SITE PLAN APPLICATION FORM
TOWN of GREENBURGH  
WESTCHESTER COUNTY, NEW YORK  
DEPARTMENT OF COMMUNITY  
DEVELOPMENT AND CONSERVATION  

SITE PLAN APPLICATION FORM

Name of Application: Mortnage Furniture Gallery - Overnight Parking Exemption

Description of Action: Amendment to Site Plan Approval to allow for one commercial vehicle to park on rear premises overnight

Owner:
Name: Jaspan Realty, Inc  Street: 155 N. Central Avenue
City: Hastings  State: NY
Zip: 10530
Telephone: 914-421-1330  Fax: 914-421-1344

Applicant:
Name: same as above  Street: 
City: 
State: Zip: 

Subject Property:
Name or other identification of site (address): 155 N. Central Avenue, Hastings, NY 10530

Situated on the West side of Central Park Avenue (Street) feet from the intersection of Parcel ID: 8.210-155-3

Total site area (sq. ft): 8,942 (1.19 acres)

Conformity With Zoning:
1) Zoning District the property is located in: n/a

Lot Area
Buildable Lot Area *See below for definition
Total Gross Floor Area (F.A.R.) sq. ft.

Percent Coverages
Principle Building
Accessory Building

* See below for definition
Total Impervious Surface

Yard Setbacks (Principal building)
Front yard setback
Rear yard setback
Length of one side setback

Permitted  Existing  Proposed
<table>
<thead>
<tr>
<th>Question</th>
<th>Yes/No/Not Applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is there an existing curb cut onto the site?</td>
<td>No</td>
</tr>
<tr>
<td>Will the action require new curb cuts on the street?</td>
<td>No</td>
</tr>
<tr>
<td>Has a traffic study been completed for the proposed project?</td>
<td>No</td>
</tr>
<tr>
<td>Flood hazard permit?</td>
<td>Yes</td>
</tr>
<tr>
<td>Is the subject property located within 1/4 mile radius of the subject property(s)? If none exist, identify closest recreational facilities.</td>
<td></td>
</tr>
</tbody>
</table>
8) List variance or other modifications required. Variances must be verified in writing by the Building Inspector and attached hereto.

<table>
<thead>
<tr>
<th>Zoning Code Reference</th>
<th>Variance sought</th>
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9) Have you, or to your knowledge, any predecessor of interest in this property, previously applied to the Planning Board or the Zoning Board of Appeals? [Yes] [No]

(Case Histories can be obtained from the Department of Community Development & Conservation)

If [yes],

<table>
<thead>
<tr>
<th>Case number</th>
<th>Application for</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>02-08</td>
<td>SF2 Plan Approval</td>
<td>Approved</td>
</tr>
<tr>
<td>05-32</td>
<td>2BA Variance</td>
<td>Denied 12/15/18</td>
</tr>
</tbody>
</table>

10) Is the action:

a) less than 5,000 square feet of new or renovated floor area [Yes] [No]

b) less than 10,000 square feet of land disturbance [Yes] [No]

11) 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]

12) What is the current assessed value of the property? $4,775,000

13) Are there existing buildings on the site? [Yes] [No]

If so, give the date(s) of the Certificate(s) of Occupancy issued for each building. Please submit on attached sheet. Include case number.

Certificate of Occupancy issued 11/04/03; Planning Board Case #02-08 11/3/03

14) Please list all the civic association(s) within 500 feet of the property.

Washington Avenue Civic Association; Manor Woods Association; Vaidobal FES Association

15) Please answer the following questions: (if additional space is needed, submit on attached sheet).

a) Individual Partnership Joint Venture

<table>
<thead>
<tr>
<th>Individual</th>
<th>Partnership</th>
<th>Joint Venture</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nominee</td>
<td>Fiduciary</td>
<td>Corporation</td>
</tr>
</tbody>
</table>

b) Please list all owners with a direct or indirect financial or beneficial interest in the property. List the names, addresses, and phone numbers of all owners, partners and limited partners, joint ventures, officers, directors and control persons. (Control is defined as any individual who owns 10% or more of the outstanding shares of the corporation or, notwithstanding the amount of stock owned, is in a position to influence management decisions and make policy on behalf of the corporation).

