

**REQUIREMENTS FOR ZONING BOARD OF APPEALS SUBMISSION REVIEW**

	Applicants must submit <b>one (1) original &amp; eleven (11) collated copies of the entire application package for submissions</b> , unless otherwise directed by staff, including:	<b>Please Initial the box</b>
1.	<b>A. Documentation from Building Inspector - Denial Letter, Notice of Special Permit, Etc.</b>	JMC
	<b>B. ZBA Application Form;</b>	JMC
	<b>C. Affidavit of Ownership;</b>	JMC
	<b>D. Fee Sheet;</b>	JMC
	<b>E. Slope Clearance Form; <i>Slope Clearance Form that have not been signed and approved by the Town Engineer will not be accepted.</i></b>	JMC
	<b>F. Wetlands/Watercourse Clearance Form; <i>Wetlands / Watercourse Clearance Forms that have not been signed and approved by the Environmental Planner will not be accepted.</i></b>	JMC
	<b>G. Short Environmental Assessment Form;</b>	JMC
	<b>H. Environmental Clearance Form;</b>	N/A
	<b>I. Copy of all easements and restrictive covenants already placed and proposed to be placed on the plat.</b>	JMC
	<b>J. Photographs of the property at issue and all adjoining properties. (8 ½" x 11")</b>	JMC
	<b>K. Copies of written professional reports, including traffic studies, land planning studies, appraisals, floodplain analyses, economic forecasts or other written reports which the applicant wishes to present at the hearing. (note - the author of the study or a qualified representative of the entity who prepared the study must appear at the meeting and be available for cross-examination)</b>	N/A
	<b>L. Survey or Plot Plan (All large maps must be folded to 8 ½" x 11" with title box showing - Rolled Plans will not be not be accepted)</b>	JMC
	<b>i) Name of petitioner(s);</b>	JMC
	<b>ii) Title of petition (Variance/Special Permit);</b>	JMC
	<b>iii) The lot dimensions, buffer zones, landscaped areas, recreational areas, signs, rights of way, steams, wetlands, drainage and easements;</b>	JMC
	<b>iv) All existing and proposed buildings, additions, or other structures with their dimensions;</b>	JMC
	<b>v) Table of zoning data including zoning district, required setbacks, existing and proposed building coverage, impervious coverage, height, and other pertinent zoning restrictions, and specifying whether the existing and/or proposed improvements comply with the zoning requirements, or specify the degree of any noncompliance;</b>	JMC
	<b>vi) Landscaping Plan or mitigation plan</b>	JMC
	<b>Transparency - (1) of Survey and/or Plot Plan (8 1/2 X 11)</b>	JMC
2.	<b>Appropriate fees (see fee schedule). Please attach a completed fee schedule and separate checks for each section.</b>	JMC
3.	<b>Public Notice Mailing List and Tax Map(s) of Neighboring Properties - List names and addresses of all owners of properties within 250 feet of the perimeter of site. Must be typed on labels. Use Avery #5160 copies label format. The application must include a map of adjacent lots indicating the 200' radius line as applicable, measured from all points on the property line (not from the center of the site).</b>	JMC

**\* If any of the above-reference information is missing, the application will be deemed incomplete and returned to the applicant for proper completion.**



**TOWN of GREENBURGH**  
 WESTCHESTER COUNTY, NEW YORK  
 DEPARTMENT OF COMMUNITY DEVELOPMENT AND CONSERVATION  
**Zoning Board of Appeals**  
**APPLICATION FORM**

**Paul Feiner**  
*Supervisor*  
**Garrett Duquesne, AICP**  
*Commissioner*  
**Carole Walker**  
*ZBA Secretary*

**Section 1: Subject Property**

Name or other identification of site (address): 555 & 565 Taxter Road  
 Situated on the west side of Taxter Road (Street) 200 feet  
 From the intersection of West Main Street (Street)  
**Parcel Lot ID:** 7.240-103-1 Total size area (sq ft.) 747,933

**Section 2: Owner Information**

Michael Cinicolo  
**Name:** GHP Taxter LLC **Street:** Four West Red Oak Lane, Suite 200  
**City:** White Plains **State:** NY **Zip:** 10604  
**Telephone:** 914-641-4310 **Cell Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_ **Email:** mcinicolo@ghpoffice.com

