



**TOWN OF GREENBURGH
PLANNING BOARD AGENDA
WEDNESDAY, March 6, 2024 – 7:00 P.M.**

Meetings of the Planning Board will be adjourned at 10:00 p.m.

This meeting will take place in the Town Hall Auditorium, located at 177 Hillside Avenue, Greenburgh, NY, and will also take place via Zoom. If you would like to watch the meeting, you may do so via the Town's website at <https://ny-greenburgh.civicplus.com/485/Watch-Live-Board-Meetings>. This meeting will be broadcast live on Cable Television and a recording likely will be available on cable television thereafter. If you would like to participate in one or more of the public hearings via Zoom, you must pre-register through the Department of Community Development and Conservation by emailing publichearing@greenburghny.com or calling 914-989-1530, specifying the application(s) that you would like to speak on. Instructions to participate will then be emailed to you or you will receive a return phone call.

AGENDA

1. ROLL CALL

2. APPROVAL OF MINUTES

1. Minutes of February 21, 2024

3. CORRESPONDENCE

4. OLD BUSINESS

1. **Case No. PB 22-07** Chick-fil-A, 20 Tarrytown Road (P.O. White Plains, N.Y.) – Site Plan, Special Use Permit (Quick Service/Fast Food Establishment), Tree Removal Permit, and Recommendation to the Zoning Board of Appeals

A continuation of a work session (September 20, 2023, October 4, 2023, November 1, 2023, January 3, 2024, and February 21, 2024) to discuss a Site Plan, Special Use Permit (Quick Service/Fast Food Establishment), and Tree Removal Permit application involving the proposed construction of a new Quick Service/Fast Food Establishment, with related improvements. The Applicant proposes to construct a new, 5,028 sq. ft., 94-seat (74 interior, 20 exterior) Quick Service/Fast Food Establishment, with a double-lane drive-thru. The property has existing curb cuts on Old Kensico Road and on County Center Road. The Applicant proposes to relocate the curb cut on Old

Kensico Road and add a curb cut to County Center Road. The Applicant proposes to include 112 parking spaces (79 striped, 33 credited for drive-thru), where 143 spaces are required. A total of thirty (30) off-street parking spaces, dedicated for employee parking only, are proposed to be situated on an adjacent lot located within the City of White Plains zoned Business (B-3), requiring approval from the City. The following area variances are required: (1) side yard setback to detached canopy, from 40 feet (required) to 6.8 feet (proposed); (2) Tarrytown Road side yard setback to principle building, from 40 feet (required) to 36.8 feet (proposed); (3) County Center Road side yard setback to principle building, from 40 feet (required) to 5.4 feet (proposed); (4) total of two side yards, from 80 feet (required) to 42.2 feet (proposed); (5) distance from off-street parking to principal building, from 10 feet (required) to 7.7 feet/0 feet for the parking lot/drive-thru (proposed); (6) off-street parking spaces, from 143 (required) to 112 (proposed); (7) distance from off-street parking to front lot line, from 20 feet (required) to 3.4 feet (proposed); (8) distance from off-street parking to side lot line (County Center Road), from 10 feet (required) to 2.4 feet (proposed); (9) distance from off-street parking to side lot line (Tarrytown Road), from 10 feet (required) to 2.2 feet (proposed); (10) height of exterior lighting, from 14 feet (permitted) to 27 feet (proposed); (11) Old Kensico Road front yard setback to accessory storage building (storage shed, from 30 feet (required) to 21.8 feet (proposed); and (12) County Center Road side yard setback to accessory storage building (storage shed), from 40 feet (required) to 19.5 feet (proposed). The Planning Board will be considering a recommendation to the Zoning Board of Appeals on the required area variances. The Applicant proposes to remove 16 landscaped trees in the existing parking area, requiring a Tree Removal Permit from the Planning Board, and has prepared a landscaping plan providing for 19 trees and 270 shrubs, as replacement. The Applicant seeks waivers from the Planning Board for the required 10-foot landscaped buffers on all sides of the property. The Applicant has prepared a traffic impact study, along with supplemental traffic analyses, which have been reviewed by the Town's traffic consultant for this project. The subject properties consist of approximately 75,065 sq. ft. (1.7 acres) and are situated on the northerly side of Tarrytown Road, at the intersection of Tarrytown Road and Old Kensico Road. The properties within the Town of Greenburgh are located in the DS Designed Shopping District, are designated on the tax map of the Town of Greenburgh as Parcel ID: 7.570-328-1 & 2, and in total consist of approximately 55,912 sq. ft. The properties within the City of White Plains are located within the B-3 Business District, are designated as Parcel ID: 125.57-3-1 & 2, and in total consist of approximately 19,153 sq. ft.

5. NEW BUSINESS

1. Case No. PB 23-24 Lee & Cheng, 260 South Healy Avenue (P.O. Scarsdale, N.Y.) –Wetland/Watercourse Permit and Tree Removal Permit

A work session to discuss a Wetland/Watercourse Permit and Tree Removal Permit application involving the proposed construction of a new single-family home on an existing lot. The Applicant proposes to remove an existing, burnt-out single-family home and construct a new home with related improvements. The Applicant proposes to disturb approximately 3,619 sq. ft. of wetland/watercourse buffer area on the property,

associated with an on-site watercourse. The Applicant proposes the removal of one (1) regulated tree, requiring a Tree Removal Permit, and has prepared a landscaping plan providing for the planting of four (4) trees, as replacement. The property consists of approximately 23,339 sq. ft. (0.54 acres) and is situated on the easterly side of South Healy Avenue, approximately 500 feet south of the intersection of South Healy Avenue and Elizabeth Street. 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: 8.290-224-42.

6. OLD BUSINESS - continued

1. Case No. TB 23-09 Accessory Dwelling Unit (ADU) Local Law – *Zoning Text Amendment (Town Board Referral)*

A continued work session (January 3, 2024, January 17, 2024, February 7, 2024, and February 21, 2024) to consider a Zoning Text Amendment (Town Board referral) to regulate and permit Accessory Dwelling Units, pursuant to Section 285-36 of the Town Zoning Ordinance, with related definitions. The Town Board of the Town of Greenburgh finds it desirable to explore allowing accessory dwelling units in one-family residential districts to provide an opportunity for development of rental housing units designed to meet housing needs that include, but are not limited to, single persons, couples, other small households, relatives of existing families within the Town, the young, the elderly, and persons seeking more affordable options. The proposed Zoning Text Amendment would allow for accessory dwellings units in the R-5, R-7.5, R-10, R-15, R-20, R-30, and R-40 Zoning Districts, by Special Use Permit from the Planning Board.

7. ESTABLISH DATE FOR NEXT MEETING

1. The next regularly scheduled meeting of the Greenburgh Planning Board will be held on and is scheduled to begin at 7:00 pm.

Planning Board Meeting
Meeting Date: 03/06/2024

2. 1.

Information

Text/Header:

Minutes of February 21, 2024

Fiscal Impact

Attachments

Minutes of 2/21/24



**TOWN OF GREENBURGH
PLANNING BOARD MINUTES
GREENBURGH – NEW YORK
Wednesday – February 21, 2024**

The Work Session of the Planning Board of the Town of Greenburgh began at 7:05 pm on Wednesday, February 21, 2024, and was held both in-person at Town Hall, located at 177 Hillside Avenue, Greenburgh, New York, and online via Zoom-enabled videoconference. It was also simulcast over cable television and the Town of Greenburgh website.

1. ROLL CALL & ANNOUNCEMENTS

Present: Chairperson Hugh Schwartz, Walter Simon, Kirit Desai, and Aisha Sparks (Alternate Voting Member)

Absent: Thomas Hay, Michael Golden, Johan Snaggs, Leslie Davis

Staff: Garrett Duquesne, AICP, Commissioner, CD&C
Joe Danko, Esq., Town Attorney
Amanda Magana, Esq., First Deputy Town Attorney
Matthew Britton, Planner, CD&C

2. APPROVAL OF MINUTES

Chairperson Schwartz asked if there were any comments on the draft minutes of the February 7, 2024 Planning Board work session. Mr. Simon stated that, in the discussion for Case No. TB 23-08/PB 23-18, it should be added that the Applicant is required to address traffic concerns caused by their site build-out. There were no other comments. Mr. Britton stated that this revision would be made. On a motion made by Mr. Simon and seconded by Ms. Sparks, the Planning Board unanimously voted to approve the minutes of the February 7, 2024 work session, as amended.

3. CORRESPONDENCE

a. Letters of Support for RAISE Grants

Chairperson Schwartz stated that Commissioner Duquesne has provided a draft letter of support for the Town to apply for a RAISE Grant to construct a complete-street bicycle pathway along Route 119 from South Broadway in Tarrytown, to the South County Trailway for the Board's consideration. There were no comments.

On a motion made by Mr. Desai and seconded by Mr. Simon, the Planning Board unanimously voted to issue the letter of support for the RAISE Grant.

b. Case No. PB 22-20 Elmwood Preserve, 850 Dobbs Ferry Road (P.O. White Plains, N.Y.) – 1st Preliminary Subdivision Extension Request

Mr. Britton reported that the Applicant has requested a 180-day extension of the Preliminary Subdivision approval, as the Applicant is working to comply with the conditions of said approval. There were no comments.

On a motion made by Mr. Simon and seconded by Mr. Desai, the Planning Board unanimously voted to grant a *nunc-pro-tunc* retroactive 180-day extension of the Preliminary Subdivision approval, valid through August 11, 2024.

4. OLD BUSINESS – WORK SESSION

- a. **Case No. TB 23-08/PB 23-18** Regeneron, 555 Saw Mill River Road (P.O. Tarrytown, N.Y.) – Amended Site Plan (Town Board referral), Tree Removal Permit (Town Board), Planning Board Steep Slope Permit, and Planning Board Wetland/Watercourse Permit

A continued work session (November 15, 2023 and February 7, 2024) to discuss an Amended Site Plan (Town Board approval – referral to Planning Board), Tree Removal Permit application (Town Board approval), Planning Board Steep Slope Permit, and Planning Board Wetland/Watercourse Permit application involving the proposed construction of an approximately 136,000 sq. ft. R&D Building (aka Logistics Building), with related improvements. The site is partially disturbed with existing off-street parking and driveway connections to Old Saw Mill River Road and an internal adjoining Regeneron site. The Applicant proposes approximately 4,196 sq. ft. of disturbance to 15-25% slopes (STEEP SLOPES), approximately 20,717 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES), and approximately 10,325 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The proposed project involves a total of approximately 8.04 acres (350,222 sq. ft.) of disturbance, 35,823 sq. ft. of which are proposed in a regulated wetland buffer. The Applicant proposes the removal of 46 regulated trees, requiring a Tree Removal Permit from the Town Board, and has submitted a landscaping plan providing for the planting of 163 trees, as replacement. The subject property consists of approximately 39.8 acres (1,735,153 sq. ft.), is located in the PED Planned Economic Development District, and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.71-6-2.2.

Chairperson Schwartz stated that a draft recommendation has been prepared for the Board's consideration. Mr. Simon stated that he is in favor of a positive recommendation, provided that his traffic concerns are addressed in the recommendation. Mr. Britton read the draft recommendation, which includes truck turning concerns for two (2) movements. Mr. Simon stated that he was also concerned with vehicles traveling south on Route 9A at a high rate of speed. Mr. Britton suggested including language recommending the installation of traffic calming measures for southbound traffic. The Board agreed.

On a motion made by Mr. Simon and seconded by Mr. Desai, the Planning Board unanimously approved voted to issue a positive recommendation on the Site Plan referral, as amended.

- b. **Case No. PB 22-07** Chick-fil-A, 20 Tarrytown Road (P.O. White Plains, N.Y.) – Site Plan, Special Use Permit (Quick Service/Fast Food Establishment), Tree Removal Permit, and Recommendation to the Zoning Board of Appeals

A continuation of a work session (September 20, 2023, October 4, 2023, November 1, 2023, and January 3, 2024) to discuss a Site Plan, Special Use Permit (Quick Service/Fast Food Establishment), and Tree Removal Permit application involving the proposed construction of a new Quick Service/Fast Food Establishment, with related improvements. The Applicant proposes to construct a new, 5,028 sq. ft., 94-seat (74 interior, 20 exterior) Quick Service/Fast Food Establishment, with a double-lane drive-thru. The property has existing curb cuts on Old Kensico Road and on County Center Road. The Applicant proposes to relocate the curb cut on Old Kensico Road and add a curb cut to County Center Road. The Applicant proposes to include 112 parking spaces (79 striped, 33 credited for drive-thru), where 143 spaces are required. A total of thirty (30) off-street parking spaces, dedicated for employee parking only, are proposed to be situated on an adjacent lot located within the City of White Plains zoned Business (B-3), requiring approval from the City. The following area variances are required: (1) side yard setback to detached canopy, from 40 feet (required) to 6.8 feet (proposed); (2) Tarrytown Road side yard setback to principle building, from 40 feet (required) to 36.8 feet (proposed); (3) County Center Road side yard setback to principle building, from 40 feet (required) to 5.4 feet (proposed); (4) total of two side yards, from 80 feet (required) to 42.2 feet (proposed); (5) distance from off-street parking to principal building, from 10 feet (required) to 7.7 feet/0 feet for the parking lot/drive-thru (proposed); (6) off-street parking spaces, from 143 (required) to 112 (proposed); (7) distance from off-street parking to front lot line, from 20 feet (required) to 3.4 feet (proposed); (8) distance from off-street parking to side lot line (County Center Road), from 10 feet (required) to 2.4 feet (proposed); (9) distance from off-street parking to side lot line (Tarrytown Road), from 10 feet (required) to 2.2 feet (proposed); (10) height of exterior lighting, from 14 feet

(permitted) to 27 feet (proposed); (11) Old Kensico Road front yard setback to accessory storage building (storage shed, from 30 feet (required) to 21.8 feet (proposed); and (12) County Center Road side yard setback to accessory storage building (storage shed), from 40 feet (required) to 19.5 feet (proposed). The Planning Board will be considering a recommendation to the Zoning Board of Appeals on the required area variances. The Applicant proposes to remove 16 landscaped trees in the existing parking area, requiring a Tree Removal Permit from the Planning Board, and has prepared a landscaping plan providing for 19 trees and 270 shrubs, as replacement. The Applicant also seeks waivers from the Planning Board for the required 10-foot landscaped buffers on all sides of the property. The Applicant has prepared a traffic impact study, along with supplemental traffic analyses, which have been reviewed by the Town's traffic consultant for this project. The subject properties consist of approximately 75,065 sq. ft. (1.7 acres) and are situated on the northerly side of Tarrytown Road, at the intersection of Tarrytown Road and Old Kensico Road. The properties within the Town of Greenburgh are located in the DS Designed Shopping District, are designated on the tax map of the Town of Greenburgh as Parcel ID: 7.570-328-1 & 2, and in total consist of approximately 55,912 sq. ft. The properties within the City of White Plains are located within the B-3 Business District, are designated as Parcel ID: 125.57-3-1 & 2, and in total consist of approximately 19,153 sq. ft.

Ms. Magana recused herself prior to any discussion on this project and stated that Mr. Danko would be filling in for her. Chairperson Schwartz stated that the Board would be considering a recommendation to the Zoning Board of Appeals (ZBA) and a SEQRA determination, and invited the Applicant to present what it has prepared and submitted since the last meeting. Philip Grealy, P.E., of Colliers Engineering & Design, representing the Applicant, presented queuing data from four (4) additional Chick-fil-As, gathered at the Board's request. Chairperson Schwartz asked how long it took for a car to move through the drive-thru queue. Mr. Grealy responded that such data was not collected. Timothy Freitag, P.E., of Bohler Engineering, representing the Applicant, noted that Chick-fil-A can prepare six (6) meals at once, reducing the time of vehicles in the queue. Mr. Simon stated that his single issue is that he does not want cars to backup onto the adjacent streets. Mr. Grealy stated that a traffic management plan has been developed, with queuing for 47-54 cars under heavy load. Mr. Simon noted that cars leaving the site is critical. Mr. Grealy reported that, in looking at the data, very close to the number of vehicles exit as enter, noting that the prior submitted traffic report included that during the peak hour 163 vehicles entered and 162 vehicles exited. Chairperson Schwartz opined that the newly submitted data appears to be consistent with the prior data.

John Canning, P.E., of Kimley-Horn, the Town's Traffic Consultant for this project, stated that he reviewed the submission and agreed that the data was consistent with the prior submitted traffic study. He opined that the delay averages seem reasonable for what a customer will wait for. He noted that there was some discussion of potential pick-up accommodations in the parking lot in the City of White Plains and asked how that would work. Mr. Grealy responded that the eastern parking lot could serve as an overflow queue if the western lot gets too full. Mr. Canning felt that the biggest issue will be the first month of opening, for which a traffic management plan has been developed, and added that the plan can be implemented beyond opening if traffic volumes demand it. He suggested that, if the project is approved, a condition be included to require the Applicant to come back to the Board if there is a traffic issue. Mr. Canning stated that, based on the data provided, the site should operate as intended, from a traffic perspective.

Mr. Desai asked if the queuing time considered if a vehicle had a breakdown in the queuing lane. Mr. Grealy responded that, in his experience, staff could push the car out of the way, and noted that there will be two (2) drive-thru lanes, so the site could still operate. Mr. Desai asked if the analyses provided include the worst times and whether a breakdown would precipitate queuing into the street. Mr. Grealy responded that the maximum typical queue was in the high-20s, and the project site had 9-12 queuing spaces in reserve, which could handle an issue. Mr. Canning noted that if a queue starts to get really long due to a breakdown, it disincentivizes new customers from joining the queue. Mr. Desai asked if food could be delivered to cars in the eastern lot. Mr. Grealy responded that the lot would be flexible and could be used for additional stacking or to direct customers to park there and order inside. Mr. Desai asked if there would be enough staff to direct traffic. Mr. Grealy responded

that there would be, as outlined in the traffic management plan. Mr. Simon asked if part of the operation plan is to have an employee waive along traffic if the queue is too long or service has to be interrupted. Mr. Grealy responded that was the case. Chairperson Schwartz asked if the Applicant would be agreeable to that as a condition of any approval. Charles Gottlieb, Esq., of Whiteman Osterman & Hanna LLP, representing the Applicant, responded that it would be agreeable, if he could review the language as well. He noted that the Applicant has shut down stores that were having issues, in order to correct said issues.

Chairperson Schwartz stated that the Board is the lead agency for SEQR review and opined that the Town needs to reconsider how it regulates drive-thrus, but, as drive-thrus are an inherent part of the business model for the Applicant, a Negative Declaration should be issued, indicating that the Town needs to address drive-thrus and their environmental impacts. Mr. Gottlieb noted that SEQRA should be project specific. Chairperson Schwartz stated that he would defer to counsel on the matter. He stated that, with respect to the variances, he felt a neutral recommendation was most appropriate, due to the number of variances. Mr. Desai agreed. Mr. Gottlieb noted that most of the variances are improvements over existing conditions, and others relate to the drive-thru extension requested by the Board. Chairperson Schwartz clarified that a neutral recommendation is not a negative recommendation and stated that the recommendation can include how certain variances are an improvement over existing conditions. He directed staff to prepare a draft SEQRA Negative Declaration and neutral recommendation to the ZBA for consideration at the next meeting.

c. **Case No. TB 23-09** Accessory Dwelling Unit (ADU) Local Law – *Zoning Text Amendment (Town Board Referral)*

A continued work session (January 3, 2024, January 17, 2024, and February 7, 2024) to consider a Zoning Text Amendment (Town Board referral) to regulate and permit Accessory Dwelling Units, pursuant to Section 285-36 of the Town Zoning Ordinance, with related definitions. The Town Board of the Town of Greenburgh finds it desirable to explore allowing accessory dwelling units in one-family residential districts to provide an opportunity for development of rental housing units designed to meet housing needs that include, but are not limited to, single persons, couples, other small households, relatives of existing families within the Town, the young, the elderly, and persons seeking more affordable options. The proposed Zoning Text Amendment would allow for accessory dwellings units in the R-5, R-7.5, R-10, R-15, R-20, R-30, and R-40 Zoning Districts by Special Use Permit from the Planning Board.

