

Since 1987, the Town of Greenburgh has annually been granted the "The Certificate of Achievement for Excellence in Financial Reporting" by the National Government Financial Officers Association

Please Note: If the Board has completed the agenda before 11:00 PM, a second opportunity for Public Comment, up to five minutes per speaker, will be provided until 11:00 PM. Speakers will be called in the order of receipt of a Public Comment Request Form for this second Public Comment period.

Anyone interested in serving on a board or commission should send a resume to the Town Board via Judith A. Beville, Town Clerk, 177 Hillside Avenue, Greenburgh, NY 10607

**TOWN OF GREENBURGH TOWN BOARD MEETING**  
**Wednesday, November 14, 2018, 6:45 PM\***  
**AGENDA**

***\*At 6:45 PM the Town Board hold an Executive Session for 15 minutes to interview a Committee Candidate.***

***PUBLIC DISCUSSION: The Regular Meeting will start at 7:00 PM. A public discussion related to a proposed future residential development by the owner (Ridgewood) of the former Elmwood Country Club will be held after the Presentations below. At present, Ridgewood seeks a Zoning Map Amendment to allow for a 175-unit townhouse development that would consist of age restricted (55+) housing. The current Zoning District of the site does not permit townhouse developments. For comparative purposes, the applicant has also submitted a 119-Unit conventional single family subdivision plan. At the public discussion, the applicant will present the townhouse proposal and the single-family subdivision concept. The purpose of the meeting is for the Town Board to facilitate a forum for residents to be informed about the project and hear input from residents before the Town formally proceeds with review of an application for the site.***

This meeting can be viewed live on our Website, [www.GreenburghNY.com](http://www.GreenburghNY.com), as well as viewed archived, generally within 24 hours. Please be reminded that Town Board meetings held at the Greenburgh Town Hall may also be viewed live on the Town's government cable channels, Cablevision Channel 76 and Verizon Channel 35

THE TOWN BOARD RESERVES THE RIGHT TO MODIFY THE TOWN BOARD AGENDA  
AT ANY TIME

THE TOWN BOARD ALSO RESERVES THE RIGHT TO INTERVIEW CANDIDATES FOR BOARDS AND  
COMMISSIONS AT THE BEGINNING OF THE MEETING

Minutes of Town Board Meetings are posted on our Web site  
(Click the link for "Agendas and Minutes," scroll down to meeting date and click "Minutes")

To e-mail the Town Board (Supervisor Paul Feiner, Councilman Ken Jones, Councilwoman Diana Juettner, Councilman Kevin Morgan, and Councilman Francis Sheehan),  
e-mail: [TownBoard@GreenburghNY.com](mailto:TownBoard@GreenburghNY.com)

PLEASE NOTE: TOWN BOARD MEETING AGENDAS ARE POSTED ON THE TOWN WEB SITE AND ONLY MAILED UPON A WRITTEN REQUEST TO THE TOWN CLERK, [TownClerk@GreenburghNY.com](mailto:TownClerk@GreenburghNY.com)

**EVERYONE IS ENCOURAGED TO SPEAK BEFORE THE TOWN BOARD ON ANY SUBJECT;  
HOWEVER, PERSONAL ATTACKS, OF ANY KIND, TOWARD ANYONE,  
WILL NOT BE PERMITTED**

## **UPCOMING TOWN BOARD MEETINGS:**

Wednesday, Nov. 28, 2018, 7:30 PM      Wednesday, Dec. 12, 2018, 7:30 PM

## **PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Town Clerk Judith Beville

## **MOMENT OF SILENCE**

In memory of Naresh Kumar, father of Councilman Morgan's Son-in-Law

## **PRESENTATION**

Assemblywoman Amy R. Paulin - Charitable Funds Coalition/IRS Salt Regulation

"Kids Present" Program Participants, Landyn McClennon, 8 Years Old - Demonstrating Drones and Anthony Flemister, 11 Years Old - Exhibiting Artwork at Greenburgh Town Hall

Appointment of Felicia Barber and Riley Wentzler as Assistant Greenburgh Town Historian Researchers

## **ELMWOOD DOCUMENTS**

Ridgewood Real Estate Partners - 850 Dobbs Ferry Road - PUD Plans

## **SUPERVISOR & TOWN COUNCIL REPORTS/ANNOUNCEMENTS**

**GOOD NEWS...**The Town continues (since 2008) to have the highest possible bond rating from Standard & Poors (AAA) and (since 2010) (Aaa) from Moody's. Less than 1% of communities in the nation have this record of financial stability. Recently (09/25/18), Standard & Poors once again reaffirmed the Town's highest rating and on (9/26/18) Moody's reaffirmed the Town's highest rating. Any individual or group interested in a visit from the Town Board should email the Board at [TownBoard@GreenburghNY.com](mailto:TownBoard@GreenburghNY.com)

## **TOWN CLERK COMMENTS**

## **DECISIONS**

To consider a Zoning Text and Zoning Map amendment to add a new Zoning District (R-5/LTF: One-Family/Limited Two-Family Residence District) to the Zoning Ordinance and Zoning Map, and a related rezoning of over 200 individual parcels presently zoned UR Urban Renewal District, to the R-5/LTF District (See Resolutions CD-1 and CD-2.)

To consider a Zoning Text and Zoning Map amendment to add a new Zoning District (R-5/LMF: One-Family/Limited Multi-Family Residence District) to the Zoning Ordinance and Zoning Map, and a related rezoning of over 90 individual parcels presently zoned UR Urban Renewal District, to the R-5/LMF District (See Resolutions CD-3 and CD-4.)

To consider a Zoning Text Amendment to Section 285-25 of the Zoning Ordinance entitled "OB Office Building District," as it relates to Hotel Accessory Uses (See Resolutions CD-5 and CD-6.)

To consider an Amended Site Plan Application by Westchester Hills Cemetery located at 400 Saw Mill River Road (P.O. Hastings on Hudson) (See Resolution CD-7.)

### **PUBLIC HEARINGS**

To consider an agreement between the Town of Greenburgh and the Village of Tarrytown for the Fire Protection Services to Unincorporated Greenburgh residents of the Glenville Fire Protection District  
***(Held over to Town Board Meeting of November 28, 2018)***

### **PUBLIC COMMENT**

Advance signup is preferred. Speakers will be called in the order of receipt of a Public Comment Request Form. The forms are available on the Town Web site, in the Town Clerk's Office (until 7:00 PM on the day of the meeting), and on the dais next to the Town Clerk during the meeting. A three minute limit per speaker will be strictly enforced. No interruptions by Town Board members, the Town Clerk or the public will be permitted. Any questions on agenda items should be asked at this time. Department Heads have the option of leaving the meeting following Public Comment. Therefore, if anyone has questions that are related to resolutions/items on the agenda that she/he would like to direct to a specific Department Head, those questions should be raised at this time.

### **BOARDS & COMMISSIONS**

Re-appointment of Gayle T. Williams to the Healthcare Advisory Committee, for a term to expire 12/31/2019

### **TOWN BOARD – 989-1540**

#### **TB 1 - 11/14/18**

Resolution authorizing the release of \$80,000 from the Town of Greenburgh's Route 9A Corridor Tax Increment Financing (TIF) District, for the purpose of enhancing curbs and sidewalks in the Village of Elmsford within the Town

### **ATTORNEY – 989-1615**

#### **AT 1 - 11/14/18**

Resolution authorizing reimbursement of Personal Injury Protection payments related Claim, File No.: 15/18C, by GEICO a/s/o Yuan Yongquan, for an amount not to exceed \$449.84

**AT 2 - 11/14/18**

Resolution authorizing settlement of property damage Claim, File No.: 127/18C, by GEICO a/s/o Jacqueline F. Morales Noboa-Livers & Dionysios Livers, for an amount not to exceed \$7,695.20

**AT 3 - 11/14/18**

Resolution authorizing tax certiorari settlement with petitioner K. Ahmed LLC for property located at 10 Grove Street. The Town's share of the refund is \$338±; the County's share is \$2,541±; the Saw Mill Valley Sewer District's share is \$369±; the Tarrytown Union Free School District's share is \$15,597±. Refunds from all sources total \$18,845±.

**AT 4 - 11/14/18**

Resolution authorizing tax certiorari settlement with petitioner HP Hartsdale LLC for property located at 221 East Hartsdale Avenue. The Town's share of the refund is \$32,208±; the County's share is \$19,182±; the Bronx Valley Sewer District's share is \$2,637±; the Greenburgh Central School District's share is \$82,411±; the Hartsdale Fire District's share is \$28,076±; the Consolidated Sewer Mtc. District's share is \$919±. Refunds from all sources total \$165,432±.

**AT 5 - 11/14/18**

Resolution authorizing tax certiorari settlement with petitioner Hartsdale Gardens Owners Corp. for property located at 27-47 N. Central Avenue. The Town's share of the refund is \$17,670±; the County's share is \$10,197±; the Bronx Valley Sewer District's share is \$1,342±; the Greenburgh Central School District's share is \$46,396±; the Hartsdale Fire District's share is \$16,417±; the Consolidated Sewer Mtc. District's share is \$593±. Refunds from all sources total \$92,615±.

**AT 6 - 11/14/18**

Resolution authorizing tax certiorari settlement with petitioner The Board of Managers of the Classic Condominium for property located at 50 E. Hartsdale Avenue. The Town's share of the refund is \$71,107±; the County's share is \$41,273±; the Bronx Valley Sewer District's share is \$5,480±; the Greenburgh Central School District's share is \$179,105±; the Hartsdale Fire District's share is \$61,571±; the Consolidated Sewer Mtc. District's share is \$1,998±. Refunds from all sources total \$360,535±.

**AT 7 - 11/14/18**

Resolution authorizing the continued retention of the Cohen Law Group for the collection and enforcement actions related to the underpayment of franchise fees paid by Altice, formerly Cablevision of Southern Westchester, Inc., to the Town of Greenburgh, at an hourly rate of \$250 and a total cost not to exceed \$3,500

**CLERK – 989-1500****CL 1 - 11/14/18**

Resolution setting a Public Hearing for 7:30 PM, Wednesday, November 28, 2018, to consider the 2019 Preliminary Budget

**CL 2 - 11/14/18**

Resolution scheduling a Public Hearing for 7:30 PM, Wednesday, November 28, 2018, to consider a Special Permit Application pursuant to Section 285-10A(4)(b) of the Zoning Ordinance of the Town of Greenburgh by Arcadis, on behalf of the Town of Greenburgh, associated with a proposed Knollwood-Rumbrook Interconnection Water Transmission Main in the Town of Greenburgh



**CL 3 - 11/14/18**

Resolution scheduling a Public Hearing for 7:30 PM, Wednesday, November 28, 2018, to consider a Special Permit Application pursuant to Section 285-10A(4)(b) of the Zoning Ordinance of the Town of Greenburgh, submitted by Dolph Rotfeld Engineering, on behalf of the Villages of Sleepy Hollow, Tarrytown and Briarcliff Manor, associated with a proposed water transmission infrastructure project in the Town of Greenburgh

**COMMUNITY DEVELOPMENT – 989-1538****CD 1 - 11/14/18**

Resolution issuing a Negative Declaration for the SEQRA determination of the Town Board of the Town of Greenburgh with respect to a Zoning Text and Zoning Map amendment to add a new Zoning District (R-5/LTF: One-Family/Limited Two-Family Residence District) to the Zoning Ordinance and Zoning Map, and to rezone 217 individual parcels to the R-5/LTF District

**CD 2 - 11/14/18**

Resolution of the Town Board: (1) adopting a Local Law amending the Zoning Ordinance of the Town of Greenburgh to include a One-Family Limited Two-Family Residence District (R-5/LTF) District; and (2) amending the Zoning Map of the Town of Greenburgh to rezone 217 individual parcels from the Urban Renewal (UR) District to the R-5/LTF district

**CD 3 - 11/14/18**

Resolution issuing a Negative Declaration for the SEQRA determination of the Town Board with respect to a Zoning Text and Zoning Map amendment to add a new Zoning District (R-5/LMF: One-Family/Limited Multi-Family Residence District) to the Zoning Ordinance and Zoning Map, and to rezone 102 individual parcels to the R-5/LMF District

**CD 4 - 11/14/18**

Resolution of the Town Board of the Town of Greenburgh: (1) adopting a Local Law amending the Zoning Ordinance of the Town of Greenburgh to include a One-Family Limited Multi-Family Residence District (R-5/LMF) District; and (2) amending the Zoning Map of the Town of Greenburgh to rezone 102 individual parcels from the Urban Renewal (UR) District to the R-5/LMF District

**CD 5 - 11/14/18**

Resolution issuing a Negative Declaration for the SEQRA determination of the Town Board of the Town of Greenburgh with respect to a Zoning Text Amendment to Section 285-25 of the Zoning Ordinance, entitled "OB Office Building District as it relates to hotel accessory uses in the OB District

**CD 6 - 11/14/18**

Resolution of the Town Board of the Town of Greenburgh adopting a Local Law amending Section 285-25 of the Zoning Ordinance, entitled "OB Office Building District as it relates to Hotel Accessory Uses in the OB District

**CD 7 - 11/14/18**

Resolution approving, with conditions, an Amended Site Plan Application by Westchester Hills Cemetery, for property located at 400 Saw Mill River Road (P.O. Hastings-on-Hudson), designated on the tax map of the Town of Greenburgh as Parcel ID: 8.490-349-2 & 3

## **COMPTROLLER – 989-1603**

### **CO 1 - 11/14/18**

Resolution authorizing Fiscal Year 2018 Budget Transfers

### **CO 2 - 11/14/18**

Resolution approving a budget amendment to the Risk Retention Fund for Fiscal Year 2018 by increasing the estimated revenues and increasing appropriations

## **PARKS & RECREATION – 693-8985**

### **PR 1 - 11/14/18**

Resolution authorizing the Town Supervisor to execute an Inter-Municipal Agreement (IMA) between the Town of Greenburgh and Westchester County to reimburse the Town for operating youth programs at Massaro Park for the period of January 1, 2018 through December 31, 2018

### **PR 2 - 11/14/18**

Resolution rejecting all bids for building new ADA compliant restrooms at the Anthony F. Veteran Park Administration Building and permission to rebid this project

## **POLICE – 989-1740**

### **PO 1 - 11/14/18**

Resolution adopting the recommendation of the Greenburgh Police Department to add parking restrictions on Inwood Road, amending Chapter 460 of the Code of the Town of Greenburgh

### **PO 2 - 11/14/18**

Resolution adopting the recommendations of the Greenburgh Police Department to add hours of the restriction to the No Left Turn restriction at the entrance to the property located at the intersection of Central Avenue at Mt. Joy Avenue, amending Chapter 460 of the Code of the Town of Greenburgh

## **PUBLIC WORKS - 989-1575**

### **PW 1 - 11/14/18**

Resolution approving a professional services agreement with Raftelis Financial Consultants, Inc. (Raftelis) to provide an analysis of the fire hydrant rental fee charged by the Consolidated Water District to fire districts within the water district, for an amount not to exceed \$10,200

### **PW 2 - 11/14/18**

Resolution approving a professional services agreement with Raftelis Financial Consultants, Inc. (Raftelis) to provide as-needed financial service consulting to the Greenburgh Consolidated Water District, for an amount not to exceed \$25,000

**PW 3 - 11/14/18**

Resolution approving the continued professional services with PCI (Professional Consulting, LLC,) for construction support services for the water main infrastructure improvement project along Chelsea Road, Plymouth Road, Arthur Lane, and a portion of Mayfair Way, for an additional amount not to exceed \$29,800

**Town Board- Regular**

**Meeting Date:** 11/14/2018

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**Text/Header:**

**TB 1 - 11/14/18**

Resolution authorizing the release of \$80,000 from the Town of Greenburgh's Route 9A Corridor Tax Increment Financing (TIF) District, for the purpose of enhancing curbs and sidewalks in the Village of Elmsford within the Town

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**Attachments**

TB 2018 1114 TB-1 reso Release \$80,000 from the Town's TIF District for Elmsford Sidewalks R 1114

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**RESOLUTION OF THE TOWN BOARD AUTHORIZING THE RELEASE OF \$80,000 FROM THE TOWN'S ROUTE 9A CORRIDOR TAX INCREMENTAL FINANCING (TIF) DISTRICT FOR THE PURPOSE OF ENHANCING CURBS AND SIDEWALKS WITHIN THE VILLAGE OF ELMSFORD IN THE TOWN**

**WHEREAS**, a Tax Incremental Financing ("TIF") District is a method of providing funding for public improvements and redevelopment in certain designated areas of a municipality; and

**WHEREAS**, the Redevelopment Plan for the Town's TIF District, which includes the 9A Corridor, was approved by the Town Board in 1986 and calls for a series of public improvements, including flood abatement, street and intersection improvements, and parking and site improvements, which are necessary to ensure the long-term economic viability of the area; and

**WHEREAS**, the Town's TIF District covers an area within the unincorporated portion of the Town and within the adjacent incorporated Village of Elmsford; and

**WHEREAS**, representatives for the Village of Elmsford have contacted the Town and requested that the Town Board authorize the release of \$80,000 from the Town's TIF District funds for the purpose of enhancing curbs and sidewalks within the Village along the 9A Corridor; and

**WHEREAS**, the Town Board has reviewed the Village's request and believes the improvements sought by representatives of the Village would be beneficial to the 9A Corridor in the Village; and

**WHEREAS**, much discussion has been had about the need to dredge the Saw Mill River in the area to alleviate persistent flooding in the area that has closed businesses temporarily or some permanently, with that same flooding making some homes unlivable and inaccessible due to extensive damage to the homes and the contents therein with the homes completely surrounded by water; and

**WHEREAS**, there has also been discussion about the need to finally fund a bypass flyover bridge to remove much of the pass-through commercial traffic that uses the corridor in the area solely to reach more northerly or southerly destinations; and

**WHEREAS**, to ensure there are substantial funds available when needed to provide matching funds that surely will be required by any funding agency for the above or similar projects, future disbursements from the fund will be limited if not in furtherance of addressing substantial infrastructure improvements;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes the release of \$80,000 from the Town's Tax Incremental Financing (TIF) District for the purpose of enhancing curbs and sidewalks in the Village of Elmsford; and

**BE IT FURTHER RESOLVED**, future emphasis for using TIF funding will primarily be for providing matching funds required by funding agencies for substantial infrastructure improvements.

**Town Board- Regular**

**Meeting Date:** 11/14/2018

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**Text/Header:**

**AT 1 - 11/14/18**

Resolution authorizing reimbursement of Personal Injury Protection payments related Claim, File No.: 15/18C, by GEICO a/s/o Yuan Yongquan, for an amount not to exceed \$449.84

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**Attachments**

**TB 2018 1114 AT-1 reso Settle GEICO aso Yuan Yongquan re PIP Claim R 1113**

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**RESOLUTION AUTHORIZING REIMBURSEMENT OF PERSONAL INJURY PROTECTION PAYMENTS RELATED CLAIM, FILE NO.: 15/18C, BY GEICO A/S/O YUAN YONGQUAN FOR AN AMOUNT NOT TO EXCEED \$449.84**

**WHEREAS**, a claim was brought by GEICO Insurance Company, a/s/o Yuan Yongquan, against the Town of Greenburgh regarding damage sustained to their insured, Irina F. Cecchini's motor vehicle, on December 7, 2017; and

**WHEREAS**, an investigation has been conducted by the Town regarding the events of the incident on December 7, 2017; and

**WHEREAS**, a settlement had been proposed and recommended whereby the Town of Greenburgh paid the claimant the sum of Eight Thousand Six Hundred Six Dollars and Eighty Two Cents (\$8,606.82) for the damage sustained to their insured, Yuan Yongquan's motor vehicle, on December 7, 2017; and

**WHEREAS**, the Town Board, in consultation with the Town Attorney's Office, was satisfied that the proposed settlement was deemed just, reasonable and in the interest of the Town of Greenburgh; and

**WHEREAS**, the Town Board approved Resolution AT-2 – 10/24/18, approving the settlement of the property damage claim, for an amount not to exceed Eight Thousand Six Hundred Six Dollars and Eighty Two Cents (\$8,606.82) ; and

**WHEREAS**, pursuant to its policy of insurance with Argonaut Insurance Company, the Town is obligated to pay a liability self-insured retention for claims up to \$150,000.00; and

**WHEREAS**, GEICO Insurance Company a/s/o Yuan Yongquan has now submitted a intercompany reimbursement notification for personal injury protection benefits paid for by GEICO Insurance Company for the passengers of their insured, Yuan Yongquan's motor vehicle, on December 7, 2017, in the total amount of Four Hundred Forty Nine Dollars and Eighty Four Cents (\$449.84); and

**WHEREAS**, the Town Attorney's Office believes the reimbursement is reasonable;

**NOW, THEREFORE, BE IT RESOLVED**, that in the interest of justice:

The Town Board of the Town of Greenburgh hereby authorizes reimbursement up to Four Hundred Forty Nine Dollars and Eighty Four Cents (\$449.84) be paid to GEICO Insurance Company a/s/o Yuan Yongquan to settle the demand for intercompany reimbursement pursuant to the provision of New York Insurance Law 5105 or 5221 incurred by the passengers of their insured's motor vehicle as a result of the property damage claim previously settled by Town Board Resolution AT-2 – 10/24/18, and that, upon receipt of a general release from GEICO Insurance Company a/s/o Yuan Yongquan in favor of the Town of Greenburgh and its agents, officials, officers, employees and volunteers in a form approved by the Town Attorney, and receipt of a duly executed claim voucher, said claim be settled by the issuance of a check or checks totaling the sum of Four Hundred Forty Nine Dollars and Eighty Four Cents (\$449.84).

**Town Board- Regular**

**Meeting Date:** 11/14/2018

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**Text/Header:**

**AT 2 - 11/14/18**

Resolution authorizing settlement of property damage Claim, File No.: 127/18C, by GEICO a/s/o Jacqueline F. Morales Noboa-Livers & Dionysios Livers, for an amount not to exceed \$7,695.20

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**Attachments**

TB 2018 1114 AT-2 memo GEICO aso Noboa-Livers & Dionysios Liveris Property Damage Claim

TB 2018 1114 AT-2 reso Settle GEICO aso Noboa-Livers & Dionysios Liveris Property Damage Claim R 1113

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# TOWN of GREENBURGH

-Office of the-

TIMOTHY W. LEWIS  
Town Attorney

Town Attorney

## M E M O R A N D U M

TO: Hon. Paul J. Feiner, Supervisor  
Hon. Diana D. Juettner, Councilwoman  
Hon. Francis X. Sheehan, Councilman  
Hon. Kevin Morgan, Councilman  
Hon. Ken Jones, Councilman

FROM: Richard L. Marasse, Deputy Town Attorney

DATE: November 1, 2018

RE: GEICO a/s/o Jacqueline F. Morales Noboa-Liveris & Dionysios Liveris  
v. Town of Greenburgh  
D/Loss: May 30, 2018.

**WARNING:** *This memorandum, and all attachments, represents attorney/client communication and/or work-product and consequently may contain information that is privileged, confidential and/or exempt from disclosure. CPLR §4503; Public Officers Law §§87(2), 96(2)(d).*

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Attached please find a resolution regarding the above-referenced claim.