**Section 3: Representative Information**  Attorney  Engineer  Other \_\_\_\_\_

Joseph M. Cermele, P.E., CFM  
**Name:** Kellard Sessions Consulting **Street:** 500 Main Street  
**City:** Armonk **State:** NY **Zip:** 10504  
**Telephone:** 914-273-24323 **Cell Phone:** \_\_\_\_\_ **Fax:** 914-273-2329 **Email:** jcermele@kelses.com

**Section 4: Relief Sought:**

- 1) Type of request for the Zoning Board of Appeals (Check all that apply):
- Area Variance       Use Variance       Appeal from Decision of Building Inspector  
 Sign Variance       Special Permit       Same/Similar Relief within 18 Months

2) List variance or other modifications required. **Variances must be verified in writing by the Building Inspector and attached hereto.**

Zoning Code Reference 285-25A (3) (i) Variance sought Parking Setback for Parking Lot A and Parking Lot B  
 Zoning Code Reference \_\_\_\_\_ Variance sought \_\_\_\_\_  
 Zoning Code Reference \_\_\_\_\_ Variance sought \_\_\_\_\_

3) Have you, or to your knowledge, any predecessor of interest in this property, previously applied to the Zoning Board of Appeals?  Yes  No  
 (Case Histories can be obtained from the Department of Community Development & Conservation, attach separate sheet if more room is needed)

If yes,	case number _____	application for _____	disposition _____
	case number _____	application for _____	disposition _____
	case number _____	application for _____	disposition _____

**4) Provide your reasons for granting area variances**

A) Please describe whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

The requested variance will provide for additional off-street parking as required by Town Code to accommodate a proposed permitted change of use from office to medical office space. The property is bordered to the north and west by I-287 and the NYS Thruway. Immediately across Taxter Road, opposite the proposed parking lot, is developed office space and associated parking. The far south end of the site is located opposite a multi-family development. As such, there will be no undesirable change in the character of the neighborhood or detriment to nearby properties created by the granting of the requested variance. Further, if the desired land-banking is approved, no change will be realized at all.

B) Please describe whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

The applicant proposes to land-bank the required parking. Should the parking lot construction become necessary, there is no feasible alternative for the applicant to pursue. The land controlled by the applicant is limited to the subject property. The site is currently developed with two commercial buildings and at-grade parking, occupying much of the site. The central portion of the site contains a wooded area and large rock outcroppings to be protected. The area of the existing storm basins is proposed to be repurposed for the added parking. The configuration of the land and existing developed features requires that the additional parking be located within the minimum setbacks prescribed by the ordinance thereby requiring the need for the requested area variance.

C) Please describe whether the requested area variance is substantial;

The requested area variance is not substantial. The requested variance will provide for additional off-street parking required to accommodate a proposed permitted change of use from office to medical office space. As proposed, the maximum impervious surface for the site will increase from 56% to 61% where 65% is permitted; parking is proposed within 50 feet (proposed to be 10 ft and 23.6 ft respectively) of a street line. The proposed off-street parking is in keeping with the surrounding neighborhood. Further, if the desired land-banking is approved, no change will be realized at all.

D) Please describe whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood. The proposed off-street parking is in keeping with the surrounding neighborhood. The proposed development will not disturb any naturally occurring Town-regulated steep slopes or wetland areas. Any potential environmental impacts associated with the construction of the proposed additional off-street parking will be mitigated by the implementation of an erosion and sediment control plan throughout construction. Increased stormwater flows will be mitigated by the implementation of a subsurface detention system designed to mitigate peak rates of stormwater discharge to at or below existing conditions through the 100-year storm as required by Town Code.

E) Please describe whether the alleged difficulty was self- created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.  
The requested variance is not self-created. The owner acquired the property as currently developed. The configuration of the property, requires that the additional proposed off-street parking, required by Town Code to accommodate a proposed permitted change of use from office to medical office space, be constructed within the current minimum parking setback prescribed by the Village Code, necessitating the requested variances. Should the desired land-banking be approved, no change will be realized at all.