Chairperson Schwartz stated that staff prepared a draft recommendation and report, which was revised following comments from Commissioner Duquesne. He reported that the revisions addressed the question of whether an accessory dwelling unit (ADU) is in compliance with the Comprehensive Plan. He stated that the Comprehensive Plan is a living document and the draft ADU local law complies with almost all parts of Section 10, except for density. Chairperson Schwartz noted that there were two aspects of density, building and population, and the building density impact would likely be *de minimus*, with the population density impact mitigated by the Board's recommendation of a cap on ADU Special Use Permits of 25 per year. Mr. Desai expressed concern with the 25 per year cap and a set distance separation, as it could deprive others of an ADU. Chairperson Schwartz stated that the Accessible Viable Living Committee (AVL) declined to recommend a distance separation for that exact reason. He added that the AVL calculated that the Town was short 739 affordable housing units. He stated that the affordable unit set-aside requirement has not resulted in enough affordable housing, and while the ADU local law would not solve the issue, it would help, but the 25 per year cap is the most that the Board could handle in applications. Chairperson Schwartz indicated that the recommendation to remove the 10,000 sq. ft. lot size minimum was to help those on smaller lots with less income to keep their homes through the addition of an ADU.

Mr. Desai asked if an easier route for existing, illegal ADUs to be legalized could be included. Ms. Magana stated that in some municipalities existing ADUs and conversions of existing buildings into ADU's forego the Special Permit or Site Plan process and go straight to the Building Department for administrative review. Chairperson Schwartz stated that eventually he would like to move to an

administrative process at some point and felt that the idea to legalize an existing ADU through the Building Inspector was a good idea. He suggested recommending the inclusion of a provision that the Planning Board has the option to waive the public hearing for an existing ADU. Mr. Britton suggested including a sunset provision to apply to legalize an existing ADU. Chairperson Schwartz agreed. The Board discussed including a six-month sunset provision. Mr. Desai felt that it should be an administrative process. Mr. Simon agreed with a time limit in which to legalize an ADU through an administrative process. Mr. Desai felt that a longer time frame, such as two (2) years, would be needed. Mr. Simon suggested that the recommendation be updated to include that, for a period of time, applicants with existing, illegal ADUs can apply and legalize their ADUs through an administrative process. The Board agreed.

Mr. Desai opined that parking requirements are another hurdle for ADU construction. Chairperson Schartz noted that the parking requirement is consistent with the roomer and boarder Special Use Permit requirements. He reiterated that the AVL discussed the possibility of a distance separation for ADUs and recommended against it. Ms. Magana added that the AVL considered how to address neighborhood character and density issues and leaned towards including specific criteria. Chairperson Schwartz stated that the concern is whether sufficient specific criteria could be created. He noted that the Board could not take a specific position on it. Chairperson Schwartz tabled the discussion on this issue until next meeting. He directed staff to update the report and recommendation with what was discussed.

5. NEW BUSINESS – WORK SESSION

a. Case No. PB 24-05 Li, 7 Greenvale Circle (P.O. White Plains, N.Y.) – Planning Board Steep Slope Permit, Wetland/Watercourse Permit, and Tree Removal Permit (Pre-submission Conference)

A pre-submission conference to discuss a potential future Planning Board Steep Slope Permit, Wetland/Watercourse Permit, and Tree Removal Permit application involving the construction of a single-family home with related improvements on a vacant lot. The Manhattan Brook runs through the rear of the property and much of the lot is within the regulated buffer area, including the location of the proposed home. The site contains steep slopes and is heavily wooded; the extent of steep slope disturbance or tree removals has not yet been determined. The subject property consists of approximately 14,821 sq. ft. (0.34 acre) and is situated on the westerly side of Greenvale Circle, approximately 250 feet south of the intersection of Greenvale Circle 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: 8.20-19-10.

Chairperson Schwartz stated that this project was on for a pre-submission conference. Mr. Simon Xiaoming Li, the Applicant, presented the project. Planning Board Member Mr. Simon asked if variances would be required. Mr. Britton advised that the Building Inspector will review any formal submission, and that it appeared that setback variances or impervious coverage variances may be needed. Mr. Desai noted that a large number of trees are proposed for removal and would need to be replaced. He encouraged the Applicant to add more green space. Chairperson Schwartz suggested the Applicant explore a smaller driveway, explaining that there could be no increase in runoff from the development of the property. He recommended the Applicant discuss the project with a local engineer to calculate the various coverages and disturbances and speak with the Building Inspector about other potential issues. He thanked the Applicant for the presentation.

6. ESTABLISH DATE FOR NEXT MEETING

The next regularly scheduled meeting of the Greenburgh Planning Board will be held on Wednesday, March 6, 2024, and is scheduled to begin at 7:00 pm.

7. ADJOURNMENT

The February 21, 2024 work session of the Town of Greenburgh Planning Board was adjourned at 9:46 pm.

February 21, 2024

Respectfully submitted,

Aaron Schmidt

Deputy Commissioner,

Department of Community Development and Conservation

Information

Text/Header:

Case No. PB 22-07 *Chick-fil-A, 20 Tarrytown Road (P.O. White Plains, N.Y.) – Site Plan, Special Use Permit (Quick Service/Fast Food Establishment), Tree Removal Permit, and Recommendation to the Zoning Board of Appeals*

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Designed Shopping District, are designated on the tax map of the Town of Greenburgh as Parcel ID: 7.570-328-1 & 2, and in total consist of approximately 55,912 sq. ft. The properties within the City of White Plains are located within the B-3 Business District, are designated as Parcel ID: 125.57-3-1 & 2, and in total consist of approximately 19,153 sq. ft.

Fiscal Impact

Attachments

PB 22-07 Chick-fil-A Draft Recommendation to the ZBA

PB 22-07 Chick-fil-A Draft Neg Dec



Paul Feiner
Supervisor

TOWN of GREENBURGH

Department of Community Development & Conservation

Garrett Duquesne, AICP
Commissioner
Aaron Schmidt
Deputy Commissioner

MEMORANDUM

TO: CHAIRPERSON BUNTING-SMITH AND MEMBERS OF THE ZONING BOARD OF APPEALS
THRU: MATT BRITTON, Planner, Department of CD & C
FROM: TOWN OF GREENBURGH PLANNING BOARD
DATE: March 7, 2024

RE: Case No. PB 22-07 Chick-fil-A – 20 Tarrytown Road, P.O. White Plains, N.Y. – **Planning Board ~~Neutral~~**
Recommendation to ZBA (Area Variances)

The above-referenced project involves a Planning Board Site Plan, Special Use Permit (Quick Service/Fast Food Establishment), and Tree Removal Permit application involving the proposed construction of a new Quick Service/Fast Food Establishment, with related improvements. The Applicant proposes to construct a new, 5,028 sq. ft., 94-seat (74 interior, 20 exterior) Quick Service/Fast Food Establishment, with a double-lane drive-thru. The property has existing curb cuts on Old Kensico Road and on County Center Road. The Applicant proposes to relocate the curb cut on Old Kensico Road and add a curb cut to County Center Road. The Applicant proposes to include 112 parking spaces (79 striped, 33 credited for drive-thru), where 143 spaces are required. A total of thirty (30) off-street parking spaces, dedicated for employee parking only, are proposed to be situated on an adjacent lot located within the City of White Plains zoned Business (B-3), requiring approval from the city. The following area variances are required: (1) side yard setback to detached canopy, from 40 feet (required) to 6.8 feet (proposed); (2) Tarrytown Road side yard setback to principle building, from 40 feet (required) to 36.8 feet (proposed); (3) County Center Road side yard setback to principle building, from 40 feet (required) to 5.4 feet (proposed); (4) total of two side yards, from 80 feet (required) to 42.2 feet (proposed); (5) distance from off-street parking to principal building, from 10 feet (required) to 7.7 feet/0 feet for the parking lot/drive-thru (proposed); (6) off-street parking spaces, from 143 (required) to 112 (proposed); (7) distance from off-street parking to front lot line, from 20 feet (required) to 3.4 feet (proposed); (8) distance from off-street parking to side lot line (County Center Road), from 10 feet (required) to 2.4 feet (proposed); (9) distance from off-street parking to side lot line (Tarrytown Road), from 10 feet (required) to 2.2 feet (proposed); (10) height of exterior lighting, from 14 feet (permitted) to 27 feet (proposed); (11) Old Kensico Road front yard setback to accessory storage building (storage shed, from 30 feet (required) to 21.8 feet (proposed); and (12) County Center Road side yard setback to accessory storage building (storage shed), from 40 feet (required) to 19.5 feet (proposed). The Applicant proposes to remove 16 landscaped trees in the existing parking area, requiring a Tree Removal Permit from the Planning Board, and has prepared a landscaping plan providing for 19 trees and 270 shrubs, as replacement. The Applicant seeks waivers from the Planning Board for the required 10-foot landscaped buffers on all sides of the property. The Applicant has prepared a traffic impact study, which has been reviewed by the Town's traffic consultant for this project. The subject properties consist of approximately 75,065 sq. ft. (1.7 acres) and are situated on the northerly side of Tarrytown Road, at the intersection of Tarrytown Road and Old Kensico Road. The properties within the Town of Greenburgh are located in the DS Designed Shopping District, are designated on the tax map of the Town of Greenburgh as Parcel ID: 7.570-328-1 & 2, and in total consist of approximately 55,912 sq. ft. The properties within the City of White Plains are located within the B-3 Business District, are designated as Parcel ID: 125.57-3-1 & 2, and in total consist of approximately 19,153 sq. ft.

On May 18, 2022, the Planning Board, at its regularly scheduled meeting, conducted a pre-submission conference on the potential project.

On September 20, 2023, October 4, 2023, November 1, 2023, January 3, 2024, and February 21, 2024, the Planning Board, at its regularly scheduled work sessions, heard presentations from the Applicant's representatives concerning the formally submitted project.

On November 15, 2023, the Planning Board, at its regularly scheduled meeting, held a public discussion to receive input from members of the public on the project.

On ~~March 6, 2024~~, the Planning Board, at its regularly scheduled work session, as part of a Coordinated Review under SEQRA (Zoning Board of Appeals – Involved Agency, City of White Plains – Involved Agency, Westchester County Planning Board – Interested Agency, NYSDOT – Interested Agency), determined that the project is an ~~Unlisted Action, issued a SEQRA Negative Declaration~~, and discussed providing its recommendation to the Zoning Board of Appeals (ZBA), associated with twelve (12) area variances, as outlined in a memorandum issued by the Town of Greenburgh Building Inspector, Mr. Frank Morabito, dated February 13, 2023, revised October 24, 2023 (attached as an appendix). Present at the meeting were ~~Chairperson Hugh Schwartz, Mr. Thomas Hay, Mr. Michael Golden, Mr. Walter Simon, Mr. Kirit Desai, Mr. Johan Snaggs, Ms. Leslie Davis, and Ms. Aisha Sparks (Alternate Non-Voting Member)~~.

1. On ~~March 6, 2024~~, on a motion made by ~~Mr. Golden~~ and seconded by ~~Mr. Desai~~, the Planning Board, with ~~seven (7)~~ members present, ~~unanimously~~ voted to issue a ~~neutral~~ recommendation to the Zoning Board of Appeals related to the twelve (12) area variances required by the Applicant.

Findings:

The Planning Board finds that, while the number of area variances required in connection with the project is significant, many of the variances are improvements over existing conditions. Specifically, the following area variances are either improvements on existing conditions, or remain the same as existing conditions: **Variances (2), (3), (4), (5), (7), (8), and (9) as listed on the previous page.** Together, these account for over one-half of the required area variances. Additionally, the side and front yard parking setback variances are required in part due to the Planning Board's desire to have an extendable drive-thru queuing lane, to reduce the risk of off-site traffic impacts. The Planning Board does find, however, that the proposed use is of such an intensity from a traffic volume perspective, that the design of the site and number of area variances required are closely correlated. While some of the variances required (as noted above) represent improvements or no change when compared to the prior CVS Pharmacy layout, due to the overall number of variances required, the Planning Board does not find itself to be in a position to take a positive or negative position, and therefore makes a neutral recommendation to the Zoning Board of Appeals. The Planning Board stresses that a neutral recommendation is not to be construed as a negative recommendation, and notes that it does not object to any of these area variances being granted.

cc: Lisa Nero, Town Clerk;
Planning Board;
J. Danko, Esq. Town Attorney;
C. Gottlieb, Esq., Applicant's Attorney;
T. Freitag, PE, Applicant's Engineer;
P. Grealy, P.E., Applicant's Traffic Engineer

14-20-7(2/87)-9c
SEQR

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

Project Number: PB# 22-07

Date: March 6, 2024

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 of Greenburgh Planning Board, as Lead Agency and as part of a coordinated review (Zoning Board of Appeals – Involved Agency, City of White Plains – Involved Agency, Westchester County Planning Board – Interested Agency, NYSDOT – Interested Agency), has determined that the “Proposed Action” described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: PB 22-07 Chick-fil-A – 20 Tarrytown Road (P.O. White Plains, NY)

SEQR Status: Type 1 ☐
Unlisted ☒

Conditioned Negative Declaration: Yes ☐
No ☒

Description of Action: A Planning Board Site Plan, Special Use Permit (Quick Service/Fast Food Establishment), and Tree Removal Permit application involving the demolition of a former CVS Pharmacy and the proposed construction of a Quick Service/Fast Food Establishment, with related improvements. The Applicant proposes to construct a 5,028 sq. ft., 94-seat (74 interior, 20 exterior) Quick Service/Fast Food Establishment, with a double-lane drive-thru. The property has existing curb cuts on Old Kensico Road and on County Center Road. The Applicant proposes to relocate the curb cut on Old Kensico Road and add a curb cut to County Center Road. The Applicant proposes 112 parking spaces (79 striped, 33 credited for drive-thru), where 143 spaces are required. A total of thirty (30) off-street parking spaces, dedicated for employee parking, are proposed to be situated on an adjacent lot located within the City of White Plains zoned Business (B-3), requiring additional approval from the city. **The following area variances are required in connection with the project, as proposed: (1) Side yard setback to detached canopy, from 40 feet (required) to 6.8 feet (proposed); (2) Tarrytown Road side yard setback to principle building, from 40 feet (required) to 36.8 feet (proposed); (3) County Center Road side yard setback to principle building, from 40 feet (required) to 5.4 feet (proposed); (4) Total of two side yards, from 80 feet (required) to 42.2 feet (proposed); (5) Distance from off-street parking to principal building, from 10 feet (required) to 7.7 feet/0 feet for the parking lot/drive-thru (proposed); (6) Off-street parking spaces, from 143 (required) to 112 (proposed); (7) Distance from off-street parking to front lot line, from 20 feet (required) to 3.4 feet (proposed); (8) Distance from off-street parking to side lot line (County Center Road), from 10 feet (required) to 2.4 feet (proposed); (9) Distance from off-street parking to side lot line (Tarrytown Road), from 10 feet (required) to 2.2 feet (proposed); (10) Height of exterior lighting, from 14 feet (permitted) to 27 feet (proposed); (11) Old Kensico Road front yard setback to accessory storage building (storage shed, from 30 feet (required) to 21.8 feet (proposed); and (12) County Center Road side yard setback to accessory storage building (storage shed), from 40 feet (required) to 19.5 feet (proposed).** The Applicant proposes to remove 16 landscaped trees from the site, requiring a Tree Removal Permit from the Planning Board, and has prepared a landscaping plan providing for the planting of 19 trees and 270 shrubs, as replacement. The Applicant seeks waivers from the Planning Board for the required 10-foot landscaped buffers on all sides of the property. The Applicant has prepared a traffic impact study and a grand opening/high-volume traffic management plan, which have been reviewed extensively by the Town’s traffic consultant for this project.

The subject properties consist of approximately 75,065 sq. ft. (1.7 acres) and are situated on the northerly side of Tarrytown Road, at the intersection of Tarrytown Road and Old Kensico Road. The properties within the Town of Greenburgh are located in the DS Designed Shopping District, are designated on the tax map of the Town of Greenburgh as Parcel ID: 7.570-328-1 & 2, and in total consist of approximately 55,912 sq. ft. The properties within the City of White Plains are located within the B-3 Business District, are designated as Parcel ID: 125.57-3-1 & 2, and in total consist of approximately 19,153 sq. ft.

Reasons Supporting This Determination:

This determination of non-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 Planning Board conducted a coordinated review (Zoning Board of Appeals – Involved Agency, City of White Plains – Involved Agency, Westchester County Planning Board – Interested Agency, NYSDOT – Interested Agency) and analysis of all of the information provided by the Applicant and the potential environmental impacts associated with the proposed project. It has reviewed Part 1 of the EAF, the Town's Site Plan Application Form, Planning Board Special Permit Application Form, Tree Removal Permit Application Form, Environmental Clearance Form, Steep Slope and Wetland/Watercourse Clearance Forms, and project plans and reports prepared by the Applicant. The Planning Board also has received comments from Town professional staff, the public, the Town's Traffic Consultant, the Westchester County Planning Board, and NYSDOT on this project.

The Town of Greenburgh Planning Board held a pre-submission conference on May 18, 2022, held work sessions on September 20, 2023, October 4, 2023, November 1, 2023, January 3, 2024, February 21, 2024, and March 6, 2024, and a public discussion on November 15, 2023, in connection with this project. As a result of the coordinated review and upon requests by the Planning Board, Town staff, and the Town's Traffic Consultant, the Applicant revised its plans to: (1) adjust the drive-thru entrance to facilitate expanding the drive-thru queue when necessary; (2) turn the drive-thru approach into a one-way, to facilitate expanding the drive-thru queue when necessary; and (3) widen Old Kensico Road to allow for improved traffic flow. The Applicant additionally prepared a Traffic Management Plan with input from the Planning Board, Town staff, and the Town's Traffic Consultant, to be implemented at site opening and at times where there is more demand for the drive-thru than expected during normal periods of activity on the site.

Based upon all of the information generated for the proposed project and its own careful and thorough review and discussion of the potential environmental impacts, the Planning Board directed Planning staff to complete Part 2 of the EAF, which it incorporates herein by reference. The EAF has aided the Planning Board's determination. As described in Part 2 of the EAF, the Town Board has identified a number of small potential impacts with respect to: impact on land use/zoning, land, community character, traffic/transportation, drainage, and noise, odor, and air.

PROJECT IMPACTS AND THEIR MAGNITUDE**1) IMPACT ON LAND USE/ZONING**

Will the Proposed Action create a material conflict with an adopted land use plan or zoning regulations?

The Proposed Action will increase the intensity of the commercial use of the land when compared to the prior CVS Pharmacy use. The Proposed Action would not create a material conflict with an adopted land use plan. The proposed use is permitted by Special Use Permit in the DS District.