According to the New York State Police Report this claim concerns reimbursement for property damage incurred by claimant's insured when a Greenburgh Sanitation Department vehicle mechanical arm, operated by Greenburgh employee, Robert L. Martin struck the rear of the claimant's insured's parked motor vehicle. According to the report the mechanical arm was accidentally extended and caused heavy rear end damage to the claimant's insured parked and unoccupied motor vehicle.

The Town Attorney's Office has verified the damage and liability aspects of this case and recommends settlement in the amount of \$7,695.20.

RLM/cm  
Attachment

cc: Timothy W. Lewis, Town Attorney

**RESOLUTION AUTHORIZING SETTLEMENT OF PROPERTY DAMAGE  
RELATED CLAIM, FILE NO.: 127/18C, BY GEICO A/S/O JACQUELINE  
F. MORALES NOBOA LIVERS & DIONYSIOS LIVERS,  
FOR AN AMOUNT NOT TO EXCEED \$7,695.20**

**WHEREAS**, a claim was brought by GEICO Insurance Company, a/s/o Jacqueline F. Morales Noboa - Livers & Dionysios-Livers, against the Town of Greenburgh regarding damage sustained to their insured, Jacqueline F. Morales Noboa-Livers & Dionysios Livers's motor vehicle, on May 30, 2018; and

**WHEREAS**, an investigation has been conducted by the Town regarding the events of the incident on May 30, 2018; and

**WHEREAS**, a settlement has been proposed and recommended whereby the Town of Greenburgh would pay claimant the sum of Seven Thousand Six Hundred Ninety Five Dollars and Twenty Cents (\$7,695.20); and

**WHEREAS**, the Town Board, in consultation with the Town Attorney's Office, has been satisfied that such a proposed settlement is deemed to be just, reasonable and in the interest of the Town of Greenburgh; and

**WHEREAS**, pursuant to its policy of insurance with Argonaut Insurance Company, the Town is obligated to pay a liability self insured retention for claims up to \$150,000.00;

**NOW, THEREFORE, BE IT RESOLVED**, that in the interest of justice:

The Town Board of the Town of Greenburgh hereby authorizes that an offer be made to GEICO Insurance Company a/s/o Jacqueline F. Morales Noboa-Livers & Dionysios Livers to settle the claim against the Town of Greenburgh regarding a motor vehicle accident on May 30, 2018, for an amount up to Seven Thousand Six Hundred Ninety Five Dollars and Twenty Cents (\$7,695.20); and that, upon receipt of a general release from GEICO Insurance Company a/s/o Jacqueline F. Morales Noboa-Livers & Dionysios Livers in favor of the Town of Greenburgh and its agents, officials, officers, employees and volunteers in a form approved by the Town Attorney, and receipt of a duly executed claim voucher, said claim be settled by the issuance of a check or checks totaling the sum of Seven Thousand Six Hundred Ninety Five Dollars and Twenty Cents (\$7,695.20).

**Town Board- Regular**

**Meeting Date:** 11/14/2018

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**Text/Header:**

**AT 3 - 11/14/18**

Resolution authorizing tax certiorari settlement with petitioner K. Ahmed LLC for property located at 10 Grove Street. The Town's share of the refund is \$338±; the County's share is \$2,541±; the Saw Mill Valley Sewer District's share is \$369±; the Tarrytown Union Free School District's share is \$15,597±. Refunds from all sources total \$18,845±.

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**Attachments**

TB 2018 1114 AT-3 reso Settle K Ahmed LLC 10 Grove St Tax Cert R 1113

TB 2018 1114 AT-3 data K Ahmed LLC 10 Grove St Tax Cert School Dist Ltr

TB 2018 1114 AT-3 data K Ahmed LLC 10 Grove St Tax Cert Spreadsheet

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**RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT  
WITH PETITIONER K. AHMED LLC  
FOR PROPERTY LOCATED AT 10 GROVE STREET**

**WHEREAS**, petitions have been filed by the property owners below challenging real property tax assessments on the Town's assessment roll; and

**WHEREAS**, petitioner's court challenges are now pending in Supreme Court, Westchester County; and

**WHEREAS**, the Town and property owners have reached a mutually agreeable resolution; and

**WHEREAS**, the Town commissioned the preparation of a preliminary analysis, a copy of which was provided to the Tarrytown Union Free School District which analysis was utilized in the settlement process; and

**WHEREAS**, the School District within which the subject parcel is located has intervened in this matter and has approved the proposed settlement (see attached letter); and

**WHEREAS**, the Town Board has had an opportunity to review the Town Attorney's file on this matter and has been satisfied that the proposed settlement is deemed to be just, reasonable and in the interest of the Town of Greenburgh;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Greenburgh hereby authorizes the Town Attorney to execute for the property listed below the following settlement on behalf of the Town and all Special Districts at revised assessments of no less than the following amounts:

<u><b>Petitioner</b></u>	<u><b>Address/Description</b></u>	<u><b>Years</b></u>
K. Ahmed LLC	10 Grove Street Section 1.80, Block 48, Lot 5.2 Acct# 1268915	2011-2015

<u><b>Assessment</b></u>		<u><b>Revised</b></u>	
<u><b>Year</b></u>	<u><b>Assessment</b></u>	<u><b>Assessment</b></u>	<u><b>Reduction</b></u>
2011	28,600	23,699	4,901
2012	28,600	23,688	4,912
2013	28,600	25,096	3,504
2014	28,600	23,976	4,624
2015	28,600	24,722	3,878

The Town's share of the refund is \$338±; the County's share is \$2,541±; the Saw Mill Valley Sewer District's share is \$369±; the Tarrytown Union Free School District's share is \$15,597±. Refunds from all sources total \$18,845±. (Please refer to the attached spreadsheet.)

**KEANE & BEANE P.C.**  
ATTORNEYS AT LAW

■ Main Office  
445 Hamilton Avenue  
White Plains, NY 10601  
Phone 914.946.4777  
Fax 914.946.6868

■ Mid-Hudson Office  
200 Westage Business Center  
Fishkill, NY 12524  
Phone 845.896.0120

November 2, 2018

SUZANNE E. VOLPE  
Associate  
svolpe@kblaw.com

**VIA EMAIL [jdanko@greenburghny.com](mailto:jdanko@greenburghny.com)**

Joseph A. Danko, Esq.  
Deputy Town Attorney  
Town of Greenburgh  
177 Hillside Avenue  
Greenburgh, New York 10607

Re: *Mtr. of K. Ahmed LLC v.*  
*Town of Greenburgh, et al.*  
(Sup. Ct. West. Co. Index Nos. 57293/11, et seq.)

Dear Joe:

The Board of Education of the Public Schools of the Tarrytowns approved the proposed settlement of the above-referenced tax certiorari litigation at its Thursday, November 1, 2018 meeting. The terms approved by the Board of Education provide for the following assessment revisions to Parcel ID No. 180-48-5.2:

<u>Year</u>	<u>Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
2011	\$28,600	\$23,699	\$4,901
2012	\$28,600	\$23,688	\$4,912
2013	\$28,600	\$25,096	\$3,504
2014	\$28,600	\$23,976	\$4,624
2015	\$28,600	\$24,722	\$3,878

The settlement may be presented to the Greenburgh Town Board for review and approval.

I appreciate your attention and assistance in this matter.

Very truly yours,

  
Suzanne E. Volpe

SEV/lt

cc: Ms. Ellen Franzese (Via Email [efranzese@greenburghny.com](mailto:efranzese@greenburghny.com))

K. Ahmed  
1268915

ASSMT	TAX	CONTEST.	SETTLED	AMT.	TOWN	TOWN	COUNTY	COUNTY	COUNTY	COUNTY	SMV	SMV SEWER	TARRYTOWN	TARRYTOWN	TOTAL
<u>YEAR</u>	<u>YEAR</u>	<u>ASSESS.</u>	<u>ASSESS.</u>	<u>REDUC.</u>	<u>RATE</u>	<u>REFUND</u>	<u>RATE</u>	<u>REFUND</u>	<u>REFUSE</u>	<u>REFUND</u>	<u>SEWER</u>	<u>REFUND</u>	<u>SCHOOL</u>	<u>REFUND</u>	<u>REFUND</u>
2011	2012	28,600	23,699	4,901	14.82	\$72.63	104.450	\$511.91	10.190	\$49.94	17.450	\$85.52	690.17	\$3,382.52	\$4,102.53
2012	2013	28,600	23,688	4,912	15.26	\$74.96	107.720	\$529.12	10.500	\$51.58	18.070	\$88.76	706.73	\$3,471.46	\$4,215.87
2013	2014	28,600	25,096	3,504	15.58	\$54.59	105.210	\$368.66	9.860	\$34.55	16.140	\$56.55	722.38	\$2,531.22	\$3,045.57
2014	2015	28,600	23,976	4,624	15.81	\$73.11	105.830	\$489.36	9.900	\$45.78	16.190	\$74.86	737.06	\$3,408.17	\$4,091.27
2015	2016	28,600	24,722	3,878	16.29	\$63.17	108.680	\$421.46	9.940	\$38.55	16.300	\$63.21	722.91	\$2,803.44	\$3,389.84
				<b>\$21,819</b>		<b>\$338</b>		<b>\$2,321</b>		<b>\$220</b>		<b>\$369</b>		<b>\$15,597</b>	<b>\$18,845</b>

**WARNING DISCLAIMER:** These calculations have been prepared by the Town as a guide and are intended for internal use only. The Town makes no representation of accuracy. YOU MUST INDEPENDENTLY VERIFY THE ACCURACY OF ANY NUMBERS OR CALCULATIONS CONTAINED ON THIS PAGE.

**Town Board- Regular**

**Meeting Date:** 11/14/2018

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**Text/Header:**

**AT 4 - 11/14/18**

Resolution authorizing tax certiorari settlement with petitioner HP Hartsdale LLC for property located at 221 East Hartsdale Avenue. The Town's share of the refund is \$32,208±; the County's share is \$19,182±; the Bronx Valley Sewer District's share is \$2,637±; the Greenburgh Central School District's share is \$82,411±; the Hartsdale Fire District's share is \$28,076±; the Consolidated Sewer Mtc. District's share is \$919±. Refunds from all sources total \$165,432±.

---

**Attachments**

TB 2018 1114 AT-4 reso Settle HP Hartsdale LLC 221 EHA Tax Cert R 1113

TB 2018 1114 AT-4 data HP Hartsdale LLC 221 EHA Tax Cert School Dist Ltr

TB 2018 1114 AT-4 data HP Hartsdale LLC 221 EHA Tax Cert Spreadsheet

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**RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT  
WITH PETITIONER HP HARTSDALE LLC  
FOR PROPERTY LOCATED AT 221 EAST HARTSDALE AVENUE**

**WHEREAS**, petitions have been filed by the property owners below challenging real property tax assessments on the Town's assessment roll; and

**WHEREAS**, petitioner's court challenges are now pending in Supreme Court, Westchester County; and

**WHEREAS**, the Town and property owners have reached a mutually agreeable resolution; and

**WHEREAS**, the Town commissioned the preparation of a preliminary analysis, a copy of which was provided to the Greenburgh Central School District which analysis was utilized in the settlement process; and

**WHEREAS**, the School District within which the subject parcel is located has intervened in this matter and has approved the proposed settlement (see attached letter); and

**WHEREAS**, the Town Board has had an opportunity to review the Town Attorney's file on this matter and has been satisfied that the proposed settlement is deemed to be just, reasonable and in the interest of the Town of Greenburgh;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Greenburgh hereby authorizes the Town Attorney to execute for the property listed below the following settlement on behalf of the Town and all Special Districts at revised assessments of no less than the following amounts:

<u>Petitioner</u>	<u>Address/Description</u>	<u>Years</u>
HP Hartsdale, LLC	221 East Hartsdale Avenue Section 8.300, Block 234, Lot 4 Acct# 8486050	2011-2017

<u>Assessment</u>		<u>Revised</u>	
<u>Year</u>	<u>Assessment</u>	<u>Assessment</u>	<u>Reduction</u>
2011	115,200	90,365	24,835
2012	115,200	89,880	25,320
2013	115,200	96,525	18,675
2014	115,200	93,240	21,960
2015	115,200	88,065	27,135
2016	3,655,500	2,850,000	805,500
2017	3,655,500	2,925,000	730,500

The Town's share of the refund is \$32,208±; the County's share is \$19,182±; the Bronx Valley Sewer District's share is \$2,637±; the Greenburgh Central School District's share is \$82,411±; the Hartsdale Fire District's share is \$28,076±; the Consolidated Sewer Mtc. District's share is \$919±. Refunds from all sources total \$165,432±. (Please refer to the attached spreadsheet.)



**KEANE & BEANE P.C.**  
ATTORNEYS AT LAW

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Phone 914.946.4777  
Fax 914.946.6868
- **Mid-Hudson Office**  
200 Westage Business Center  
Fishkill, NY 12524  
Phone 845.896.0120

October 19, 2018

JUDSON K. SIEBERT  
Principal Member  
jsiebert@kblaw.com

***VIA EMAIL [jdanko@greenburghny.com](mailto:jdanko@greenburghny.com)***

Joseph A. Danko, Esq.  
Deputy Town Attorney  
Town of Greenburgh  
177 Hillside Avenue  
Greenburgh, New York 10607

Re: *Mtr. of HP Hartsdale LLC v.*  
*Town of Greenburgh,*  
*(Sup. Ct. West. Co. Index Nos. 14518/11, et seq.)*

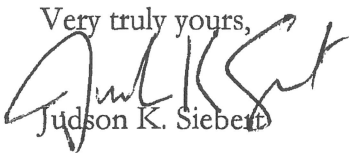
Dear Joe:

The Board of Education of the Greenburgh Central School District approved the proposed settlement of the above-referenced tax certiorari litigation at its Tuesday, October 19, 2018 meeting. I have enclosed a copy of the Resolution adopted by the Board of Education accepting these terms.

I ask that the settlement be presented to the Greenburgh Town Board for approval.

I appreciate your attention and assistance in this matter.

Very truly yours,



Judson K. Siebert

JKS/lt

Enclosure

cc: Ms. Ellen Franzese (Via Email [efranzese@greenburghny.com](mailto:efranzese@greenburghny.com))  
Nicholas J. Connolly, Esq. (Via Email [nconnolly@huffwilkes.com](mailto:nconnolly@huffwilkes.com))

HP Hartsdale (Eton Gardens)

#8486050

Assmt Year	Tax Year	Contest. Assment	Settled Assment	Amt. Reduc.	Town Rate	Town Refund	County Rate	County Refund	Con Sw Rate	Con Swr Refund	County Refuse	Co. Ref. Refund	Bnx V. Sewer	Bnx V. Refund	Hrtsdl FD Rate	Hrtsdl FD Refund	G7 Rate	G7 Refund	TOTAL REFUND
2011	2012	115,200	90,365	24,835	180.41	\$4,480.48	104.450	\$2,594.02	4.100	\$101.82	\$10.19	\$253.07	16.760	\$416.23	148.97	\$3,699.67	\$458.98	\$11,398.77	\$22,944.06
2012	2013	115,200	89,880	25,320	186.98	\$4,734.33	107.720	\$2,727.47	5.050	\$127.87	\$10.50	\$265.86	17.450	\$441.83	157.17	\$3,979.54	\$478.04	\$12,103.97	\$24,380.88
2013	2014	115,200	96,525	18,675	194.90	\$3,639.76	105.210	\$1,964.80	5.550	\$103.65	\$9.86	\$184.14	15.990	\$298.61	167.05	\$3,119.66	\$493.62	\$9,218.35	\$18,528.96
2014	2015	115,200	93,240	21,960	199.48	\$4,380.58	105.830	\$2,324.03	5.370	\$117.93	\$9.92	\$217.84	15.370	\$337.53	170.88	\$3,752.52	\$506.22	\$11,116.59	\$22,247.02
2015	2016	115,200	88,065	27,135	204.60	\$5,551.82	108.680	\$2,949.03	5.610	\$152.23	\$9.94	\$269.72	15.770	\$427.92	175.68	\$4,767.08	\$510.25	\$13,845.63	\$27,963.43
2016	2017	3,655,500	2,850,000	805,500	6.10	\$4,913.55	3.270	\$2,633.99	0.210	\$169.16	\$0.29	\$233.60	0.470	\$378.59	5.63	\$4,534.97	\$16.08	\$12,952.44	\$25,816.28
2017	2018	3,655,500	2,925,000	730,500	6.17	\$4,507.19	3.230	\$2,359.52	0.200	\$146.10	\$0.28	\$204.54	0.460	\$336.03	5.78	\$4,222.29	\$16.12	\$11,775.66	\$23,551.32
						<b>\$32,208</b>			<b>\$17,553</b>	<b>\$919</b>			<b>\$1,629</b>	<b>\$2,637</b>			<b>\$28,076</b>	<b>\$82,411</b>	<b>\$165,432</b>

WARNING DISCLAIMER: These calculations have been prepared by the Town as a guide and are intended for internal use only. The Town makes no representation of accuracy. YOU MUST INDEPENDENTLY VERIFY THE ACCURACY OF ANY NUMBERS OR CALCULATIONS CONTAINED ON THIS PAGE.

**Town Board- Regular**

**Meeting Date:** 11/14/2018

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**Text/Header:**

**AT 5 - 11/14/18**

Resolution authorizing tax certiorari settlement with petitioner Hartsdale Gardens Owners Corp. for property located at 27-47 N. Central Avenue. The Town's share of the refund is \$17,670±; the County's share is \$10,197±; the Bronx Valley Sewer District's share is \$1,342±; the Greenburgh Central School District's share is \$46,396±; the Hartsdale Fire District's share is \$16,417±; the Consolidated Sewer Mtc. District's share is \$593±. Refunds from all sources total \$92,615±.

---

**Attachments**

TB 2018 1114 AT-5 reso Settle Hartsdale Gardens Owners Corp 27-47 N Central Ave Tax Cert R 1113  
TB 2018 1114 AT-5 data Hartsdale Gardens Owners Corp 27-47 N Central Ave Tax Cert School Dist Ltr  
TB 2018 1114 AT-5 data Hartsdale Gardens Owners Corp 27-47 N Central Ave Tax Cert Spreadsheet

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**RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT  
WITH PETITIONER HARTSDALE GARDENS OWNERS CORP.  
FOR PROPERTY LOCATED AT 27-47 N. CENTRAL AVENUE**

**WHEREAS**, petitions have been filed by the property owners below challenging real property tax assessments on the Town's assessment roll; and

**WHEREAS**, petitioner's court challenges are now pending in Supreme Court, Westchester County; and

**WHEREAS**, the Town and property owners have reached a mutually agreeable resolution; and

**WHEREAS**, the Town commissioned the preparation of a preliminary analysis, a copy of which was provided to the Greenburgh Central School District which analysis was utilized in the settlement process; and

**WHEREAS**, the School District within which the subject parcel is located has intervened in this matter and has approved the proposed settlement (see attached letter); and

**WHEREAS**, the Town Board has had an opportunity to review the Town Attorney's file on this matter and has been satisfied that the proposed settlement is deemed to be just, reasonable and in the interest of the Town of Greenburgh;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Greenburgh hereby authorizes the Town Attorney to execute for the property listed below the following settlement on behalf of the Town and all Special Districts at revised assessments of no less than the following amounts:

<u><b>Petitioner</b></u>	<u><b>Address/Description</b></u>	<u><b>Years</b></u>
Hartsdale Gardens Owners Corp.	27-47 N. Central Avenue Section 8.250, Block 184, Lot 4 Acct# 8493825; 8493850	2016-2017

<u><b>Assessment</b></u>		<u><b>Revised</b></u>	
<u><b>Year</b></u>	<u><b>Assessment</b></u>	<u><b>Assessment</b></u>	<u><b>Reduction</b></u>
2016	9,616,100	8,000,000	1,616,100
2017	9,616,100	8,350,000	1,266,100

The Town's share of the refund is \$17,670±; the County's share is \$10,197±; the Bronx Valley Sewer District's share is \$1,342±; the Greenburgh Central School District's share is \$46,396±; the Hartsdale Fire District's share is \$16,417±; the Consolidated Sewer Mtc. District's share is \$593±. Refunds from all sources total \$92,615±. (Please refer to the attached spreadsheet.)

**KEANE & BEANE P.C.**  
ATTORNEYS AT LAW

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- **Mid-Hudson Office**  
200 Westage Business Center  
Fishkill, NY 12524  
Phone 845.896.0120

October 19, 2018

**VIA EMAIL [jdanko@greenburghny.com](mailto:jdanko@greenburghny.com)**

JUDSON K. SIEBERT  
Principal Member  
[jsiebert@kblaw.com](mailto:jsiebert@kblaw.com)

Joseph A. Danko, Esq.  
Deputy Town Attorney  
Town of Greenburgh  
177 Hillside Avenue  
Greenburgh, New York 10607

Re: *Mtr. of Hartsdale Gardens Owners Corp. v.*  
*Assessor of the Town of Greenburgh, et al.*  
(Sup. Ct. West. Co. Index Nos. 64793/13, et seq.)

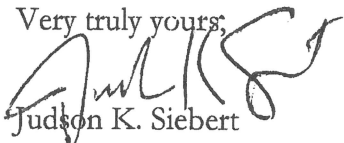
Dear Joe:

The Board of Education of the Greenburgh Central School District ("GCSD") approved the proposed settlement of the above-referenced tax certiorari litigation at its Tuesday, October 16, 2018 meeting. I have enclosed a copy of the Resolution adopted by the Board of Education accepting these terms.

The settlement may be presented to the Greenburgh Town Board for review and approval.

I appreciate your attention and assistance in this matter.

Very truly yours,

  
Judson K. Siebert

JKS/lt  
Enclosure

cc: Ms. Ellen Franzese (Via Email [efranzese@greenburghny.com](mailto:efranzese@greenburghny.com))  
William Sulzer, Esq. (Via Email [wes@gcshlaw.com](mailto:wes@gcshlaw.com))  
Matt Clifford, Esq. (Via Email [msc@gcshlaw.com](mailto:msc@gcshlaw.com))

Hartsdale Gardens  
8493825; 8493850

Assmt Year	Tax Year	Contest. Assment	Settled Assment	Amt. Reduc.	Town Rate	Town Refund	County Rate	County Refund	Con Sw Rate	Con Swr Refund	County Refuse	Co. Ref. Refund	Bnx V. Sewer	Bnx V. Refund	Hrtsdl FD Rate	Hrtsdl FD Refund	G7 Rate	G7 Refund	TOTAL REFUND
2016	2017	9,616,100	8,000,000	1,616,100	6.10	\$9,858.21	3.270	\$5,284.65	0.210	\$339.38	\$0.29	\$468.67	0.470	\$759.57	5.63	\$9,098.64	\$16.08	\$25,986.89	\$51,796.01
2017	2018	9,616,100	8,350,000	1,266,100	6.17	\$7,811.84	3.230	\$4,089.50	0.200	\$253.22	\$0.28	\$354.51	0.460	\$582.41	5.78	\$7,318.06	\$16.12	\$20,409.53	\$40,819.06
						<b>\$17,670</b>		<b>\$9,374</b>		<b>\$593</b>		<b>\$823</b>		<b>\$1,342</b>		<b>\$16,417</b>		<b>\$46,396</b>	<b>\$92,615</b>

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**Town Board- Regular**

**Meeting Date:** 11/14/2018

---

**Text/Header:**

**AT 6 - 11/14/18**

Resolution authorizing tax certiorari settlement with petitioner The Board of Managers of the Classic Condominium for property located at 50 E. Hartsdale Avenue. The Town's share of the refund is \$71,107±; the County's share is \$41,273±; the Bronx Valley Sewer District's share is \$5,480±; the Greenburgh Central School District's share is \$179,105±; the Hartsdale Fire District's share is \$61,571±; the Consolidated Sewer Mtc. District's share is \$1,998±. Refunds from all sources total \$360,535±.