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**5) Provide reasons for granting use variance;**

A) Please describe how the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (Financial records and information will be needed to be submitted as part of the evidence.)

N/A

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B) Please describe how that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

N/A

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C) Please describe how that the requested use variance, if granted, will not alter the essential character of the neighborhood; and

N/A

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D) Please describe how that the alleged hardship has not been self-created.

N/A

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7) Will this application involve land development or the subdivision of land?

*Applications that involve land development or subdivision of land are referred to the Planning Board for review and recommendation.*       Yes       No

Redevelopment of the existing parking lot to construct two (2) parking areas with 108 total new spaces. Construct stormwater mitigation under proposed parking.

8) Is the action located on property within 500 feet of:

- a) The boundary of an adjoining city, town or village  Yes  No
- b) The boundary of an existing or proposed state or county park, recreation area or road right-of-way  Yes  No
- c) An existing or proposed county drainage channel line  Yes  No
- d) The boundary of state- or county-owned land on which a public building/institution is located  Yes  No
- e) The boundary of a farm located in an agricultural district.  Yes  No

9) State name and residence, nature and extent of the interest of any state officer or employee of the Town of Greenburgh, pursuant to the provisions of §809 of the General Municipal Law of the State of New York.

None

**NOTE: All of the submission requirements outlined in this application must be approved by the Secretary to the Zoning Board of Appeals prior to the application being accepted in form and content**

**Section 5: Acknowledgement**

**SIGNATURES MUST BE SIGNED IN PRESENCE OF NOTARY PUBLIC**

I, the applicant, request a variance from the above named Chapter(s) and Section(s) of the Town of Greenburgh Town Code for the stated reasons, in accordance with the materials attached hereto.

Signature: \_\_\_\_\_ Date: 4/30/20

I, the applicant, hereby depose and say that all of the aforementioned statements, and the statements contained in the materials submitted herewith, are true and correct.

Signature: \_\_\_\_\_ Date: 4/30/20

Further, I hereby give Town of Greenburgh Department of Community Development and Conservation and Building Department staff and members of the Zoning Board of Appeals permission to access the subject property for the purpose of reviewing my variance request.

Signature: \_\_\_\_\_ Date: 4/30/20

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF )

On this \_\_\_\_\_ day of \_\_\_\_\_ in the year 20\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their/ capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public, State of New York

**\* NOTE: If applicant is not the property owner, please attach a power of attorney letter, signed by the owner and notarized, authorizing the applicant to make this application.**

<b>Staff Use Only</b>	
Date Submitted: _____	Fee Paid: _____
File No.: _____	Date of Public Hearing _____
Pre-filing Staff Reviewer & Date _____	ZBA Action: _____
Pre-Filing Review: _____	
Staff Reviewer & Date: _____	

**AFFIDAVIT OF OWNERSHIP**

State of New York )ss.  
County of Westchester)

GHP Taxter LLC being duly sworn, deposes and says that (s)he resides at Four West Red Oak Lane in the Town of White Plains in the County of Westchester in the State of New York that (s)he is the owner in fee of all that piece or parcel of land situated and lying in the Town of Greenburgh aforesaid and known and designated Section 7.240, Volume \_\_\_\_\_, Sheet \_\_\_\_\_, Block 103, Lot(s) 1 and that (s)he hereby authorizes Joseph M. Cermele, P.E., CFM to make application in his/her (its) behalf and that the statement of facts contained in said application is true.

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\_\_\_\_\_  
Signature of Owner