The Proposed Action requires twelve (12) Area Variances from the Zoning Board of Appeals. In a memorandum issued February 13, 2023, and amended October 24, 2023, the Town Building Inspector determined that the following Area Variances are required in connection with the project, as proposed:

- 1. Side yard setback to detached canopy structure – 40 feet required, 6.8 feet proposed;**
- 2. Tarrytown Road side yard setback to principal building – 40 feet required, 36.8 feet proposed;**

3. County Center Road side yard setback to principal building – 40 feet required, 5.4 feet proposed;
4. Total of two side yards – 80 feet required, 42.2 feet proposed;
5. Distance from off-street parking to principal building – 10 feet required, 7.7 feet/0 feet proposed (parking lot/drive-thru, respectively);
6. Off-street parking spaces – 143 required, 112 proposed;
7. Distance from off-street parking to front lot line – 20 feet required, 3.4 feet proposed;
8. Distance from off-street parking to side lot line (County Center Road) – 10 feet required, 2.4 feet proposed;
9. Distance from off-street parking to side lot line (Tarrytown Road) – 10 feet required, 2.2 feet proposed;
10. Height of exterior lighting – 14 feet permitted, 27 feet proposed;
11. Old Kensico Road front yard setback to accessory storage building (storage shed) – 30 feet required, 21.8 feet proposed; and
12. County Center Road side yard setback to accessory storage building (storage shed) – 40 feet required, 19.5 feet proposed.

The Proposed Action requires a larger number of variances than is typically seen in connection with a Site Plan application.

2) IMPACT ON LAND

Will the Proposed Action result in a change in the use or intensity of use of land?

The Proposed Action will result in a physical change to the project site. The Applicant is proposing to construct a new, 5,028 sq. ft., 94-seat (74 interior, 20 exterior) Quick Service/Fast Food Establishment, with a double-lane drive-thru. The property has existing curb cuts on Old Kensico Road and on County Center Road. The Applicant proposes to relocate the curb cut on Old Kensico Road and add a curb cut to County Center Road. The Applicant proposes to include 112 parking spaces (79 striped, 33 credited for drive-thru), where 143 spaces are required. A total of thirty (30) off-street parking spaces, dedicated for employee parking only, are proposed to be situated on an adjacent lot located within the City of White Plains zoned Business (B-3), requiring approval from the city. The Applicant's application with the city is currently outstanding. The Applicant proposes to remove 16 landscaped trees from the site, requiring a Tree Removal Permit from the Planning Board, and has prepared a landscaping plan providing for the planting of 19 trees and 270 shrubs, as replacement. The Applicant seeks waivers from the Planning Board for the required 10-foot landscaped buffers on all sides of the property. The Applicant has prepared a traffic impact study and a Traffic Management Plan, which have been reviewed extensively by the Town's traffic.

The Proposed Action will result in a physical change to the project site. Impacts to land have been minimized with design changes and will be further mitigated through the inclusion of extensive landscaping. The intensity of use of land will change, as the proposed restaurant is projected to generate more traffic than the previously-existing CVS Pharmacy. The Traffic Management Plan and site design mitigates the impacts of the higher intensity of use to the greatest extent practicable.

3) IMPACT ON COMMUNITY CHARACTER

Will the Proposed Action impair the character or quality of the existing community?

The Proposed Action will change the type of commercial use of the land. The Applicant is proposing to construct a 5,028 sq. ft., 94-seat (74 interior, 20 exterior) Quick Service/Fast Food Establishment with a double-lane drive-thru. The property has existing curb cuts on Old Kensico Road and on County Center Road. The Applicant proposes to relocate the curb cut on Old Kensico Road and add a curb cut to County Center Road. The Applicant proposes to include 112 parking spaces (79 striped, 33 credited for drive-thru), where 143 spaces are required. A total of thirty (30) off-street parking spaces, dedicated for employee parking only, are proposed to be situated on an adjacent lot located within the City of White Plains zoned Business (B-3), requiring approval from the city. The Applicant proposes to remove 16 landscaped trees in the existing parking area, requiring a Tree Removal Permit from the Planning Board, and has prepared a landscaping plan providing for the planting of 19 trees and 270 shrubs, as

replacement. The Applicant seeks waivers from the Planning Board for the required 10-foot landscaped buffers on all sides of the property. The Applicant has prepared a traffic impact study and a Traffic Management Plan, which have been reviewed extensively by the Town's Traffic Consultant.

The subject site is located in the vicinity of both multi-family and single-family residences, in a well-established residential neighborhood, as well as other commercial buildings and uses. The site currently contains a vacant former CVS Pharmacy building, proposed to be demolished and replaced with a quick service/fast-food restaurant and related drive-thru. While this is a change in the commercial use of the site, it is not out of character with the district and surrounding commercial area. Across Old Kensico Road is a former delicatessen with a drive-thru, and the subject site is surrounded on all sides by roadways. As noted, multi-family and single-family residences exist in the vicinity of the project site, with the multi-family residence situated across Old Kensico Road from the project site. The proposed use is anticipated to generate a high demand of customers and related traffic, especially around the lunchtime peak period identified in the Applicant's Traffic Impact Study. The Applicant has prepared a Traffic Management Plan and implemented site design considerations, in consultation with the Planning Board, Town staff, and the Town's Traffic Consultant, which, when carried out, have been deemed to adequately mitigate potential impacts to the community character. Among these mitigations are the widening of Old Kensico Road, restriping of the Old Kensico Road/County Center Road traffic circle, and new directional signage to encourage patrons to exit south to Tarrytown Road (NYS Route 119), rather than travel north through the adjacent single-family residential neighborhood.

The Applicant's proposal is not anticipated to significantly impair the character or quality of the surrounding community.

4) IMPACT ON CRITICAL ENVIRONMENTAL AREA (CEA)

Will the Proposed Action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

The Proposed Action will not affect any Critical Environmental Areas (CEA).

5) IMPACT ON TRANSPORTATION

Will the Proposed Action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?

The Proposed Action is projected to increase the level of traffic over existing and previously-existing conditions. The Applicant proposes to replace a former CVS Pharmacy with a Chick-fil-A fast-food restaurant and dual lane drive-thru. The demand for Chick-fil-A, especially in the lunchtime peak period, is well-documented and therefore possible traffic impacts have been comprehensively reviewed. The design and mitigations are intended to ensure that no vehicles may queue off-site and cause congestion, traffic back-ups, or other deleterious effects. The Applicant has prepared a Traffic Management Plan and incorporated site design considerations, in consultation with the Planning Board, Town staff, and the Town's Traffic Consultant, which, when carried out, have been deemed to adequately mitigate the potential impacts on traffic. The Applicant has revised its site plan to more easily allow for an expanded queuing aisle, gaining an additional 14-18 queuing spaces on top of the 33 standard queuing spaces proposed. The Applicant's Traffic Management Plan contains details on employee locations and management of the queue, closing the Old Kensico Road entrance if needed, and utilizing the employee lot within the City of White Plains as additional queuing space if demand were that high. The Applicant has documented that it will engage with local Police in developing and implementing the Traffic Management Plan, to mitigate any off-site impacts. The Applicant has submitted data from eight (8) comparably-designed Chick-fil-A sites in the Northeast region, which indicate that a typical maximum queue rarely exceeds 30 vehicles, which the subject site is designed to accommodate. The Applicant has additionally proposed widening Old Kensico Road to provide a dedicated left-turn lane onto Tarrytown Road, fixing the adaptive traffic signal light at the intersection of Old Kensico Road and Tarrytown Road, restriping of the Old Kensico Road and County Center Road traffic circle for safer navigation, and striping out on-street parking spaces on County Center Road.

The above mitigations, both at project construction and on-going as deemed necessary, serve to minimize impacts related to the increase in traffic caused by the Proposed Action. Existing infrastructure for mass transit, biking, or walkway is not anticipated to be adversely affected, as numerous site plan features factor in pedestrian safety.

6) IMPACT ON ENERGY

Will the Proposed Action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

The Proposed Action will not result in the need for any additional energy sources.

The Proposed Action is not anticipated to result in a negative impact upon the community's sources of fuel or energy supply.

7) IMPACT ON WATER/WASTEWATER

Will the Proposed Action impact existing:

- a. public / private water supplies?
- b. public / private wastewater treatment utilities?

The Proposed Action will not negatively impact any public or private water supplies or wastewater treatment utilities. Any subsequent proposed use at this location would be subject to all applicable zoning regulations and would be reviewed for consistency with the Comprehensive Plan, as well as be subject to a separate SEQRA review process, if applicable.

8) IMPACT ON HISTORIC, ARCHAEOLOGICAL, ARCHITECTURAL OR AESTHETIC RESOURCES

Will the Proposed Action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?

The Proposed Action will not result in impacts to historic, archaeological, architectural, or aesthetic resources. Any subsequent proposed use at this location would be subject to all applicable zoning regulations and would be reviewed for consistency with the Comprehensive Plan, as well as be subject to a separate SEQRA review process, if applicable.

9) IMPACT ON NATURAL RESOURCES

Will the Proposed Action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?

The project consists of the construction of a new, 5,028 sq. ft., 94-seat (74 interior, 20 exterior) Quick Service/Fast Food Establishment, with a double-lane drive-thru. The property has existing curb cuts on Old Kensico Road and on County Center Road. The Applicant proposes to relocate the curb cut on Old Kensico Road and add a curb cut to County Center Road. The Applicant proposes to include 112 parking spaces (79 striped, 33 credited for drive-thru), where 143 spaces are required. A total of thirty (30) off-street parking spaces, dedicated for employee parking only, are proposed to be situated on an adjacent lot located within the City of White Plains zoned Business (B-3), requiring approval from the city. The Applicant proposes to remove 16 landscaped trees in the existing parking area, requiring a Tree Removal Permit from the Planning Board, and has prepared a landscaping plan providing for 19 trees and 270 shrubs, as replacement. The Applicant seeks waivers from the Planning Board for the required 10-foot landscaped buffers on all sides of the property. The Applicant has prepared a traffic impact study, which has been reviewed by the Town's traffic consultant for this project.

The Proposed Action will not result in an adverse change to natural resources (including wetlands, waterbodies, groundwater, air quality, flora or fauna), as the trees proposed for removal will be replaced, and additional shrubs are also proposed for planting, all in compliance with the Town Tree Ordinance (Chapter 260).

10) IMPACT ON FLOODING & DRAINAGE

Will the Proposed Action result in an increase in the potential for erosion, flooding or drainage problems?

The project consists of the construction of a new, 5,028 sq. ft., 94-seat (74 interior, 20 exterior) Quick Service/Fast Food Establishment, with a double-lane drive-thru. The property has existing curb cuts on Old Kensico Road and on County Center Road. The Applicant proposes to relocate the curb cut on Old Kensico Road and add a curb cut to County Center Road. The Applicant proposes to include 112 parking spaces (79 striped, 33 credited for drive-thru), where 143 spaces are required. A total of thirty (30) off-street parking spaces, dedicated for employee parking only, are proposed to be situated on an adjacent lot located within the City of White Plains zoned Business (B-3), requiring approval from the city. The Applicant proposes to remove 16 landscaped trees in the existing parking area, requiring a Tree Removal Permit from the Planning Board, and has prepared a landscaping plan providing for 19 trees and 270 shrubs, as replacement. The Applicant seeks waivers from the Planning Board for the required 10-foot landscaped buffers on all sides of the property. The Applicant has prepared a traffic impact study, which has been reviewed by the Town's traffic consultant for this project.

The Applicant will be reducing the impervious surface coverage compared to existing conditions. The Applicant is required to comply with the standards of Chapter 248 (Stormwater Management) of the Town Code.

The Proposed Action is not anticipated to result in an increase in the potential for erosion, flooding, or drainage problems. The site and surrounding properties will be protected during the course of work through implementation of the sediment and erosion control plan. The proposed stormwater management controls will address runoff on the site, in compliance with Chapter 248 of the Town Code.

11) IMPACT ON ENVIRONMENTAL RESOURCES & HUMAN HEALTH

Will the Proposed Action create a hazard to environmental resources or human health?

The Proposed Action involves the construction of a new Chick-fil-A fast-food restaurant and drive-thru. The drive-thru is proposed to have queuing spaces for up to 33 vehicles, with a Traffic Management Plan that provides for an additional 14-18 vehicles of queuing. Vehicles in a drive-thru queue are necessarily stationary or near-stationary for periods of time, with the length of time being determined by the level of business and throughput. These vehicles, if they are internal combustion engine-powered, emit greenhouse gasses while they are in the queue. The environmental impact is not unique to this project, but affects all businesses with a drive-thru. Chick-fil-A has represented that it is efficient in processing customers, with about as many leaving the site as entering during peak periods, so the time spent in the queue will be as reduced as much as possible. With the proliferation of battery electric vehicles, this environmental concern will decline over time.

The Proposed Action is not anticipated to create a material hazard to environmental resources or human health.

Conclusion

The Planning Board conducted a coordinated review (Zoning Board of Appeals – Involved Agency, City of White Plains – Involved Agency, Westchester County Planning Board – Interested Agency, NYSDOT – Interested Agency) and analysis of the information provided and the potential environmental impacts associated with the proposed project. It has reviewed Part 1 of the EAF, the Town's Site Plan Application Form, Planning Board Special Permit Application Form, Tree Removal Permit Application Form, Environmental Clearance Form, Steep Slope and Wetland/Watercourse Clearance Forms, and project plans and reports prepared by the Applicant, and having weighed all of the oral testimony presented at the relevant meetings and hearings. The Planning Board also has received comments from Town professional staff, the public, the Town's Traffic Consultant, the Westchester County Planning Board, and NYSDOT on this project.

The Planning Board has completed a careful and thorough review of the identified areas of environmental concern. Based upon all of the information generated for the proposed project and a coordinated review (Zoning Board of Appeals – Involved Agency, City of White Plains – Involved Agency, Westchester County Planning Board – Interested Agency, NYSDOT – Interested Agency) of the potential environmental impacts, the Planning Board has determined that the potential small to moderate impacts outlined in Part 2 of the EAF, individually as well as

cumulatively, are minimal and will not have a significant impact on the environment, subject to the various mitigation strategies outlined in this Negative Declaration and presented by the Applicant.

After reviewing the proposed project, the Planning Board has determined that a Negative Declaration will be issued related to the potential impacts for the Proposed Action outlined in Part 2 of the EAF, and that the Proposed Action will not have a significant impact on the environment, will be mitigated to the greatest extent practicable, and, therefore, does not require the preparation of an Environmental Impact Statement ("EIS").

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

For Further Information:

Contact Person: Aaron Schmidt
 Deputy Commissioner, Community Development and Conservation
Address: 177 Hillside Avenue
 Greenburgh, NY 10607
Telephone Number: (914) 989-1538

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

Delivered by email to:
Town of Greenburgh Zoning Board of Appeals

Information

Text/Header:

Case No. PB 23-24 Lee & Cheng, 260 South Healy Avenue (P.O. Scarsdale, N.Y.)

–Wetland/Watercourse Permit and Tree Removal Permit

A work session to discuss a Wetland/Watercourse Permit and Tree Removal Permit application involving the proposed construction of a new single-family home on an existing lot. The Applicant proposes to remove an existing, burnt-out single-family home and construct a new home with related improvements. The Applicant proposes to disturb approximately 3,619 sq. ft. of wetland/watercourse buffer area on the property, associated with an on-site watercourse. The Applicant proposes the removal of one (1) regulated tree, requiring a Tree Removal Permit, and has prepared a landscaping plan providing for the planting of four (4) trees, as replacement. The property consists of approximately 23,339 sq. ft. (0.54 acres) and is situated on the easterly side of South Healy Avenue, approximately 500 feet south of the intersection of South Healy Avenue and Elizabeth Street. 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: 8.290-224-42.

Fiscal Impact

Attachments

PB 23-24 Application

PB 23-24 Plans

PB 23-24 CAC Recommendation

PB 23-24 Staff Report



Wednesday, December 20, 2023

Town of Greenburgh
Department of Community Development & Conservation
177 Hillside Ave
White Plains, NY, 10607
Ph: (914) 989-1530

Attn: Mr. Aaron Schmidt, ISA, Deputy Commissioner

Re: 260 S Healy Avenue
Town of Greenburgh, New York
Tax Map Number: 8.290-224-42

Dear Mr. Schmidt:

Please find enclosed for your consideration submission materials for a project located at 260 Healy Avenue, Town of Greenburgh. The applicant is seeking a review by the Town of Greenburgh Planning Board for an encroachment into the regulated buffer of a water course that is situated on the subject property.

The project located at 260 S Healy Ave (SBL: 8.290-224-42) is proposing to construct a two-story single-family house with associated site improvements on a 0.536-acre parcel. The subject property previously contained a wood framed dwelling that has been destroyed by a structure fire. The application will include the demolition of the existing structure to accommodate the proposed home with the associated site improvements. The site improvements include landscaping, an asphalt driveway, curbing, walkway, a deck, stormwater management system, and all supporting utilities. The project is proposing to remove one tree located to the east of the existing structure to accommodate the proposed development. The subject property contains steep slopes as defined in the Town of Greenburgh zoning ordinance section 245-3. The site was designed to limit disturbance into the areas of steep slopes to the maximum extent practicable and does not exceed the disturbance thresholds that would require a steep slopes permit. The site does contain a watercourse on the south side of the property. The 100-foot buffer associated with this watercourse does extend into the proposed limit of disturbance/ project area and therefore the application will fall under the jurisdiction of the Town of Greenburgh Planning Board for consideration under the Wetland/ Watercourse ordinance. The additional information regarding the application is summarized as follows:

- The watercourse in question is a drainage feature that is located on the south side of the subject property. The watercourse is not known to contain any features that would be indicative of a wetland, but rather is noted as a conveyance path for drainage within the area. The watercourse feature is delineated by the topographic change to define the channel. The project is proposing to disturb a total of 3,619 SF of lands within the buffer, with no disturbance proposed to the watercourse itself.
- The proposed activity is to construct a new single-family dwelling with associated site improvements. The site has been designed to limit disturbance in any steep slope areas and minimize disturbance to the watercourse buffer to the maximum extent practicable.
- The disturbance cannot be located to another site because the property owner only maintains control of the property in question. Furthermore, it is anticipated that the development would benefit the neighborhood by removing an unsafe dilapidated dwelling and improving the property to contain a dwelling that will bring character to the neighborhood.
- The site design was developed to propose the presented solution as it balances several constraints including zoning criteria, steep slopes, and the watercourse buffer. Additionally, the development is proposing improvements mostly within the previously disturbed areas of the property to limit further encroachment into the buffer.

WELCOME HOMES NY BUILDING COMPANY LLC

andrew.vaccarello@welcomehomes.com

908-698-3939

- The site was designed to situate the house and the associated site infrastructure in a location that would avoid the steep slopes and wetland buffer as much as practicable. The proposed building pad was selected as the best location for the house due to the topography, and the location of the existing home. The proposed home location limits steep slope encroachment and allows as many of the existing trees to remain on site.
- No endangered species of flora or fauna would be disturbed as part of the development.
- The design of the site was focused on minimizing flooding, and providing appropriate structural safety, slope stability, and human enjoyment, while adapting the site to best utilize the natural terrain of the property.
- No natural ridgelines would be disturbed as part of this development, and all grading has been proposed to blend seamlessly with the natural contours of the land.
- All stabilization measures on the site will be proposed to limit soil erosion and will be installed in a timely fashion to ensure that all Town of Greenburgh requirements are met as set forth in Section 245-7(A). All topsoil will be stripped and stockpiled on site for reuse after the project has been regraded. The stockpile location is proposed in an area that is less than 15% slopes.