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**Attachments**

TB 2018 1114 AT-6 reso Settle Classic Condominium 50 EHA Tax Cert R 1113

TB 2018 1114 AT-6 data Classic Condominium 50 EHA Tax Cert School Dist Ltr

TB 2018 1114 AT-6 data Classic Condominium 50 EHA Tax Cert Spreadsheet

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**RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT  
WITH PETITIONER THE BOARD OF MANAGERS OF THE CLASSIC  
CONDOMINIUM FOR PROPERTY LOCATED AT 50 E HARTSDALE AVE**

**WHEREAS**, petitions have been filed by the property owners below challenging real property tax assessments on the Town's assessment roll; and

**WHEREAS**, petitioner's court challenges are now pending in Supreme Court, Westchester County; and

**WHEREAS**, the Town and property owners have reached a mutually agreeable resolution; and

**WHEREAS**, the Town commissioned the preparation of a preliminary analysis, a copy of which was provided to the Greenburgh Central School District which analysis was utilized in the settlement process; and

**WHEREAS**, the School District within which the subject parcel is located has intervened in this matter and has approved the proposed settlement (see attached letter); and

**WHEREAS**, the Town Board has had an opportunity to review the Town Attorney's file on this matter and has been satisfied that the proposed settlement is deemed to be just, reasonable and in the interest of the Town of Greenburgh;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Greenburgh hereby authorizes the Town Attorney to execute for the property listed below the following settlement on behalf of the Town and all Special Districts at revised assessments of no less than the following amounts:

<b><u>Petitioner</u></b>	<b><u>Address/Description</u></b>	<b><u>Years</u></b>
The Board of Managers of The Classic Condominium	50 E. Hartsdale Avenue Section 8.250, Block 195, Lots 3..5-3..LLG	2014-2017

<b><u>Assessment</u></b>		<b><u>Revised</u></b>	
<b><u>Year</u></b>	<b><u>Assessment</u></b>	<b><u>Assessment</u></b>	<b><u>Reduction</u></b>
2014	1,352,483	1,215,450	137,033
2015	1,352,483	1,181,925	170,558
2016	39,955,000	38,500,000	1,455,000
2017	39,955,000	39,955,000	0

The Town's share of the refund is \$71,107±; the County's share is \$41,273±; the Bronx Valley Sewer District's share is \$5,480±; the Greenburgh Central School District's share is \$179,105±; the Hartsdale Fire District's share is \$61,571±; the Consolidated Sewer Mtc. District's share is \$1,998±. Refunds from all sources total \$360,535±. (Please refer to the attached spreadsheet.)



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- **Mid-Hudson Office**  
200 Westage Business Center  
Fishkill, NY 12524  
Phone 845.896.0120

October 19, 2018

**VIA EMAIL [jdanko@greenburghny.com](mailto:jdanko@greenburghny.com)**

JUDSON K. SIEBERT  
Principal Member  
[jsiebert@kblaw.com](mailto:jsiebert@kblaw.com)

Joseph A. Danko, Esq.  
Deputy Town Attorney  
Town of Greenburgh  
177 Hillside Avenue  
Greenburgh, New York 10607

Re: *Mtr. of Board of Managers of Classic Condominium v.*  
*Town of Greenburgh, et al.*  
(Sup. Ct. West. Co. Index Nos. 67169/14, et seq.)

Dear Joe:

The Board of Education of the Greenburgh Central School District ("GCSD") approved the proposed settlement of the above-referenced tax certiorari litigation at its Tuesday, October 16, 2018 meeting. I have enclosed a copy of the Resolution adopted by the Board of Education accepting these terms.

I ask that the settlement be presented to the Greenburgh Town Board for approval.

I appreciate your attention and assistance in this matter.

Very truly yours,

  
Judson K. Siebert

JKS/lt  
Enclosure

cc: Ms. Ellen Franzese (Via Email [efranzese@greenburghny.com](mailto:efranzese@greenburghny.com))  
Kenneth C. Brown, Esq. (Via Email [kbrown@bpslaw.com](mailto:kbrown@bpslaw.com))

# Classic Condominium

Assmt	Tax	Contest.	Settled	Amt.	Town	Town	County	County	Con Sw	Con Swr	County	Co. Ref.	Bnx V.	Bnx V.	Hrtsdl FD	Hrtsdl FD	G7	G7	TOTAL
<u>Year</u>	<u>Year</u>	<u>Assment</u>	<u>Assment</u>	<u>Reduc.</u>	<u>Rate</u>	<u>Refund</u>	<u>Rate</u>	<u>Refund</u>	<u>Rate</u>	<u>Refund</u>	<u>Refuse</u>	<u>Refund</u>	<u>Sewer</u>	<u>Refund</u>	<u>Rate</u>	<u>Refund</u>	<u>Rate</u>	<u>Refund</u>	<u>REFUND</u>
2014	2015	1,352,483	1,215,450	137,033	199.48	\$27,335.34	105.830	\$14,502.20	5.370	\$735.87	\$9.92	\$1,359.37	15.370	\$2,106.20	170.88	\$23,416.20	\$506.22	\$69,368.85	\$138,824.02
2015	2016	1,352,483	1,181,925	170,558	204.60	\$34,896.17	108.680	\$18,536.24	5.610	\$956.83	\$9.94	\$1,695.35	15.770	\$2,689.70	175.68	\$29,963.63	\$506.22	\$86,339.87	\$175,077.79
2016	2017	39,955,000	38,500,000	1,455,000	6.10	\$8,875.50	3.270	\$4,757.85	0.210	\$305.55	\$0.29	\$421.95	0.470	\$683.85	5.63	\$8,191.65	\$16.08	\$23,396.40	\$46,632.75
						<b>\$71,107</b>		<b>\$37,796</b>		<b>\$1,998</b>		<b>\$3,477</b>		<b>\$5,480</b>		<b>\$61,571</b>		<b>\$179,105</b>	<b>\$360,535</b>

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**Town Board- Regular**

**Meeting Date:** 11/14/2018

---

**Text/Header:**

**AT 7 - 11/14/18**

Resolution authorizing the continued retention of the Cohen Law Group for the collection and enforcement actions related to the underpayment of franchise fees paid by Altice, formerly Cablevision of Southern Westchester, Inc., to the Town of Greenburgh, at an hourly rate of \$250 and a total cost not to exceed \$3,500

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**Attachments**

**TB 2018 1114 AT-7 reso Retain Cohen Law Group re Altice (Cablevision) Franchise fees R 1113**

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**RESOLUTION AUTHORIZING THE CONTINUED RETENTION  
OF THE COHEN LAW GROUP FOR THE COLLECTION AND  
ENFORCEMENT ACTIONS RELATED TO THE UNDERPAYMENT  
OF FRANCHISE FEES PAID BY ALTICE, FORMERLY CABLEVISION OF  
SOUTHERN WESTCHESTER, INC., TO THE TOWN OF GREENBURGH, AT  
AN HOURLY RATE OF \$250 AND A TOTAL COST NOT TO EXCEED \$3,500**

**WHEREAS**, the Town of Greenburgh wishes to continue the retention of Cohen Law Group for the collection and enforcement actions related to the underpayment of franchise fees to the Town paid by Altice, formerly Cablevision of Southern Westchester, Inc.; and

**WHEREAS**, the Town previously retained Cohen Law Group by Resolution AT-12 – 10/25/17 on October 25, 2017; and

**WHEREAS**, the Cohen Law Group has significant experience recovering and collecting underpayments of franchise and PEG fees paid by Cablevision and Verizon, including payments to the City of Yonkers and other municipalities in Westchester County and throughout the United States; and

**WHEREAS**, the Cohen Law Group is recognized nationally as one of the leading firms assisting local governments in the collection of underpayments of franchise fees;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Greenburgh hereby authorizes the Town Supervisor to continue the retention of Cohen Law Group for the collection and enforcement actions related to the underpayment of franchise fees by Altice, formerly Cablevision of Southern Westchester, Inc., at an hourly rate of \$250.00, for a total amount not to exceed \$3,500.00 without further authorization from the Town Board.

**Town Board- Regular**

**Meeting Date:** 11/14/2018

---

**Text/Header:**

**CL 1 - 11/14/18**

Resolution setting a Public Hearing for 7:30 PM, Wednesday, November 28, 2018, to consider the 2019 Preliminary Budget

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**Attachments**

TB 2018 1114 CL-1 reso Set 2019 Preliminary Budget Public Hearing R 1113

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**RESOLUTION SETTING A PUBLIC HEARING 7:30 PM, EDNESDAY,  
NOVEMBER 28, 2018, TO CONSIDER THE 2019 PRELIMINARY BUDGET**

**WHEREAS**, New York State Town Law establishes deadlines for the preparation, filing and adoption of an annual Town budget and has published unique deadlines, listed below, for towns in two specific NYS counties, Westchester County and Monroe County; and

**WHEREAS**, pursuant to NYS Town Law § 106(2), no later than October 30, 2018, the Town of Greenburgh's Chief Fiscal Officer, the Town Supervisor, is required to file the 2019 Tentative Budget with the Town Clerk; and

**WHEREAS**, pursuant to NYS Town Law § 106(3), no later than November 10, 2018, the Town Clerk is required to submit the 2019 Tentative Budget to the entire Town Board (the Town Supervisor and four Town Councilmembers) for its consideration and, by majority vote, modification; and

**WHEREAS**, pursuant to NYS Town Law § 106(4), the Town Board is required to prepare and file with the Town Clerk the 2019 Preliminary Budget, which is the name given the Supervisor's Tentative Budget as modified, if warranted, by majority vote by the Town Board; and

**WHEREAS**, a Public Hearing must be held on the Preliminary Budget; and

**WHEREAS**, pursuant to NYS Town Law § 108, at least five days' notice must be given of the Preliminary Budget Public Hearing, a hearing that must commence by December 10, 2018; and

**WHEREAS**, the duly held Public Hearing on the Preliminary Budget may be adjourned to one or more subsequent meeting dates, but no later than December 15, 2018; and

**WHEREAS**, pursuant to NYS Town Law § 109, after the close of the Preliminary Budget Public Hearing no later than December 15, 2018, the Town Board, by majority vote, may revise the Preliminary Budget and adopt the revision as the 2019 Adopted Budget but must do so no later than December 20, 2018;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Greenburgh that the Town Clerk shall schedule and duly notice a Public Hearing for Wednesday, November 28, 2018, at 7:30 PM, at Greenburgh Town Hall, 177 Hillside Avenue, Greenburgh, NY 10607 for the public to provide comments concerning the Town of Greenburgh's 2019 Preliminary Budget.

**Town Board- Regular**

**Meeting Date:** 11/14/2018

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**Text/Header:**

**CL 2 - 11/14/18**

Resolution scheduling a Public Hearing for 7:30 PM, Wednesday, November 28, 2018, to consider a Special Permit Application pursuant to Section 285-10A(4)(b) of the Zoning Ordinance of the Town of Greenburgh by Arcadis, on behalf of the Town of Greenburgh, associated with a proposed Knollwood-Rumbrook Interconnection Water Transmission Main in the Town of Greenburgh

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**Attachments**

TB 2018 1114 CL-2 reso Set Knollwood-Rumbrook Interconnection Special Permit Public Hearing R 1113

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**RESOLUTION SCHEDULING A PUBLIC HEARING FOR 7:30PM, WEDNESDAY, NOVEMBER 28, 2018, TO CONSIDER A SPECIAL PERMIT APPLICATION PURSUANT TO SECTION 285-10A(4)(B) OF THE ZONING ORDINANCE OF THE TOWN OF GREENBURGH BY ARCADIS, ON BEHALF OF THE TOWN OF GREENBURGH, ASSOCIATED WITH A PROPOSED RUMBROOK-KNOLLWOOD INTER-CONNECTION WATER TRANSMISSION MAIN IN THE TOWN OF GREENBURGH**

**BE IT RESOLVED**, by the Town Board of the Town of Greenburgh that the Town Clerk set a Public Hearing for 7:30 PM, Thursday, November 28, 2018, to consider a special permit application pursuant to Section 285-10A(4)(b) of the Zoning Ordinance of the Town of Greenburgh by Arcadis, on behalf of the Town of Greenburgh, associated with a proposed Knollwood-Rumbrook interconnection water transmission main in the Town of Greenburgh.



**Town Board- Regular**

**Meeting Date:** 11/14/2018

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**Text/Header:**

**CL 3 - 11/14/18**

Resolution scheduling a Public Hearing for 7:30 PM, Wednesday, November 28, 2018, to consider a Special Permit Application pursuant to Section 285-10A(4)(b) of the Zoning Ordinance of the Town of Greenburgh, submitted by Dolph Rotfeld Engineering, on behalf of the Villages of Sleepy Hollow, Tarrytown and Briarcliff Manor, associated with a proposed water transmission infrastructure project in the Town of Greenburgh

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**Attachments**

TB 2018 1114 CL-3 reso Set Tarrytown-Sleepy Hollow-Briarcliff Manor Interconnection Special Permit Public Hearing R 1113

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**RESOLUTION SCHEDULING A PUBLIC HEARING FOR 7:30PM, WEDNESDAY, NOVEMBER 28, 2018, TO CONSIDER A SPECIAL PERMIT APPLICATION PURSUANT TO SECTION 285-10A(4)(B) OF THE ZONING ORDINANCE OF THE TOWN OF GREENBURGH BY DOLPH ROTFELD ENGINEERING, ON BEHALF OF THE VILLAGES OF SLEEPY HOLLOW, TARRYTOWN AND BRIARCLIFF MANOR, ASSOCIATED WITH A PROPOSED WATER TRANSMISSION INFRASTRUCTURE PROJECT IN THE TOWN OF GREENBURGH**

**BE IT RESOLVED**, by the Town Board of the Town of Greenburgh that the Town Clerk set a Public Hearing for 7:30 PM, Thursday, November 28, 2018, to consider a special permit application pursuant to Section 285-10A(4)(b) of the Zoning Ordinance of the Town of Greenburgh submitted by Dolph Rotfeld Engineering, on behalf of the Villages of Sleepy Hollow, Tarrytown and Briarcliff Manor, associated with a proposed water transmission infrastructure project in the Town of Greenburgh.

**Town Board- Regular**

**Meeting Date:** 11/14/2018

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**Text/Header:**

**CD 1 - 11/14/18**

Resolution issuing a Negative Declaration for the SEQRA determination of the Town Board of the Town of Greenburgh with respect to a Zoning Text and Zoning Map amendment to add a new Zoning District (R-5/LTF: One-Family/Limited Two-Family Residence District) to the Zoning Ordinance and Zoning Map, and to rezone 217 individual parcels to the R-5/LTF District

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**Attachments**

**TB 2018 1114 CD-1 reso Auth UR R-5LTF Zoning Text and Map Amendment Neg Dec R 1113**

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**RESOLUTION ISSUING A NEGATIVE DECLARATION FOR THE SEQRA DETERMINATION OF THE TOWN BOARD OF THE TOWN OF GREENBURGH WITH RESPECT TO A ZONING TEXT AND ZONING MAP AMENDMENT TO ADD A NEW ZONING DISTRICT (R-5/LTF: ONE-FAMILY/LIMITED TWO-FAMILY RESIDENCE DISTRICT) TO THE ZONING ORDINANCE AND ZONING MAP, AND TO REZONE 217 INDIVIDUAL PARCELS TO THE R-5/LTF DISTRICT**

**WHEREAS**, the Town of Greenburgh Comprehensive Plan (“the Plan”), adopted on September 28, 2016, contains policies associated with a planned removal and replacement of the UR Urban Renewal District; and

**WHEREAS**, POLICY 12.2.1.1 of the Plan specifically states, “Create new zoning districts for lots currently zoned UR, consistent with the designations shown on Figure 12.15.2;” and

**WHEREAS**, the R-5/LTF One-Family/Limited-Two Family Residence District was specifically created to be consistent with the portions of the Future Land Use Plan (Urban Renewal), Figure 12.15.2 identified as “One-Family Residential (Limited Two-Family);” and

**WHEREAS**, the existing UR District contains 217 individual parcels that have been identified as appropriate for the R-5/LTF One-Family/Limited-Two Family Residence District; and

**WHEREAS**, the Town of Greenburgh now seeks to implement the R-5/LTF amendments, which will (1) remove a significant portion of the Urban Renewal District in a manner consistent with the Comprehensive Plan; (2) allow certain lawfully existing and approved non-one-family residences; and (3) minimize the potential for off-street parking congestion; and

**WHEREAS**, pursuant to Section 617.6(a)(1) of the regulations of the State Environmental Quality Review Act (“SEQRA”), as soon as an agency receives an application for funding or approval of an action, it must, among other things, make a preliminary classification of the action under SEQRA; and

**WHEREAS**, a Full Environmental Assessment Form was prepared by Town staff, and under SEQRA, the actions directly and indirectly proposed were preliminarily classified as “Unlisted;” and

**WHEREAS**, Town staff circulated the proposed amendments and EAF to all potentially Interested and Involved Agencies together with a notice indicating the Town Board’s intention to be Lead Agency for the action; and

**WHEREAS**, more than thirty (30) days have passed since the date the proposed amendments and EAF were transmitted to potentially involved agencies, and no agency has objected to the Town Board becoming Lead Agency for review of the Application and all related actions under SEQRA; and

**WHEREAS**, Section 285-64 of the Zoning Ordinance requires that the Town Board refer the proposed amendments to the Planning Board for a report and recommendation before a public hearing is held on the amendment by the Town Board; and

**WHEREAS**, on May 29, 2018, the Town Board adopted Resolution CD-3 – 05/29/18, (1) declaring its intent to act as Lead Agency for review of the proposed amendments and all related actions

under the State Environmental Quality Review Act (“SEQRA”) and (2) referring the Zoning Map and Text Amendment to the Planning Board for report and recommendation; and

**WHEREAS**, the Planning Board, at a regularly scheduled work session meetings on July 18, 2018, October 3, 2018 and October 17, 2018, discussed the proposed amendments, and made a positive recommendation to the Town Board associated with the proposed Zoning Text and Zoning Map Amendments and issued a related report; and

**WHEREAS**, notification to all potentially affected property owners was distributed at two separate time periods: (1) June 2018 immediately following the Town Board’s introduction of the Zoning Text and Map referral to the Planning Board; and (2) prior to the Town Board’s public hearing on the matter; and

**WHEREAS**, on October 24, 2018, the Town of Greenburgh Town Board held a public hearing on the proposed Zoning Text and Map Amendments; and

**WHEREAS**, in addition to the comments received at the public hearings, over 50 individual property owners reached out by phone or email to Town staff regarding additional information related to the proposed Zoning Text and Map Amendments; and

**WHEREAS**, the Town Board has conducted a coordinated review (Planning Board, Westchester County - Interested Agencies) and analysis of the entire record as well as the potential environmental effects from the proposed Project and finds that all impacts have been mitigated to the greatest extent possible;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Greenburgh, as follows:

1. The Town Board, as Lead Agency in a coordinated review (Planning Board, Westchester County - Interested Agencies), has reviewed and considered the entire record of the Application, including all materials submitted by or on behalf of the Applicant, the EAF, the Planning Board recommendation and related report; and
2. The Town Board has considered the potential impacts of the Proposed Unlisted Action in light of the criteria set forth in the SEQRA regulations (6 NYCRR Section 617.7(c)); and
3. Having thoroughly reviewed the record and determined that the proposed Action will not have significant adverse environmental impacts, the Town Board hereby issues a Negative Declaration related to the SEQRA determination; and
4. The Town Board’s specific findings and determinations in support of this Negative Declaration are recited at length in the attached Determination of Non-Significance and are hereby incorporated into this Resolution by reference.

**617.21**  
**Appendix F**  
**State Environmental Quality Review**  
**NEGATIVE DECLARATION**  
**Notice of Determination of Non-significance**

Project Number: Case No. TB 18-10 UR District (R-5/LTF) Zoning Text and Zoning Map Amendments

Date: November 14, 2018

This notice is issued pursuant to Part 617 of the Implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Greenburgh, located at Greenburgh Town Hall, 177 Hillside Avenue, Greenburgh NY, as lead agency, has determined that the "Proposed Action" described below will not have a significant effect on the environment and a Draft Environmental Impact Statement is not required.

**Name of Action:** Case No. TB 18-10 "UR District (R-5/LTF)" (Zoning Text and Map Amendments)

**SEQR Status:**      Type 1      ☐  
                                 Unlisted      ☒

**Conditioned Negative Declaration:**      Yes      ☐  
   No      ☒

**Description of Action:** A Zoning Text Amendment and Zoning Map Amendments (Town Board approval) to 217 individual zoning designations of land zoned UR Urban Renewal and replacement to a new R-5/LTF Zoning District in the Town of Greenburgh.

**Locations:** 217 Various Parcels, Town of Greenburgh (unincorporated), N.Y. (See attached map)

**Reasons Supporting This Determination:**

This determination of significance is based upon the Environmental Assessment Form (EAF) that was prepared by the Applicant and upon the criteria contained in Section 617.7 of SEQRA.

The Town Board has conducted a coordinated review (Planning Board, Westchester County – Interested Agencies) and analysis of the information provided and the potential environmental effects from the proposed action. It has reviewed Part 1 of the Full Environmental Assessment Form (EAF), prepared by Town staff.

The Zoning Text and Map Amendments were reviewed and discussed at Planning Board work sessions on July 18, 2018, October 3, 2018 and October 17, 2018.

The Zoning Text and Map Amendments were reviewed and discussed at a Public Hearing of the Town Board Planning Board on October 24, 2018.

Based upon all of the information generated for the proposed project and its own careful and thorough independent review of the potential environmental effects, the Town Board directed Planning staff to complete a Part 2 of the Full EAF, which it incorporates here by reference. The EAF has aided the Town Board's determination. As described more fully in Part 2 of the EAF, the Town Board has identified a number of beneficial impacts that will result from the proposed project with respect to (1) Zoning; and (2) Consistency with Community Character.

## **1) PROJECT IMPACTS AND THEIR MAGNITUDE**

### **A) IMPACT ON LAND**

#### **Zoning Text Amendment (R-5/LTF)**

In determining the suitability of a zoning text amendment, Article IX of the Code of the Town of Greenburgh establishes criteria for consideration, which encompasses the Planning Board Report to the Town Board.

§ 285-64B(1) Concerning a proposed amendment involving a change in the Zoning Text.

*(a) Whether such change is consistent with the aims and principles embodied in the chapter as to the particular districts concerned;*

Not applicable. The intended goal of the proposed local law is to remove the UR District.

