TOWN OF GREENBURGH
PLANNING BOARD MINUTES
TOWN HALL – GREENBURGH – NEW YORK
Wednesday – June 19, 2019

The Work Session of the Planning Board of the Town of Greenburgh was held on Wednesday, June 19, 2019, in the auditorium of the Greenburgh Town Hall, 177 Hillside Avenue, Greenburgh, New York, and began at 8:00 pm.

1. ROLL CALL & ANNOUNCEMENTS

Present: Chairperson Walter Simon, Hugh Schwartz, Kirit Desai, Thomas Hay, Viola Taliaferrow, and Mona Fraitag (Alternate – Voting Member)

Absent: Michael Golden

Staff: Aaron Schmidt, Deputy Commissioner, CD&C
David Fried, Esq., 1st Deputy Town Attorney

Chairperson Simon announced that Ms. Fraitag would be a full voting member during tonight's meeting, as the Planning Board currently is short one (1) member.

2. APPROVAL OF MINUTES

a. June 5, 2019 Work Session Minutes

Chairperson Simon asked Planning Board members if there were any comments to the draft Planning Board minutes of June 5, 2019. Mr. Schmidt noted an error in the header of the section related to public hearings and public discussions, and also to each page header where the date of the minutes is referenced. Mr. Fried noted that the numbering sequence would need to be appropriately updated, following Mr. Schmidt's noted revisions.

On a motion made by Mr. Schwartz, and seconded by Mr. Hay, the Planning Board unanimously voted to approve the June 5, 2019 minutes, as amended.

3. OLD BUSINESS

a. Case No. TB 19-09 Chapter 285 – Shared Parking Definition – *Zoning Text Amendment (Referral from Town Board*

A continuation of a work session (May 1, 2019 and June 5, 2019) to discuss a zoning text amendment referral from the Town Board to Section 285-38 of Town Zoning Ordinance, entitled "Off-Street Parking, Loading and Landscaping Requirements," related to Shared Parking.

Mr. Schmidt recited additional language now included within the current draft of the local law, on page 4, section 5, related to a proposed use not generating additional traffic that overburdens the parking capacity, which was provided to the Board in its packages handed out at the June 5, 2019 Planning Board meeting. Mr. Schwartz explained that this additional language was suggested to maintain consistency with the current operation of the Planning Board concerning shared parking reduction requests.

On a motion made by Mr. Schwartz, and seconded by Mr. Hay, the Planning Board unanimously voted to issue a positive recommendation to the Town Board, in connection with the zoning text amendment referral, as amended. On a motion made by Chairperson Simon, and seconded by Ms. Taliaferrow, the Planning Board unanimously voted to issue its report to the Town Board, in connection with the zoning text amendment referral. Mr. Desai requested that the finalized Planning Board report be emailed out to Board members ahead of transmission to the Town Board.

4. NEW BUSINESS

a. Case No. TB 19-04 Chapter 285 – OB District (Self Storage Facilities & Laundromats) – *Zoning Text Amendment (Referral from Town Board)*

A work session to discuss a zoning text amendment referral from the Town Board, involving a modification to the list of permitted uses in the OB District (Section 285-25 of the Town Zoning Ordinance), to include Self-Storage Facilities & Laundromats.

Ms. Janet Giris, Esq., of DelBello, Donnellan, Weingarten, Wise & Wiederkehr LLP, on behalf of the applicant, White Hickory Associates, LLC, provided an overview of the zoning text amendment involving a proposal to modify the list of permitted uses in the OB – Office Building District, to include Self-Storage

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Facilities & Laundry Establishments. She stated that, if the zoning text amendment were approved, her client would seek to construct a five-story self-storage building in a location previously approved as an office building with ground floor retail located at 600 White Plains Road, and to lease approximately 3,000 sq. ft. of vacant space within a commercial building to a laundromat, on the same site, which would relocate from its current location on Saw Mill River Road within the Town. She explained that, within the OB District, lots consisting of 15 acres of land or more may contain commercial uses, for which this site received special permit approval from the Town Board.