Should you have any questions or require additional information regarding the matter please do not hesitate to contact me at (908) 698-3939 or via email at andrew.vaccarello@welcomehomes.com.

Respectfully submitted by,

WELCOME HOMES NY BUILDING COMPANY LLC

A handwritten signature in black ink, appearing to read 'Andrew Vaccarello', with a stylized, cursive script.

Andrew Vaccarello
Director of Pre-Construction

AFFIDAVIT OF OWNERSHIP

State of New York)ss.
County of Westchester)

Vivian Lee & Warren Cheng being duly sworn, deposes and says that (s)he resides at
10 W. 66th Street, 18D in the Town of New York in the County
of New York in the State of New York that (s)he is the
owner in fee of all that piece or parcel of land situated and lying in the Town of Greenburgh
aforesaid and known and designated Parcel ID: 8.290-224-42 and that
(s)he hereby authorizes Welcome Homes NY Building Company LLC to make
application in his/her (its) behalf and that the statement of facts contained in said application is true.

Vivian Lee

Signature of Owner

Sworn to me before this 12th
Day of December 2023

Bhavana

Notary Public

BHAVANA SUNDAR
NOTARY PUBLIC-STATE OF NEW YORK
No. 01SU6430040
Qualified in New York County
My Commission Expires 03-07-2026

TOWN OF GREENBURGH
DISCLOSURE FORM TO ACCOMPANY CERTAIN APPLICATIONS*

1. This form relates to property located within the Town of Greenburgh. The street address of the property which is the subject of this application is:

260 Healy Ave. Town of Greenburgh, NY

Name of Applicant: Welcome Homes NY Building Company LLC

Address of Applicant: 41 Madison Ave. Suite 3200, New York, NY, 10010

Date(s) of Application(s): 12/1/2023

Type(s) of Application(s): Planning Board

Project Name: 260 Healy Avenue

2. Name and address of Owner(s) if different from Applicant: Vivian Lee & Warren Cheng

10 W. 66th Street, 18D, New York, NY, 10023

3. Do any officers or employees of the State of New York, County of Westchester, Town of Greenburgh and/or Town of Greenburgh Agency have an interest** in the applicant or owner of the property? No

If the answer is "yes", please identify the person(s) by name, residence and the nature of extend of such interest.

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

Name of Applicant Legal Entity: N/A

Name(s) and Addresses of Applicant Owners*** and Officers:

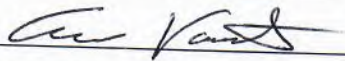
N/A

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

**For the purpose of this paragraph, an officer or employee shall be deemed to have an interest in an applicant when s/he, his or her spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them (a) is the applicant or (b) is an officer, director, partner of the applicant, or (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or (d) is a party to an agreement with such applicant, express or implied, whereby he or she may receive payment or other benefit whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.

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

Name of Applicant: Welcome Homes NY Building Company LLC

Signature: 

Date: 12/1/2023



Tuesday, November 21, 2023

Town of Greenburgh
Department of Community Development & Conservation
177 Hillside Ave
White Plains, NY, 10607
Ph: (914) 989-1530

Attn: Mr. Aaron Schmidt, ISA, Deputy Commissioner

Re: 260 S Healy Avenue
Town of Greenburgh, New York
Tax Map Number: 8.290-224-42

Dear Mr. Schmidt:

Please find enclosed for your consideration submission materials for a project located at 260 Healy Avenue, Town of Greenburgh. The applicant is seeking a review by the Town of Greenburgh Planning Board for an encroachment into the regulated buffer of a water course that is situated on the subject property.

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- The watercourse in question is a drainage feature that is located on the south side of the subject property. The watercourse is not known to contain any features that would be indicative of a wetland, but rather is noted as a conveyance path for drainage within the area. The watercourse feature is delineated by the topographic change to define the channel. The project is proposing to disturb a total of 3,619 SF of lands within the buffer, with no disturbance proposed to the watercourse itself.
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WELCOME HOMES NY BUILDING COMPANY LLC

andrew.vaccarello@welcomehomes.com

908-698-3939

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Should you have any questions or require additional information regarding the matter please do not hesitate to contact me at (908) 698-3939 or via email at andrew.vaccarello@welcomehomes.com.

Respectfully submitted by,

WELCOME HOMES NY BUILDING COMPANY LLC

A handwritten signature in black ink, appearing to read 'Andrew Vaccarello', with a stylized, cursive script.

Andrew Vaccarello
Director of Pre-Construction

AFFIDAVIT OF OWNERSHIP

State of New York)ss.
County of Westchester)

Vivian Lee & Warren Cheng being duly sworn, deposes and says that (s)he resides at
10 W. 66th Street, 18D in the Town of New York in the County
of New York in the State of New York that (s)he is the
owner in fee of all that piece or parcel of land situated and lying in the Town of Greenburgh
aforesaid and known and designated Parcel ID: 8.290-224-42 and that
(s)he hereby authorizes Welcome Homes NY Building Company LLC to make
application in his/her (its) behalf and that the statement of facts contained in said application is true.

Vivian Lee

Signature of Owner

Sworn to me before this 12th
Day of December 2023

Bhavana

Notary Public

BHAVANA SUNDAR
NOTARY PUBLIC-STATE OF NEW YORK
No. 01SU6430040
Qualified in New York County
My Commission Expires 03-07-2026

TOWN OF GREENBURGH
DISCLOSURE FORM TO ACCOMPANY CERTAIN APPLICATIONS*

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260 Healy Ave. Town of Greenburgh, NY

Name of Applicant: Welcome Homes NY Building Company LLC

Address of Applicant: 41 Madison Ave. Suite 3200, New York, NY, 10010

Date(s) of Application(s): 12/1/2023

Type(s) of Application(s): Planning Board

Project Name: 260 Healy Avenue

2. Name and address of Owner(s) if different from Applicant: Vivian Lee & Warren Cheng

10 W. 66th Street, 18D, New York, NY, 10023

3. Do any officers or employees of the State of New York, County of Westchester, Town of Greenburgh and/or Town of Greenburgh Agency have an interest** in the applicant or owner of the property? No

If the answer is "yes", please identify the person(s) by name, residence and the nature of extend of such interest.

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

Name of Applicant Legal Entity: N/A

Name(s) and Addresses of Applicant Owners*** and Officers:

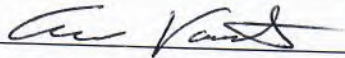
N/A

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

**For the purpose of this paragraph, an officer or employee shall be deemed to have an interest in an applicant when s/he, his or her spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them (a) is the applicant or (b) is an officer, director, partner of the applicant, or (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or (d) is a party to an agreement with such applicant, express or implied, whereby he or she may receive payment or other benefit whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.

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

Name of Applicant: Welcome Homes NY Building Company LLC

Signature: 

Date: 12/1/2023

AFFIDAVIT OF OWNERSHIP

State of New York)
) ss.
County of Westchester)

Vivian Lee & Warren Cheng being duly sworn, deposes and says that (s)he resides at
10 West 66th Street

in the Town of New York in the County of New York

in the State of New York that (s)he is the owner in fee of all that piece
or parcel of land situated and lying in the Town of Greenburgh aforesaid and known and
designated:

Section: 8.290 Volume: _____ Sheet: _____ Block: 224 Lot (s): 42

and that (s)he hereby authorizes Welcome Homes NY Building Company LLC
to make application in his/her behalf and that the statement of facts contained in said
application is true.

Warren Cheng
Signature of Owner

Sworn to me before this 15th
Day of September 20 23

Joseph A. Menchaca
Notary Public

Warren Cheng
Sept 15, 2023



AFFIDAVIT OF OWNERSHIP

State of New York)
) ss.
County of Westchester)

Vivian Lee & Warren Cheng being duly sworn, deposes and says that (s)he resides at

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application is true.

Vivian Lee

Signature of Owner

Sworn to me before this 15th
Day of September 20 23

Joseph Menchaca
Notary Public

Vivian Lee
Sept 15th, 2023



Short Environmental Assessment Form

Part 1 - Project Information


Instructions for Completing

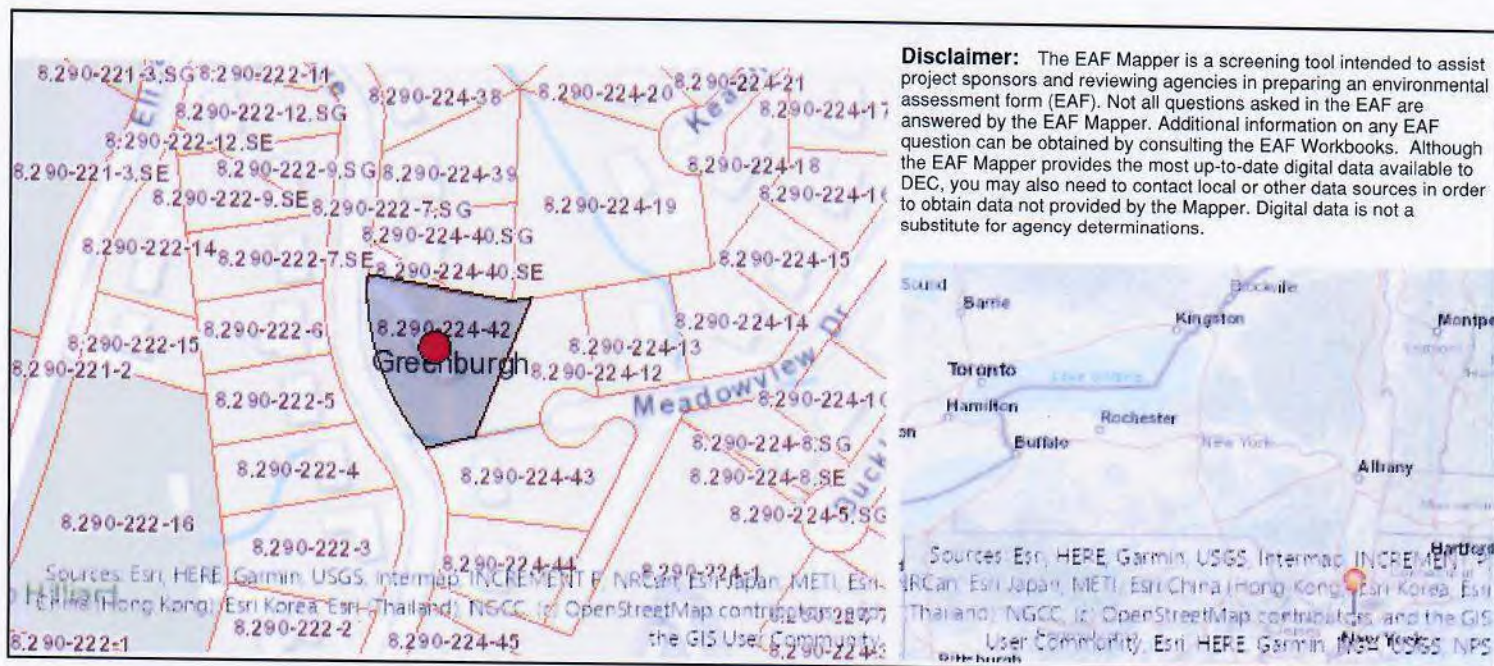
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: 260 South Healy Avenue			
Project Location (describe, and attach a location map): 260 South Healy Avenue, Town of Greenburgh, NY			
Brief Description of Proposed Action: The applicant proposes to demolish the existing single family dwelling and construct a new single family home with associated site improvements including driveway, stormwater management, and utility connections.			
Name of Applicant or Sponsor: Welcome Homes NY Building Company LLC		Telephone: 908-698-3939 E-Mail: andrew.vaccarello@welcomehomes.com	
Address: 41 Madison Avenue, Suite 3200			
City/PO: New York		State: New York	Zip Code: 10010
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.536 acres	
b. Total acreage to be physically disturbed?		0.238 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.536 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ An existing watercourse is located on the south side of the property. Although no disturbance is proposed within the watercourse, the development is proposing disturbance within the 100' buffer from this feature. The encroachment is quantified as 3,619 SF and will include the demolition of the existing structure, a portion of the proposed structure, and a portion of the proposed driveway. _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Runoff will be collected and directed to the on-site stormwater management system.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Welcome Homes NY Building Company LLC; c/o Andrew Vaccarello</u> Date: <u>10/23/2023</u> Signature: <u></u> Title: <u>Director of Pre-Construction</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



TOWN OF GREENBURGH

Department of Community Development & Conservation

Paul Feiner
Supervisor

Garrett Duquesne, AICP
Commissioner
Aaron Schmidt
Deputy Commissioner

October 20, 2023

Ms. Vivian Lee & Mr. Warren Cheng
10 West 66th Street, Apartment 18D
New York NY 10023

FILE

**Re: WCF 23-161 – 260 South Healy Avenue, Scarsdale, NY 10583
Wetland/Watercourse Clearance Form Denial**

Dear Ms. Lee & Mr. Cheng:

We have reviewed the plans and supporting materials for the above referenced project which were submitted on October 17, 2023. Based on a review of the application materials, a site visit conducted by Town staff, and information the Town has on record, portions of the ground disturbance associated with this project are located within regulated wetland/watercourse buffer areas. As such, as per § 280-8 of the Town Code, this action requires that a Wetland/Watercourse Permit Application be submitted, and ultimately referred to the Town Planning Board for consideration under the Wetland/Watercourse Ordinance. In addition, there may be other permits and/or approvals required by the Town. Please contact our Department of Buildings and our Department of Public Works (Bureau of Engineering) for more information.

In order for review of this project as proposed to proceed, you must submit a completed Wetland/Watercourse Permit Application Form in triplicate, the permit application fee of \$100.00, a separate public hearing notice escrow fee of \$200.00, a separate public hearing transcript escrow fee of \$200.00, a separate professional review escrow fee of \$250.00, as well as any related background information, **and a full project narrative**. Please ensure that these application materials, when complete, contain all of the information required by § 280-8 (C) of the Wetland/Watercourse Law, as outlined below:

C. Wetland/Watercourse permit application contents. No regulated activity shall be conducted without the issuance of a written permit from the approval authority. Sixteen copies of the application for a permit together with a filing fee and escrow deposit shall be made to the Secretary to the Planning Board on forms furnished by the Town before any activity is conducted and must include the following items:

- (1) Name, address and telephone number of the applicant and/or owner. (If the applicant is not the owner, the affidavit of the owner must be attached.)*
- (2) Street address and tax map designation of the property, along with an accurate certified property and land survey.*
- (3) Statement of proposed work and purpose thereof, and an explanation why the proposed activity cannot be located at another site, including an explanation of how the proposed activity is dependent on wetlands, watercourses or other water resource(s).*
- (4) A list of the names and addresses of property owners, along with tax map identification addresses, of properties within 500 feet of the boundaries of the property that is the subject of this application. The list must include the names and addresses of the owners of record of lands adjacent to the wetland or watercourse and wetland/watercourse buffer in which the project is to be undertaken which relate*

to any land within 500 feet of the boundary of the property on which the proposed regulated activity would be located.

(5) Project location map, showing the subject property as a parcel centered within adjacent parcels within 500 feet, surrounding zoning, named streets and water-related resources; and having a scale of no less than one inch equals 400 feet.

(6) Complete plans and estimates for the proposed site improvements, certified by an engineer, land surveyor, architect, or landscape architect licensed in the State of New York, drawn to a scale no less detailed than one inch equals 50 feet, and including:

- (a) Existing conditions map, including identification of existing buildings, structures, walls, fences, areas of one-hundred-year floodplain, vegetative cover, including dominant species, and all trees with a dbh of four inches or greater;
- (b) Delineation of the soil types on site;
- (c) Location of the construction area or area proposed to be disturbed, and its relation to property lines, roads, buildings, structures, walls, fences, areas within 100 yards of floodplain, and trees with a dbh of four inches or greater and watercourses within 250 feet of the proposed activity;
- (d) The exact locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amount computed from cross-sections, estimated quantities and the nature of material to be deposited or removed, and the procedures to be used;
- (e) Location of any septic systems or well(s), and depth(s) thereof, and any disposal system within 100 feet of area(s) to be disturbed;
- (f) Existing and proposed contours at two-foot intervals in all proposed disturbed areas and to a distance of 100 feet beyond; at the discretion of the approval authority, the existing elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than five feet;
- (g) Details of any drainage, diversion, detention or retention system proposed both for the conduct of work, and after completion thereof, including locations at any point discharges, artificial inlets, or other human-made conveyances which would discharge into the wetland or wetland buffer, and measures proposed to control erosion both during and after the work;
- (h) Groundwater table elevations, indicating depth to groundwater, direction of flow and hydrologic connections with surface water features, and analysis of the wetland/watercourse hydrologic system, including seasonal water fluctuation, inflow/outflow calculations and soil subsurface, geology and groundwater conditions;
- (i) Erosion and sedimentation control plan, including installation details of proposed control measures, directive construction notations and a schedule for the installation and maintenance of proposed control measures;
- (j) Where creation of a lake or pond is proposed, details of the construction of any dams, embankments, outlets or other water control devices; and analysis of the wetland hydrologic system, including seasonal water fluctuation, inflow/outflow calculations, and subsurface soil, geology, and groundwater conditions; and
- (k) Where creation of a detention basin is proposed, with or without excavation, details of the construction of any dams, berms, embankments, outlets, or other bank or bottom stabilizing or water control devices, and an analysis of the wetland hydrologic system, including seasonal water fluctuation, inflow/outflow calculations, and subsurface drainage, soil and bedrock geology, and groundwater conditions.

(7) Proposed mitigation plans.

(8) When the application affects the water-retention capacity, water flow or other drainage characteristics of any pond, lake, reservoir, natural drainage system or wetland, a statement of the impact of the project on upstream and downstream areas, giving appropriate consideration to other-than-normal levels of watercourses and amounts of rainfall.

(9) Details of erosion and sediment control practices, including a diagram showing what and where erosion and sediment controls practices will be implemented and a schedule for their installation and maintenance.

(10) Wetland/Watercourse delineation map showing the certified boundaries of all wetlands, watercourses and wetland and watercourse buffers as defined herein and as certified by a qualified wetland scientist within 12 months prior to the date of filing the application. The delineation limits of all wetlands and watercourses shall be subject to field verification and acceptance by the Planning Board and its authorized agents.

(11) Wetland/Watercourse delineation report and assessment prepared by a qualified wetland scientist as defined by this chapter, which shall include identification, description and assessment of the following:

- (a) The vegetative cover of the regulated area, including dominant species, and hydrophytic vegetation;*
- (b) On-site soil types, including groundwater table elevations showing depth to water table and direction of flow and hydrologic connections with surface water features;*
- (c) Wetland/Watercourse hydrology;*
- (d) Wetland/Watercourse and adjacent (buffer) area functions and benefits; and*
- (e) Site flora and fauna, including upland and hydrophytic vegetation with their wetland classified status (FAC, FACW, FACU, UPL) and dominant woody and herbaceous species.*

(12) A narrative description of the proposed regulated activity or use, including location of subject property and area to be affected; environmental impact assessment and description of the wetland, watercourse and/or adjacent (buffer) area proposed to be disturbed or altered; intended purpose of the proposed activity or use and the applicant's interest in the subject property and area to be affected; intended purpose and extent of impact or alteration on the affected wetland, watercourse and/or adjacent

(buffer) area; explanation of why the proposed regulated activity cannot be located at another site or location with no or less impact upon wetland, watercourse and/or adjacent (buffer) area; explanation as to whether or not the proposed activity is dependent on the affected wetland, watercourse and/or adjacent (buffer) area; the alternatives to the proposed activity considered, and why the proposal to disturb or alter the affected wetland, watercourse and/or adjacent (buffer) area was chosen instead; and the mitigation measures proposed to avoid or reduce impact on the affected wetland, watercourse and/or adjacent (buffer) area.