*(b) Which areas, land uses, buildings and establishments in the Town will be directly affected by such change and in what way they will be affected;*

The proposed local law would affect the areas south of I-287 and north of Tarrytown Road (Rt. 119), between properties fronting on Manhattan Avenue and Hillside Avenue; excluding the area zoned M-SH-62 and the commercial properties fronting on Tarrytown Road (Rt. 119). In addition, the properties located along the northern portion of Dobbs Ferry Road, which abut the Crossroads Shopping Center, would be included. In contrast to the original proposal, the six (6) townhomes located on Warren Avenue would not be included in the zone, but be situated in the adjacent R-5/LMF District. The amendment would allow uses traditionally allowed by the UR District with limitations on two-family residential properties. The proposed amendments will limit the potential for development that exacerbates shortages in on-street parking.

*(c) The indirect implications of such change in its effect on other regulations; and*

This action, being consistent with Comprehensive Plan, is for a phased removal of the UR District. Indirect implications of the local law are anticipated to be the subsequent removal of the remainder of the UR District.

*(d) Whether such proposed amendment is consistent with the aims of the official planning policies of the Town of Greenburgh.*

The 2016 Greenburgh Comprehensive Plan constitutes the official planning policy of the Town of Greenburgh. The proposed amendments and recommendations represent consistency with the following Comprehensive Plan goals and policies:

Policy 12.2.1.1, Create new zoning districts for lots currently zoned UR, consistent with the designations shown on Figure 12.15.2; Section 12.6.39, The areas depicted as One-Family Residential (limited multi-family) on Figure 12.15.2 contain a majority of one-family residences

but also contain several two-family residences. The recommended zoning text change would create a zoning district that continues to allow one-family residences, and lawfully existing and approved two-family residences as a permitted use, consistent with the areas designated on Figure 12.15.2 in the Comprehensive Plan.

### **Zoning Map Amendment (R-5/LTF)**

§ 285-64B(2) Concerning a proposed amendment involving a change to the Zoning Map.

*(a) Whether the uses permitted by the proposed change would be appropriate in the area concerned;*

The R-5 Limited Two-Family District would preserve the character of the existing neighborhood by prohibiting conversion of single-family residences, or vacant properties, to two-family residences, and thus providing for more adequate on-street parking options for residents.

*(b) Whether adequate public school facilities and other public facilities, utilities and services, including roads, exist or can be reasonably expected to be created or serve the needs of any additional dwellings or other uses likely to be constructed as a result of such change;*

By promoting changes to the Code that would limit over-density within the affected area, there are no expected negative impacts related to future construction within the District.

*(c) Whether the proposed change is in accord with any existing or proposed plans in the vicinity; and*

The proposed amendment is in accordance with phased changes to the UR District, and the creation of the R-5 – Limited Multi-family District.

*(d) The effect of the proposed amendment upon the development of the Town as envisioned by the official planning policies of the Town of Greenburgh.*

The 2016 Greenburgh Comprehensive Plan constitutes the official planning policy of the Town of Greenburgh. The proposed amendments and recommendations represent consistency with the following Comprehensive Plan goals and policies:

Policy 12.2.1.1, Create new zoning districts for lots currently zoned UR, consistent with the designations shown on Figure 12.15.2; Section 12.6.39, The areas depicted as One-Family Residential (limited multi-family) on Figure 12.15.2 contain a majority of one-family residences but also contain several two-family residences. The recommended zoning text change would create a zoning district that allows one-family residences, and lawfully existing and approved two-family residences as a permitted use, consistent with the areas designated on Figure 12.15.2 in the Comprehensive Plan.

### **B) IMPACT ON AIR**

The “Proposed Action” will not affect air quality.

### **C) IMPACT ON PLANTS AND ANIMALS**

The “Proposed Action” will not affect plants and animals.

### **D) IMPACT ON AGRICULTURAL LAND RESOURCES**

The “Proposed Action” will not affect agricultural land resources.



**E) IMPACT ON AESTHETIC RESOURCES**

The “Proposed Action” will not affect aesthetic resources.

**F) IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES**

The “Proposed Action” will not have any impact on historic and archeological resources.

**G) IMPACT ON OPEN SPACE AND RECREATION**

The “Proposed Action” will not affect any open space or recreational areas.

**H) IMPACT ON CRITICAL ENVIRONMENTAL AREAS**

The “Proposed Action” will not affect any critical environmental areas.

**I) IMPACT ON TRANSPORTATION**

There is no anticipated affect upon the transportation system.

**J) IMPACT ON ENERGY**

There is no anticipated affect upon the community’s sources of fuel or energy supply.

**K) NOISE AND ODOR IMPACT**

There is no anticipated affect from noise and odor impacts associated with the proposed project.

**L) IMPACT ON PUBLIC HEALTH**

There is no anticipated affect upon public health and safety.

**M) IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD**

The proposed zoning map amendments work to ensure that the permitted uses of the Town’s existing zoning districts are consistent with the future land-use map of the Town. These amendments therefore, provide for enhanced consistency with community and neighborhood character.

**Conclusion**

The Town Board has conducted a coordinated review (Planning Board, Westchester County – Interested Agencies) and analysis of the entire record and the potential environmental effects from the proposed project. It has reviewed a Part 1 of the Full Environmental Assessment Form (EAF), prepared by the Applicant and its consultants.

The Town Board has completed a careful and thorough review of the identified areas on the Environmental Assessment Form. Based upon all of the information generated for the proposed action and its own careful and thorough coordinated review and public discussion of the potential environmental effects, the Town Board has determined that the potential impacts outlined in Part 2 of the EAF, individually as well as cumulatively, will have a beneficial impact to the Town.

As a result of their review of the proposed project, the Town Board has determined that a negative declaration be issued on the potential impacts for the “Proposed Action” outlined in Part 2 of the EAF, and that the “Proposed Action” will not have a significant effect on the environment and that any effect will be mitigated to the greatest extent practicable, and, therefore, the preparation of an Environmental Impact Statement (“EIS”) is not required.

**If Conditioned Negative Declaration**, provide on attachment the specific mitigation measures imposed.

N/A

**For Further Information:**

Contact Person: Garrett Duquesne, AICP  
Commissioner, Community Development and Conservation

Address: 177 Hillside Avenue  
Greenburgh, NY 10607

Telephone#: (914) 989-1538

Delivered by hand: Greenburgh Town Hall, 177 Hillside Avenue, Greenburgh, NY 10607

**Town Board- Regular**

**Meeting Date:** 11/14/2018

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**Text/Header:**

**CD 2 - 11/14/18**

Resolution of the Town Board: (1) adopting a Local Law amending the Zoning Ordinance of the Town of Greenburgh to include a One-Family Limited Two-Family Residence District (R-5/LTF) District; and (2) amending the Zoning Map of the Town of Greenburgh to rezone 217 individual parcels from the Urban Renewal (UR) District to the R-5/LTF district

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**Attachments**

**TB 2018 1114 CD-2 reso Adopt R-5LTF Zoning Text and Zoning Map Amendments R 1113**

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**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GREENBURGH: (1) ADOPTING A LOCAL LAW AMENDING THE ZONING ORDINANCE OF THE TOWN OF GREENBURGH TO INCLUDE A ONE-FAMILY LIMITED TWO-FAMILY RESIDENCE DISTRICT (R-5/LTF) DISTRICT; AND (2) AMENDING THE ZONING MAP OF THE TOWN OF GREENBURGH TO REZONE 217 INDIVIDUAL PARCELS FROM THE URBAN RENEWAL (UR) DISTRICT TO THE R-5/LTF DISTRICT**

**WHEREAS**, the Town of Greenburgh Comprehensive Plan (“the Plan”), adopted on September 28, 2016, contains policies associated with a planned removal and replacement of the UR Urban Renewal District; and

**WHEREAS**, POLICY 12.2.1.1 of the Plan specifically states, “Create new zoning districts for lots currently zoned UR, consistent with the designations shown on Figure 12.15.2;” and

**WHEREAS**, the R-5/LTF One-Family/Limited-Two Family Residence District was specifically created to be consistent with the portions of the Future Land Use Plan (Urban Renewal), Figure 12.15.2 identified as “One-Family Residential (Limited Two-Family)”;

**WHEREAS**, the existing UR District contains 217 individual parcels that have been identified as appropriate for the R-5/LTF One-Family/Limited-Two Family Residence District; and

**WHEREAS**, the Town of Greenburgh now seeks to implement the R-5/LTF amendments, which will (1) remove a significant portion of the Urban Renewal District in a manner consistent with the Comprehensive Plan; (2) allow certain lawfully existing and approved non-one-family residences; and (3) minimize the potential for off-street parking congestion; and

**WHEREAS**, Section 285-64 of the Zoning Ordinance requires that the Town Board refer the proposed amendments to the Planning Board for a report and recommendation before a public hearing is held on the amendments by the Town Board;

**WHEREAS**, on May 29, 2018, the Town Board adopted Resolution CD-3 – 05/29/18, (1) declaring its intent to act as Lead Agency for review of the proposed amendments and all related actions under the State Environmental Quality Review Act (“SEQRA”) and (2) referring the Zoning Map and Zoning Text Amendments to the Planning Board for report and recommendation; and

**WHEREAS**, the Planning Board, at a regularly scheduled work session meetings on July 18, 2018, October 3, 2018 and October 17, 2018, discussed the proposed amendments, and made a positive recommendation to the Town Board associated with the proposed Zoning Text and Zoning Map Amendments and issued a related report; and

**WHEREAS**, notification to all potentially affected property owners was distributed at two separate time periods: (1) June 2018 immediately following the Town Board’s introduction of the Zoning Text and Map referral to the Planning Board; and (2) prior to the Town Board’s public hearing on the matter; and

**WHEREAS**, the Town Board conducted a coordinated SEQRA review (Planning Board, Westchester County – Interested Agencies) and analysis of the entire record, studying and documenting

the potential environmental impacts associated with the proposed Zoning Map and Zoning Text Amendments, and on November 14, 2018, in connection with adopted Resolution CD-1 – 11/14/18, made a Negative Declaration with respect to SEQRA;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Greenburgh, as follows:

1. The Town Board hereby adopts the attached Local Law adding (1) 285-16.1. R-5/LTF One-Family Limited Two-Family Residence District to the Zoning Ordinance of the Town of Greenburgh (Appendix A); and (2) this new R-5/LTF One-Family Limited Two-Family Residence District to the Zoning Map; and
2. The Zoning Map, initially created with the adoption of the first Zoning Ordinance of the Town of Greenburgh and periodically amended over the years pursuant to procedures specified in the Ordinance, is hereby further amended pursuant to Section 285-64 of the Zoning Ordinance by rezoning the 217 individual properties listed in the attached appendix (“Appendix B”) from Urban Renewal (UR) to the R-5/LTF District; and
3. The “Zoning Map, Town of Greenburgh (unincorporated),” dated September 12, 2012, and last revised March 28, 2018, attached hereto as Appendix C, as amended herein, is hereby adopted as the most recently amended “Zoning Map, Town of Greenburgh (unincorporated),” declared to be a part of the Zoning Ordinance and hereafter referred to as the Zoning Map when dated and hand signed by the Town Supervisor and by the Commissioner of Community Development and Conservation and embossed with the seal of the Town of Greenburgh; and
4. The Town Clerk is hereby directed to permanently preserve a copy of the Zoning Map existing before the adoption of this resolution and to permanently preserve in the Town Clerk’s Office the Zoning Map created pursuant to this resolution after it has been hand-signed and dated by the Town Supervisor and by the Commissioner of Community Development and Planning, and embossed with the seal of the Town of Greenburgh; and
5. When copies of the Zoning Map, as amended hereby, are available, if a Town department displays the Town’s Zoning Map, the department head shall be responsible for displaying the Zoning Map hereby adopted, unless it is subsequently amended by the Town Board pursuant to Section 285-64.

**Town Board- Regular**

**Meeting Date:** 11/14/2018

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**Text/Header:**

**CD 3 - 11/14/18**

Resolution issuing a Negative Declaration for the SEQRA determination of the Town Board with respect to a Zoning Text and Zoning Map amendment to add a new Zoning District (R-5/LMF: One-Family/Limited Multi-Family Residence District) to the Zoning Ordinance and Zoning Map, and to rezone 102 individual parcels to the R-5/LMF District

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**Attachments**

TB 2018 1114 CD-3 reso Auth UR R-5LMF Zoning Text and Map Amendment Neg Dec R 1113

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**RESOLUTION ISSUING A NEGATIVE DECLARATION FOR THE SEQRA DETERMINATION OF THE TOWN BOARD OF THE TOWN OF GREENBURGH WITH RESPECT TO A ZONING TEXT AND ZONING MAP AMENDMENT TO ADD A NEW ZONING DISTRICT (R-5/LMF: ONE-FAMILY/LIMITED MULTI-FAMILY RESIDENCE DISTRICT) TO THE ZONING ORDINANCE AND ZONING MAP, AND TO REZONE 102 INDIVIDUAL PARCELS TO THE R-5/LMF DISTRICT**

**WHEREAS**, the Town of Greenburgh Comprehensive Plan (“the Plan”), adopted on September 28, 2016, contains policies associated with a planned removal and replacement of the UR Urban Renewal District; and

**WHEREAS**, POLICY 12.2.1.1 of the Plan specifically states, “Create new zoning districts for lots currently zoned UR, consistent with the designations shown on Figure 12.15.2;” and

**WHEREAS**, the R-5/LMF One-Family/Limited Multi-Family Residence District was specifically created to be consistent with the portions of the Future Land Use Plan (Urban Renewal), Figure 12.15.2 identified as “One-Family Residential (Limited Multi-Family);” and

**WHEREAS**, the existing UR District contains 102 individual parcels that have been identified as appropriate for the R-5/LMF One-Family/Limited-Multi Family Residence District; and

**WHEREAS**, the Town of Greenburgh now seeks to implement the R-5/LMF amendments, which will (1) remove a significant portion of the Urban Renewal District in a manner consistent with the Comprehensive Plan; (2) allow certain lawfully existing and approved non-one-family residences; and (3) minimize the potential for off-street parking congestion; and

**WHEREAS**, pursuant to Section 617.6(a)(1) of the regulations of the State Environmental Quality Review Act (“SEQRA”), as soon as an agency receives an application for funding or approval of an action, it must, among other things, make a preliminary classification of the action under SEQRA; and

**WHEREAS**, a Full Environmental Assessment Form was prepared by Town staff, and under SEQRA, the actions directly and indirectly proposed were preliminarily classified as “Unlisted;” and

**WHEREAS**, Town staff circulated the proposed amendments and EAF to all potentially Interested and Involved Agencies together with a notice indicating the Town Board’s intention to be Lead Agency for the action; and

**WHEREAS**, more than thirty (30) days have passed since the date the proposed amendments and EAF were transmitted to potentially involved agencies, and no agency has objected to the Town Board becoming Lead Agency for review of the Application and all related actions under SEQRA; and

**WHEREAS**, Section 285-64 of the Zoning Ordinance requires that the Town Board refer the proposed amendments to the Planning Board for a report and recommendation before a public hearing is held on the amendments by the Town Board; and

**WHEREAS**, on May 29, 2018, the Town Board adopted Resolution CD-4 – 05/29/18, (1) declaring its intent to act as Lead Agency for review of the proposed amendments and all related actions

under the State Environmental Quality Review Act (“SEQRA”) and (2) referring the Zoning Map and Text Amendments to the Planning Board for report and recommendation; and

**WHEREAS**, the Planning Board, at a regularly scheduled work session meetings on July 18, 2018, October 3, 2018 and October 17, 2018, discussed the proposed amendments, and made a positive recommendation to the Town Board associated with the proposed Zoning Text and Zoning Map Amendments and issued a related report; and

**WHEREAS**, notification to all potentially affected property owners was distributed at two separate time periods: (1) June 2018 immediately following the Town Board’s introduction of the Zoning Text and Map referral to the Planning Board; and (2) prior to the Town Board’s public hearing on the matter; and

**WHEREAS**, on October 24, 2018, the Town of Greenburgh Town Board held a public hearing on the proposed Zoning Text and Zoning Map Amendments; and

**WHEREAS**, in addition to the comments received at the public hearings, over 50 individual property owners reached out by phone or email to Town staff regarding additional information related to the proposed Zoning Text and Zoning Map Amendments; and

**WHEREAS**, the Town Board has conducted a coordinated review (Planning Board, Westchester County - Interested Agencies) and analysis of the entire record as well as the potential environmental effects from the proposed Project and finds that all impacts have been mitigated to the greatest extent possible;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Greenburgh, as follows:

1. The Town Board, as Lead Agency in a coordinated review (Planning Board, Westchester County - Interested Agencies), has reviewed and considered the entire record of the Application, including all materials submitted by or on behalf of the Applicant, the EAF, the Planning Board recommendation and related report; and
2. The Town Board has considered the potential impacts of the Proposed Unlisted Action in light of the criteria set forth in the SEQRA regulations (6 NYCRR Section 617.7(c)); and
3. Having thoroughly reviewed the record and determined that the proposed Action will not have significant adverse environmental impacts, the Town Board hereby issues a Negative Declaration related to the SEQRA determination; and
4. The Town Board’s specific findings and determinations in support of this Negative Declaration are recited at length in the attached Determination of Non-Significance and are hereby incorporated into this Resolution by reference



**617.21**  
**Appendix F**  
**State Environmental Quality Review**  
**NEGATIVE DECLARATION**  
**Notice of Determination of Non-significance**

Project Number: Case No. TB 18-10 UR District (R-5/LMF) Zoning Text and Zoning Map Amendments

Date: November 14, 2018

This notice is issued pursuant to Part 617 of the Implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Greenburgh, located at Greenburgh Town Hall, 177 Hillside Avenue, Greenburgh NY, as lead agency, has determined that the "Proposed Action" described below will not have a significant effect on the environment and a Draft Environmental Impact Statement is not required.

**Name of Action:** Case No. TB 18-10 "UR District (R-5/LMF)" (Zoning Text and Zoning Map Amendments)

**SEQR Status:** Type 1 ☐  
Unlisted ☒

**Conditioned Negative Declaration:** Yes ☐  
No ☒

**Description of Action:** A Zoning Text Amendment and Zoning Map Amendment (Town Board approval) to 102 individual zoning designations of land zoned UR Urban Renewal and replacement to a new R-5/LMF Zoning District in the Town of Greenburgh.

**Locations:** 102 Various Parcels, Town of Greenburgh (unincorporated), N.Y. (See attached map)

**Reasons Supporting This Determination:**

This determination of significance is based upon the Environmental Assessment Form (EAF) that was prepared by the Applicant and upon the criteria contained in Section 617.7 of SEQRA.

The Town Board has conducted a coordinated review (Planning Board, Westchester County – Interested Agencies) and analysis of the information provided and the potential environmental effects from the proposed action. It has reviewed Part 1 of the Full Environmental Assessment Form (EAF), prepared by Town staff.

The Zoning Text and Map Amendments were reviewed and discussed at Planning Board work sessions on July 18, 2018, October 3, 2018 and October 17, 2018.

The Zoning Text and Map Amendments were reviewed and discussed at a Public Hearing of the Town Board Planning Board on October 24, 2018.

Based upon all of the information generated for the proposed project and its own careful and thorough independent review of the potential environmental effects, the Town Board directed Planning staff to complete a Part 2 of the Full EAF, which it incorporates here by reference. The EAF has aided the Town Board's determination. As described more fully in Part 2 of the EAF, the Town Board has identified a number of beneficial impacts that will result from the proposed project with respect to (1) Zoning; and (2) Consistency with Community Character.

## **1) PROJECT IMPACTS AND THEIR MAGNITUDE**

### **A) IMPACT ON LAND**

#### **Zoning Text Amendment (R-5/LMF)**

In determining the suitability of a zoning text amendment, Article IX of the Code of the Town of Greenburgh establishes criteria for consideration, which encompasses the Planning Board Report to the Town Board.

§ 285-64B(1) Concerning a proposed amendment involving a change in the Zoning Text.

*(a) Whether such change is consistent with the aims and principles embodied in the chapter as to the particular districts concerned;*

Not applicable. The intended goal of the proposed local law is to remove the UR District.

*(b) Which areas, land uses, buildings and establishments in the Town will be directly affected by such change and in what way they will be affected;*

The proposed local law would affect areas south of Old Tarrytown Road and North of I-287, between 9 Maple Street and Elm Street; excluding the apartment complexes at 90 Manhattan Avenue and 33 Oak Street. In addition to the original proposal, the six (6) townhomes located on Warren Avenue would also be included in this amendment. The amendment would continue to allow uses traditionally allowed by the UR District, with limitations on two-family and multi-family residential properties.

*(c) The indirect implications of such change in its effect on other regulations; and*

This action, being consistent with Comprehensive Plan, is for a phased removal of the UR District. Indirect implications of the local law are anticipated to be the subsequent removal of, the remainder of the UR District.

*(d) Whether such proposed amendment is consistent with the aims of the official planning policies of the Town of Greenburgh.*

The 2016 Greenburgh Comprehensive Plan constitutes the official planning policy of the Town of Greenburgh. The proposed amendments and recommendations represent consistency with the following Comprehensive Plan goals and policies:

Policy 12.2.1.1, Create new zoning districts for lots currently zoned UR, consistent with the designations shown on Figure 12.15.2; Section 12.6.39, The areas depicted as One-Family Residential (limited multi-family) on Figure 12.15.2 contain a majority of one-family residences but also contain several two-family and multi-family residences. The recommended zoning text change would create a zoning district that continues to allow one-family residences, and lawfully

existing and approved two-family residences as a permitted use, consistent with the areas designated on Figure 12.15.2 in the Comprehensive Plan.

### **Zoning Map Amendment (R-5/LMF)**

§ 285-64B(2) Concerning a proposed amendment involving a change to the Zoning Map.

*(a) Whether the uses permitted by the proposed change would be appropriate in the area concerned;*

The R-5 Limited Multi-Family District would preserve the character of the existing neighborhood by prohibiting conversion of single-family residences, or vacant properties, to two-family residences, and thus providing for more adequate on-street parking options for residents.

*(b) Whether adequate public school facilities and other public facilities, utilities and services, including roads, exist or can be reasonably expected to be created or serve the needs of any additional dwellings or other uses likely to be constructed as a result of such change;*

By promoting changes to the Code that would limit over-density within the affected area, there are no expected negative impacts related to future construction within the District.

*(c) Whether the proposed change is in accord with any existing or proposed plans in the vicinity; and*

The proposed amendment is in accordance with phased changes to the UR District, and the creation of the R-5 – Limited Two-family District.

*(d) The effect of the proposed amendment upon the development of the Town as envisioned by the official planning policies of the Town of Greenburgh.*

The 2016 Greenburgh Comprehensive Plan constitutes the official planning policy of the Town of Greenburgh. The proposed amendments and recommendations represent consistency with the following Comprehensive Plan goals and policies:

Policy 12.2.1.1, Create new zoning districts for lots currently zoned UR, consistent with the designations shown on Figure 12.15.2; Section 12.6.39, The areas depicted as One-Family Residential (limited multi-family) on Figure 12.15.2 contain a majority of one-family residences but also contain several two-family and multi-family residences. The recommended zoning text change would create a zoning district that allows one-family residences, and lawfully existing and approved two-family residences as a permitted use, consistent with the areas designated on Figure 12.15.2 in the Comprehensive Plan.