Behzad Elshenadawi
Shahrokh Elshenadawi

914-421-1330

914-421-1330

If the owner is a fiduciary, set forth name and address or other evidence of fiduciary, a copy of certificate of fiduciary authority and identify the beneficiary owner of the property.
NOTE: All of the submission requirements outlined in this application must be approved by the Planning Board prior to the application being accepted in form and content.

Allan C. Desnoyers LLP by
Denise J. D’Ambrosio 3/5/2018
Print Applicant’s Name
Printed Pausenbahr
Date

Caspaian Realty, Inc
by John R. Fatamad, P.C.
3/5/2018

Print Owner’s Name
Date

BUILDABLE AREA: The gross area of the lot less the density deductions for areas classified as steep slopes, very steep slopes, excessively steep slopes, wetlands and watercourses.

IMPERVIOUS SURFACES, GROSS COVERAGE - The sum of the horizontal area of coverage or footprint of all buildings, structures, paved areas, patios and other improved surfaces on a lot preventing natural runoff to percolate into the soil, measured in square feet. Areas paved with gravel, crushed stone and other materials used to support vehicles shall be considered impervious surfaces for the purposes of this chapter. Swimming pools and tennis courts that are unenclosed shall not be considered impervious surfaces for the purposes of this chapter. [Added 7-8-1987 by L.L. No. 3-1987]

§617.16 CONFIDENTIALITY When a project sponsor submits a completed EAF, draft or final EIS, or otherwise provides information concerning the environmental impacts of a proposed project, the project sponsor may request, consistent with the Freedom of Information Law (FOIL), article 6 of the Public Officers Law that specifically identified information be held confidential. Prior to divulging any such information, the agency must notify the applicant of its determination of whether or not it will hold the information confidential.

Updated 03/23/09 A5
Certificate of Decision

Town of Greenburgh
Zoning Board of Appeals

Certification of Decision

For the meeting held at Town Hall, Town of Greenburgh, on the 16th day of November 2006.

MEMBERS PRESENT: Chairman Belasco, Ms. Bunting-Smith, Mr. Doyle, Mr. Harrison, Mr. Baumgarten, Mr. DeCicco

MEMBERS ABSENT: -0-

NAME AND ADDRESS OF APPLICANT: Gaspian Realty Co. c/o Joel H. Sachs, Esq.

PROPERTY LOCATION: 155 Central Avenue

VOLUME: 8 SHEET: 24 BLOCK: 8243 LOT: 2

PRESENT ZONING: CA, Central Avenue – Mixed Use Impact District

NEWSPAPER AND PUBLICATION DATE: “Journal News”, February 6, 2006

RELIEF APPLIED FOR: Applicant is requesting area variances from Section 285-29.1(C)(1) of the Zoning Ordinance to increase the required Floor Area Ratio (FAR) from .134 (permitted) to .268 (proposed); and from 285-29.1(C)(5) to decrease the number of parking units from 62 (required) 33 (existing) to 33 (proposed) to convert existing basement storage space to retail furniture sales area on property.

ON A MOTION DULY MADE BY: Chairman Belasco
AND SECONDED BY: Mr. Baumgarten

RESOLVED: That the application be DENIED:

VOTING AYE: Chairman Belasco, Ms. Bunting-Smith, Mr. Doyle, Mr. Harrison, Mr. Baumgarten, Mr. DiCicco

ABSTAINING: -0-

Page 1 of 4
OPPOSED:

THE BOARD MADE THE FOLLOWING FINDINGS:
In making a decision on whether to grant or deny an area variance(s) we are required to balance the benefit to the applicant from the variances requested against the harm to the community. In making such determination we are required to consider the impact of the variance(s) on the health, safety, welfare and enjoyment of the neighborhood and nearby properties and on the physical and environmental conditions in the surrounding neighborhood and community; whether the applicant has feasible alternatives to the requested variance(s); how substantial the variance(s) are in relation to the requirement sought to be varied; and whether the applicant’s need for the variance(s) is self-created. After conducting such analysis we make the following findings.