(13) A complete and accurate long-form environmental assessment form (EAF) in accordance with the procedures of the State Environmental Quality Review Act.

(14) The approval authority may require additional information as needed such as the study of flood, erosion, or other hazards at the site and the effect of any protective measures that might be taken to reduce such hazards, and other information deemed necessary to evaluate the proposed use in terms of the goals and standards of this chapter.

(15) An application fee and engineering and inspection/monitoring fees shall be charged according to the schedule established by the Town of Greenburgh Town Board. Necessary escrow funds shall be deposited with the Town from time to time as necessary to cover costs for technical assistance and monitoring when the Planning Board deems necessary. The applicant shall be notified of the expenses and shall deposit said necessary funds prior to the cost being incurred.

(16) A statement that the property owner and applicant will indemnify and hold the Town or its representatives harmless against any damage or injury and that the owner and applicant consent to the approval authority's (including its agents or employees) entry upon lands or waters for the purpose of undertaking any investigations, inspections, examination, survey, or other activity for the purposes of this chapter.

Please be aware that, upon a successful preliminary review of your application materials, the Planning Board will schedule a public hearing regarding this Wetland/Watercourse Permit Application. Prior to the public hearing, you will be required to comply with the remainder of the notification obligations of in § 280-8. (F), as referenced

below.

F. Public hearings. The Planning Board shall hold a public hearing on the application at such time as it deems appropriate, in order to give the public at least 15 days' notice thereof. The applicant shall also give at least 15 days' notice by certified mail to each of the owners of property within a five-hundred-foot radius from the boundary of the property, and such notice shall include the notice required for any other required public hearing in connection with the application, if practicable. Insofar as practicable, any public hearing on the application may be integrated with any public hearing required or otherwise held pursuant to any other law, including the State Environmental Quality Review Act. Any hearing will be held by the Planning Board. At the hearing, the applicant shall bear the burden of proof and have the burden of demonstrating that the proposed activity will be in accord with the goals and policies of this chapter and the standards set forth below.

For your information, the following is a generic list of compliance criteria against which the Planning Board must review each Wetland/Watercourse Permit Application. It would be in your interest to ensure that your application addresses this information, in order that the timeframe of application review may be kept to a minimum.

§ 280-9. Standards for permit decisions.

The Planning Board shall either grant, conditionally grant or deny a permit application within 60 days of the close of the public hearing; provided, however, that the Planning Board has whatever additional information or documentation it required, the Planning Board shall then render its decision within 60 days of its receipt of such matter.

A. In granting, denying, or conditioning any permit, the Planning Board shall evaluate wetland and watercourse and adjacent (buffer) area functions and the role of each, as the case may be, in the hydrologic and ecological system in which it is part, and shall determine the impact of the proposed activity upon public health, safety and welfare, flora and fauna, water quality, and additional wetland and watercourse functions listed in § 280-2 of this chapter.

Regardless of the level of the impact of the proposed activity, avoidance of any direct or indirect impacts shall be the primary criteria used to judge the appropriateness of the action. The Planning Board shall consider the following factors, and shall issue written findings with respect to:

- (1) The overall direct and indirect impact(s) of the proposed activity, and existing and reasonably anticipated similar activities, upon neighboring land uses and wetland, watercourse and adjacent (buffer) area functions as set forth in § 280-2 of this chapter, including but not limited to the:*
 - (a) Infilling of a wetland, watercourse or other modification of natural topographic contours;*
 - (b) Disturbance or destruction of natural flora and fauna;*
 - (c) Influx of sediments or other materials causing increased water turbidity or substrate aggradation;*
 - (d) Removal or disturbance of wetland or watercourse soils;*
 - (e) Reduction in wetland or watercourse ground or surface water supply;*
 - (f) Interference with wetland or watercourse water circulation;*
 - (g) Changes in the amount or type of wetland or watercourse nutrients;*
 - (h) Physical and chemical changes to the wetland or watercourse water supply; and*
 - (i) Destruction of natural aesthetic values;*
 - (j) Reduction in public recreational or educational use and access; and*
 - (k) Impact to, and alteration or disturbance of adjacent (buffer) areas associated with wetlands and watercourses.*
- (2) Any existing wetland, watercourse and adjacent (buffer) area impact(s) and the cumulative effect of reasonably anticipated future activities in the wetland, watercourse or adjacent (buffer) area subject to the application;*

- (3) *The impact of the proposed activity and reasonably anticipated similar activities upon flood flows, flood storage, storm barriers, shoreline protection, and water quality;*
- (4) *The potential effect of flooding, erosion, hurricane winds, soil limitations, and other hazards, and possible losses to the applicant and subsequent purchasers of the land;*
- (5) *The adequacy of water supply and waste disposal for the proposed use;*
- (6) *Consistency with federal, state, county and Town comprehensive land use plans, and regulations;*
- (7) *The availability of preferable or environmentally compatible alternative locations on the subject parcel; and*
- (8) *The demonstration by the applicant that any direct and indirect impact(s) are necessary and unavoidable and have been minimized to the maximum extent practicable for the purposes of this chapter. Wetland, watercourse and adjacent (buffer) area impacts will be deemed necessary and unavoidable only if the applicant satisfies all of the following criteria as determined by the Planning Board:*
 - (a) *The proposed activity is compatible with the public health and welfare.*
 - (b) *There is no reasonably feasible on-site alternative to the proposed activity, in the judgment of the Planning Board, including reduction in density, change in use, revision of road and lot layout, revision in the location of buildings, structures, driveways and other site construction and land-altering activities and/or related site planning considerations, that could otherwise reasonably accomplish the applicant's objectives.*
 - (c) *There is no reasonably feasible alternative to the proposed activity on another site or site location that is not a wetland, watercourse or adjacent (buffer) area as defined herein.*

It is strongly suggested that you submit the application and related materials to our office electronically, to have the application materials reviewed by Town Staff prior to formal submission. If you have any questions, or require further information, please call the Department of Community Development and Conservation at (914) 989-1530.

Sincerely,



Matt Britton
Town Wetlands Inspector

MB:

cc: Amanda Magana, Esq., Deputy Town Attorney
Jason Coppola, P.E., Town Engineer
Andrew Vaccarello, Applicant's Representative (via email)



Paul J. Feiner
Supervisor

TOWN of GREENBURGH

DEPARTMENT OF COMMUNITY DEVELOPMENT AND CONSERVATION

177 Hillside Avenue, Greenburgh, NY 10607

Office: (914) 989-1530

Web Site <http://www.greenburghny.com>

WCF# 23-161

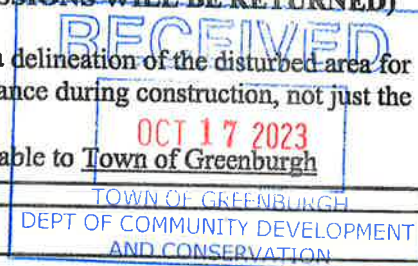
<input checked="" type="checkbox"/>	File Copy
<input type="checkbox"/>	Building Dept.
<input type="checkbox"/>	Applicant Copy

Garrett Duquesne, AICP
Commissioner
Aaron Schmidt
Deputy Commissioner

WETLAND/WATERCOURSE CLEARANCE FORM

For a complete submission, please submit the following: (INCOMPLETE SUBMISSIONS WILL BE RETURNED)

- Three (3) copies of this Wetland/Watercourse Clearance Form;
- Three (3) copies of a Site Plan identifying the area of proposed work, and a delineation of the disturbed area for the proposed project. The disturbed area should include any and all disturbance during construction, not just the final footprint;
- Initial Fee: \$100.00 Subsequent Review Fee: \$50 Please make check payable to Town of Greenburgh



I) Owner Information

Name: Vivian Lee & Warren Cheng

Street: 10 West 66th Street, Apt 18D

City: New York

State: NY

Zip: 10023

Telephone: (646) 241-3278

Cell Phone :

Fax: -

Email: vivianlee25@gmail.com

II) Applicant Information

Name: Welcome Homes NY Building Company LLC

Street: 41 Madison Avenue, Suite 3200

City: New York

State: NY

Zip: 10010

Telephone: 212-920-5150

Cell Phone : 908-898-3939

Fax: N/A

Email: andrew.vaccarella@welcometohomes.com

III) Subject Property

1) Name or other identification of site (street address): 260 S Healy Avenue, Greenburgh, NY

P.O.

2) Situated on the East side of S Healy Avenue

(Street) 1,200

feet

from the intersection of Thomes Street

(Street)

Zip: 10583

Zoning District: R-20

3) Parcel ID#: 8.290-224-42

Total site area (sq. ft.): 23,339

4) Is there an existing structure(s) (i.e. home or building) located on the site: Yes ☒ No ☐

Year(s) built: 1950's

IV) Approval(s)

1) Type of Approval(s) Sought : Wetland Clearance, Tree removal permit, street opening permit, slope clearance, earthwork, stormwater management control permit, building permit, demolition permit

V) Proposed Action

1) Description of Proposed Action: Existing home will be demolished and will be replaced with a new single family home.

2) If the subject property is located within either of the following, please indicate. (Please check box)

Critical Environmental Area Yes ☐ No ☒

Conservation District Yes ☐ No ☒

3) Are there any rights-of-way, easements, restrictive covenants or conditions of approval which encumber the property? If so, please indicate the nature of these restrictions and supply three (3) copies of the legal instrument (i.e. deed, covenant, conservation easement, approval letter, etc.) which created this restriction.

Yes. See enclosed.

4) Have any wetland/watercourse permit application been made with respect to this property under Chapter 280 of the Greenburgh Town Code? If so, please give the date, name and case number of such application.

No.

5) Does this project, as proposed, meet all the recommended wetland and watercourse setbacks set forth in Chapter 280 of the Town Code? If not, identify those aspects of the project that do not meet recommended setbacks and state the proposed setback. (If more room is need please submit on a separate sheet)

No, the proposed improvements will encroach within the buffer associated with the on-site watercourse.

6) Has a wetlands permit or a letter of non-jurisdiction been obtained from the New York State Department of Environmental Conservation for this project? Yes ☐ No ☒ If so, please provide a copy.

VI) Site Characteristics

- 1) Is there an existing structure located on the site: Yes ☒ No ☐
- 2) Proposed Starting Date: 3/1/2024 Proposed Completion Date: 1/1/2025
- 3) Square Footage of Disturbed Area: 10,396 SF Total Value of Work: \$850,000
(as provided for on Site Plan)
- 4) Estimated Quantity of Excavation/Fill: Excavation: 525 yards³ Imported Fill: 75 yards³
- 5) What are the predominant soil types on the property? Urban Land- Charlton- Chatfield Complex.
- 6) Approximately what percentage of the property is:
Well Drained 100 % of property
Moderately Drained _____ % of property
Poorly Drained _____ % of property
- 7) What is the approximate depth to groundwater? >6 feet
- 8) Are there any trees 6-inches or greater in diameter proposed for removal as part of this work? Yes ☒ No ☐
a) If yes, how many? 1 Tree
- 9) Does the property contain any species of plant or animal life listed as rare, threatened or endangered by New York State, the New York State Natural Heritage Program or the United States of America? Yes ☐ No ☒
a) If yes, please identify each species and its status as classified by New York State, the New York State Natural Heritage Program or the United States.
- 10) Has the property ever been used for the disposal of solid waste or hazardous waste? Yes ☐ No ☒

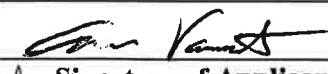
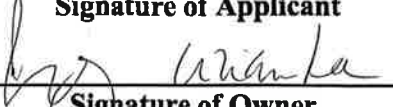
VII) Project Information

- 1) Is work proposed in a (Check all that apply): Wetland ☐ Watercourse ☐ Adjacent Buffer Area ☒ N/A ☐
- 2) Total area of Wetland, Watercourse, and adjacent Buffer Area on the property: 12,591 sq.ft.
- 3) Total area of disturbance proposed in Wetland, Watercourse and adjacent Buffer Area on the property: 3,619 sq.ft.
- 4) Functions provided by Wetland or Watercourse: Drainage watercourse
- 5) Name and phone number of expert delineating Wetland or Watercourse: N/A
- 6) Plans Prepared by: Tommy Maene, P.E. License # 094606 Dated: 8/25/2023 Revised: _____

VIII) Authorizations and Certifications

I/we hereby indemnify and hold the Town or its representatives harmless against any damage or injury and that the owner and applicant consent to the approval authority's (including its agents or employees) entry upon lands or waters for the purpose of undertaking any investigations, inspections, examination, survey, or other activity outlined in Chapter 280 of the Town Code of Greenburgh.

I/we hereby are aware that false or misleading statements or information provided on the clearance form or to the approval authority shall result in the invalidation of any authorization. The applicant shall be subject to the penalties and sanctions set forth in this chapter for any activities conducted which would have otherwise required a wetland/watercourse activity permit.

 Signature of Applicant	<u>Andrew Vaccarello</u> Print Applicant's Name	<u>10/16/23</u> Date
 Signature of Owner	<u>Warren Cheng Vivian Lee</u> Print Owner's Name	<u>10-12-23 10/12/23</u> Date

NOTE: The completion of this Wetland/Watercourse Clearance Form does not confer any rights, privileges, licenses, permits or other entitlement upon the applicant and does not relieve the applicant from compliance with all other applicable laws, rules and regulations of the Town of Greenburgh.

Additional fees including an escrow fee may be applicable if there is proposed work in a Wetland/Watercourse and/or Adjacent Buffer Area.

Chapter 280, WETLANDS AND WATERCOURSES

§ 280-6. Authorized clearance form required

A. All applications for any permit issued by the Building Department, Department of Public Works, Antenna Review Board, Town Board, Planning Board, or Zoning Board of Appeals of the Town of Greenburgh must be accompanied by an authorized wetland/watercourse clearance form. An applicant must provide sufficient information to enable the Wetland Inspector or other authorized representative to properly determine if the proposed activity is an allowable activity, as defined herein, or use that does not also require an activity permit; is a prohibited activity; or is a regulated activity or use which requires an activity permit as issued by the Planning Board in accordance with the standards and procedures set forth herewith. No permits, certificates of occupancy, or temporary certificates of occupancy may be issued without prior approval of the Planning Board for any project involving a wetland/watercourse permit.

Revised 02/22/21 MB

Wetland/Watercourse Review

☐ Approved for Submission to Building Department

☒ Rejected: Planning Board Approval Required

☐ Other _____

Reviewed by: MB Date: 10/20/23



Greenburgh, NY



Pieces in $M_{\leq 2}(\mathbb{Q})$ (see Section 2.1.1)

1 inch = 35 Feet



www.cai-tech.com



NYS ITS Geospatial Services

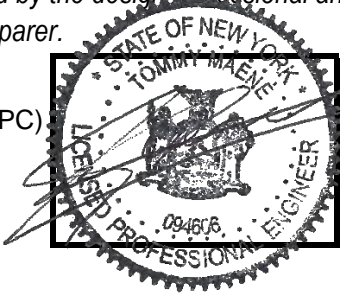
Data displayed on this map is for informational purposes only. Most layers originate from 3rd parties and cannot be verified by the Tax Assessor's office or CAI Technologies. Please consult with department or organization where data originates in order to verify accuracy. Any questions, call Town Assessor's Office: 1-914-989-1520.

TOWN OF GREENBURGH BUILDING DEPARTMENT
ZONING COMPLIANCE FORM

If an architect/engineer is required, this form must be completed by the design professional and include the seal and signature of preparer.

PREPARER'S NAME: Tommy Maene (Hartland Engineering, DPC)

Design Professional's
Seal



PERMIT: _____

DATE: November 6, 2023

OWNER: Vivian Lee & Warren Cheng ZONING DISTRICT R-20

PROPERTY LOCATION: 260 S Healy Avenue, Greenburgh, NY 10583

PROPERTY DESCRIPTION: VOL: 23,339 SHEET: 8.290 BLOCK: 224 LOT: 42

COVERAGE REQUIREMENTS			
	PERMITTED	EXISTING	PROPOSED
LOT AREA (IN SQUARE FEET)	20,000	23,339	23,339
BUILDABLE LOT AREA - total lot area minus deductions for steep slopes/wetlands (IN SQUARE FT)	19,252	19,252	19,252
PRINCIPAL BUILDING COVERAGE (IN PERCENT)	18%	10.1%	12.0%
IMPERVIOUS SURFACE COVERAGE see definition on reverse (IN PERCENT)	29%	17.6%	24.1%
TOTAL GROSS FLOOR AREA (FAR) see definition on reverse (IN SQUARE FEET)	4,959	-	4,269

YARD SETBACK - PRINCIPAL STRUCTURE			
	PERMITTED	EXISTING	PROPOSED
FRONT (IN FEET)	30	41.7	47.7
ONE SIDE (IN FEET)	18	27.2	25.0
TOTAL OF TWO SIDES (IN FEET)	40	91.0	56.0
REAR (IN FEET)	32	42.2	55.4

YARD SETBACK - ACCESSORY STRUCTURE			
	PERMITTED	EXISTING	PROPOSED
TO PRINCIPAL BUILDING (IN FEET)	n/a	n/a	n/a
SIDE (IN FEET)	n/a	n/a	n/a
REAR (IN FEET)	n/a	n/a	n/a

PARKING/DRIVEWAY SETBACKS			
	PERMITTED	EXISTING	PROPOSED
TO PRINCIPAL BUILDING (IN FEET)	n/a	n/a	n/a
FRONT (IN FEET)	n/a	n/a	n/a
ONE SIDE (IN FEET)	n/a	n/a	n/a
TOTAL OF TWO SIDES (IN FEET)	n/a	n/a	n/a
REAR (IN FEET)	n/a	n/a	n/a

HEIGHT, PARKING SPACES, LOADING AREA			
	PERMITTED	EXISTING	PROPOSED
TOTAL PARKING SPACES	n/a	n/a	n/a
LOADING AREA	n/a	n/a	n/a
BUILDING HEIGHT (IN FEET) see reverse	30	17	27.04
NUMBER OF STORIES	2.5	1.5	2.0
TOTAL HEIGHT (IN FEET)	30	17	27.04

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

FLOOR AREA, GROSS (MULTIFAMILY AND NONRESIDENTIAL) -- The sum of the horizontal area of all stories of a building, measured from the exterior faces of exterior walls, or, in the case of a common wall separating two buildings, from the center line of such common walls, but excluding unenclosed porches, porticoes, balconies, raised platforms, roof overhangs, gutters and chimneys, and nonhabitable space in a basement devoted to mechanical equipment, accessory storage, parking and/or loading. [Amended 6-11-2003 by L.L. No. 5-2003]

FLOOR AREA, GROSS (ONE-FAMILY RESIDENTIAL) -- For all one-family dwellings, the sum of the horizontal area of all stories of a building, measured from the exterior faces of exterior walls. Any interior space with a floor-to-ceiling height in excess of 16 feet shall be counted twice. In calculating the gross floor area of a one-family dwelling, and for the purpose of calculating floor area ratio (FAR), the following shall be excluded: decks; patios; unenclosed porches, porticoes, balconies and raised platforms; roof overhangs; gutters; chimneys; minor accessory structures; and basements and garages in which the surface of the floor above such basement or garage is less than four feet above the average finished grade of the ground adjoining the building. [Added 6-11-2003 by L.L. No. 5-2003]

FLOOR AREA, LIVABLE -- All spaces within the exterior walls of a dwelling unit, exclusive of garages, breezeways, unheated porches, cellars, heater rooms and basements having a window area of less than 12% of the square foot area of the room. Usable floor area shall be deemed to include all spaces not otherwise excluded above, such as principal rooms, utility rooms, bathrooms, all closets and hallways opening directly into any rooms within the dwelling unit and all attic space having a clear height of at least seven feet six inches from finished floor level to ceiling level over 50% of the area of such attic space.