### **B) IMPACT ON AIR**

The “Proposed Action” will not affect air quality.

### **C) IMPACT ON PLANTS AND ANIMALS**

The “Proposed Action” will not affect plants and animals.

### **D) IMPACT ON AGRICULTURAL LAND RESOURCES**

The “Proposed Action” will not affect agricultural land resources.

### **E) IMPACT ON AESTHETIC RESOURCES**

The “Proposed Action” will not affect aesthetic resources.

**F) IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES**

The “Proposed Action” will not have any impact on historic and archeological resources.

**G) IMPACT ON OPEN SPACE AND RECREATION**

The “Proposed Action” will not affect any open space or recreational areas.

**H) IMPACT ON CRITICAL ENVIRONMENTAL AREAS**

The “Proposed Action” will not affect any critical environmental areas.

**I) IMPACT ON TRANSPORTATION**

There is no anticipated affect upon the transportation system.

**J) IMPACT ON ENERGY**

There is no anticipated affect upon the community’s sources of fuel or energy supply.

**K) NOISE AND ODOR IMPACT**

There is no anticipated affect from noise and odor impacts associated with the proposed project.

**L) IMPACT ON PUBLIC HEALTH**

There is no anticipated affect upon public health and safety.

**M) IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD**

The proposed zoning map amendments work to ensure that the permitted uses of the Town’s existing zoning districts are consistent with the future land-use map of the Town. These amendments therefore, provide for enhanced consistency with community and neighborhood character.

**Conclusion**

The Town Board has conducted a coordinated review (Planning Board, Westchester County – Interested Agencies) and analysis of the entire record and the potential environmental effects from the proposed project. It has reviewed a Part 1 of the Full Environmental Assessment Form (EAF), prepared by the Applicant and its consultants.

The Town Board has completed a careful and thorough review of the identified areas on the Environmental Assessment Form. Based upon all of the information generated for the proposed action and its own careful and thorough coordinated review and public discussion of the potential environmental effects, the Town Board has determined that the potential impacts outlined in Part 2 of the EAF, individually as well as cumulatively, will have a beneficial impact to the Town.

As a result of their review of the proposed project, the Town Board has determined that a negative declaration be issued on the potential impacts for the “Proposed Action” outlined in Part 2 of the EAF, and that the “Proposed Action” will not have a significant effect on the environment and that any effect will be mitigated to the greatest extent practicable, and, therefore, the preparation of an Environmental Impact Statement (“EIS”) is not required.

**If Conditioned Negative Declaration**, provide on attachment the specific mitigation measures imposed.

N/A

**For Further Information:**

Contact Person: Garrett Duquesne, AICP  
Commissioner, Community Development and Conservation

Address: 177 Hillside Avenue  
Greenburgh, NY 10607

Telephone#: (914) 989-1538

Delivered by hand: Greenburgh Town Hall, 177 Hillside Avenue, Greenburgh, NY 10607

**Town Board- Regular**

**Meeting Date:** 11/14/2018

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**Text/Header:**

**CD 4 - 11/14/18**

Resolution of the Town Board of the Town of Greenburgh: (1) adopting a Local Law amending the Zoning Ordinance of the Town of Greenburgh to include a One-Family Limited Multi-Family Residence District (R-5/LMF) District; and (2) amending the Zoning Map of the Town of Greenburgh to rezone 102 individual parcels from the Urban Renewal (UR) District to the R-5/LMF District

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**Attachments**

TB 2018 1114 CD-4 reso Adopt R-5LMF Zoning Text and Zoning Map Amendments R 1114

R-5LMF Local Law

R-5LMF Appendix B Urban Renewal District

R-5LMF UR District Updated Map

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**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GREENBURGH: (1) ADOPTING A LOCAL LAW AMENDING THE ZONING ORDINANCE OF THE TOWN OF GREENBURGH TO INCLUDE A ONE-FAMILY LIMITED MULTI-FAMILY RESIDENCE DISTRICT (R-5/LMF) DISTRICT; AND (2) AMENDING THE ZONING MAP OF THE TOWN OF GREENBURGH TO REZONE 102 INDIVIDUAL PARCELS FROM THE URBAN RENEWAL (UR) DISTRICT TO THE R-5/LMF DISTRICT**

**WHEREAS**, the Town of Greenburgh Comprehensive Plan (“the Plan”), adopted on September 28, 2016, contains policies associated with a planned removal and replacement of the UR Urban Renewal District; and

**WHEREAS**, POLICY 12.2.1.1 of the Plan specifically states, “Create new zoning districts for lots currently zoned UR, consistent with the designations shown on Figure 12.15.2;” and

**WHEREAS**, the R-5/LMF One-Family/Limited Multi-Family Residence District was specifically created to be consistent with the portions of the Future Land Use Plan (Urban Renewal), Figure 12.15.2 identified as “One-Family Residential (Limited Multi-Family)”;

**WHEREAS**, the existing UR District contains 102 individual parcels that have been identified as appropriate for the R-5/LMF One-Family/Limited Multi-Family Residence District; and

**WHEREAS**, the Town of Greenburgh now seeks to implement the R-5/LMF amendments, which will (1) remove a significant portion of the Urban Renewal District in a manner consistent with the Comprehensive Plan; (2) allow certain lawfully existing and approved non-one-family residences; and (3) minimize the potential for off-street parking congestion; and

**WHEREAS**, Section 285-64 of the Zoning Ordinance requires that the Town Board refer the proposed amendments to the Planning Board for a report and recommendation before a public hearing is held on the amendments by the Town Board;

**WHEREAS**, on May 29, 2018, the Town Board adopted Resolution CD-3 – 05/29/18, (1) declaring its intent to act as Lead Agency for review of the proposed amendments and all related actions under the State Environmental Quality Review Act (“SEQRA”) and (2) referring the Zoning Map and Text Amendments to the Planning Board for report and recommendation; and

**WHEREAS**, the Planning Board, at a regularly scheduled work session meetings on July 18, 2018, October 3, 2018 and October 17, 2018, discussed the proposed amendments, and made a positive recommendation to the Town Board associated with the proposed Zoning Text and Zoning Map Amendments and issued a related report; and

**WHEREAS**, notification to all potentially affected property owners was distributed at two separate time periods: (1) June 2018 immediately following the Town Board’s introduction of the Zoning Text and Map referral to the Planning Board; and (2) prior to the Town Board’s public hearing on the matter; and

**WHEREAS**, the Town Board conducted a coordinated SEQRA review (Planning Board, Westchester County – Interested Agencies) and analysis of the entire record, studying and documenting

the potential environmental impacts associated with the proposed Zoning Map and Text Amendments, and on November 14, 2018, in connection with adopted Resolution CD-1 – 11/14/18, made a Negative Declaration with respect to SEQRA;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Greenburgh, as follows:

1. The Town Board hereby adopts the attached Local Law adding (1) 285-16.2. R-5/LMF One-Family Limited-Multi-Family Residence District to the Zoning Ordinance of the Town of Greenburgh (Appendix A); and (2) this new R-5/LMF One-Family Limited Multi-Family Residence District to the Zoning Map; and
2. The Zoning Map, initially created with the adoption of the first Zoning Ordinance of the Town of Greenburgh and periodically amended over the years pursuant to procedures specified in the Ordinance, is hereby further amended pursuant to Section 285-64 of the Zoning Ordinance by rezoning the 102 individual properties listed in the attached appendix (“Appendix B”) from Urban Renewal (UR) to the R-5/LMF District; and
3. The “Zoning Map, Town of Greenburgh (unincorporated),” dated September 12, 2012, and last revised March 28, 2018, attached hereto (Appendix C), as amended herein, is hereby adopted as the most recently amended “Zoning Map, Town of Greenburgh (unincorporated),” declared to be a part of the Zoning Ordinance and hereafter referred to as the Zoning Map when dated and hand signed by the Town Supervisor and by the Commissioner of Community Development and Conservation and embossed with the seal of the Town of Greenburgh; and
4. The Town Clerk is hereby directed to permanently preserve a copy of the Zoning Map existing before the adoption of this resolution and to permanently preserve in the Town Clerk’s Office the Zoning Map created pursuant to this resolution after it has been hand-signed and dated by the Town Supervisor and by the Commissioner of Community Development and Planning, and embossed with the seal of the Town of Greenburgh; and
5. When copies of the Zoning Map, as amended hereby, are available, if a Town department displays the Town’s Zoning Map, the department head shall be responsible for displaying the Zoning Map hereby adopted, unless it is subsequently amended by the Town Board pursuant to Section 285-64.





## TOWN of GREENBURGH

Local Law No. /2018

A local law amending Chapter 285, of the Code of the Town of Greenburgh entitled “R-5/LMF One-Family/Limited Multifamily Residence District” pursuant to New York State Constitution Article IX and New York Municipal Home Rule Law Section 10, New York Environmental Conservation Law Article 8 (SEQR).

**BE IT ENACTED** by the Town Board of the Town of Greenburgh:

- § 1. Title.**
- § 2. Legislative Findings and Intent.**
- § 3. Amendment to § 285-5 Definitions.**
- § 4. Amendment Adding § 285-16.2 R-5/LMF One-Family/Limited Multifamily Residence District.**
- § 5. Supersession.**
- § 6. Severability.**
- § 7. Effective Date.**

**§ 1. Title.**

This law is entitled “A local law amending Section 285, of the Code of the Town of Greenburgh, entitled “R-5/LMF One-Family/Limited Multifamily Residence District.”

**§ 2. Legislative Findings and Intent.**

The Town Board of the Town of Greenburgh finds it necessary to amend Chapter 285 of the Code of the Town of Greenburgh to facilitate the incremental removal and replacement of the Urban Renewal District in a manner consistent with the Comprehensive Plan.

**§ 3. Amendments to Chapter 285-5.**

Section 285-5 of the Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

**285-5 Definitions.**

**Limited Multifamily Residences**

Two-Family, Townhouse and Garden Apartments

**§ 4. Amendments to Chapter 285: Zoning.**

Section 285 of the Code of the Town of Greenburgh is hereby amended as follows  
(deleted text in strikeout; new text underlined):

285-16.2. R-5/LMF One-Family/Limited Multifamily Residence District

A. Permitted uses. No building or premises shall be used and no building shall be erected, altered or added to unless otherwise provided in this chapter, except for the following uses:

(1) Principal uses.

- a. All uses permitted in the R-40 District as specified in § 285-10A(1) of this chapter.
- b. All Limited Multifamily Residences, as defined in § 285-5, either approved or lawfully existing at the time of the enactment of this subsection.

(2) Special permit uses. All uses permitted in the R-40 District as specified in § 285-10A(2) of this chapter.

(3) Accessory uses. All uses permitted in the R-40 District as specified in § 285-10A(3) of this chapter.

(4) Uses under special permit by Town Board. All uses permitted in the R-40 District as specified in § 285-10A(4) of this chapter.

B. Lot and bulk requirements shall be as follows:

(1) Minimum lot area: 5,000 square feet, unless otherwise specified. 6,000 square feet minimum for Two-Family, 2,000 square feet minimum for Townhouse and Garden Apartments.

(2) Minimum lot width: 50 feet, unless otherwise specified.

(3) Maximum coverage:

- a. All buildings, unless otherwise specified: 30%. Townhouses and Garden Apartments: 35%.
- b. Impervious surfaces: 43.75%.

(4) Minimum yards, unless otherwise specified:

- a. Front: 20 feet.

- b. One side: eight feet.
- c. Two sides: 18 feet. This requirement shall not apply to Townhouse and Garden Apartments
- d. Rear: 26 feet.
- e. All yards must comply with § 285-39 of this chapter.

(5) Minimum distance from detached accessory buildings to:

- a. Principal building: eight feet.
- b. Side lot line: eight feet.
- c. Rear lot line: eight feet.
- d. Maximum height: 2 1/2 stories, not to exceed 30 feet.

**§ 5. Supersession:**

Pursuant to New York Municipal Home Rule Law Section 22, this law is intended to supersede any other inconsistent provision of law.

**§ 6. Severability:**

If any clause, sentence, paragraph, subdivision, section or part of this law or the application to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or its application to the person or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**§ 7. Effective Date:**

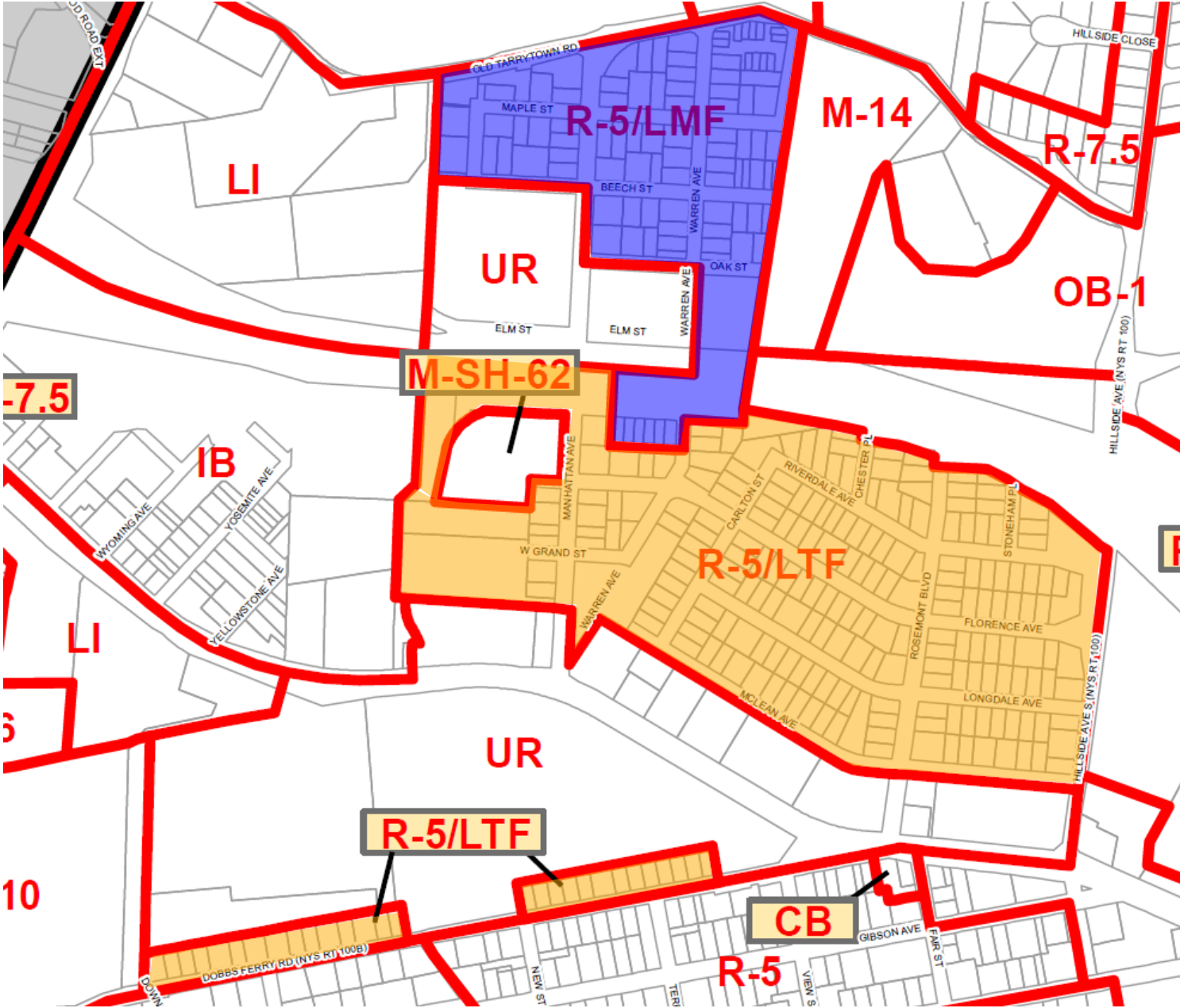
This law shall take effect immediately upon filing with the Secretary of State.

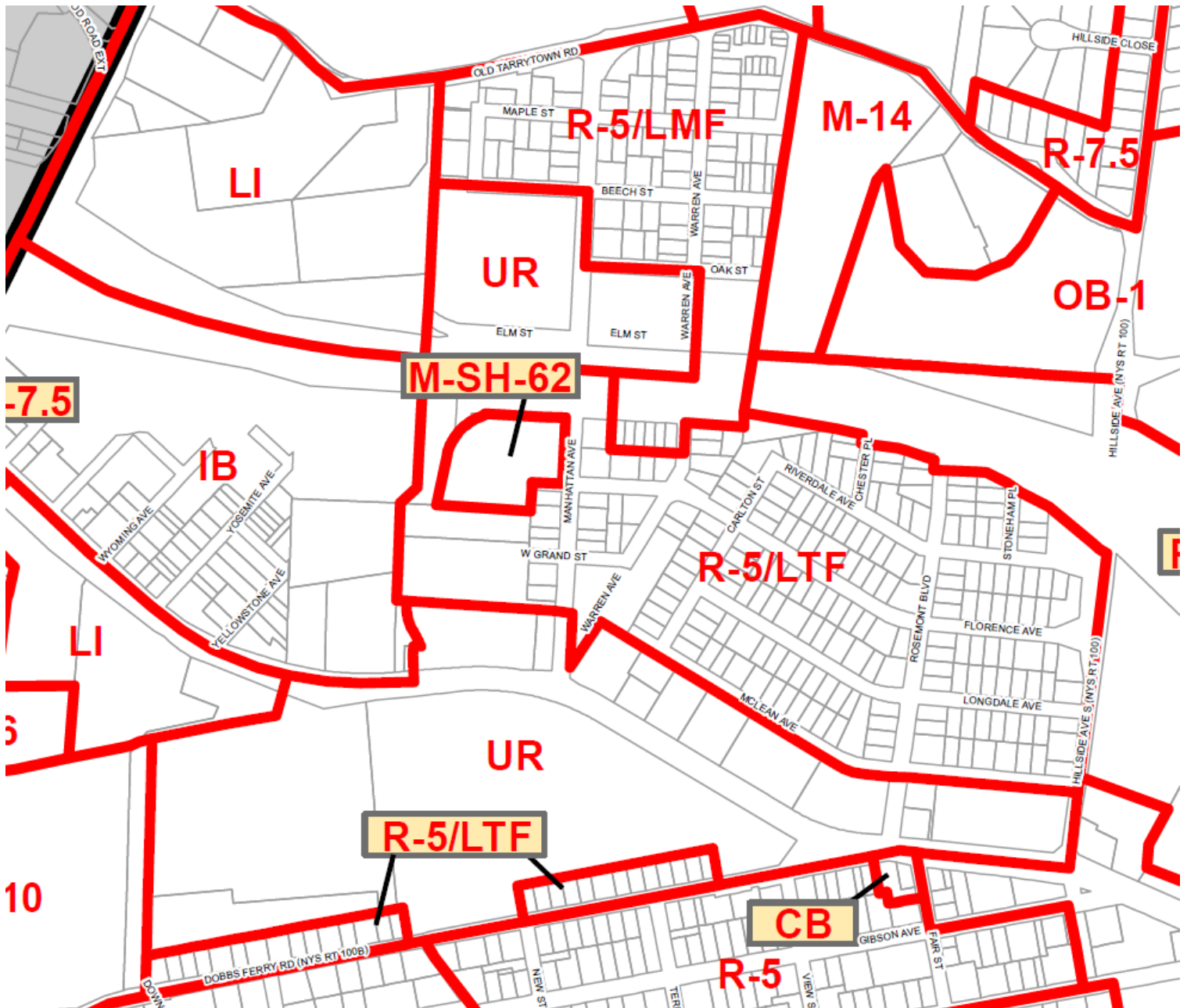
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7.410-224-11	UR - Residential A (Low and Medium Density)	R-5/LMF District
7.410-226-26	UR - Residential A (Low and Medium Density)	R-5/LMF District
7.410-224-6	UR - Residential A (Low and Medium Density)	R-5/LMF District
7.410-226-17	UR - Residential A (Low and Medium Density)	R-5/LMF District
7.410-222-5	UR - Residential A (Low and Medium Density)	R-5/LMF District
7.410-221-9	UR - Residential A (Low and Medium Density)	R-5/LMF District
7.410-222-6	UR - Residential A (Low and Medium Density)	R-5/LMF District
7.410-222-7	UR - Residential A (Low and Medium Density)	R-5/LMF District
7.410-226-13	UR - Residential A (Low and Medium Density)	R-5/LMF District
7.410-224-10	UR - Residential A (Low and Medium Density)	R-5/LMF District

**DRAFT**







**Town Board- Regular**

**Meeting Date:** 11/14/2018

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**Text/Header:**

**CD 5 - 11/14/18**

Resolution issuing a Negative Declaration for the SEQRA determination of the Town Board of the Town of Greenburgh with respect to a Zoning Text Amendment to Section 285-25 of the Zoning Ordinance, entitled "OB Office Building District as it relates to hotel accessory uses in the OB District"

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**Attachments**

TB 2018 1114 CD-5 reso Auth Chapter 285 OB Hotel Accessory Use Zoning Text Amendment Neg Dec R 1113

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**RESOLUTION ISSUING A NEGATIVE DECLARATION FOR THE SEQRA DETERMINATION OF THE TOWN BOARD OF THE TOWN OF GREENBURGH WITH RESPECT TO A ZONING TEXT AMENDMENT TO SECTION 285-25 OF THE ZONING ORDINANCE, ENTITLED “OB OFFICE BUILDING DISTRICT AS IT RELATES TO HOTEL ACCESSORY USES IN THE OB DISTRICT**

**WHEREAS**, the Town Board of the Town of Greenburgh finds it necessary to amend the following section of the Zoning Ordinance: Section 285-25(A)(4)(c) entitled, “OB Office Building,” to allow additional accessory uses in the OB District, with respect to hotels; and

**WHEREAS**, pursuant to Section 617.6(a)(1) of the regulations of the State Environmental Quality Review Act (“SEQRA”), as soon as an agency receives an application for funding or approval of an action, it must, among other things, make a preliminary classification of the action under SEQRA; and

**WHEREAS**, a full Environmental Assessment Form was prepared by Town staff; and

**WHEREAS**, on September 12, 2018, the Town Board adopted Resolution CD-2 – 09/12/18 (1) declaring its intent to act as Lead Agency for review of the Amendment and all related actions under the State Environmental Quality Review Act (“SEQRA”) and (2) referring the Zoning Text Amendment to the Planning Board for report and recommendation; and

**WHEREAS**, under SEQRA, the actions directly and indirectly proposed are classified as “Type 1,” pursuant to Section 617 of the regulations of the SEQRA; and

**WHEREAS**, Town staff circulated the Application and EAF to all potentially Interested and Involved Agencies together with a notice indicating the Town Board’s intention to be Lead Agency for the action; and

**WHEREAS**, the Planning Board, at a regularly scheduled work session meetings on October 3, 2018 and October 17, 2018, discussed the proposed local law, and made a positive recommendation to the Town Board associated with the proposed Zoning Text Amendment and issued a related report; and

**WHEREAS**, on October 24, 2018, the Town of Greenburgh Town Board held a public hearing on the proposed Zoning Text Amendment; and

**WHEREAS**, more than thirty (30) days have passed since the date the Application and EAF were transmitted to potentially involved agencies, and no agency has objected to the Town Board becoming Lead Agency for review of the Application and all related actions under SEQRA; and

**WHEREAS**, the Town Board has conducted a coordinated review (Planning Board, Westchester County – Interested Agencies) and analysis of the entire record as well as the potential environmental effects from the proposed Action and finds that all impacts have been mitigated to the greatest extent possible;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Greenburgh, as follows:

1. The Town Board, as Lead Agency in a coordinated review (Planning Board, Westchester County – Interested Agencies), has reviewed and considered the entire record of the Petition, including all materials submitted by or on behalf of the Applicant, the EAF, the Planning Board recommendation and related report; and
2. The Town Board has considered the potential impacts of the Proposed Action in light of the criteria set forth in the SEQRA regulations (6 NYCRR Section 617.7(c)) and the representations made by the Applicant; and
3. Having thoroughly reviewed the record and determined that the proposed Action will not have significant adverse environmental impacts, the Town Board hereby issues a Negative Declaration related to the SEQRA determination; and
4. The Town Board's specific findings and determinations in support of this Negative Declaration are recited at length in the attached Determination of Non-Significance and are hereby incorporated into this Resolution by reference;

**617.21**  
**Appendix F**  
**State Environmental Quality Review**  
**NEGATIVE DECLARATION**  
**Notice of Determination of Non-significance**

Date: November 14, 2018

Project Number: Case No. TB 18-24 Chapter 285 Zoning Text Amendment (Hotel Accessory Use - OB District)

This notice is issued pursuant to Part 617 of the Implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Greenburgh, located at Greenburgh Town Hall, 177 Hillside Avenue, Greenburgh NY, as lead agency, has determined that the “Proposed Action” described below will not have a significant effect on the environment and a Draft Environmental Impact Statement is not required.