Ms. Giris noted that the Town Board recently adopted a zoning text amendment to allow self-storage facilities as permitted uses within the LOB – Limited Office Building District. She opined that the OB District was less restrictive than the LOB District and, therefore, the applicant proposed that such uses also be permitted uses within the OB District.

Ms. Giris noted that, as part of the pre-submission conference held by the Planning Board on March 6, 2019 concerning this potential zoning text amendment, other locations in the Town zoned OB were reviewed, and were determined to have little potential for a self-storage facility. She stated that, with respect to the applicant's site, this use would have no adverse impact, although a site plan review process would be required if the zoning text amendment were approved, and the applicant wished to proceed with such a development proposal.

Mr. Schwartz asked what the downside would be of having the self-storage facility use require a special permit. Ms. Giris replied that the downside would mainly consist of additional time and expense to an applicant, to move through a special permit process. Mr. Schwartz remarked that it appears a use of this nature would work well on the applicant's site, although he was unsure as to whether or not it would on other sites. Ms. Giris advised that, special permit uses, under New York State Law, are principally permitted uses, subject to specific criteria. Mr. Schwartz stated that there could be impacts at other sites zoned OB and, therefore, he supports recommending that self-storage uses be permitted, subject to a special permit process. Board members agreed. Ms. Giris stated that she and her client have no objection to the Planning Board including this within its recommendation to the Town Board, and noted that her office could work with staff on establishing criteria in connection with a special permit process.

Mr. Schwartz noted that the special permit process could run concurrently with the site plan review process, so as not to unnecessarily delay an applicant's proposal. Ms. Giris recommended that, for sites over 5 acres in size, the special permit approval rest with the Town Board, as that Board would be the approval authority over the site plan application. Mr. Fried advised that the Planning Board could recommend to the Town Board that, whichever Board has approval authority over the site plan application, also have authority over the special permit. Board members agreed.

Chairperson Simon requested that staff prepare a draft positive recommendation to the Town Board, citing the recommendations discussed this evening, for consideration at the Planning Board's July 2, 2019 meeting.

b. **<u>Case No. PB 19-05/PB 19-03</u>** Ardsley Park, *410-460 Saw Mill River Road (P.O. Ardsley, N. Y.) – Amended Site Plan, Preliminary Subdivision, Planning Board Steep Slope Permit & Tree Removal Permit*
A work session to discuss a site plan (Town Board approval, referral to Planning Board), Planning Board preliminary subdivision, Planning Board steep slope permit, and tree removal permit application for a proposal consisting of the subdivision of an existing campus (formerly Ciba Geigy and, currently, Acorda Therapeutics, Inc.) consisting of two (2) building lots, into a total of (3) three building lots, together with various site improvements, including: (1) the proposed enhancement of surface parking areas on proposed Lot 1; (2) the proposed relocation of surface parking from proposed Lot 2 to proposed Lot 1; and, (3) the addition of landscaping, sidewalks, retaining walls, and pervious pavement. The applicant proposes 156,128 sq. ft. on 15-25% slopes (STEEP SLOPES), 25,479 sq. ft. on 25-35% slopes (VERY STEEP SLOPES) and 8,537 sq. ft. on 35%+ slopes (EXCESSIVELY STEEP SLOPES). The project involves approximately 14,000 cubic yards of excavation and 0 cubic yards of imported fill. The applicant proposes the removal of regulated trees, requiring a tree removal permit through the Planning Board. The properties consist of approximately 1,856,3161 sq. ft. (42.82 acres) and are situated on the easterly side of Saw Mill River Road approximately 1,700 ft. south of the intersection of Saw Mill River Road and Lawrence Street. The properties are located in

the GI General Industrial District and are designated on the tax map of the Town of Greenburgh as Parcel ID: 8-430-305-7, 8-500-350-3& 8-500-350-4.