FLOOR AREA RATIO (FAR) -- The gross floor area divided by the lot area. [Amended 6-11-2003 by L.L. No. 5-2003]

HEIGHT -- The vertical distance to the level of the highest point of the roof for flat or mansard roofs, or to the mean height between the eave and the ridge for other types of roofs, measured at the center of the front wall of the building from the average level of the finished ground surface across the front of the building or from the average level of the finished ground surface adjacent to the exterior walls of the building, whichever is lower. Where the finished ground surface is made by filling, the level of such finished ground surface for the purpose of this definition shall not be deemed to be more than 10 feet above or below the established grade of the curb of the street which the building faces; or, if there is no curb, the established grade of the center of the street which the building faces. Chimneys, elevator penthouses, tanks and similar projections located on any building other than an office or agency for scientific research or technical development or on a laboratory shall not be included in such measurements, provided that such projection does not occupy more than 15% of the roof area, and further provided that such projection does not exceed 15 feet in height. Chimneys, elevator penthouses, tanks and similar projections located on an office or agency for scientific research or technical development or on a laboratory shall not be included in such measurements, provided that such projection does not occupy more than 80% of the roof area, and further provided that such projection does not exceed 30 feet in height. Notwithstanding the above, in the case of residential buildings on sloping sites limited to 2 1/2 stories (where basements or cellars do not constitute a story as defined below), the finished grade of a building shall be measured from one foot below the first floor elevation; provided, however, that the height of the highest wall, measured from the average grade along that wall to the lowest point of the eave or lower edge of the roof, shall not exceed 28 feet. [Amended 7-8-1987 by L.L. No. 3-1986; 11-9-1994 by L.L. No. 9-1994]

		Minimum Yards				Maximum Coverage			
One-Family Residence Zone	Min. Lot Area sq. ft.	Front	Rear	One Side	Total of two Sides	Principal Building	Accessory Building (s)	Impervious Surfaces	Minimum Lot Width
R-40	40,000	40	36	25	50	14%	3.50%	21.75%	150
Detached Accessory Structures/Off Street Parking Areas Must Be At Least						10' from Principal Structure, 20' from Side, 20' from Rear			
R-30	30,000	35	34	20	45	16%	4.00%	25%	135
Detached Accessory Structures/Off Street Parking Areas Must Be At Least						10' from Principal Structure, 18' from Side, 18' from Rear			
R-20	20,000	30	32	18	40	18%	4.50%	29%	120
Detached Accessory Structures/Off Street Parking Areas Must Be At Least						10' from Principal Structure, 16' from Side, 16' from Rear			
R-15	15,000	27	30	14	30	20%	5.00%	33.50%	115
Detached Accessory Structures/Off Street Parking Areas Must Be At Least						10' from Principal Structure, 14' from Side, 14' from Rear			
R-10	10,000	25	28	12	26	22%	5.50%	37.25%	100
Detached Accessory Structures/Off Street Parking Areas Must Be At Least						10' from Principal Structure, 12' from Side, 12' from Rear			
R-7.5	7,500	20	26	10	22	24%	6.00%	40.75%	75
Detached Accessory Structures/Off Street Parking Areas Must Be At Least						10' from Principal Structure, 10' from Side, 10' from Rear			
R-5	5,000	20	26	8	18	30% (all buildings)		43.75%	50
Detached Accessory Structures/Off Street Parking Areas Must Be At Least						8' from Principal Structure, 8' from Side, 8' from Rear			



**TOWN OF GREENBURGH
DEPARTMENT OF PUBLIC WORKS
INTER-OFFICE MEMORANDUM**



Greenburgh Recycles

TO: Building Department

FROM: Bureau of Engineering

RE: Project Location: 260 S. Healy Avenue
Slope Clearance Form # 5025-R

DATE: November 13, 2023

We have reviewed the Slope Clearance Form for the above referenced project. As noted on the application, this will entail the disturbance of a sloped area less than 500 square feet. As such, as per § 245-3. Definitions of the Town Code, this action is not subject to any further consideration under the Steep Slope law.

Although this action is not subject to any further consideration under the Steep Slope Law, I would recommend that the applicant apply certain minimum erosion control measures during this project. These measures may include the installation of: tree protection; silt fence immediately downstream of disturbed areas; the stockpiling and protection of topsoil as required; seeding and restoration of disturbed areas, and; the cleaning of silt deposition from downstream areas and drainage utilities resulting from the work. Additionally, all work should comply with the recommendations noted in "New York State Guidelines for Urban Erosion and Sediment Control", as well as applicable OSHA regulations, as required.

If you have any questions, please advise.

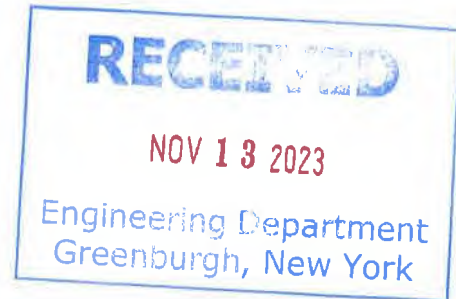
HARTLAND

GEOTECHNICAL + SITE/CIVIL ENGINEERING

3 November 2023

Mr. Jason Coppola, PE
Town of Greenburgh – Bureau Engineering
177 Hillside Avenue
Greenburgh, NY 10607

Re: Steep Slope Clearance Form – Submission 2
260 S Healy Avenue
Greenburgh, NY 10583
Section 8.290, Block 224, Lot 42
Project No.: 1008230103



Dear Mr. Coppola,

This letter transmits the slope clearance application for the new single-family home with the above referenced address. We received a comment letter by your office dated October 16, 2023 and have revised our site engineering drawings accordingly.

In summary, the stormwater management system was relocated to avoid disturbance within a portion of the site with a slope great than 15%. With this change the total disturbance within the 15-25% slope category was reduced to 419-sf from 770-sf.

We have attached 3 copies of the revised drawings along with the revised clearance application form as part of this re-submission.

Thank you for your timely review. If there are any questions or comments, please call me at 201-446-5533 or email me at vageles@hartlandengineering.com.

Sincerely,
Hartland Engineering, DPC

A handwritten signature in black ink, appearing to read "Vageles Sophias".

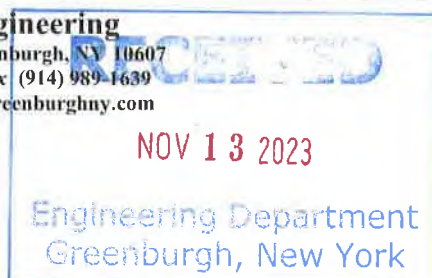
Vageles Sophias
Principal



RICHARD C. FON
Commissioner
BRIAN E. SIMMONS, P.E.
Deputy Commissioner

TOWN OF GREENBURGH DEPARTMENT OF PUBLIC WORKS

Bureau of Engineering
177 Hillside Avenue, Greenburgh, NY 10607
Office (914) 989-1583 Fax (914) 989-1639
Web Site HTTP://www.greenburghny.com



SLOPE CLEARANCE FORM

JASON COPPOLA, P.E.
Town Engineer

THIS FORM MUST BE COMPLETED BY A LICENSED PROFESSIONAL (P.E., L.S. or R.A.)

UNLESS AN EXEMPTION IS CLAIMED AS PER § 245-11 OF THE TOWN CODE

For a complete submission, please submit the following: (Incomplete submissions will be returned without review)

- Three (3) copies of this Slope Clearance Form;
- Three (3) copies of a Site Plan, which includes two (2) foot topographical contours. Site topography must be cross-hatched or colored to differentiate each individual slope category noted in parts 5 & 6 below.
(If property slopes are certified to be limited to less than 15%, (2) foot topographic contours need not be shown on the site plan, unless requested);
- Show a delineation of the disturbed area for the proposed project on the site plan. The disturbed area should include any and all disturbance during construction, not just the final footprint;
- Initial Fee: \$100.00 (Re-Review Fee: \$200) Please make check payable to Town of Greenburgh

Owner Information:

Name: Vivian Lee & Warren Cheng Street: 10 West 66th Street
City: New York State: NY Zip Code: 10023
Telephone: (646) 241-3278 Alt. Telephone: _____ Email: vivianlee25@gmail.com

Applicant Information:

Name: Welcome Homes NY Building Company LLC Street: 41 Madison Ave, Suite 3200
City: New York State: NY Zip Code: 10010
Telephone: 212-920-5150 Alt. Telephone: 908-698-3939 Email: avaccarello@welcomehomes.com

Subject Property:

Name, address, or other identification of site: 260 S Healy Avenue
Situating on the East side of S Healy Avenue (Street) 1,200 feet from the
intersection of: Thomas Street (Street)
Section: 8.290 Block: 224 Lot(s): 42 Total Site area (sq ft): 23,339

Proposed Action:


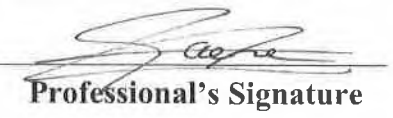
1) Type of Approval(s) Sought: Wetland Clearance, Tree removal permit, street opening permit, slope clearance, earthwork, stormwater management control permit, building & demolitions permits

2) Description of Proposed Action: Existing home will be demolished and will be replaced with a new single family home with associated site improvements.

3) Are there any rights-of-way, easements, restrictive covenants or conditions of approval which encumber the property? If so, please indicate the nature of these restrictions and supply three (3) copies of the legal instrument (i.e. deed, covenant, conservation easement, approval letter, etc.) which created this restriction.

Yes, see attached.

NOTE: The completion of this Slope Clearance Form does not confer any rights, privileges, licenses, permits or other entitlement upon the applicant and does not relieve the applicant from compliance with all other applicable laws, rules and regulations of the Town of Greenburgh.

4) Estimated Quantity of Earthwork:		Excavation: <u>140</u> yds ³	Imported Fill: <u>75</u> yds ³
5) Slope Categories for Lot Area:		Total Lot Area: <u>23,339</u> (sq. ft.)	
Slope Category: 0%-15% <u>14,609</u> sq. ft. 15%-25% <u>4,007</u> sq. ft. 25%-35% <u>1,811</u> sq. ft. 35%+ <u>2,912</u> sq. ft.			
6) Slope Categories for Disturbed Area:		Total Disturbed Area: <u>9,918</u> (sq. ft.)	
Slope Category: 0%-15% <u>9,429</u> sq. ft. 15%-25% <u>419</u> sq. ft. 25%-35% <u>70</u> sq. ft. 35%+ <u>0</u> sq. ft.			
7) Buildable Area: <u>19,252</u> sq. ft.		Wetland/Watercourse Area: <u>261</u> sq. ft.	
<p>Buildable Area: To calculate buildable area, the lot area (indicated in section 5, above) shall be reduced by the sum of the following four slope and wetland area components, as defined in Zoning Code § 285-39E - Lot and bulk requirements: Areas of steep (15%-25%) slopes x 0.20; Areas of very steep (25%-35%) slopes x 0.50; Areas of excessively steep (35%+) slopes x 0.75; Areas of wetlands and watercourses x 0.75.</p>			
8) Professional of Record: (P.E., L.S., or R.A.)			
Name: <u>Tommy Maene</u>		Street: <u>152 Edgar Street, 2nd Floor</u>	
City: <u>Weehawken</u>		State: <u>NJ</u>	Zip Code: <u>07086</u>
Telephone: <u>347-899-4710</u>		Alt. Telephone: _____	Fax: _____
Email: <u>tommy@hartlandengineering.com</u>		License Number: <u>094606</u>	License Type: <u>Engineer</u>
		<p>Town of Greenburgh - Engineering Department <u>Steep Slope Clearance Form Review</u> Clearance Form # <u>5025-R</u></p> <p> <input type="checkbox"/> Approved-Exempt <input checked="" type="checkbox"/> Approved-Stormwater Permit Required <input type="checkbox"/> Fill Permit Required <input type="checkbox"/> Rejected-Planning Board Approval Required </p> <p>Reviewed by: <u>L Gerrity</u> Date: <u>11/13/23</u></p> <p style="color: gray;">For Use By The Bureau of Engineering</p>	
 Professional's Signature <u>11/06/2023</u> Date		<p><u>Andrew Vaccarello</u> <u>11/7/2023</u> Print Applicant's Name Date</p> <p><u>Vivian Lee</u> <u>Warren Cheng</u> <u>11/7/2023</u> Signature of Owner Print Owner's Name Date</p>	

NOTE: The completion of this Slope Clearance Form does not confer any rights, privileges, licenses, permits or other entitlement upon the applicant and does not relieve the applicant from compliance with all other applicable laws, rules and regulations of the Town of Greenburgh.



TOWN of GREENBURGH
Department of Community Development and Conservation
177 Hillside Avenue, Greenburgh, New York 10607
Phone: (914) 989-1530 Website: <http://www.greenburghny.com>

TREE REMOVAL PERMIT APPLICATION

USE FOR APPLICATIONS TO REMOVE MORE THAN TEN TREES, OR TO REMOVE TREES ON COMMERCIAL PROPERTIES, OR TO REMOVE TREES IN CONNECTION WITH RESIDENTIAL DEVELOPMENT PROJECTS, OR TO REMOVE TREES ON UNDEVELOPED FORESTED PROPERTY

Paul J. Feiner
Supervisor

Garrett Duquesne, AICP
Commissioner

Aaron Schmidt, ISA
Deputy Commissioner

INCOMPLETE SUBMISSIONS WILL BE REJECTED AND RETURNED

Application Fee:	\$50 per tree	\$ 50.00	Permit Number:	
Surcharge:	ONLY for proposals involving 50 or more trees or on lots 5 acres or more in size: \$50 additional per tree	\$		

Individual Submitting Application

Welcome Homes NY Building Company LLC

Name: c/o Andrew Vaccarello Mailing Address: 41 Madison Avenue, Suite 3200

City: New York State: NY Zip: 10010

Telephone: 212 920-5150 Cell: 908 698-3939 Email: Andrew.Vaccarello@welcomehomes.com

Contractor/ Licensed Professional Tree Care Company Information

*To be provided prior to construction
Name: _____ Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ - _____ Cell: _____ - _____ Email: _____

Westchester County Home Improvement Lic. No: _____

ISA Holder's Name & License No.: _____

Subject Property

Address of subject property: 260 S Healy Avenue, Greenburgh, NY

Property Use: Single-Family ☒ Multi-Family ☐ Commercial ☐

Does the property qualify as an "Undeveloped Forested Property"? Yes ☐ No ☒

Tax Parcel ID#: 8.290-224-42 Total site area (sq. ft. or acreage): 23,339 SF

Proposed Action

1) Total number of regulated trees proposed to be removed from the site: One (1)

Relationship to other actions

1) Is this request in conjunction with any other administrative or land-use board application? Yes ☒ No ☐

If Yes, please provide application type and #: Wetland/ Water Course, Stormwater, Road Opening

Additional Submission Requirements

- 1) Tax Map from Town website showing subject property and all adjoining and directly across the street properties.
- 2) Names and addresses of all adjoining and directly across the street property owners.
- 3) Site Plan (as defined in § 260-2 of the Town Code).
- 4) Landscape Plan (pursuant to § 260-8I of the Town Code).
- 5) Certificate(s) of Insurance of Contractor/Licensed Professional Tree Care Company.
- 6) Such other information and/or documentation the Approval Authority may require.

NOTE: The completion of this Tree Removal Permit Application Form does not confer any rights, privileges, licenses, permits or other entitlement upon the applicant and does not relieve the applicant from compliance with all other applicable laws, rules and regulations of the Town of Greenburgh.

Final Approval Authority:	<input type="checkbox"/> Forestry Officer	<input type="checkbox"/> Zoning Board	<input type="checkbox"/> Parks Commissioner	Date of Submission:	
	<input type="checkbox"/> Town Board	<input type="checkbox"/> Historic Board			
	<input type="checkbox"/> Planning Board	<input type="checkbox"/> DPW Commissioner			

Methodology used: i-Tree Design <input checked="" type="checkbox"/> National Tree Benefits Calculator <input type="checkbox"/> Other <input type="checkbox"/> (please specify) _____		Permit Number:
---	--	-----------------------

Summary of Trees Proposed for Removal (Page 1 of 1)

Tree ID #	Latin Name Common Name	DBH or Circumference (Use D or C to indicate which)	Reason Code	In Wetland, Watercourse or Buffer? Y/N	On an Excessively Steep Slope? Y/N	Designated Tree? Y/N	In Designated Buffer or Conservation Easement Area? Y/N	Gallons of SW Absorption	Pounds of CO2 Removal
1	Oak	35"	6	NO	NO	NO	NO	4,186	595.3

Total number of trees proposed for removal on the property: <u>1</u>	Total: 4,186	Total: 595.3
Replacement Requirement %	90%	90%
Required Replacement Values:	3,768	536

- | | |
|---|--|
| Reason Code
1) Hazard
2) Diseased or Infected
3) Remove to Grade
4) In Driveway or Service Line
5) Proximity to Structure | 6) Within Construction/Development Limit of Disturbance
7) Good Forestry Practice
8) Landscape Modification
9) Other (Please specify on separate sheet) |
|---|--|

Methodology used: i-Tree Design <input checked="" type="checkbox"/> National Tree Benefits Calculator <input type="checkbox"/> Other <input type="checkbox"/> (please specify) _____		Permit Number:
---	--	-----------------------

Summary of Trees Proposed for Planting (Page 1 of 1)

Tree ID #	Latin Name Common Name	DBH	Gallons of SW Absorption	Pounds of CO2 Removal
1	Ostrya Virginiana	12"	872.91	103.31
2	Abies concolor	12"	724.81	350.08
3	Magnolia acuminata	12"	1047.46	321.01
4	Acer rubrum	12"	1144.11	180.29
Total:			3,789.29	954.69

If applicant is the owner of the premises, a copy of a New York State Driver's License with a name matching that of the property owner may be substituted for a notarized affidavit.

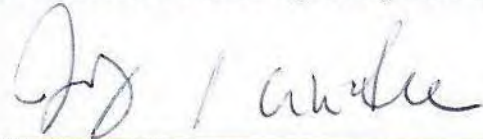
AFFIDAVIT

STATE OF NEW YORK)
)SS
COUNTY OF WESTCHESTER)

Andrew Vaccarello being duly sworn, deposes
and says:

that Vivian Lee & Warren Cheng is the owner in fee of the premises to which this application applies and has received a true and correct complete copy of the application; that I am duly authorized to make this application; and that the statements contained here are true to the best of my knowledge and belief. I have received a copy of Tree Ordinance. I further state that I understand that the cutting down or removal of trees is extremely dangerous and that it should be done by competent tree personnel taking proper safety precautions.