**Name of Action:** Case No. TB 18-24 Chapter 285 “Hotel Accessory Use – OB Office Building District” (Zoning Text Amendment)

**SEQR Status:** Type 1 ☒  
Unlisted ☐

**Conditioned Negative Declaration:** Yes ☐  
No ☒

**Description of Action:** A Zoning Text Amendment (Town Board approval) to amend Section 285-25(A)(4)(c), entitled “OB – Office Building District,” to allow additional accessory uses in the OB District with respect to hotels.

**Locations:** OB Office District, Town of Greenburgh, N.Y.

**Reasons Supporting This Determination:**

This determination of significance is based upon the Environmental Assessment Form (EAF) that was prepared by the Applicant and upon the criteria contained in Section 617.7 of SEQRA.

The Town Board has conducted a coordinated review (Planning Board, Westchester County – Interested Agencies) and analysis of the information provided and the potential environmental effects from the proposed project. It has reviewed Part 1 of the Full Environmental Assessment Form (EAF), prepared by Town staff.

The application was reviewed and discussed at the Planning Board work session on October 3, 2018 and October 17, 2018.

The Zoning Text Amendment was reviewed and discussed at a Public Hearing of the Town Board Planning Board on October 24, 2018.

Based upon all of the information generated for the proposed project and its own careful and thorough independent review of the potential environmental effects, the Town Board directed Planning staff to complete a Part 2 of the Full EAF, which it incorporates here by reference. The EAF has aided the Town Board's determination. As described more fully in Part 2 of the EAF, the Town Board has identified a small potential impact that will result from the proposed action with respect to Zoning.

## **1) PROJECT IMPACTS AND THEIR MAGNITUDE**

### **A) IMPACT ON LAND**

#### **Zoning**

In determining the suitability of a zoning text amendment, Article IX of the Code of the Town of Greenburgh establishes criteria for consideration, which encompasses the Planning Board Report to the Town Board.

§ 285-64B(1) Concerning a proposed amendment involving a change in the Zoning Text.

*(a) Whether such change is consistent with the aims and principles embodied in the chapter as to the particular districts concerned;*

The proposed Office Building (OB) District local law would allow cafes and bakeries as an accessory use within hotels, and would not restrict those uses from having an independent access point to allow for off-site consumption. The OB District does not have a stated intent identified in its section of the Zoning Ordinance, 285-25. The Zoning Ordinance, as identified in 285-2 Purpose, establishes criterion A through K. The following are most applicable:

B. The assurance of adequate and necessary sites for residence, industry, commerce, recreation, open space and public and quasi-public uses;

K. The encouragement of flexibility in the design and development of land in such a way as to promote the most appropriate use of lands, to facilitate the adequate and economic provision of streets and utilities, to preserve the natural and scenic qualities of open lands and to enhance and protect the environmental quality of the Town.

The proposed addition of cafes and bakeries as an accessory use within hotels is consistent with the above.

*(b) Which areas, land uses, buildings and establishments in the Town will be directly affected by such change and in what way they will be affected;*

The addition of cafes and bakeries within hotels, in the OB District, would allow them as permitted uses within the OB District. It is anticipated that new café and bakery uses would be located within existing or newly constructed hotels within the OB District, with related building and/or site retrofits/updates/construction, in connection with a building permit. These uses can complement the services/amenities of hotels. There are two (2) existing Hotels within the six (6) OB Districts of the Town. There is one (1) property with a high probability for a potential application to apply these uses. There currently is interest in adding a Starbucks Café to the Sheraton Hotel at 600 White Plains Road. The remainder of the properties within OB Districts of the Town would have low to no probability for potential applications related to the subject uses.

A detailed analysis of each of the areas of the Town, zoned OB – Office Building District, is attached as an appendix to this document.

*(c) The indirect implications of such change in its effect on other regulations; and*

The indirect implications of allowing cafes and bakeries within hotels, located in the OB Districts of the Town, are that similar considerations may be explored in other Districts of the Town.

*(d) Whether such proposed amendment is consistent with the aims of the official planning policies of the Town of Greenburgh.*

The 2016 Greenburgh Comprehensive Plan constitutes the official planning policy of the Town of Greenburgh. The proposed amendments and recommendations represent consistency with the following Comprehensive Plan goals and policies:

Policy 11.2.1.4, retain and stimulate small businesses and mature industries such as distribution, financial and professional services, food and beverage and health care; Policy 11.9.1.4, Review the zoning ordinance to ensure that permitted, special permit and accessory uses contain enforceable provisions to provide for the protection and promotion of the public health, safety, convenience, comfort and general welfare; and, Policy 12.2.1.6, Review permitted, special permit and accessory uses to ensure that viable uses consistent with the environmental and economic development goals of the Plan are not precluded.

## **B) IMPACT ON AIR**

The “Proposed Action” will not affect air quality. Any subsequent proposal for accessory uses for hotels within the OB District will be the subject of a building permit application and if not requiring site plan approval, would be a Type II Action under SEQRA.

## **C) IMPACT ON PLANTS AND ANIMALS**

The “Proposed Action” will not affect any threatened or endangered species on the site. Any subsequent proposal for accessory uses for hotels within the OB District will be the subject of a building permit application and if not requiring site plan approval, would be a Type II Action under SEQRA.

## **D) IMPACT ON AGRICULTURAL LAND RESOURCES**

The “Proposed Action” will not affect agricultural land resources. Any subsequent proposal for accessory uses for hotels within the OB District will be the subject of a building permit application and if not requiring site plan approval, would be a Type II Action under SEQRA.

## **E) IMPACT ON AESTHETIC RESOURCES**

The “Proposed Action” will not affect aesthetic resources. Any subsequent proposal for accessory uses for hotels within the OB District will be the subject of a building permit application and if not requiring site plan approval, would be a Type II Action under SEQRA.

## **F) IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES**

The “Proposed Action” will not have any impact on historic and archeological resources. Any subsequent proposal for accessory uses for hotels within the OB District will be the subject of a building permit application and if not requiring site plan approval, would be a Type II Action under SEQRA.

#### **G) IMPACT ON OPEN SPACE AND RECREATION**

The “Proposed Action” will not affect any open space or recreational areas. Any subsequent proposal for accessory uses for hotels within the OB District will be the subject of a building permit application and if not requiring site plan approval, would be a Type II Action under SEQRA.

#### **H) IMPACT ON CRITICAL ENVIRONMENTAL AREAS**

The “Proposed Action” is “Type I” under SEQRA. Any subsequent proposal for accessory uses for hotels within the OB District will be the subject of a building permit application and if not requiring site plan approval, would be a Type II Action under SEQRA.

#### **I) IMPACT ON TRANSPORTATION**

There is no anticipated affect upon the transportation system. Any subsequent proposal for accessory uses for hotels within the OB District will be the subject of a building permit application and if not requiring site plan approval, would be a Type II Action under SEQRA.

#### **J) IMPACT ON ENERGY**

There is no anticipated affect upon the community’s sources of fuel or energy supply. Any subsequent proposal for accessory uses for hotels within the OB District will be the subject of a building permit application and if not requiring site plan approval, would be a Type II Action under SEQRA.

#### **K) NOISE AND ODOR IMPACT**

There is no anticipated affect from noise and odor impacts associated with the proposed project. Any subsequent proposal for accessory uses for hotels within the OB District will be the subject of a building permit application and if not requiring site plan approval, would be a Type II Action under SEQRA.

#### **L) IMPACT ON PUBLIC HEALTH**

There is no anticipated affect upon public health and safety. Any subsequent proposal for accessory uses for hotels within the OB District will be the subject of a building permit application and if not requiring site plan approval, would be a Type II Action under SEQRA.

#### **M) IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD**

There is no anticipated negative impact upon growth or character of the community neighborhood as proposed. Any subsequent proposal for accessory uses for hotels within the OB District will be the subject of a building permit application and if not requiring site plan approval, would be a Type II Action under SEQRA.

#### **Conclusion**

The Town Board has conducted a coordinated review (Planning Board, Westchester County – Interested Agencies) and analysis of the entire record and the potential environmental effects from the proposed project. It has reviewed a Part 1 of the Full Environmental Assessment Form (EAF), prepared by the Applicant and its consultants.

The Town Board has completed a careful and thorough review of the identified areas on the Environmental Assessment Form. Based upon all of the information generated for the proposed project and its own careful and thorough coordinated review and public discussion of the potential environmental effects, the Town Board has determined that the potential small impact outlined in Part 2 of the EAF will be minimal.

As a result of their review of the proposed project, the Town Board has determined that a negative declaration be issued on the potential impacts for the "Proposed Action" outlined in Part 2 of the EAF, and that the "Proposed Action" will not have a significant effect on the environment and that any effect will be mitigated to the greatest extent practicable, and, therefore, the preparation of an Environmental Impact Statement ("EIS") is not required.

**If Conditioned Negative Declaration**, provide on attachment the specific mitigation measures imposed.  
N/A

**For Further Information:**

Contact Person: Garrett Duquesne, AICP  
Commissioner, Community Development and Conservation

Address: 177 Hillside Avenue  
Greenburgh, NY 10607

Telephone#: (914) 989-1538

Delivered by hand: Greenburgh Town Hall, 177 Hillside Avenue, Greenburgh, NY 10607



**Town Board- Regular**

**Meeting Date:** 11/14/2018

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**Text/Header:**

**CD 6 - 11/14/18**

Resolution of the Town Board of the Town of Greenburgh adopting a Local Law amending Section 285-25 of the Zoning Ordinance, entitled "OB Office Building District as it relates to Hotel Accessory Uses in the OB District

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**Attachments**

TB 2018 1114 CD-6 reso Adopt Chapter 285 Amendment to add Hotel Accessory Use in OB District R 1114

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**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GREENBURGH  
ADOPTING A LOCAL LAW AMENDING SECTION 285-25 OF THE ZONING  
ORDINANCE, ENTITLED “OB OFFICE BUILDING DISTRICT AS IT RELATES  
TO HOTEL ACCESSORY USE IN THE OB DISTRICT**

**WHEREAS**, the Town Board of the Town of Greenburgh finds it necessary to amend the following section of the Zoning Ordinance: Section 285-25A(4)(c) entitled, “OB Office Building,” to allow additional accessory uses in the OB District with respect to hotels; and

**WHEREAS**, pursuant to Section 617.6(a)(1) of the regulations of the State Environmental Quality Review Act (“SEQRA”), as soon as an agency receives an application for funding or approval of an action, it must, among other things, make a preliminary classification of the action under SEQRA; and

**WHEREAS**, a full Environmental Assessment Form was prepared by Town staff; and

**WHEREAS**, on September 12, 2018, the Town Board adopted Resolution CD-2 – 09/12/18 (1) declaring its intent to act as Lead Agency for review of the Amendment and all related actions under the State Environmental Quality Review Act (“SEQRA”) and (2) referring the Zoning Text Amendment to the Planning Board for report and recommendation; and

**WHEREAS**, the Planning Board, at a regularly scheduled work session meetings on October 3, 2018 and October 17, 2018, discussed the proposed local law, and made a positive recommendation to the Town Board associated with the proposed Zoning Text Amendment and issued a related report; and

**WHEREAS**, on October 24, 2018, the Town of Greenburgh Town Board held a public hearing on the proposed Zoning Text Amendment; and

**WHEREAS**, the Town Board conducted a coordinated SEQRA review (Planning Board, Westchester County – Interested Agencies) and analysis of the entire record, studying and documenting the potential environmental impacts associated with the proposed Zoning Text Amendment, and on November 14, 2018, in connection with adopted Resolution CD-5 – 11/14/18, made a Negative Declaration with respect to SEQRA;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Greenburgh hereby adopts the attached Local Law amending Section 285-25 of the Code of the Town of Greenburgh entitled “OB Office Building” to allow additional accessory uses in the OB District.

**Town Board- Regular**

**Meeting Date:** 11/14/2018

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**Text/Header:**

**CD 7 - 11/14/18**

Resolution approving, with conditions, an Amended Site Plan Application by Westchester Hills Cemetery, for property located at 400 Saw Mill River Road (P.O. Hastings-on-Hudson), designated on the tax map of the Town of Greenburgh as Parcel ID: 8.490-349-2 & 3

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**Attachments**

**TB 2018 1114 CD-7 reso Approve Amended Site Plan Westchester Hills Cemetery R 1113**

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**RESOLUTION APPROVING, WITH CONDITIONS, AN AMENDED SITE PLAN APPLICATION BY WESTCHESTER HILLS CEMETERY, FOR PROPERTY LOCATED AT 400 SAW MILL RIVER ROAD (P.O. HASTINGS-ON-HUDSON), DESIGNATED ON THE TAX MAP OF THE TOWN OF GREENBURGH AS PARCEL ID: 8.490-349-2 & 3**

**WHEREAS**, on June 18, 2018, the Town Board of the Town of Greenburgh (the “Town Board”) received an application for amended site plan approval from Westchester Hills Cemetery (the “Applicant”) for a project involving the full interior renovation of an existing on-site administration building with related improvements, the removal of an existing shed, and the construction of a small addition, with related improvements, to an existing on-site administration building, for the purposes of expanding service personnel space; and

**WHEREAS**, the site is located at 400 Saw Mill River Road, P.O. Hastings-on-Hudson, in the R-30 One-Family Residence District, is approximately 638,464 sq. ft. (14.66 acres), and is designated on the tax assessment map of the Town of Greenburgh as Parcel ID: 8.490-349-2 & 3; and

**WHEREAS**, the project requires the following Land-Use Board approvals: amended site plan (Town Board approval), Planning Board steep slope permit and Area Variances (Zoning Board of Appeals); and

**WHEREAS**, the Application constitutes a Type II action under SEQRA pursuant to Section 617.5(c)(7) of the SEQRA regulations, and no further SEQRA action is required; and

**WHEREAS**, pursuant to Section 285-53A of the Zoning Ordinance, the Town Board shall be the approving agency where a site plan application, and all amendments to, and modifications thereof, concern property which is five (5) acres or more in area; and

**WHEREAS**, Section 285-58D(3) of the Zoning Ordinance requires that the Town Board refer the amended site plan application to the Planning Board for a recommendation before a public hearing is held on the application by the Town Board; and

**WHEREAS**, on July 8, 2018, the Town Board adopted Resolution CD-1 – 08/08/18, referring the Amended Site Plan application to the Planning Board for review and recommendation; and

**WHEREAS**, on September 5, 2018, the Applicant appeared before the Planning Board at a regularly scheduled work session and presented the proposed project; and

**WHEREAS**, on September 17, 2018, the Planning Board, at its regularly scheduled work session, unanimously voted to make a positive recommendation for the amended site plan application; and

**WHEREAS**, on September 26, 2018, the Town Board held a duly noticed public hearing on the amended site plan application, and heard all persons interested in the subject thereof who appeared at such time and place, concerning the same; and

**WHEREAS**, on October 18, 2018, the Zoning Board of Appeals granted approval for variances from Section 285-36(B)(1) of the Zoning Ordinance to reduce the front yard setback from 100 ft. (required), 25.17 (existing) to 25.17 ft. (proposed); to reduce one side yard setback from 100 ft.

(required), 41 ft. (existing) to 32 ft. (proposed); from Section 285-36(B)(4) to reduce the minimum size lot for a mausoleum from 50 acres (required) to 11.7 acres (proposed), and from Section 285-42(C)(1) to enlarge a nonconforming structure so as to increase such nonconformance, in order to expand an existing nonconforming building and convert it to a mausoleum; and

**WHEREAS**, the Town Board carefully reviewed and thoroughly considered the application, the Planning Board recommendation, and all comments of Town professional staff and the Historic & Landmark Preservation Board, and the Applicant;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Greenburgh hereby approves, with conditions, the application as depicted in the amended site plan drawings listed below; and

**BE IT FURTHER RESOLVED**, that this approval is subject to compliance with all of the following conditions:

**1. GENERAL REQUIREMENTS**

- 1.1. That all improvements in streets and public places and depicted on such plans, including grading and paving where required, and that street names, traffic signs, street lighting, curbs, gutters, suitable monuments, water mains, storm drains, sanitary facilities, trees and public facilities and places shall be installed in accordance with the latest standards and specifications and procedures in force and acceptable to the appropriate Town Departments at the time of approval and further in accordance with any new standards and specifications in force at the time work is started and in accordance with the approved plan. To the extent required, any public improvements shall be dedicated to the appropriate municipality and all requirements for such dedication shall be complied with.

**2. SPECIAL REQUIREMENTS AND MODIFICATIONS**

- 2.1. The site plan approval shall be valid for a period of twenty-four (24) months (October 24, 2020) from the date of such approval (October 14, 2018) unless a longer period of time is granted by the approving agency for cause shown. If there is no substantial change in the condition of the site and/or environs, site plan approval may be extended by the approving agency for cause shown.
- 2.2. The Applicant must adhere to all requirements of the Town Engineer before and/or during construction.
- 2.3. Prior to any land disturbance/tree cutting/construction or other work performed on the site, the Applicant must attend a pre-construction meeting with Town Staff (including the Town Forestry Officer, Building Inspector, Town Engineer and Town Planner) to discuss the conditions set forth in this permit.
- 2.4. The Applicant must obtain all necessary approvals and file same with the Building Department.
- 2.5. All proposed exterior lighting must be downcast and constructed and/or retrofitted in accordance with Chapter 240 Sign and Illumination Law.
- 2.6. The contractor must separate and recycle all construction debris prior to disposal at the appropriate facilities.
- 2.7. The Applicant shall be responsible for the proper removal, disposal, or abandonment, where applicable, of any existing subsurface structures (i.e. oil tanks, fields, etc.), their contents and any remedial measures that may be required. The Applicant must obtain any necessary approvals from the New York State Department of Environmental Conservation (NYSDEC) and/or Westchester County Department of Health, and/or other applicable agencies.
- 2.8. The Applicant is strongly encouraged to preserve materials for salvage including but not limited to door hardware, doors, light fixtures, sinks, metalwork, woodwork, and potentially floorboards/joists, during the construction project.

**3. IMPROVEMENT PLAN**

3.1. All improvements shall conform to the plan entitled, "Title Sheet," sheet 1 of 1, dated 10/31/16, and prepared by John Petroccione, P.E., NYS Lic. No. 078516, and those listed in Section 12 of this approval.

**4. GRADING PLAN**

4.1. All grading shall conform to the plan entitled "Grading Plan," sheet L-300, dated last revised 8/6/18, and prepared by Peter Gisolfi, R.A., NYS Lic. No. 012248, and those listed in Section 12 of this approval.

4.2. The soil generated by excavation operations needs to be properly stockpiled in accordance with the Blue Book ("Erosion and Sediment Control Plan for Small Homesite Construction"). Stockpiled soil during construction should be managed in accordance with the Blue Book, based on figures therein that reflects conditions on the site. This should involve silt fencing properly placed completely around the stockpile. As necessary, consideration should be given to an impermeable tarp to cover the stockpile. After grading and backfilling is complete, the Applicant has two (2) days to remove excess soil from the site.

**5. DRAINAGE**

5.1. Drainage facilities shall be in accordance with Town of Greenburgh Department of Public Works directive both for temporary work during construction and for permanent installation. Prior to the commencement of any site work, the Applicant must demonstrate, to the satisfaction of the Town Engineer, that adequate drainage improvements will be made to insure on site accommodation of any increased run-off. The implementation and installation of such improvements shall be subject to the approval of the Town Engineer. All drainage improvements shall conform to the plans listed in Section 12 of this approval.

**6. UTILITIES**

6.1. All utilities and utility service lines must be shown on the plan. The type and location shall be subject to the approval of the Bureau of Engineering and the Commissioner, Department of Community Development and Conservation. All utility and utility services lines must be installed as shown on the plans listed in Section 12 of this approval.

**7. EASEMENTS**

7.1. All existing and proposed easements must be shown on the plan. Easements for public improvements shall be subject to the approval of the Bureau of Engineering, the Commissioner, Department of Community Development and Conservation, and the Town Attorney.

**8. BLASTING AND CHIPPING OF ROCK**

8.1. If the Applicant intends to remove rock by means other than blasting, a High Resolution Seismic Refraction Survey must be performed. A geotechnical engineer shall interpret the results of the survey and will determine whether or not all of the rock can be removed by means other than blasting. The geotechnical engineer will submit a report on the site to the Building Department. If the report reveals that all of the rock cannot be removed by means other than blasting, and then no removal of overburden shall take place with the exception of tree stumps, top soil or materials rendered inconsequential by the blaster.

8.2. The Applicant shall be limited to the hours of 8:30 AM to 3:00 PM, Monday through Friday and 9:00 AM to 3:00 PM on Saturday, for all rock chipping. The Applicant shall install seismic graphs on the property that are to be monitored once an hour by a geotechnical engineer to ensure that vibrations from the site do not cause damage to adjacent houses of the property. The number of seismic graphs shall be determined by the geotechnical engineer and agreed to by the Building Inspector, Bureau of Engineering and Commissioner, Department of Community Development and Conservation. The geotechnical engineer shall submit a daily report of the seismic graph readings to the Building Inspector.

8.3. No blasting shall occur on the site unless a written permit has first been obtained from the Town of Greenburgh Building Inspector. Any blasting on the site shall be in conformance with the Town Blasting Ordinance.

