with the other proposed lots will include pervious paver strips to provide additional on-site stormwater infiltration.

4. Granting the variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district (i.e. drainage, steep slopes, wetlands, aesthetics (viewsheds), impervious surface, flooding conditions, etc.) Because: A thorough environmental review of the proposed subdivision was completed by the Planning Board, as part of the SEQRA requirements. This review found that the proposed subdivision, and the need for a variance for the Lot 1 driveway, will not have a significant impact on the environment, and that the proposed mitigation measures, including the grass-crete pavers mentioned above, will mitigate any potential impact that the variance may have with regard to storm water runoff and infiltration.

5. The applicant's need for the variance was self-created because (he/she/it) occupied purchased the property with knowledge of the requirements of the Zoning Ordinance; however, the fact that an applicant's need for an area variance is self-created does not, by itself, require us to deny an area variance.

* * * *

12/15/2022 - Case No. 22-40

ACTING CHAIRPERSON KNECHT: Sorry. Case No. 22-40, Kimona Hanson, 128 Florence Avenue has been adjourned for all purposes to the meeting of January 19th, 2023.

The next meeting of the Greenburgh Zoning Board of Appeals will be held on Thursday January 19th, 2023 at 7:P.M. and that concludes this meeting. January 19th, 2023 at 7 o'clock P.M. That concludes the meeting. Happy holidays, everyone.

* * * * *

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C E R T I F I C A T I O N

Certified to be a true and accurate
transcription of the within proceedings.

Debra L. Rinaldi

DEBRA L. RINALDI
Senior Court Reporter