Mr. Richard O'Rourke, Esq., of Keane & Beane, P.C., attorney on behalf of the applicant, provided an overview of the project, which involves an amended site plan (Town Board approval, referral to Planning Board), Planning Board subdivision, Planning Board steep slope permit, and tree removal permit application for a proposal consisting of the subdivision of an existing campus (formerly Ciba Geigy and, currently, Acorda Therapeutics, Inc.) consisting of two (2) building lots, into a total of (3) three building lots, together with various site improvements, including: (1) the proposed enhancement of surface parking areas on proposed Lot 1; (2) the proposed relocation of surface parking from proposed Lot 2 to proposed Lot 1; and, (3) the addition of landscaping, sidewalks, retaining walls, and pervious pavement. He stated that no new buildings are proposed in connection with the project. He noted that the applicant seeks to more appropriately market the newly proposed third lot, which would consist of approximately 100,000 sq. ft. in area.

Mr. Diego Villareale, P.E., of JMC PLLC, engineer for the applicant, provided an overview of the existing site conditions. He noted that the 42.82-acre site, consisting of two lots, the "north" lot and the "south" lot, originally was developed as a campus, with off-street parking areas overlapping the lots. He advised that a few of the original buildings on the site previously were demolished. He noted that, with respect to the proposed subdivision, Lot 1 would consist of 16.31 acres, Lot 2 would consist of 9.41 acres, and Lot 3 would consist of 17.10 acres. He stated that proposed Lot 1 would be a standalone lot, and be completely zoning compliant in all respects, while proposed Lots 2 and 3 would be completely independent. He explained that the proposed parking modifications are intended to create a more convenient parking layout relative to the existing buildings, and also will provide appropriately placed handicap parking spaces. He added that there would be no increase in impervious surface coverage resulting from these proposed modifications. Mr. Villareale outlined proposed tree removals required in connection with the proposed site modifications, and reviewed the landscape restoration plan with the Board. Mr. O'Rourke stated that the applicant is seeking to make proposed Lots 2 and 3 more marketable, and that any future development on these lots would require the appropriate development permits from the Town of Greenburgh.

Chairperson Simon advised the applicant that this site falls within the Research & Development (R&D) Cluster South, as identified in the Town's Comprehensive Plan. He explained that the Comprehensive Plan recommends the removal of the GI – General Industrial District, and the creation of a new zoning district which includes research and development uses and research and development supportive uses. He advised that any future proposed development on the site would need to consider this.

Mr. Schwartz stated that the site currently is zoned GI, and asked what would happen if the site received interest for a GI district use prior to a change in the zoning. Chairperson Simon noted that the Comprehensive Plan contains goals and policies concerning the identified research and development corridors. Mr. Schmidt recited Goal 12.5 and Policy 12.5.1.2 of the Comprehensive Plan, both of which support research and development, and related uses. Mr. Fried advised that the site owner would be involved in any rezoning process.

Mr. Hay asked if proposed Lot 1 would comply with the impervious surface coverage requirements. Mr. O'Rourke replied that it would. Mr. O'Rourke noted that proposed Lot 3 requires an area variance for lot width. Mr. Villareale elaborated that this proposed lot would not meet the required 200 feet in width at its frontage with Saw Mill River Road, noting that the required width is 200 feet, while the applicant proposes 40 feet in width. Mr. Schmidt outlined the various approvals required in connection with this project.

The Planning Board, on motion by Ms. Fraitag, and seconded by Ms. Taliaferrow, unanimously voted to issue no objection to the Town Board serving as Lead Agency for the purposes of conducting SEQRA.

Mr. O'Rourke stated that the applicant is applying on behalf of a Bio-tech center, and that he is not sure that a rezone should be a part of the Planning Board's recommendation to the Town Board, as it could restrict the marketability of the site. Mr. Fried clarified that, currently, a rezone is not part of SEQRA process associated with this project. Mr. Schwartz suggested that, concerning the marketability of the site, the applicant meet with Town staff to discuss the concepts associated with the research and development south cluster. Chairperson Simon stated that the concept of the research and development clusters, as outlined in the

Comprehensive Plan, is to promote R&D and related/supportive uses. He suggested that the applicant make its case that any proposed use on this site are R&D supportive uses. He cited one example being a hotel, and another being on-site residential for R&D employees.