## **9. INSPECTION FEE**

9.1. The Applicant will be required to provide a construction cost estimate to the Town of Greenburgh for all public improvements for the project (which includes stormwater control, sewer and water connections). When the estimate is approved, the Applicant will be required to provide a three (3) percent inspection fee to the Town, in addition to required bonds.

## **10. PERFORMANCE BOND, CASH BOND OR LETTER OF CREDIT**

10.1. The performance, letters of credit, and/or cash bonds shall be posted in the form and in the amounts determined by the Bureau of Engineering and Town Attorney. Conditions are to be met within three (3) years of site plan approval unless the Planning Board grants any extension of this time limit. If all conditions are not completed within the time limit, (or within an extension, if granted) no further building permit or Certificate of Occupancy will be issued until the improvements are completed and dedicated.

## **11. RESERVATION OF RIGHTS**

11.1. The Town of Greenburgh reserves the right to withhold the issuance of any building permit or Certification of Occupancy upon failure of the Applicant to comply with any requirements of this decision. Any violation of § 285-62 is subject to the same penalties as set forth in § 285-47 of the Code of the Town of Greenburgh.

## **12. AMENDED SITE PLAN IMPROVEMENT DRAWINGS**

- |    |                           |  |
|----|---------------------------|--|
| A) | a. Entitled:              | <u>Title Sheet</u>                       |
|    | b. Dated:                 | 02/18                                    |
|    | c. Last Revised:          | 8/6/18                                   |
|    | d. Date Stamped Received: | 8/17/18                                  |
|    | e. Prepared by:           | Peter Gisolfi, R.A., NYS Lic. No. 012248 |
|    | f. Page number:           | A-T                                      |
|    |                           |  |
| B) | a. Entitled:              | <u>Removals Plan</u>                     |
|    | b. Dated:                 | 10/31/16                                 |
|    | c. Last Revised:          | 02/18                                    |
|    | d. Date Stamped Received: | 8/6/18                                   |
|    | e. Prepared by:           | 8/17/18                                  |
|    | f. Page number:           | L-100                                    |
|    |                           |  |
| C) | a. Entitled:              | <u>Materials Plan</u>                    |
|    | b. Dated:                 | 02/18                                    |
|    | c. Last Revised:          | 8/6/18                                   |
|    | d. Date Stamped Received: | 8/17/18                                  |
|    | e. Prepared by:           | Peter Gisolfi, R.A., NYS Lic. No. 012248 |
|    | f. Page number:           | L-200                                    |
|    |                           |  |
| D) | a. Entitled:              | <u>Grading Plan</u>                      |
|    | b. Dated:                 | 02/18                                    |
|    | c. Last Revised:          | 8/6/18                                   |
|    | d. Date Stamped Received: | 8/17/18                                  |
|    | e. Prepared by:           | Peter Gisolfi, R.A., NYS Lic. No. 012248 |
|    | f. Page number:           | L-300                                    |

- E) a. Entitled: Planting Plan  
b. Dated: 02/18  
c. Last Revised: 8/6/18  
d. Date Stamped Received: 8/17/18  
e. Prepared by: Peter Gisolfi, R.A., NYS Lic. No. 012248  
f. Page number: L-400
- F) a. Entitled: Grading Drainage & Erosion Control Plan  
b. Dated: 02/18  
c. Last Revised: 8/6/18  
d. Date Stamped Received: 8/17/18  
e. Prepared by: Peter Gisolfi, R.A., NYS Lic. No. 012248  
f. Page number: SP-1
- G) a. Entitled: Drainage Details  
b. Dated: 02/18  
c. Last Revised: 8/6/18  
d. Date Stamped Received: 8/17/18  
e. Prepared by: Peter Gisolfi, R.A., NYS Lic. No. 012248  
f. Page number: SP-2
- H) a. Entitled: Erosion Control Details  
b. Dated: 02/18  
c. Last Revised: 8/6/18  
d. Date Stamped Received: 8/17/18  
e. Prepared by: Peter Gisolfi, R.A., NYS Lic. No. 012248  
f. Page number: SP-3
- I) a. Entitled: Exterior Elevations  
b. Dated: 02/18  
c. Last Revised: 8/6/18  
d. Date Stamped Received: 8/17/18  
e. Prepared by: Peter Gisolfi, R.A., NYS Lic. No. 012248  
f. Page number: A-200
- J) a. Entitled: Exterior Elevations  
b. Dated: 02/18  
c. Last Revised: 8/6/18  
d. Date Stamped Received: 8/17/18  
e. Prepared by: Peter Gisolfi, R.A., NYS Lic. No. 012248  
f. Page number: A-201



**Town Board- Regular**

**Meeting Date:** 11/14/2018

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**Text/Header:**

**CO 1 - 11/14/18**

Resolution authorizing Fiscal Year 2018 Budget Transfers

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**Attachments**

TB 2018 1114 CO-1 reso Approve Fiscal Year 2018 Budget Transfers R 1113

TB 2018 1114 CO-1 data Fiscal Year 2018 Budget Transfer Details 1108

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**RESOLUTION APPROVING FISCAL YEAR 2018 BUDGET TRANSFERS**

**WHEREAS**, during the conduct of operations by departments various expenses occur that are necessary to efficiently and effectively provide services to the public that were not anticipated when the budget was prepared or that the costs exceed the amounts anticipated when the budget was prepared; and

**WHEREAS**, some of the amounts budgeted by a department may not be required in the conduct of the operations of the department in providing services or the department may need funding in excess of the amount budgeted; and

**WHEREAS**, it is necessary for the amounts in a department's budget be transferred between lines within a department's budget or amounts be transferred from the Contingency amount to a line within a department's budget;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Greenburgh approves the budget transfers dated November 8, 2018 that are attached to this resolution.



**TOWN OF GREENBURGH**  
**OFFICE OF THE COMPTROLLER**  
**INTER-OFFICE MEMORANDUM**

November 8, 2018

To: Supervisor Feiner & Members of the Town Board

From: Roberta Romano, Comptroller

Re: Budget Transfers

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I respectfully request approval of the following budget transfer for 2018:

			Transfer	
			Increase	Decrease
			<u>Amount</u>	<u>Amount</u>
A1420 54550	Town Attorney	In Rem Disbursements	40,000	
A1610 54953	Town Entire	Disposal Costs - Org Matter	5,000	
A3310 54250	Traffic Control	Gas, Grease & Oil	1,500	
A3310 54906	Traffic Control	Signs & Posts	60	
A3310 52500	Traffic Control	Other Equipment		60
A1990 54990	Town Entire	Contingency		46,500
B7310 52200	TDYCC	Office Equipment	720	
B7310 54442	TDYCC	Park Maintenance & Repair		720
B8160 54250	Sanitation	Gas, Grease & Oil	40,000	
B1990 54990	Town Outside	Contingency		40,000
D5110 54250	Highway	Gas, Grease & Oil	30,000	
D1990 54990	Highway	Contingency		30,000
F8310 52200	Consolidated Water	Office Equipment	8,000	
F8310 52500	Consolidated Water	Other Equipment		1,500
F8310 54200	Consolidated Water	Telephone Expense		2,500
F8310 54490	Consolidated Water	Service Contracts		4,000
I1490 54250	Public Works Admin	Gas, Grease & Oil	2,000	
I1630 54250	Building Maintenance	Gas, Grease & Oil	2,650	
I1630 59030	Building Maintenance	Equipment Repair Bureau	10,000	
I1990 54990	I.S.F.	Contingency		14,650

**Town Board- Regular**

**Meeting Date:** 11/14/2018

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**Text/Header:**

**CO 2 - 11/14/18**

Resolution approving a budget amendment to the Risk Retention Fund for Fiscal Year 2018 by increasing the estimated revenues and increasing appropriations

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**Attachments**

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**Town Board- Regular**

**Meeting Date:** 11/14/2018

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**Text/Header:**

**PR 1 - 11/14/18**

Resolution authorizing the Town Supervisor to execute an Inter-Municipal Agreement (IMA) between the Town of Greenburgh and Westchester County to reimburse the Town for operating youth programs at Massaro Park for the period of January 1, 2018 through December 31, 2018

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**Attachments**

TB 2018 1114 PR-1 reso Auth TOG-WC IMA re 2018 Massaro Park Youth Programs R 1113

TB 2018 1114 PR-1 data TOG-WC IMA Reimbursement for Programs at Massaro Park

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**RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE AN  
INTER MUNICIPAL AGREEMENT (IMA) BETWEEN THE TOWN OF  
GREENBURGH AND WESTCHESTER COUNTY TO REIMBURSE THE TOWN  
FOR OPERATING YOUTH PROGRAMS AT MASSARO PARK, FOR THE  
PERIOD OF JANUARY 1, 2018 THROUGH DECEMBER 31, 2018**

**WHEREAS**, the County of Westchester is a municipal corporation of the State of New York having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 (hereinafter referred to as the “County”); and

**WHEREAS**, the Town of Greenburgh is a municipal corporation of the State of New York having an office and place of business at 177 Hillside Avenue, Greenburgh, New York 10607 (hereinafter referred to as the “Municipality”); and

**WHEREAS**, the County desires that the Municipality provide a Positive Youth Development Program; and

**WHEREAS**, the Municipality is willing to provide such a Positive Youth Development Program, upon the terms and conditions set forth herein; and

**WHEREAS**, our Youth Programs at Massaro Park were created to offer a constructive summer program for youth hanging out on the streets, too young to work and too old for camp, and serves youth at risk who are unskilled and lack work experience; and

**WHEREAS**, the term of this Agreement covers the period January 1, 2018 through December 31, 2018; and

**WHEREAS**, the County desired to reimburse the Municipality an amount not to exceed Five Thousand Five Hundred Seventy Dollars and No Cents (\$5,570.00), which the Municipality shall use to provide the Town of Greenburgh Youth Programs at Massaro Park, and is payable upon full contract execution and approval of the same by the Office of the Westchester County Attorney; and

**WHEREAS**, the Town Board of the Town of Greenburgh recognizes the importance of providing our youths at risk with the valuable educational, social and cultural benefits the Youth Programs at Massaro Park provide;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Greenburgh hereby authorizes the Town Supervisor to execute the attached Inter Municipal Agreement (IMA) between the Town of Greenburgh and Westchester County to reimburse the Town for Youth Programs at Massaro Park, in the amount of \$5,570.00, for the Period of January 1, 2018 through December 31, 2018.

## **INTERMUNICIPAL AGREEMENT**

**THIS AGREEMENT**, made the \_\_\_\_ day of \_\_\_\_\_, 2018 by and between

**THE COUNTY OF WESTCHESTER**, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601, (hereinafter referred to as the "County"),

and

**THE TOWN OF GREENBURGH**, a municipal corporation of the State of New York, having an office and place of business at 177 Hillside Avenue, White Plains, NY 10607 (hereinafter referred to as the "Municipality").

**WHEREAS**, the County desires that the Municipality provide a Positive Youth Development Program; and

**WHEREAS**, the Municipality is willing to provide such a Positive Youth Development Program, upon the terms and conditions set forth herein.

**NOW, THEREFORE**, in consideration of the promises and the covenants and agreements herein contained, the parties hereto agree as follows:

**FIRST**: The County shall reimburse the Municipality an amount not to exceed Five Thousand Five Hundred Seventy (\$5,570.00) Dollars, payable quarterly, which the Municipality shall use to provide the **Town of Greenburgh Parks and Recreation Program** as more particularly described in Schedule "A" and as budgeted in Schedule "B," both of which are attached hereto and made a part hereof, payable upon full contract execution and approval of the same by the Office of the Westchester County Attorney.

Except as otherwise expressly stated in this Agreement, no payment shall be made by the County to the Municipality for out of pocket expenses or disbursements made in connection with the services rendered or the work to be performed hereunder.

The Municipality shall provide the County with a report to be submitted within thirty (30) days of the expiration of this Agreement which shall set forth in detail the services performed under the Agreement, the activities, progress and accomplishments under the Agreement, the amount of funds expended for each task performed and the extent and manner in which the goals, objectives and

standards established for the Agreement have been met by the Municipality. The above report shall be certified by an officer or director of the Municipality.

The County shall have the right, at its option and at its sole cost and expense, to audit such books and records of the Municipality as are reasonably pertinent to this Agreement to substantiate the basis for payment. The County may withhold payment of funds hereunder for cause found in the course of an audit or because of failure of the Municipality to cooperate with an audit. The County shall, in addition, have the right to audit such books and records subsequent to payment, if such audit is commenced within one (1) year following termination of this Agreement, and to perform random audits during the term of this Agreement. In the event an audit performed by the County reflects overpayment by the County or that monies were not fully expended or that monies were improperly expended, then the Municipality shall reimburse to the County the cost of such audit (if the audit was done by the County or on the County's behalf) and the amount of such overpayment, underpayment or improper payment, within thirty (30) days of notice from the County.

The Municipality further agrees to permit designated employees or agents of the County reasonable on-site inspection of the work being performed by the Consultant under this Agreement, its books, accounts, financial audits and records and agrees to keep records necessary to disclose fully the receipt and disposition of funds received under this agreement. Unless the County shall, in writing, advise the Municipality to the contrary, the Municipality shall retain all financial records related to this Agreement for a period of ten years after the expiration or termination of this Agreement.

In no event shall final payment be made to the Municipality prior to completion of all services, the submission of reports and the approval of same by the County Executive or his duly authorized designee.

**SECOND:** The Municipality agrees to procure and maintain insurance naming the County as additional insured, as provided and described in Schedule "C," entitled "Standard Insurance Provisions," which is attached hereto and made a part hereof. In addition to, and not in limitation of the insurance provisions contained in Schedule "C," the Municipality agrees:

(a) that except for the amount, if any, of damage contributed to, caused by, or resulting from the negligence of the County, the Municipality shall indemnify and hold harmless the County, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments,



fees, attorney's fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by the Municipality or third parties under the direction or control of the Municipality; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto.

In the event the Municipality does not provide the above defense and indemnification to the County, as such refusal or denial to provide the above defense and indemnification is found to be in breach of this provision, then the Municipality shall reimburse the County's reasonable attorney's fees incurred in connection with the defense of any action, and in connect with enforcing this provision of the Agreement.

**THIRD:** The term of this Agreement will commence January 1, 2018 and terminate December 31, 2018 unless terminated earlier as provided herein.

**FOURTH:** (a) The County reserves the right to cancel this Agreement on Thirty (30) days prior written notice to the Municipality when it deems it to be in its best interests to do so. In such event, the Municipality shall be compensated and the County shall be liable only for payment for services already rendered under this Agreement prior to the effective date of termination at the rates specified in Schedule "B".

In the event of a dispute as to the value of the services rendered by the Municipality prior to the date of termination, it is understood and agreed that the County shall determine the value of such services rendered by the Municipality. Such reasonable and good faith determination shall be accepted by the Municipality as final.

(b) In the event the County determines that there has been a material breach by the Municipality of any of the terms of the Agreement and such breach remains uncured for ten (10) days after service on the Municipality of written notice thereof, the County, in addition to any other right or remedy it might have, may terminate this Agreement and the County shall have the right, power and authority to complete the services provided for in this Agreement, or contract for their completion, and any additional expense or cost of such completion shall be charged to and paid by the Municipality. Notice hereunder shall be effective on the date of receipt.

**FIFTH:** The Agreement shall not be enforceable unless signed by the parties and approved by the Office of the County Attorney.

**SIXTH:** The parties recognize and acknowledge that the obligations of the County under this Agreement are subject to annual appropriations by its Board of Legislators pursuant to the Laws of Westchester County. Therefore, this Agreement shall be deemed executory only to the extent of the monies appropriated and available. The County shall have no liability under this Agreement beyond funds appropriated and available for payment pursuant to this Agreement. The parties understand and intend that the obligation of the County hereunder shall constitute a current expense of the County and shall not in any way be construed to be a debt of the County in contravention of any applicable constitutional or statutory limitations or requirements concerning the creation of indebtedness by the County, nor shall anything contained in this Agreement constitute a pledge of the general tax revenues, funds or moneys of the County. The County shall pay amounts due under this Agreement exclusively from legally available funds appropriated for this purpose. The County shall retain the right, upon the occurrence of the adoption of any County Budget by its Board of Legislators during the term of this Agreement or any amendments thereto, and for a reasonable period of time after such adoption(s), to conduct an analysis of the impacts of any such County Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates set forth herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice.

This Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice.

**SEVENTH:** All notices given pursuant to this agreement shall be in writing and effective on mailing. All notices shall be sent by registered or certified mail, return receipt requested and mailed to the following addresses:

To the County: Executive Director – Youth Bureau  
112 E. Post Road, 3<sup>rd</sup> floor  
White Plains, New York 10601

with a copy to: County Attorney  
Michaelian Office Building, Room 600  
148 Martine Avenue  
White Plains, New York 10601

to the Municipality: Supervisor  
Town of Greenburgh  
177 Hillside Avenue  
White Plains, NY 10607

or to such other addresses as may be specified by the parties hereto in writing.

**EIGHTH:** This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof and shall supersede all previous negotiations, comments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

**NINTH:** This Agreement is entered into solely between, and may be enforced only by, the County and the Municipality and shall not be deemed to create any rights in third parties, or to create any obligations of a party to any such third parties.

**TENTH:** The Municipality shall not delegate any duties or assign any of its rights under this Agreement without the prior express written consent of the County. The Municipality shall not subcontract any part of the Work without the express written consent of the County, subject to any necessary legal approvals. Any purported delegation of duties, assignment of rights or subcontracting of Work under this Agreement without the prior express written consent of the County is void. All subcontracts that have received such prior written consent shall provide that subcontractors are subject to all terms and conditions set forth in this Agreement. It is recognized and understood by the Municipality that for the purposes of this Agreement, all Work performed by a County-approved subcontractor shall be deemed Work performed by the Municipality and the Municipality shall insure that such subcontracted work is subject to the material terms and conditions of this Agreement. All subcontracts for the Work shall expressly reference the subcontractor's duty to comply with the material terms and conditions of this Agreement and shall attach a copy of the County's contract with the Municipality. The Municipality shall obtain a written acknowledgement from the owner and/or chief executive of subcontractor or his/her duly authorized representative that the subcontractor has received a

copy of the County's contract, read it and is familiar with the material terms and conditions thereof. The Municipality shall include provisions in its subcontracts designed to ensure that the Municipality and/or its auditor has the right to examine all relevant books, records, documents or electronic data of the subcontractor necessary to review the subcontractor's compliance with the material terms and conditions of this Agreement.

**ELEVENTH:** The Contractor expressly agrees that neither it nor any contractor, subcontractor, employee, or any other person acting on its behalf shall discriminate against or intimidate any employee or other individual on the basis of race, creed, religion, color, gender, age, national origin, ethnicity, Municipality, alienage or citizenship status, disability, marital status, sexual orientation, familial status, genetic predisposition or carrier status during the term of or in connection with this Agreement, as those terms may be defined in Chapter 700 of the Laws of Westchester County. The Contractor acknowledges and understands that the County maintains a zero tolerance policy prohibiting all forms of harassment or discrimination against its employees by co-workers, supervisors, vendors, contractors, or others.

**IN WITNESS WHEREOF,** the County and the Municipality have caused this Agreement to be executed:

**COUNTY OF WESTCHESTER**

By: \_\_\_\_\_  
County Executive

**THE MUNICIPALITY**

By: \_\_\_\_\_  
(Name and Title)

Approved by the Westchester County Board of Legislators of the County of Westchester by Act No. 2018-164

Approved as to form and manner of execution:

\_\_\_\_\_  
Assistant County Attorney  
The County of Westchester

**MUNICIPAL ACKNOWLEDGMENT**

(Municipal Corporation)

STATE OF NEW YORK       )  
  )  
COUNTY OF WESTCHESTER) ss.:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2018, before me personally came  
\_\_\_\_\_ to me known, and known to me to be the  
\_\_\_\_\_ of \_\_\_\_\_, the corporation described in  
and which executed the within instrument, who being by me duly sworn did depose and say that he/she,  
the said \_\_\_\_\_ resides at \_\_\_\_\_ and  
that he/she is \_\_\_\_\_  
of said corporation and knows the corporate seal of the said corporation; that the seal affixed to the  
within instrument is such corporate seal and that it was so affixed by order of the Board of Directors of  
said corporation, and that he/she signed his name thereto by like order.

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

**CERTIFICATE OF AUTHORITY**

(Municipality)

I, \_\_\_\_\_, certify that I am the  
(Officer other than officer signing contract)

\_\_\_\_\_ of the \_\_\_\_\_  
(Title) (Name of Municipality)

(the "Municipality") a corporation duly organized in good standing under the \_\_\_\_\_

\_\_\_\_\_  
(Law under which organized, e.g., the New York Village Law, Town Law, General Municipal Law)

named in the foregoing agreement that \_\_\_\_\_  
(Person executing agreement)

who signed said agreement on behalf of the Municipality was, at the time of execution

\_\_\_\_\_ of the Municipality,  
(Title of such person),

that said agreement was duly signed for on behalf of said Municipality by authority of its

\_\_\_\_\_ thereunto duly authorized,  
(Town Board, Village Board, City Council)

and that such authority is in full force and effect at the date hereof.

\_\_\_\_\_  
(Signature)

STATE OF NEW YORK            )  
  )  
COUNTY OF WESTCHESTER    )

ss.:

On this \_\_\_ day of \_\_\_\_\_, 2018, before me personally came \_\_\_\_\_  
\_\_\_\_\_ whose signature appears above, to me known, and know to be the  
\_\_\_\_\_ of \_\_\_\_\_  
(Title)

the municipal corporation described in and which executed the above certificate, who being by me duly sworn did depose and say that he, the said \_\_\_\_\_  
resides at \_\_\_\_\_, and that he/she is  
the \_\_\_\_\_ of said municipal corporation.  
(Title)

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

\_\_\_\_\_  
County

**Office of Children  
and Family Services**\_\_\_\_\_  
Signature[QYDS \(./Default.aspx\)](#)[MENU](#)**QYDS PROGRAM MENU**[Program Information \(ProgramInfo.aspx\)](#)[Site Information \(/QYDS/Applications/SiteInfo.aspx\)](#)[Features \(/QYDS/Applications/Feature.aspx\)](#)[Touchstones \(/QYDS/Applications/Touchstones.aspx\)](#)[Service Stats](#)[Summary](#)**Summary Information:**[Print Summary](#)**Program Information**Program Application ID:  
84509Program Title:  
Greenburgh Parks & Recreation  
County Administration Application:  
No**Funding Information**Funding Category:  
Youth Development Program  
County:  
Westchester

**Fund Amounts**

Total Program Amount:  
\$15,432.00  
OCFS Funds Allocated:  
\$5,570.00  
OCFS Funds Requested:  
\$5,570.00

**Period of Actual Program Operation**

From:  
01/01/2018  
To:  
12/31/2018

**Implementing Agency**

Implementing Agency:  
Town of Greenburgh  
Street Address:  
177 Hillside Avenue  
City:  
White Plains  
State:  
New York  
Zip Code:  
10607  
Federal Identification Number:  
13-6007293  
Charities Registration Number:  
Agency Website:  
<http://www.greenburghny.com/Cit-e-Access/webpage.cfm?TID=10&TPID=1592>  
This Agency is:  
Public

**Contact Person for Agency**

Last Name:  
Byrne  
First Name:  
Gerard  
Title:  
Commissioner  
Phone Number:  
(914) 693-8985  
Extension:  
Fax Number:  
(914) 693-8938  
Email:  
[gbyrne@greenburghny.com](mailto:gbyrne@greenburghny.com)



**Executive Officer/Board Chairperson****Last Name:**

Feiner

**First Name:**

Paul

**Title:**

Town Supervisor

**Phone Number:**

(914) 989-1545

**Extension:****Fax Number:**

(914) 989-1541

**Email:**

pfeiner@greenburghny.com

**Program Sites****Site Type:**

Athletic Fields

**Street Address:**

Massaro Park Payne Street

**Address Line 2:****City:**

Elmsford

**State:**

NY

**Zip Code:**

10523

**Site Type:**

Pool

**Street Address:**

Massaro Park, Payne Street

**Address Line 2:****City:**

Elmsford

**State:**

NY

**Zip Code:**

10523

**Total Program Target Population****Projected Enrollment:**

400

**Projected Daily Attendance:**

20  
Gender  
Male:  
200  
Female:  
200  
Ethnicity  
White:  
20  
Black Or African American:  
300  
Hispanic Or Latino:  
80  
American Indian Or Alaskan Native:  
0  
Asian:  
0  
Native Hawaiian Or Other Pacific Islander:  
0  
Two Or More Races:  
0  
Age  
0 - 4:  
25  
5 - 9:  
100  
10 - 14:  
100  
15 - 17:  
100  
18 - 20:  
75  
21+:  
0

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**Disconnected Youth**

Youth aging out of foster care:  
0  
Children of incarcerated parents:  
0  
Youth in juvenile justice system who re-enter the community:  
0  
Runaway and Homeless Youth:  
0

**Program Summary**

The program provides a park for general and passive use in order to decrease the number of youth participating in and/or decreasing the exposure to illegal drugs, alcohol and other socially unacceptable activities, to revive a sense of pride for the community and its neighborhood and to increase participation in swimming lessons so that all children in the neighborhood will possess a degree of competency in water safety.