SIGNATURE OF APPLICANT


SIGNATURE OF OWNER(S)*
(if other than applicant)

SWORN TO BEFORE ME THIS

21st DAY OF November


(NOTARY PUBLIC, WESTCHESTER COUNTY)

REBECCA A. PARRY
Notary Public, State of New York
No. 02PA0012053
Qualified in New York County
Commission Expires August 16, 2027

***NOTE: If the applicant is not the owner of premises, written permission of the owner must be affixed to this application. Owner's signature may be provided on a separate affidavit.**

welcome

260 Healy Ave
SBL: 8.290-224-42
Town of Greenburgh
Westchester County, New York
Tree Removal Permit Submission
11/21/2023

The following submission documents are included in this application to facilitate the Tree Removal Permit application for the Town of Greenburgh.

1. Tax Map:

260 HEALY AVE. ID: 8.290-224-42 (Greenburgh)



November 17, 2023

Tax parcel data was provided by local municipality. This map is generated as a public service to Westchester County residents for general information and planning purposes only, and should not be relied upon as a sole informational source. The County of Westchester hereby disclaims any liability from the use of this GIS mapping system by any person or entity. Tax parcel boundaries represent approximate property line location and should NOT be interpreted as or used in lieu of a survey or property boundary description. Property descriptions must be obtained from surveys or deeds. For more information please contact local municipality assessor's office.

1:1,500



0 70 140 280
ft

Westchester County GIS

GIS
<http://giswww.westchestergov.com>
Michaelson Office Building
148 Marine Avenue Rm 214
White Plains, New York 10601



2. Adjoining Property Owners:

SBL	Property Address	Owner Name	Mailing Address
8.290-222-7..SE	247 HEALY AVE UNIT SE	CHIOU, TERU H CHIOU, KATRINE K	247 S HEALY AVE SCARSDALE, NY 10583
8.290-222-6	255 HEALY AVE	PORADOWSKI, LECH M	255 S HEALY AVE SCARSDALE, NY 10583
8.290-222-5	257 HEALY AVE	LI, RUOGU ZHONG, BIJUAN	257 S HEALY AVE SCARSDALE, NY 10583
8.290-222-4	249 HEALY AVE	MATHEW, MATHAI MATHEW, TESSY	249 S HEALY AVE SCARSDALE, NY 10583
8.290-224-43	278 S HEALY AVE	LOO(TRUST), ELIO LOO(TRUST), JUANITA	278 S HEALY AVE SCARSDALE, NY 10583
8.290-224-12	0 MEADOWVIEW DR	ROSENBERG, ROBERT A COOK, PATRICIA	15 MEADOWVIEW DR HARTSDALE, NY 10530
8.290-224-19	12 KEATING PL	RICHARDSON, SANDRA	12 KEATING PL HARTSDALE, NY 10530
8.290-224-40..SG	264 HEALY AVE UNIT SG	ZOUZIAS, GEORGE ZOUZIAS, HELEN	264 S HEALY AVE SCARSDALE, NY 10583
8.290-224-40..SE	264 HEALY AVE UNIT SE	ZOUZIAS, GEORGE ZOUZIAS, HELEN	264 S HEALY AVE SCARSDALE, NY 10583

3. Site Plan: Please see the "Site Plan" Prepared by Hartland Engineering dated 8/25/2023, last revised 11/7/2023.
4. Written Narrative Outlining Proposed Landscaping: The project located at 260 Healy Ave (SBL: 8.290-224-42) is proposing to construct a two-story single-family house with associated site improvements. The site improvements include an asphalt driveway, curbing, walkway, a deck, stormwater management system, and all supporting utilities. The project is proposing to remove one (1) tree located to the rear of the existing home that is set to be demolished. The tree is being removed to accommodate the proposed development. The proposed species are all native and planned to increase the natural aesthetic of the property. The list of species proposed are as follows:
- One (1) *Ostrya Virginiana*
 - One (1) *Abies Concolor*
 - One (1) *Magnolia acuminata*
 - One (1) *Acer Rubrum*
- It is noted that the proposed plantings will meet the minimum requirements set forth in the Town of Greenburgh ordinance.
5. Certificate of Insurance: COIs have been included of the general contractor on the project.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/14/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER PNL Global Inc DBA S5S 4025 150th Street #2 STO Flushing, NY 11354		CONTACT NAME: Steve Kang PHONE (A/C, No. Ext): 800-647-1905 E-MAIL ADDRESS: info@s5s.biz FAX (A/C, No): 347-704-7702																						
INSURED AWJ & Associates, LLC 265 Pleasantville RD Pleasantville, NY 10570-2735		<table border="1"> <thead> <tr> <th colspan="2">INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A:</td> <td>Atlantic Casualty Insurance Company</td> <td>42846</td> </tr> <tr> <td>INSURER B:</td> <td>NorGUARD Insurance Company</td> <td>31470</td> </tr> <tr> <td>INSURER C:</td> <td>The Shelterpoints Life Insurance Company</td> <td>81434</td> </tr> <tr> <td>INSURER D:</td> <td></td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> <td></td> </tr> </tbody> </table>		INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	Atlantic Casualty Insurance Company	42846	INSURER B:	NorGUARD Insurance Company	31470	INSURER C:	The Shelterpoints Life Insurance Company	81434	INSURER D:			INSURER E:			INSURER F:		
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INSURER F:																								

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

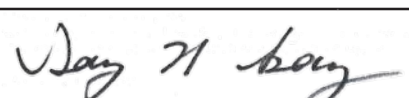
INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY	X		L257000806	04/01/2023	04/01/2024	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
							MED EXP (Any one person) \$ 5,000
							PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						GENERAL AGGREGATE \$ 2,000,000
	OTHER:						PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS						BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> OTHER:						\$
	UMBRELLA LIAB						EACH OCCURRENCE \$
	<input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE						AGGREGATE \$
	DED <input type="checkbox"/> RETENTION \$						\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	N/A		AWWC357180	04/01/2023	04/01/2024	PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/>
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						E.L. EACH ACCIDENT \$ 100,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ 500,000
							E.L. DISEASE - POLICY LIMIT \$ 100,000
C	Disability Benefit			DBL661958	03/17/2023	03/17/2024	included

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Certificate Holder and Putnam County is listed as additionally insured.

CERTIFICATE HOLDER

CANCELLATION

Town of Greenburgh 177 Hillside Avenue Greenburgh, NY 10607	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
---	--

© 1988-2016 ACORD CORPORATION. All rights reserved.



CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

1a. Legal Name & Address of Insured (use street address only) AWJ & ASSOCIATES, LLC PO Box 690 Armonk, NY 10504 <i>Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)</i> 265 Pleasantville Rd, Pleasantville, NY 10570-2735	1b. Business Telephone Number of Insured 914-817-4091 1c. NYS Unemployment Insurance Employer Registration Number of Insured N/A 1d. Federal Employer Identification Number of Insured or Social Security Number 82-0646944
2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) Town of Greenburgh 177 Hillside Avenue Greenburgh, NY 10607	3a. Name of Insurance Carrier NorGUARD Insurance Company 3b. Policy Number of Entity Listed in Box "1a" AWWC357180 3c. Policy effective period 04/01/2023 to 04/01/2024 3d. The Proprietor, Partners or Executive Officers are <input type="checkbox"/> included. (Only check box if all partners/officers included) <input checked="" type="checkbox"/> all excluded or certain partners/officers excluded.

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensation under the New York State Workers' Compensation Law. **(To use this form, New York (NY) must be listed under Item 3A on the INFORMATION PAGE of the workers' compensation insurance policy).** The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is canceled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from the coverage indicated on this Certificate. (These notices may be sent by regular mail.) **Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in box "3c", whichever is earlier.**

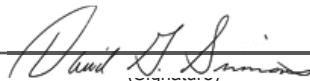
This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This certificate may be used as evidence of a Workers' Compensation contract of insurance only while the underlying policy is in effect.

Please Note: Upon cancellation of the workers' compensation policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Workers' Compensation Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has the coverage as depicted on this form.

Approved by: Dave Simmons
(Print name of authorized representative or licensed agent of insurance carrier)

Approved by:  11/14/2023
(Date)

Title: Vice President of Sales

Telephone Number of authorized representative or licensed agent of insurance carrier: 800-673-2465

Please Note: Only insurance carriers and their licensed agents are authorized to issue Form C-105.2. Insurance brokers are NOT authorized to issue it.

CERTIFICATE OF INSURANCE COVERAGE

NYS DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

PART 1. To be completed by NYS disability and Paid Family Leave benefits carrier or licensed insurance agent of that carrier

<p>1a. Legal Name & Address of Insured (use street address only) AWJ & ASSOCIATES LLC PO BOX 690 ARMONK, NY 10504</p> <p><small>Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., Wrap-Up Policy)</small></p>	<p>1b. Business Telephone Number of Insured 914-817-4091</p> <p>1c. Federal Employer Identification Number of Insured or Social Security Number 820646944</p>
<p>2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) Town of Greenburgh</p> <p>177 Hillside Avenue Greenburgh, NY 10607</p>	<p>3a. Name of Insurance Carrier ShelterPoint Life Insurance Company</p> <p>3b. Policy Number of Entity Listed in Box "1a" DBL661958</p> <p>3c. Policy effective period 03/17/2023 to 03/16/2025</p>

4. Policy provides the following benefits:

☒ A. Both disability and paid family leave benefits.

☐ B. Disability benefits only.


☐ C. Paid family leave benefits only.

5. Policy covers:

☒ A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law.

☐ B. Only the following class or classes of employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS Disability and/or Paid Family Leave Benefits insurance coverage as described above.

Date Signed 11/14/2023 By 
(Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)

Telephone Number 516-829-8100 Name and Title Richard White, Chief Executive Officer

IMPORTANT: If Boxes 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is **COMPLETE**. Mail it directly to the certificate holder.

If Box 4B, 4C or 5B is checked, this certificate is **NOT COMPLETE** for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be emailed to PAU@wcb.ny.gov or it can be mailed for completion to the Workers' Compensation Board, Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200.

PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4B, 4C or 5B have been checked)

State of New York

Workers' Compensation Board

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law (Article 9 of the Workers' Compensation Law) with respect to all of their employees.

Date Signed _____ By _____
(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number _____ Name and Title _____

Please Note: Only insurance carriers licensed to write NYS disability and paid family leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1. **Insurance brokers are NOT authorized to issue this form.**



Additional Instructions for Form DB-120.1

By signing this form, the insurance carrier identified in Box 3 on this form is certifying that it is insuring the business referenced in Box 1a for disability and/or Paid Family Leave benefits under the NYS Disability and Paid Family Leave Benefits Law. The insurance carrier or its licensed agent will send this Certificate of Insurance Coverage (Certificate) to the entity listed as the certificate holder in Box 2.

The insurance carrier must notify the above certificate holder and the Workers' Compensation Board within 10 days IF a policy is cancelled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from coverage indicated on this Certificate. (These notices may be sent by regular mail.) Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in Box 3c, whichever is earlier.

This Certificate is issued as a matter of information only and confers no rights upon the certificate holder. This Certificate does not amend, extend or alter the coverage afforded by the policy listed, nor does it confer any rights or responsibilities beyond those contained in the referenced policy.

This Certificate may be used as evidence of a NYS disability and/or Paid Family Leave benefits contract of insurance only while the underlying policy is in effect.

Please Note: Upon the cancellation of the disability and/or Paid Family Leave benefits policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Insurance Coverage for NYS disability and/or Paid Family Leave Benefits or other authorized proof that the business is complying with the mandatory coverage requirements of the NYS Disability and Paid Family Leave Benefits Law.

NYS DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

§220. Subd. 8

(a) The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in employment as defined in this article, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits and after January first, two thousand and twenty-one, the payment of family leave benefits for all employees has been secured as provided by this article. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any disability benefits to any such employee if so employed.

(b) The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in employment as defined in this article and notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits and after January first, two thousand eighteen, the payment of family leave benefits for all employees has been secured as provided by this article.



TOWN of GREENBURGH

Community Development & Conservation

Paul Feiner

Supervisor

ENVIRONMENTAL CLEARANCE FORM

Garrett Duquesne, AICP

Commissioner

Aaron Schmidt

Deputy Commissioner

Name of Application:

260 South Healy Avenue

Applicant:

Name: Welcome Homes NY Building Company LLC

Street: 41 Madison Avenue, Suite 3200

City: New York

State: NY

Zip: 10010

Telephone: 908-698-3939

Email: andrew.vaccarello@welcomhomes.com

Subject Property:

Name or other identification of site: 260 South Healy Avenue, Town of Greenburgh, NY

Streets which site abuts: South Healy Avenue

Parcel ID#: 8.290-224-42

Zoning District: R-20

Total site area (sq. ft.): 23,339

Proposed Action:

A. State Type I Actions - This Type I list, is not an exhaustive list of those actions that an agency determines may have a significant effect on the environment and may require the preparation of an EIS. Therefore, the fact that an action or project has not been listed as a Type I action does not carry with it the presumption that it will not have a significant effect on the environment. This list is provided as a convenience. Please check 6 NYCRR Part 617 for further information on classifying the type of action. **(Please check all items that apply)**

1. The following changes in the allowable uses within any zoning district, affecting 25 or more acres of the district:
 - (a) Authorizing industrial or commercial uses within a residential or agricultural district; or ☐
 - (b) Authorizing residential uses within an agricultural district. ☐
2. The granting of a zoning change at the request of an applicant for an action that meets or exceeds one or more of the thresholds given in other sections of this list. ☐
3. Construction of new residential units which meet or exceed the following thresholds:
 - (a) Fifty units not to be connected (at commencement of habitation) to community or publicly owned utilities. ☐
 - (b) In a city, town or village having a population of less than 150,000, 200 units to be connected (at the commencement of habitation) to community or publically owned utilities. ☐
4. Construction of new nonresidential facilities which meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50% of any of the following thresholds:
 - (a) A project or action which involves the physical alteration of 10 acres. ☐
 - (b) A project or action which would use ground or surface water in excess of 2,000,000 gallons per day. ☐
 - (c) In a city, town or village having a population of 150,000 persons or less, parking for 500 vehicles. ☐
 - (d) In a city, town or village having a population of 150,000 persons or less, a facility with more than 100,000 square feet of gross floor area. ☐
5. Any structure exceeding 100 feet above original ground level in a locality without any zoning regulation pertaining to height. ☐
6. Any action (unless the action is designed for the preservation of the facility or site) occurring wholly or partially within or contiguous to any facility or site listed on the National Register of Historic Places or any historic building, structure or site or prehistoric site that has been proposed by the Committee on the Register for consideration by the New York State Board on Historic Preservation for a recommendation to the State Historic Officer for nomination for inclusion in said National Register. ☐
7. Any project or action, which exceeds 25% of any threshold in this section, occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space. ☐
8. Any action which exceeds the locally established thresholds or, if no such thresholds are established, any action which takes place wholly or partially within or substantially contiguous to any critical environmental area designated by a local agency pursuant to Section 617.4 ☐

B. Local Type I – Activities located in: (Please check all items that apply)

1. Floodplains, as defined in Article 36 of the Environmental Conservation Law. ☐
2. Tarrytown Lakes, watershed area. ☐

C. Unlisted Action. Unlisted actions that do not meet the Type I thresholds, however some actions may still require an EIS. Some examples: nonresidential projects physically altering less than 10 acres of land, adoption of regulations, ordinances, local laws and resolutions that may affect the environment. ☐

D. State Type II actions. Action will in no case have a significant effect on the environment based on the criteria contained in section 617.11 and any additional criteria contained in its procedures adopted pursuant to Section 617.4. This list is provided as a convenience. Please check 6 NYCRR Part 617 for further information on classifying the type of action. **(Please check all items that apply)**

1. The granting of individual setback and lot line variances. ☐
2. Construction or placement of minor accessory or appurtenant residential structures, including garages, carports, patios, home swimming pools, fences, barns or other buildings not changing land use or density. ☐
3. Construction or expansion of a single-family, two-family, or three-family residence on an approved lot. ☒
4. Construction or expansion of a primary or accessory, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance. ☐
5. Street openings for the purpose of repair or maintenance of existing utility facilities ☐
6. Agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures and land use changes consistent with generally accepted principles of farming. ☐
7. Repaving of existing highways not involving the addition of new travel lanes. ☐
8. Installation of traffic control devices on existing streets, roads and highways. ☐
9. Public or private forest management practices other than the removal of trees or the application of herbicides or pesticides. ☐
10. Minor temporary uses of land having negligible or no permanent effect on the environment. ☐
11. Replacement of a facility, in kind, on the same site unless such facility meets any of the thresholds in Section 617.12. ☐
12. Other Type II actions (specify). ☐

Involved Agencies

- 1) Is the action located on property within 500 feet of:
- a) The boundary of an adjoining city, town or village Yes ☐ No ☒
If yes, which municipality? _____
- b) The boundary of an existing or proposed state or county park, recreation area or road right-of-way Yes ☐ No ☒
If yes, who has jurisdiction? Westchester County ☐ NYSDOT ☐ NYSOPRHP ☐
- c) An existing or proposed county drainage channel line Yes ☐ No ☒
- d) The boundary of state- or county-owned land on which a public building/institution is located Yes ☐ No ☒
- e) The boundary of a farm located in an agricultural district Yes ☐ No ☒
- 2) Will a sewer district have to be expanded for the project? Yes ☐ No ☒
If yes, which district? _____

Relationship to other actions:

- 1) List any related action that may be undertaken as a result of this proposed action:

Proposed construction of a single family house, demolition of existing structure, stormwater management system, tree removal, onsite utility installation.

- 2) List any actions, which are dependent upon this proposed action, and therefore should be reviewed as part of this action (e.g., house construction in the case of a residential subdivision):

Proposed construction of a single family house, demolition of existing structure, stormwater management system, tree removal, onsite utility installation.


Signature of Applicant

Andrew Vaccarello

Print Applicant's Name

12/4/2023

Date

NOTE: The completion of this Environmental Clearance Form does not confer any rights, privileges, licenses, permits or other entitlement upon the applicant and does not relieve the applicant from compliance with all other applicable laws, rules and regulations of the Town of Greenburgh.



Paul J. Feiner
Supervisor
Garrett Duquesne, AICP
Commissioner
Aaron Schmidt
Deputy Commissioner

TOWN of GREENBURGH
DEPARTMENT OF COMMUNITY
DEVELOPMENT AND CONSERVATION
177 Hillside Avenue, White Plains, NY 10603
Office (914) 989-1530
Web Site: www.greenburghny.com

WETLAND/WATERCOURSE PERMIT APPLICATION FORM

Wetland/Watercourse Permit Application Fee: \$100 Please make check payable to "Town of Greenburgh"
Please note that an escrow fee may be applicable if there is proposed work in a Wetland/Watercourse or Adjacent Buffer Area

1) Owner:

Name: Vivian Lee & Warren Cheng Street: 10 W. 66th Street, Apt 18D
City: New York State: NY Zip: 10023
Telephone: (646) 241-3278 Fax: _____ Email: vivianlee25@gmail.com

2) Applicant:

Name: Welcome Homes NY Building Company LLC Street: 41 Madison Avenue, Suite 3200
City: New York State: NY Zip: 10010
Telephone: 212-920-5150 Fax: _____ Email: andrew.vaccarello@welcomehomes.com

3) Subject Property:

Name or other identification of site (street address): 260 S Healy Avenue, Greenburgh, NY
Situated on the East side of S Healy Ave (Street) 1,200 feet
from the intersection of Thomas Street (Street) Zoning District: R-20
Parcel ID#: 8.290-224-42 Total site area (sq. ft): 23,339

4) Project Information: (A narrative description of the proposed regulated activity or use)

A) Please describe in detail, the proposed work on the property? (If more room is needed please submit on a separate sheet)

The project located at 260 S Healy Ave (SBL: 8.290-224-42) is proposing to construct a two-story single-family house with associated site improvements on a 0.536-acre parcel.