On a motion made by Mr. Hay, and seconded by Mr. Desai, the Planning Board, further, unanimously voted to issue a positive recommendation to the Town Board with respect to the amended site plan application referral, acknowledging that the one required area variance which appears to be insignificant in terms of potential adverse impacts, and further noting that the Town's Comprehensive Plan contains goals (12.5) and policies (12.5.1.2) concerning the Research & Development Cluster South, of which this site falls within.

Ms. Taliaferrow requested that the Planning Board's recommendation and related report be circulated to the Board, prior to transmission to the Town Board.

5. <u>ITEMS FOR PUBLIC HEARING & PUBLIC DISCUSSION (ITEMS WILL START NO SOONER THAN 8:45 P.M.</u>

Full transcripts of the items on for public hearing and public discussion are available through the Department of Community Development and Conservation, and are posted on the Town of Greenburgh website.

a. **<u>Case No. PB 18-07</u>** Nesto's, *24 Tarrytown Road (P.O. White Plains, N.Y.) – Preliminary Subdivision & Amended Site Plan*

A public hearing to discuss a preliminary subdivision and amended site plan application involving the proposed expansion of an existing parking lot associated with an existing delicatessen. The applicant proposes to re-subdivide a portion of property consisting of approximately 2,988 sq. ft., recently purchased from the NYS DOT, in order to eliminate an interior lot line, and construct eight (8) new off-street parking spaces adjacent to an existing paved area and drive-thru associated with Nesto's Delicatessen. The site currently provides seven (7) off-street parking spaces and six (6) queuing spaces, along with adjacent on-street parking availability. The project involves approximately 65 cubic yards of excavation. The property, in total, consists of approximately 15,285 sq. ft. (0.35 acres) and is situated on the north side of Tarrytown Road, at the intersection of Old Kensico Road and Tarrytown Road. The property is located in the DS – Designed Shopping District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.500-310-1.

On a motion made by Mr. Schwartz, and seconded by Mr. Hay, the Planning Board unanimously voted to close the public hearing, and to keep the written record open through June 25, 2019.

b. **<u>Case No. PB 19-06</u>** Leven, *3 Bayberry Road (P.O. Elmsford, N.Y.) – Minor Project Wetland/Watercourse Permit*

A public hearing to discuss a minor project wetland/watercourse permit application involving the proposed construction of an approximately 490 sq. ft. rear porch addition, to an existing single-family residence. The watercourse and watercourse buffer area on the applicant's property consists of approximately 30,867 sq. ft., and the applicant is proposing approximately 650 sq. ft. of disturbance. The applicant proposes approximately 20 cubic yards of excavation, and 0 cubic yards of imported fill. The applicant proposes two (2) drywells to handle stormwater runoff from new impervious surfaces. No regulated tree removal is proposed in connection with the project. The subject property consists of approx. 46,169 sq. ft., and is situated on the easterly side of Bayberry Road, approximately 175 ft. north of the intersection of Bayberry Road and Payne Road. The property is situated in the R-40 One-Family Residence District, and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.200-92-10.4.

On a motion made by Mr. Schwartz, and seconded by Ms. Taliaferrow, the Planning Board unanimously voted to classify the proposed action as a Type 2 action, under SEQRA.

On a motion made by Mr. Desai, and seconded by Ms. Fraitag, the Planning Board unanimously voted to close the public hearing, and turn the matter over to the Town Wetlands Inspector for decision.

c. **<u>Case No. PB 18-11</u>** Mohamed, *85 Highpoint Road (P.O. Scarsdale, N.Y.) – Preliminary Subdivision*