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## Youth Development Features

### Physical and Psychological Safety

Safe and health-promoting facilities; practice that increases safe peer group interaction and decreases unsafe or confrontational peer interactions.

Program will adhere to NYS DOH physical safety requirements as required. Trained staff will provide a psychologically safe environment for youth and monitor peer to peer and staff to youth interaction.

### Appropriate Structure

Limit setting; clear and consistent rules and expectations; firm enough control; continuity and predictability; clear boundaries, and age appropriate monitoring.

Trained staff and supervisors will ensure appropriate boundaries and expectations for youth and for staff. Program offerings will be age and developmentally appropriate

### Supportive Relationships

Warmth; closeness; connectedness; good communication; caring; support; guidance; secure attachment, and responsiveness.

Staff will be trained as caring, responsible adult role models and will address youth and family concerns and issues as they arise.

### Opportunities to Belong

Opportunities for meaningful inclusion, regardless of one's gender, ethnicity, sexual orientation, or disabilities; social inclusion, social engagement, and integration; opportunities for socio-cultural identity formation; and support for cultural and bicultural competence.

Program offerings will be relevant, age and culturally appropriate. Staff will encourage participation by all young people in various activities.

### Positive Social Norms

Rules of behavior, expectations, injunctions, ways of doing things, values and morals, and obligations for service.

Trained staff and supervisors will ensure appropriate boundaries and expectations for youth and for staff. Staff will model appropriate pro-social behavior and interactions between youth and staff. Staff will intervene as necessary to correct inappropriate behavior and will acknowledge positive social norms

### Support for Efficacy and Mattering

Youth-based; empowerment practices that support autonomy; making a real difference in one's community, and being taken seriously. Practices that include enabling, responsibility granting, and meaningful challenge. Practices that focus on improvement rather than on relative current performance levels.

Staff will provide support and encouragement to young people engaged in various program activities.

**Opportunities for Skill Building**

Opportunities to learn physical, intellectual, psychological, emotional, and social skills; exposure to intentional learning experiences, opportunities to learn cultural literacy, media literacy, communication skills and good habits of mind; preparation for adult employment, and opportunities to develop social and cultural capital.

Trained staff will provide guidance and instruction to young people engaged in various program activities.

**Integration of Family, School and Community Efforts**

Concordance; coordination and synergy among family, school and community.

Staff will interact with youth and families as needed to address concerns. Staff will provide feedback to families as requested.

**Monitoring**

A systematic review of a funded program based upon the requirements of a contract, rules, regulations, policies and/or State and Local laws. It identifies the degree to which a program or operation accomplishes the activities specified in a contract/application and how it complies with requirements. Describe your process to be used to monitor on a regular basis. Include who will be responsible, frequency, and documentation of monitoring activities.

Attendance is the primary tool for measure success rate of the program. However, public response both positive and negative will be used to gauge the desire for and popularity of the special events and programs.

**Evaluation**

The process to determine the value or amount of success in achieving a pre-determined program or operational goal. Evaluations can identify program strengths and weaknesses to improve the program. Evaluations can verify if the program is really running as originally planned. Describe the process to be used to evaluate the attainment of the objectives. Include what will be measured, who will conduct the evaluation, when it will be conducted, and how results will be used.

In addition to the on site staff maintaining records, site visits by the Recreation Supervisor and records of registration, meetings involving the Recreation Supervisor, community leaders and clergy, to discuss objectives and goals of our programs.

**SOS Breakdown****Submit**

**SCHEDULE "B"**

**BUDGET**

## **SCHEDULE "C"**

### **STANDARD INSURANCE PROVISIONS** **(Municipality)**

1. Prior to commencing work, and throughout the term of the Agreement, the Municipality shall obtain at its own cost and expense the required insurance as delineated below from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better, and shall provide evidence of such insurance to the County of Westchester ("County"), either by providing a copy of policies and/or certificates as may be required and approved by the Director of Risk Management of the County ("Director"). The policies or certificates thereof shall provide that ten (10) days prior to cancellation or material change in the policy, notices of same shall be given to the Director either by overnight mail or personal delivery for all the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the Director, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the County, the Municipality shall upon notice to that effect from the County, unsatisfactory to the Director, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, and submit the policy or the certificate as requested by the Director to the Office of Risk Management of the County for approval by the Director. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated.

Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification.

All property losses shall be made payable to the "County of Westchester" and adjusted with the appropriate County personnel.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of Municipality's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the Director.

2. The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the Agreement):

(a) Workers' Compensation and Employer's Liability. Certificate form C-105.2 or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: <http://www.wcb.ny.gov/>

If the employer is self-insured for Worker's Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

(b) Commercial General Liability Insurance with a combined single limit of \$1,000,000 (c.s.1), per occurrence and a \$2,000,000 aggregate limit naming the 'County of Westchester' as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:

- (i) Premises - Operations.
- (ii) Broad Form Contractual.
- (iii) Independent Contractor and Sub-Contractor
- (iv) Products and Completed Operations.

(c) Commercial Umbrella/Excess Insurance: \$2,000,000 each Occurrence and Aggregate naming the "County of Westchester" as additional insured, written on a 'follow the form' basis.

NOTE: Additional insured status shall be provided by standard or other endorsement that extends coverage to the County of Westchester for both on-going and completed operations.

(d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages and name the "County of Westchester" as additional insured:

- (i) Owned automobiles.
- (ii) Hired automobiles.
- (iii) Non-owned automobiles.

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County of Westchester (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County of Westchester is named as an insured, shall not apply to the County of Westchester.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County of Westchester (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.

**Town Board- Regular**

**Meeting Date:** 11/14/2018

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**Text/Header:**

**PR 2 - 11/14/18**

Resolution rejecting all bids for building new ADA compliant restrooms at the Anthony F. Veteran Park Administration Building and permission to rebid this project

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**Attachments**

TB 2018 1114 PR-2 reso Reject Bids and Rebid AFV Park Adm Building ADA Compliant Restrooms R 1113

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**RESOLUTION REJECTING ALL BIDS FOR BUILDING NEW ADA  
COMPLIANT RESTROOMS AT THE ANTHONY F. VETERAN  
PARK ADMINISTRATION BUILDING AND PERMISSION  
TO REBID THIS PROJECT**

**WHEREAS**, on Tuesday, October 23, 2018, the Town received and opened four bids for the construction of a new ADA compliant restrooms for the Anthony F. Veteran Park Administration Building; and

**WHEREAS**, funding for the project is available in the Trust and Agency Parkland Funds (PN0000-203900) and capital budget (H2018R 0421); and

**WHEREAS**, the four bids received and opened are tabulated below:

<b><u>VENDOR</u></b>	<b><u>BID AMOUNT</u></b>
Grace Contracting	\$412,214.00
Pearl River Plumbing Heating & Electric	\$388,088.00
Vinco Builders	\$337,000.00
Nika Contracting Group	\$329,000.00
Sky Rise Inc.	Rejected-not received on time

**WHEREAS**, based on a review of the bids with the assistance from the Town's consultant Lothrop Associates LLP, it was determined that since all the bids submitted were above the approved funding allocation that all bids submitted be rejected and that the town make adjustments to the bid specifications and rebid this project;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Greenburgh hereby rejects all bids submitted on October 23<sup>rd</sup> for the construction of new ADA compliant restrooms for the Anthony F. Veteran Park Administration Building; and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Greenburgh hereby authorizes the Commissioner of Parks and Recreation permission to rebid for the construction of new ADA compliant restrooms for the Anthony F. Veteran Park Administration Building using Trust and Agency Parkland Funds that have been allocated for this project (PN0000-203900) and the 2018 capital budget allocated for building stabilization (H2018R 0421).

**Town Board- Regular**

**Meeting Date:** 11/14/2018

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**Text/Header:**

**PO 1 - 11/14/18**

Resolution adopting the recommendation of the Greenburgh Police Department to add parking restrictions on Inwood Road, amending Chapter 460 of the Code of the Town of Greenburgh

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**Attachments**

**TB 2018 1114 PO-1 reso Adopt Inwood Road No Parking Restrictions R 1113**

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**RESOLUTION ADOPTING THE RECOMMENDATION OF  
THE GREENBURGH POLICE DEPARTMENT TO ADD PARKING  
RESTRICTIONS ON INWOOD ROAD AMENDING CHAPTER 460  
OF THE CODE OF THE TOWN OF GREENBURGH**

**WHEREAS**, from time to time modifications and/or additions to the Town's Vehicle and Traffic Code are necessary to help expedite the flow of vehicular traffic, ensure the safety of motorists, bicyclists and pedestrians utilizing the Town's Public Highways and to maintain the quality of life of Town residents; and

**WHEREAS**, requests for modifications and/or additions to the Town's Vehicle and Traffic Code are often received from members of the public and other service providers, as well as generated from data obtained from Police Department reports; and

**WHEREAS**, the Greenburgh Police Department is responsible for evaluating requests for modifications and/or additions to the Town's Vehicle and Traffic Code and for providing the Town Board with recommendations as to the need for these changes; and

**WHEREAS**, residents in the area advised the police department that due to the narrow street, there is a safety issue for vehicles attempting to exit the gated driveway at the northern end of Inwood Road; and

**WHEREAS**, the Traffic Unit commander believes this prohibition is necessary to preserve the quality of life for the residents and the safety of motorists in the area;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Greenburgh hereby accepts the recommendations of the Greenburgh Police Department and adopts the following addition to § 460-60 of the Greenburgh Code as further described below.

In accordance with the provisions of § 460-16, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

<b>Name of Street</b>	<b>Side</b>	<b>Hours/Days</b>	<b>Location</b>
Inwood Road	Both	All times	From the northernmost point southerly for 55 feet

**Town Board- Regular**

**Meeting Date:** 11/14/2018

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**Text/Header:**

**PO 2 - 11/14/18**

Resolution adopting the recommendations of the Greenburgh Police Department to add hours of the restriction to the No Left Turn restriction at the entrance to the property located at the intersection of Central Avenue at Mt. Joy Avenue, amending Chapter 460 of the Code of the Town of Greenburgh

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**Attachments**

TB 2018 1114 PO-2 reso Adopt Central Ave & Mt Joy No Left Turn R 1113

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**RESOLUTION ADOPTING THE RECOMMENDATIONS OF THE  
GREENBURGH POLICE DEPARTMENT TO ADD HOURS OF THE  
RESTRICTION TO THE NO LEFT TURN RESTRICTION AT THE ENTRANCE  
TO THE PROPERTY LOCATED AT THE INTERSECTION OF CENTRAL AVE  
AT MT. JOY AVENUE AMENDING CHAPTER 460 OF THE  
CODE OF THE TOWN OF GREENBURGH**

**WHEREAS**, from time to time modifications and/or additions to the Town's Vehicle and Traffic Code are necessary to help expedite the flow of vehicular traffic, ensure the safety of motorists, bicyclists and pedestrians utilizing the Town's Public Highways and to maintain the quality of life of Town residents; and

**WHEREAS**, requests for modifications and/or additions to the Town's Vehicle and Traffic Code are often received from members of the public and other service providers, as well as generated from data obtained from Police Department reports; and

**WHEREAS**, the Greenburgh Police Department is responsible for evaluating requests for modifications and/or additions to the Town's Vehicle and Traffic Code and for providing the Town Board with recommendations as to the need for these changes; and

**WHEREAS**, the Town of Greenburgh Police Department has reviewed the pattern of traffic and has determined that restrictions between the following hours would be appropriate, WEEKDAYS, EXCLUDING HOLIDAYS, 7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM; and

**WHEREAS**, the Greenburgh Police Department determined these signs would increase safety in the area;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Greenburgh hereby accepts the recommendations of the Greenburgh Police Department and adopts the following addition to § 460-55 of the Code of the Town of Greenburgh as further described below.

In accordance with the provisions of § 460-9, the following described location is hereby designated as a No Left Turn intersection, and No Left Turn signs shall be installed as follows:

<b>Name of Street</b>	<b>Direction of Travel</b>	<b>Prohibited Turn</b>	<b>Hours/Days</b>	<b>At intersection of</b>
Mt. Joy Avenue	West	Left	7:00 AM to 9:00 AM 4:00 PM to 6:00 PM Weekdays, excluding holidays	Property at Mt. Joy and Central Ave

**Town Board- Regular**

**Meeting Date:** 11/14/2018

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**Text/Header:**

**PW 2 - 11/14/18**

Resolution approving a professional services agreement with Raftelis Financial Consultants, Inc. (Raftelis) to provide as-needed financial service consulting to the Greenburgh Consolidated Water District, for an amount not to exceed \$25,000

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**Attachments**

TB 2018 1114 PW-2 reso Approve Raftelis -Professional Services for financial service consulting R 1113

TB 2018 1114 PW-2 data Raftelis Professional Services as needed financial services proposal 0828

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**RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT  
WITH RAFTELIS FINANCIAL CONSULTANTS, INC. (RAFTELIS) TO  
PROVIDE AS-NEEDED FINANCIAL SERVICE CONSULTING TO THE  
GREENBURGH CONSOLIDATED WATER DISTRICT, FOR AN AMOUNT NOT  
TO EXCEED \$25,000**

**WHEREAS**, the Greenburgh Consolidated Water District No. 1 depends upon water rates to support the financial needs of the operation and desires to maintain a solid financial footing to support Capital Expenditures to maintain and improve its infrastructure into the future; and

**WHEREAS**, the Water District Advisory Committee (WDAC) and the Department of Public Works recognize the need for continued professional financial consulting assistance to further develop and refine long-term financial plans that will consider capital needs, financing strategies and rate impacts; and

**WHEREAS**, the Town has previously contracted with Raftelis to develop a financial plan and rate model of the District and perform additional financial analysis and modeling of new water rate structures, to update a financial plan and model based upon new data, and to compile new information to assist the Commissioner and WDAC with financial planning needs to align the rate structure with proposed future infrastructure improvement objectives; and

**WHEREAS**, the Commissioner of Public Works request the continued retention of Raftelis to assist on and as-needed basis for financial services over the next four to six months with support to include rate structure support and presentation, Intermunicipal Agreement support, periodic financial plan updates, and other similar tasks that arise from time to time;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Greenburgh hereby authorizes the Town Supervisor to enter into the attached agreement with Raftelis dated August 28, 2018, or a substantially similar agreement with the same or lower rates and costs, for professional services in accordance with the scope of services described in the proposal, for an amount not to exceed \$25,000.

August 28, 2018

Victor Carosi, PE  
Commission of Public Works  
Town of Greenburgh  
177 Hillside Avenue  
Greenburgh, NY 10607

RE: Proposal for As-Needed Financial Services

Dear Mr. Carosi:

At your request, Raftelis Financial Consultants, Inc. ("Raftelis") is pleased to provide the Town of Greenburgh ("Town") with this proposal for continued as-needed financial services over the next four to six months. During a portion of 2017 and to date in 2018, Raftelis successfully assisted the Town with its financial planning and rate design evaluation efforts related to its Consolidated Water District.

## Project Understanding

During 2018, Raftelis updated the Town's existing multi-year financial plan. The updated plan incorporated the water system's adopted operating budget for FY 2018, as well as its latest capital plan. Revenue needs were projected over a five-year forecast period to evaluate rate adjustment needs. Several rate increase scenarios were evaluated at the request of the Water Advisory Committee ("WAC"). In addition, Raftelis completed a water rate structure evaluation for the Town's in-district water customers. As part of this work, Raftelis proposed several rate structure alternatives and provided detailed analysis related to various bill impacts in response to selected scenarios as advised by the Town's WAC.

As part of this proposal, the Town would like Raftelis to support its efforts to implement a possible rate structure change and a proposed rate increase over the next several months. In addition, the Town would also like Raftelis to provide intermunicipal agreement support related to its Rumbrook pump station and the equitable sharing of costs between the Town and the Village of Irvington, and to reassess its financial position and update its financial plan during 2019.

The following scope of work was prepared to assist the Town with these efforts.



## Project Scope

### **Task 1: Support Possible Rate Structure Change and Proposed Rate Adjustment**

Raftelis will provide rate communication services in support of the Town's proposed rate structure change and upcoming rate adjustment. This will involve preparing presentation materials and supporting analyses on an as-needed basis. Past presentation materials and analyses may be relied upon in the development of presentation materials.

#### Deliverables:

- ) PowerPoint slide deck with requested content and other supporting analyses (i.e., charts, tables, etc.).

### **Task 2: Intermunicipal Agreement Support**

Raftelis will support the Town in reviewing their existing intermunicipal agreement with the Village of Irvington. As part of the review, Raftelis may propose revisions to existing provisions or draft new provisions, to the existing or a new intermunicipal agreement.

Raftelis will attend one meeting with the Town to discuss its recommendations and to provide other guidance, as necessary.

#### Deliverables:

- ) Recommendations for changes to existing agreement, or provisions to be included under a new intermunicipal agreement.
- ) Attendance at meeting to discuss results.

### **Task 3: Update Financial Plan**

Raftelis will update the existing financial planning model based on the adopted FY 2019 operating budget and most up-to-date capital plan. If available, actual FY 2018 revenues and expenses will be compared against budgeted amounts to help explain any significant change in the system's financial position. The updated financial plan model will then be used to forecast rate increase needs in the remaining portion of FY 2019 and for next five fiscal years, through FY 2024. Several rate adjustment scenarios may be analyzed as part of this update, including a mid or late-year rate adjustment in FY 2019, as well as smoothed, and un-smoothed increases over the forecast period.

Raftelis will attend up to two meetings to present and discuss the results of the updated financial plan, as well as proposed and planning level rate increases over the forecast period.

#### Deliverables:

- ) Updated financial planning model with FY 2019 budgeted revenues and expenses, and updated capital plan with proposed funding sources.
- ) Recommended rate adjustments under requested scenarios.

- ) PowerPoint slide deck summarizing key inputs and assumptions, as well as the proposed rate adjustments and financial forecast over a five-year planning period.
- ) Other supporting analyses (i.e., charts, tables, etc.), as necessary.

#### **Task 4: Miscellaneous Financial Services**

Raftelis has earmarked a portion of time under this project to provide miscellaneous financial services to the Town. This may include additional work pertaining to the tasks discussed previously or additional financial support required on other tasks on an as-needed basis during the duration of the contract, to the extent that the established project budget allows.

#### Deliverables:

- ) To be determined.

### **Budget**

Raftelis proposes to complete this scope of work on a time and materials basis for a not-to-exceed cost of 25,000. This amount includes expenses incurred for required travel under all tasks. Throughout the course of this effort, Raftelis will keep the Town informed of costs incurred in connection with this scope of work.

Thank you for the opportunity to continue to provide our consulting services to the Town. If you need any additional information or have any questions regarding this proposal, please contact myself at 518-391-8944, or Philip Sapone at 518-982-4223.

Very truly yours,

RAFTELIS FINANCIAL CONSULTANTS, INC.



John M. Mastracchio, CFA  
Vice President

CC:  
Philip Sapone (Raftelis)

**Town Board- Regular**

**Meeting Date:** 11/14/2018

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**Text/Header:**

**PW 3 - 11/14/18**

Resolution approving the continued professional services with PCI (Professional Consulting, LLC,) for construction support services for the water main infrastructure improvement project along Chelsea Road, Plymouth Road, Arthur Lane, and a portion of Mayfair Way, for an additional amount not to exceed \$29,800

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**Attachments**

TB 2018 1114 PW-3 reso Retain Professional Consulting LLL PCI re Chelsea Rd Grasslands taps--added services R 1113

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**RESOLUTION APPROVING THE CONTINUED PROFESSIONAL SERVICES  
WITH PCI (PROFESSIONAL CONSULTING, LLC,) FOR CONSTRUCTION  
SUPPORT SERVICES FOR THE WATER MAIN INFRASTRUCTURE  
IMPROVEMENT PROJECT ALONG CHELSEA RD., PLYMOUTH RD.,  
ARTHUR LA., AND A PORTION OF MAYFAIR WAY, FOR  
AN ADDITIONAL AMOUNT NOT TO EXCEED \$29,800**

**WHEREAS**, the Town of Greenburgh is replacing approximately 5,400 ft of water main along Chelsea Road and several adjacent streets at a projected cost of nearly \$2,500,000 to replace the ageing water infrastructure and improve its water infrastructure to remain in compliance with relevant environmental and health laws for the benefit of its residents and consumers; and

**WHEREAS**, a consultant, PCI, Professional Consulting, LLC, was previously authorized by Resolution PW-2 – 08/23/17 and further by Resolution PW-1 – 06/27/18 for necessary professional services; and

**WHEREAS**, in the course of the work, additional services became necessary to address unique circumstances regarding needed water connections to existing Town water infrastructure within Grasslands Road and to assist with the NYS DOT permitting to implement changes to the work to improve the water distribution system, increasing the time and effort beyond the original estimate and requests the Board authorization to increase the budgeted amount of the original project resolution;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Greenburgh hereby authorizes the Town Commissioner of Public Works to continue services with PCI, Professional Consulting, LLC., for professional engineering services to the Greenburgh Consolidated Water District, in accordance with the original scope of services, for the Replacement of the water main along Chelsea Rd., Plymouth Rd., Arthur La., and a portion of Mayfair Way, for an additional amount not to exceed \$29,800.