1. The benefit to the applicant from the requested variances is outweighed by the adverse impact that granting the variances would have on the health, safety and welfare of the neighborhood and Town and on future compliance with the planning, building and zoning laws in the Town. It is conceded by the applicant that in 2002 and 2003 it received site plan approval from the Planning Board, permits from the Building Department and tax assessments from the Tax Assessor, all based on plans showing use of the basement for storage only. It is also conceded by the applicant that from the time this building was first occupied, the basement has been used as a showroom for selling furniture, a violation of its applications, approvals and the Town Code. Neither the Planning Board, the Building Department, nor the Tax Assessor was ever notified of this change from the plans and from the approvals it received. Furthermore, the record shows that the location of the building on the property makes access to the basement area by large trucks difficult. In addition, the applicant always has always had available distribution facilities nearby that made use of the basement for storage of furniture unnecessary. These facts lead us to conclude that the applicant never intended use the basement for storage. Accordingly, we find that the applicant essentially concealed from the Town the actual intended use of the basement of this property from the very first day of operation. Until the Building Department discovered the real use of the basement and cited the applicant for a violation in March of 2004, the applicant never corrected any of its misrepresentations to the Town. In view of this history, any variance to allow the applicant to perpetuate this deceit would undermine respect for and compliance with the Town’s planning, building and tax laws, and should not be granted. The benefit to the applicant of permitting them to continue to benefit from using this space for selling is clearly outweighed by the detriment to the Town and the citizens and the commercial operations in the Town that comply with these laws and regulations.

2. In addition, based on the record, we find that the applicant’s use of the basement as selling space has caused a significant burden on the neighboring property owners. In this regard the applicant has pointed out that this Board has granted similar variances to other furniture stores in the past. Those cases, however, are distinguishable from this application. In Case No. 92-74, for example, which was cited by the applicant, there was room on the site for the provision of additional spaces in the event that the use of the building were to change to another retail use or require more parking. In point of fact, that was exactly what happened to that property. In Case No. 92-74 we granted a parking
variance from 180 to 96. Less than two years later, in Case 94-13, the owner of that property came to the Board to change the use of the second floor from furniture sales back to offices. In connection with such change we required the owner to provide 15 additional parking spaces. In this case there is no additional room to provide such additional parking spaces if the use of the building were to change. In the other case cited by the Applicant, Case No. 93-30, the applicant came to this Board before seeking to change the use of the basement from storage to retail furniture sales. This fact enabled review of the impacts of such change by this Board, which then substantially conditioned the variances granted. In this case, neighbors have made credible complaints about noise from garbage collection and trucks improperly backing into the parking lot while tying up traffic along Central Avenue, a maneuver required by the placement of the building on the lot. The store has received summonses from the building and fire departments that have only been corrected during the pendency of these Zoning Board of Appeals hearings. In short, the conduct of the applicant in operating this store using double the permissible FAR after the siting of the building on the lot based upon use of the basement for storage has already adversely affected the neighborhood, which impact would become permanent if the variance were granted. Moreover, we are not persuaded by the applicant's argument that the use of the basement for retail sales will cut down on truck deliveries. To the contrary, such use will require deliveries from an off-site storage facility to the showroom facility to provide or replace floor samples of applicant's merchandise, and, as already mentioned, the location of the building on the lot makes these deliveries problematic.

3. The variances requested are substantial. The applicant seeks to increase the FAR for this commercial building by 100 percent and decrease the parking by 50 percent, which are substantial variances by any measure. Changes of this magnitude alter the character of the commercial operation of this property.

4. Finally, the applicant's need for these variances is self-created. The applicant built the store for this merchant and never disclosed the use of the entire building for selling and never sought or obtained prior approvals to do so. Although we are not required to deny a variance because the need for the variance is self-created, in this situation it is another factor supporting our denial of the requested variances.

For the above reasons, we hereby DENY the requested variance(s).

**ON A SEPARATE MOTION**

**DUTY MADE BY:** Chairman Belasco  
**AND SECONDED BY:** Mr. Baumgarten

**RESOLVED:** That the subject application is a TYPE II action requiring no further S.E.Q.R.A consideration.

**VOTING AYE:** Chairman Belasco, Ms. Bunting-Smith, Mr. Doyle, Mr. Harrison, Mr. DeCiaco, Mr. Baumgarten

**ABSTAINING:** -0-  
**OPPOSED:** -0-