Sworn to me before this \_\_\_\_\_

Day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

## TOWN OF GREENBURGH ZBA FEE SCHEDULE

**\*\*\*\*\*This form is to be included in the Application Package\*\*\*\*\***

First requested variance	\$200		\$200
Each additional variance requested as part of the same application	\$100	X ____ # of variances requested	
Environmental Clearance Form	\$150		\$150
Wetlands/watercourse Clearance Form	\$100		\$100
Legal	\$100		\$100
		<b>Subtotal</b>	
Public Hearing Notice (Escrow) (separate check)	\$200		\$200
Public Hearing Transcript (Escrow) (separate check)	\$200		\$200
		<b>Total</b>	
First requested variance	\$200		\$200
Each additional variance or Special permit as part of the same application	\$100	X ____ # of requests	
Environmental Clearance Form	\$150		\$150
Legal	\$100		\$100
		<b>Subtotal</b>	
Public Hearing Notice (Escrow) (separate check)	\$200		\$200
Public Hearing Transcript (Escrow) (separate check)	\$200		\$200
		<b>Total</b>	
Special Permit	\$1000		\$1000
Each additional Special Permit as part of the same application	\$500	X ____ # of Special Permits	
First requested variance	\$1000		\$1000
Each additional variance requested as part of the same application	\$500	X ____ # of variances requested	
Environmental Clearance Form	\$150		\$150
Wetlands/watercourse Clearance Form	\$100		\$100
Legal	\$300		\$300
		<b>Subtotal</b>	\$1,300
Public Hearing Notice (Escrow)	\$200		\$200
Public Hearing Transcript (Escrow) (separate check)	\$200		\$200
Communication Facility Applications (Escrow review) (separate check)	\$7,500		\$200
		<b>Total</b>	\$1,700
First requested variance	\$100		\$100
Each additional variance as part of the same application	\$50	X ____ # of variances	
		<b>Subtotal</b>	
Public Hearing Notice (Escrow) (separate check)	\$200		\$200
Public Hearing Notice (Escrow) (separate check)	\$200		\$200
		<b>Total</b>	
First requested adjournment of a case	\$25		
Each additional adjournment request for a case	\$100		
<b>***** Please include a separate check for each subtotaled portion of the application. *****</b>			
<b>All fees must be made payable to the "Town of Greenburgh"</b>			
Zoning Board of Appeal Fees	Date Received	Total	Staff Initials
Escrow for Public Hearing and Escrow			

TOWN OF GREENBURGH

DISCLOSURE FORM TO ACCOMPANY CERTAIN APPLICATIONS\*

1. This form relates to property located within the Town of Greenburgh. The street address of the property which is the subject of this application is 555 & 565 Taxter Road

Name of Applicant Joseph M. Cermele, P.E., CFM, Kellard Sessions Consulting

Address of Applicant 500 Main Street, Armonk, NY 10504

Date(s) of Application(s) 4/30/20

Type(s) of Application(s) Area Variance

Project name 555 & 565 Taxter Road

2. Name and address of Owner(s) if different from Applicant Michael Cinicolo, GHP Taxter LLC  
Four West Red Oak Lane, Suite 200  
White Plains, NY 10604

3. Do any officers or employees of the State of New York, County of Westchester, the Town of Greenburgh and/or Town of Greenburgh Agency have an interest\*\* in the applicant or owner of the property? NO. If the answer is "yes", please identify the person(s) by name, residence and the nature and extent of such interest.

4. If the application is for a project involving site plan approval of five acres or more and/or for a change of zoning, and either or both the applicant or the owner, if different from the applicant, is not an individual or individuals, list the owners and officers of the corporation, limited liability corporation, partnership or other legal entity.

Name of Applicant Legal Entity    Name(s) and Addresses of Applicant Owner\*\*\* and Officers

Name of Owner Legal Entity    Name(s) and Addresses of Owner\*\*\* and Officers

\* Every application, petition, or request submitted for a variance, amendment, change of zoning, site plan approval, approval of a plat, exemption from a plat or official map, license, special permit or permit pursuant to the provisions of any ordinances, local law or rule constituting the zoning and planning of the Town of Greenburgh.

\*\* For the purpose of this paragraph, an officer or employee shall be deemed to have an interest in an applicant when s/he, his or her spouse, or their brothers, sisters parents, children, grandchildren or the spouse of any of them (a) is the applicant, or (b) is an officer, director, partner of the applicant, or (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or (d) is a party to an agreement with such



applicant, express or implied, whereby he or she may receive payment or other benefit whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.

\*\*\* With respect to any corporation traded on the New York, American or other stock exchange, any person who is the owner of more than 5% of the outstanding shares of stock of any class of such a corporation, and with respect to other than a publically traded corporation, a limited liability company or other legal entity, any person who is an owner of more than 2% of the equity of such legal entity.

Name of Applicant Joseph M. Cermele, P.E., CFM

Signature \_\_\_\_\_

Date 4/30/20