A public hearing to discuss a preliminary subdivision application involving the proposed subdivision of one (1) existing lot, approximately 43,562 sq. ft. in size, into two (2) buildable lots, for the purpose of constructing

one (1) new single-family residence. Proposed Lot 1, which contains an existing single-family residence to remain, would total approximately 23,553 sq. ft. Proposed Lot 2 would total approximately 20,009 sq. ft., and would be improved with one (1) new single-family residence. An existing tennis court, retaining walls, and frame shed located on proposed Lot 2, would be removed as part of the project. One new curb cut is required along Highpoint Road. No regulated trees are proposed for removal as part of the project. New landscaping has been proposed, which includes the planting of four (4) White Spruce trees, eleven (11) Mountain Laurel shrubs, two (2) Pink Dogwood trees, (4) White Fir trees, three (3) Purple Lovegrass groundcover, and two (2) Pinxter Azalea shrubs. On April 11, 2019, the Zoning Board of Appeals granted area variances required in connection with the project. The property consists of approximately 43,562 sq. ft. and is situated on the north side of High Point Road, at the intersection of High Point Lane and High Point Road. The property is located in the R-20 One-Family Residence District, and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.520-356-61.

On a motion made by Mr. Desai, and seconded by Mr. Schwartz, the Planning Board unanimously voted to close the public hearing, and to keep the written record open through June 25, 2019.

d. **Case No. PB 19-04** MacMillan, *39 Ridge Road (P.O. Hartsdale, N.Y.) – Planning Board Wetland/Watercourse Permit and Tree Removal Permit (Town Forestry Officer approval)*
A public hearing to discuss a Planning Board wetland/watercourse permit application involving: (1) the proposed re-grading of the rear yard of an existing single-family residential property; (2) the proposed piping (95 linear feet of 24" rigid HDPE pipe) of an on-site intermittent watercourse channel, and the directing of it to another on-site watercourse, both located in the rear yard of the subject property, which includes the proposed construction of a 3-foot concrete headwall at the intersection of the two watercourse channels, to make the rear yard space more usable for the property owners; (3) the proposed installation of a drainage system around the existing residence, to direct roof leaders into the proposed piping in the rear yard; (4) a proposed 400 sq. ft. expansion of the existing driveway; (5) the proposed construction of a 3-foot high stone retaining wall approx. 110 linear feet in length along the southerly property line; (6) the proposed installation of a 6-foot high vinyl fence and chain link fence along portions of the south side, north side, and rear yards; (7) the removal of eight (8) regulated trees from the site; and (8) the proposed installation twenty eight (28) trees and various wetland mitigation plantings on the property. The watercourse and watercourse buffer area on the applicant's property consists of approximately 29,759 sq. ft., and the applicant is proposing approximately 17,000 sq. ft. of disturbance. The applicant proposes 0 cubic yards of excavation, and approximately 650 cubic yards of imported fill, requiring a Fill Permit through the Town Engineer, to carry out the project. The subject properties consist of approx. 47,250 sq. ft. and are situated on the westerly side of Ridge Road, approximately 475 ft. south of the intersection of Ridge Road and W. Hartsdale Ave. The properties are situated in the R-20 One-Family Residence District, and are designated on the tax map of the Town of Greenburgh as Parcel ID: 8.190-139-4 & 5.

On a motion made by Mr. Schwartz, and seconded by Ms. Fraitag, the Planning Board unanimously voted to adjourn the public hearing to July 17, 2019.

6. EXECUTIVE SESSION

At 10:50 pm, on a motion made by Mr. Schwartz and seconded by Mr. Hay, the Planning Board unanimously voted to enter into an executive session concerning a personnel matter. Mr. Schwartz advised that no votes would be taken during the executive session. The executive session lasted twenty-five (25) minutes.

7. ESTABLISH DATE FOR NEXT MEETING

The next regularly scheduled meeting of the Greenburgh Planning Board will be held on Tuesday, July 2, 2019, and will begin at 8:00 pm in the Greenburgh Town Hall Auditorium.

8. ADJOURNMENT

The June 19, 2019 work session of the Town of Greenburgh Planning Board was adjourned at 11:15 pm.

Respectfully submitted,

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Aaron Schmidt
Deputy Commissioner,
Department of Community Development and Conservation