The subject property previously contained a wood framed dwelling that has been destroyed by a structure fire. The application will include the demolition of the existing structure to accommodate the proposed

home with the associated site improvements. The site improvements include landscaping, an asphalt driveway, curbing, walkway, a deck, stormwater management system, and all supporting utilities.

B) Where on the property is the proposed action located? (If more room is needed please submit on a separate sheet)

The proposed action is situated in the center of the lot in the general vicinity of the existing structure that is contemplated for removal. The enclosed site development plans show the extend of the disturbance contemplated for this project.

C) What is the environmental impact assessment and description of the wetland, watercourse, and/or adjacent (buffer) area proposed to be disturbed or altered? (If more room is needed please submit on a separate sheet)

The watercourse in question is a drainage feature that is located on the south side of the subject property. The watercourse is not known to contain any features that would be indicative of a wetland, but rather is noted as a conveyance path for drainage within the area. The watercourse is delineated by a topographic change to define the channel. The project is proposing to disturb a total of 3,619 SF of lands within the buffer with no disturbance proposed to the watercourse itself.

D) What is the intended purpose of the proposed activity or use and the applicant's interest in the subject property and area to be affected? (If more room is needed please submit on a separate sheet)

The intended purpose of the activity is to construct a new single family dwelling for the owner to use as their primary residence. The applicant's interest in the subject property is to act as the agent of the owner.

E) What is the intended purpose and extent of impact or alteration on the affected wetland, watercourse, and/or adjacent (buffer) area? (If more room is needed please submit on a separate sheet)

The project is proposing to disturb 3,619 SF of land within the 100' watercourse buffer. The environmental feature is identified as a watercourse with the primary function to convey drainage. It is not anticipated that the proposed development would have an adverse impact on the drainage feature.

F) Please explain why the proposed regulated activity cannot be located at another site or location with no or less impact upon the wetland, watercourse, and/or adjacent (buffer) area? (If more room is needed please submit on a separate sheet)

The disturbance cannot be located to another site because the property owner only maintains control of the property in question. Furthermore, it is anticipated that the development would benefit the neighborhood by removing an unsafe dilapidated dwelling and improving the property to contain a dwelling that will bring character to the neighborhood.

G) Please explain as to whether or not the proposed activity is dependent on the affected wetland, watercourse, and/or adjacent (buffer) area? (If more room is needed please submit on a separate sheet)

The proposed activity is not dependent on the affected wetland.

H) What other alternatives to the proposed activity were considered, and why was the proposal to disturb or alter the affected wetland, watercourse and/or adjacent (buffer) area chosen instead? (If more room is needed please submit on a separate sheet)

The site was designed to situate the house and the associated site infrastructure in a location that would avoid the steep slopes and wetland buffer as much as practicable. The proposed building pad was selected as the best location for the house due to the topography, and the location of the existing home. The proposed home location limits steep slope encroachment and allows as many of the existing trees to remain on site.

I) Please describe the mitigation measures proposed to avoid or reduce impact on the affected wetland, watercourse, and/or adjacent (buffer) area? Please include details concerning soil erosion measures and specify how the plans address the rectification by repairing or restoring existing damaged wetlands, watercourses or adjacent (buffer) areas, including enhancement thereto. (If more room is needed please submit on a separate sheet)

All stabilization measures on the site will be proposed to limit soil erosion and will be installed in a timely fashion to ensure that all Town of Greenburgh requirements are met as set forth in Section 245-7(A). All topsoil will be stripped and stockpiled on site for reuse after the project has been regraded. The stockpile location is proposed in an area that is less than 15% slopes.

5) Site Characteristics:

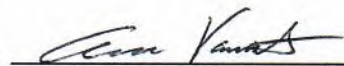
- 1) Is there an existing structure located on the site: Yes ☒ No ☐
- 2) Proposed Starting Date: 3/1/2024 Proposed Completion Date: 1/1/2025
- 3) Size of Activity (disturbance) Area: 10,396 SF Total Value of Work: \$850,000
(as provided for on site plan)
- 4) Estimated Quantity of Excavation/Fill: Excavation: 525 yards³ Imported Fill: 75 yards³
- 5) What are the predominant soil types on the property? Urban Land- Charlton- Chatfield Complex.
- 6) Approximately what percentage of the property is: Well Drained 100 % of property
Moderately Drained % of property
Poorly Drained % of property
- 7) What is the approximate depth to groundwater? >6 feet
- 8) Are there any trees 6-inches or greater in diameter proposed for removal as part of this work? Yes ☒ No ☐
a) If yes, how many? 1 Tree
- 9) Does the property contain any species of plant or animal life listed as rare, threatened, or endangered by New York State, the New York State Natural Heritage Program or the United States of America? Yes ☐ No ☒
a) If yes, please identify each species and its status as classified by New York State, the New York State Natural Heritage Program or the United States.
- 10) Has the property ever been used for the disposal of solid waste or hazardous waste? Yes ☐ No ☒

6) Project Information:

- 1) Is work proposed in a (Check all that apply): Wetland ☐ Watercourse ☐ Adjacent Buffer Area ☒ N/A ☐
- 2) Total area of Wetland, Watercourse, and Adjacent Buffer Area on the property: 12,591 sq.ft.
- 3) Total area of disturbance proposed in Wetland, Watercourse and Adjacent Buffer Area on the property: 3,619 sq.ft.
- 4) Functions provided by Wetland or Watercourse: Drainage watercourse
- 5) Name and phone number of expert delineating Wetland or Watercourse: N/A
- 6) Plans Prepared by: Tommy Maene, P.E. License #094606 Dated: 08/25/2023 Revised: 11/7/2023

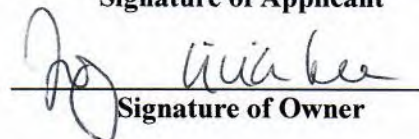
7. Authorizations and Certifications:

- A. I/we hereby indemnify and hold the Town or its representatives harmless against any damage or injury and that the owner and applicant consent to the approval authority's (including its agents or employees) entry upon lands or waters for the purpose of undertaking any investigations, inspections, examination, survey, or other activity outlined in Chapter 280 of the Town Code of Greenburgh.
- B. I/we further certify that I/we am/are aware that it is a violation of law to obtain a wetlands permit or ruling through deception or through inaccurate or misleading information.
- C. I/we hereby certify that I/we am/are familiar with the information included in this application and the requirements for a permit under §280 "Wetlands and Watercourses Law" and am/are aware that the law provides that any person who commits, takes part in, or assists in any violation of any provision of §280, be punishable by a fine of not less than \$1,000. For each subsequent offense, such person shall be punishable by a fine of not less than \$2,000, nor more than \$15,000, and/or a term of imprisonment of not more than 15 days.
- D. I/we hereby certify that I/we am/are familiar with the permit fees and construction inspection fees for permits obtained from the Town of Greenburgh.


Signature of Applicant

Andrew Vaccarello
Print Applicant's Name

12/11/2023
Date


Signature of Owner

Warren Cheng Vivian Lee
Print Owner's Name

12-7-23 12/7/23
Date

Chapter 280, WETLANDS AND WATERCOURSES

§ 280-6. Authorized clearance form required

A. All applications for any permit issued by the Building Department, Department of Public Works, Antenna Review Board, Town Board, Planning Board, or Zoning Board of Appeals of the Town of Greenburgh must be accompanied by an authorized wetland/watercourse clearance form. An applicant must provide sufficient information to enable the Wetland Inspector or other authorized representative to properly determine if the proposed activity is an allowable activity, as defined herein, or use that does not also require an activity permit; is a prohibited activity; or is a regulated activity or use which requires an activity permit as issued by the Planning Board in accordance with the standards and procedures set forth herewith. No permits, certificates of occupancy, or temporary certificates of occupancy may be issued without prior approval of the Planning Board for any project involving a wetland/watercourse permit.



TOWN of GREENBURGH

Community Development & Conservation

Paul Feiner

Supervisor

ENVIRONMENTAL CLEARANCE FORM

Garrett Duquesne, AICP

Commissioner

Aaron Schmidt

Deputy Commissioner

Name of Application:

260 South Healy Avenue

Applicant:

Name: Welcome Homes NY Building Company LLC

Street: 41 Madison Avenue, Suite 3200

City: New York

State: NY

Zip: 10010

Telephone: 908-698-3939

Email: andrew.vaccarello@welcomehomes.com

Subject Property:

Name or other identification of site: 260 South Healy Avenue, Town of Greenburgh, NY

Streets which site abuts: South Healy Avenue

Parcel ID#: 8.290-224-42

Zoning District: R-20

Total site area (sq. ft.): 23,339

Proposed Action:

A. State Type I Actions - This Type I list, is not an exhaustive list of those actions that an agency determines may have a significant effect on the environment and may require the preparation of an EIS. Therefore, the fact that an action or project has not been listed as a Type I action does not carry with it the presumption that it will not have a significant effect on the environment. This list is provided as a convenience. Please check 6 NYCRR Part 617 for further information on classifying the type of action. **(Please check all items that apply)**

1. The following changes in the allowable uses within any zoning district, affecting 25 or more acres of the district:
 - (a) Authorizing industrial or commercial uses within a residential or agricultural district; or ☐
 - (b) Authorizing residential uses within an agricultural district. ☐
2. The granting of a zoning change at the request of an applicant for an action that meets or exceeds one or more of the thresholds given in other sections of this list. ☐
3. Construction of new residential units which meet or exceed the following thresholds:
 - (a) Fifty units not to be connected (at commencement of habitation) to community or publicly owned utilities. ☐
 - (b) In a city, town or village having a population of less than 150,000, 200 units to be connected (at the commencement of habitation) to community or publically owned utilities. ☐
4. Construction of new nonresidential facilities which meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50% of any of the following thresholds:
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 - (b) A project or action which would use ground or surface water in excess of 2,000,000 gallons per day. ☐
 - (c) In a city, town or village having a population of 150,000 persons or less, parking for 500 vehicles. ☐
 - (d) In a city, town or village having a population of 150,000 persons or less, a facility with more than 100,000 square feet of gross floor area. ☐
5. Any structure exceeding 100 feet above original ground level in a locality without any zoning regulation pertaining to height. ☐
6. Any action (unless the action is designed for the preservation of the facility or site) occurring wholly or partially within or contiguous to any facility or site listed on the National Register of Historic Places or any historic building, structure or site or prehistoric site that has been proposed by the Committee on the Register for consideration by the New York State Board on Historic Preservation for a recommendation to the State Historic Officer for nomination for inclusion in said National Register. ☐
7. Any project or action, which exceeds 25% of any threshold in this section, occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space. ☐
8. Any action which exceeds the locally established thresholds or, if no such thresholds are established, any action which takes place wholly or partially within or substantially contiguous to any critical environmental area designated by a local agency pursuant to Section 617.4 ☐

B. Local Type I – Activities located in: (Please check all items that apply)

1. Floodplains, as defined in Article 36 of the Environmental Conservation Law. ☐
2. Tarrytown Lakes, watershed area. ☐

C. Unlisted Action. Unlisted actions that do not meet the Type I thresholds, however some actions may still require an EIS. Some examples: nonresidential projects physically altering less than 10 acres of land, adoption of regulations, ordinances, local laws and resolutions that may affect the environment. ☐

D. State Type II actions. Action will in no case have a significant effect on the environment based on the criteria contained in section 617.11 and any additional criteria contained in its procedures adopted pursuant to Section 617.4. This list is provided as a convenience. Please check 6 NYCRR Part 617 for further information on classifying the type of action. **(Please check all items that apply)**

1. The granting of individual setback and lot line variances. ☐
2. Construction or placement of minor accessory or appurtenant residential structures, including garages, carports, patios, home swimming pools, fences, barns or other buildings not changing land use or density. ☐
3. Construction or expansion of a single-family, two-family, or three-family residence on an approved lot. ☒
4. Construction or expansion of a primary or accessory, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance. ☐
5. Street openings for the purpose of repair or maintenance of existing utility facilities ☐
6. Agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures and land use changes consistent with generally accepted principles of farming. ☐
7. Repaving of existing highways not involving the addition of new travel lanes. ☐
8. Installation of traffic control devices on existing streets, roads and highways. ☐
9. Public or private forest management practices other than the removal of trees or the application of herbicides or pesticides. ☐
10. Minor temporary uses of land having negligible or no permanent effect on the environment. ☐
11. Replacement of a facility, in kind, on the same site unless such facility meets any of the thresholds in Section 617.12. ☐
12. Other Type II actions (specify). ☐

Involved Agencies

- 1) Is the action located on property within 500 feet of:
- a) The boundary of an adjoining city, town or village Yes ☐ No ☒
If yes, which municipality? _____
- b) The boundary of an existing or proposed state or county park, recreation area or road right-of-way Yes ☐ No ☒
If yes, who has jurisdiction? Westchester County ☐ NYSDOT ☐ NYSOPRHP ☐
- c) An existing or proposed county drainage channel line Yes ☐ No ☒
- d) The boundary of state- or county-owned land on which a public building/institution is located Yes ☐ No ☒
- e) The boundary of a farm located in an agricultural district Yes ☐ No ☒
- 2) Will a sewer district have to be expanded for the project? Yes ☐ No ☒
If yes, which district? _____

Relationship to other actions:

- 1) List any related action that may be undertaken as a result of this proposed action:

Proposed construction of a single family house, demolition of existing structure, stormwater management system, tree removal, onsite utility installation.

- 2) List any actions, which are dependent upon this proposed action, and therefore should be reviewed as part of this action (e.g., house construction in the case of a residential subdivision):

Proposed construction of a single family house, demolition of existing structure, stormwater management system, tree removal, onsite utility installation.


Signature of Applicant

Andrew Vaccarello

Print Applicant's Name

12/4/2023

Date

NOTE: The completion of this Environmental Clearance Form does not confer any rights, privileges, licenses, permits or other entitlement upon the applicant and does not relieve the applicant from compliance with all other applicable laws, rules and regulations of the Town of Greenburgh.



Paul J. Feiner
Supervisor
Garrett Duquesne, AICP
Commissioner
Aaron Schmidt
Deputy Commissioner

TOWN of GREENBURGH
DEPARTMENT OF COMMUNITY
DEVELOPMENT AND CONSERVATION
177 Hillside Avenue, White Plains, NY 10603
Office (914) 989-1530
Web Site: www.greenburghny.com

WETLAND/WATERCOURSE PERMIT APPLICATION FORM

Wetland/Watercourse Permit Application Fee: \$100 Please make check payable to "**Town of Greenburgh**"
Please note that an escrow fee may be applicable if there is proposed work in a Wetland/Watercourse or Adjacent Buffer Area

1) Owner:

Name: Vivian Lee & Warren Cheng Street: 10 W. 66th Street, Apt 18D
City: New York State: NY Zip: 10023
Telephone: (646) 241-3278 Fax: _____ Email: vivianlee25@gmail.com

2) Applicant:

Name: Welcome Homes NY Building Company LLC Street: 41 Madison Avenue, Suite 3200
City: New York State: NY Zip: 10010
Telephone: 212-920-5150 Fax: _____ Email: andrew.vaccarello@welcomehomes.com

3) Subject Property:

Name or other identification of site (street address): 260 S Healy Avenue, Greenburgh, NY
Situated on the East side of S Healy Ave (Street) 1,200 feet
from the intersection of Thomas Street (Street) Zoning District: R-20
Parcel ID#: 8.290-224-42 Total site area (sq. ft): 23,339

4) Project Information: (A narrative description of the proposed regulated activity or use)

A) Please describe in detail, the proposed work on the property? (If more room is needed please submit on a separate sheet)

The project located at 260 S Healy Ave (SBL: 8.290-224-42) is proposing to construct a two-story single-family house with associated site improvements on a 0.536-acre parcel.

The subject property previously contained a wood framed dwelling that has been destroyed by a structure fire. The application will include the demolition of the existing structure to accommodate the proposed

home with the associated site improvements. The site improvements include landscaping, an asphalt driveway, curbing, walkway, a deck, stormwater management system, and all supporting utilities.

B) Where on the property is the proposed action located? (If more room is needed please submit on a separate sheet)

The proposed action is situated in the center of the lot in the general vicinity of the existing structure that is contemplated for removal. The enclosed site development plans show the extend of the disturbance contemplated for this project.

C) What is the environmental impact assessment and description of the wetland, watercourse, and/or adjacent (buffer) area proposed to be disturbed or altered? (If more room is needed please submit on a separate sheet)

The watercourse in question is a drainage feature that is located on the south side of the subject property. The watercourse is not known to contain any features that would be indicative of a wetland, but rather is noted as a conveyance path for drainage within the area. The watercourse is delineated by a topographic change to define the channel. The project is proposing to disturb a total of 3,619 SF of lands within the buffer with no disturbance proposed to the watercourse itself.

D) What is the intended purpose of the proposed activity or use and the applicant's interest in the subject property and area to be affected? (If more room is needed please submit on a separate sheet)

The intended purpose of the activity is to construct a new single family dwelling for the owner to use as their primary residence. The applicant's interest in the subject property is to act as the agent of the owner.

E) What is the intended purpose and extent of impact or alteration on the affected wetland, watercourse, and/or adjacent (buffer) area? (If more room is needed please submit on a separate sheet)

The project is proposing to disturb 3,619 SF of land within the 100' watercourse buffer. The environmental feature is identified as a watercourse with the primary function to convey drainage. It is not anticipated that the proposed development would have an adverse impact on the drainage feature.

F) Please explain why the proposed regulated activity cannot be located at another site or location with no or less impact upon the wetland, watercourse, and/or adjacent (buffer) area? (If more room is needed please submit on a separate sheet)

The disturbance cannot be located to another site because the property owner only maintains control of the property in question. Furthermore, it is anticipated that the development would benefit the neighborhood by removing an unsafe dilapidated dwelling and improving the property to contain a dwelling that will bring character to the neighborhood.

G) Please explain as to whether or not the proposed activity is dependent on the affected wetland, watercourse, and/or adjacent (buffer) area? (If more room is needed please submit on a separate sheet)

The proposed activity is not dependent on the affected wetland.

H) What other alternatives to the proposed activity were considered, and why was the proposal to disturb or alter the affected wetland, watercourse and/or adjacent (buffer) area chosen instead? (If more room is needed please submit on a separate sheet)

The site was designed to situate the house and the associated site infrastructure in a location that would avoid the steep slopes and wetland buffer as much as practicable. The proposed building pad was selected as the best location for the house due to the topography, and the location of the existing home. The proposed home location limits steep slope encroachment and allows as many of the existing trees to remain on site.

I) Please describe the mitigation measures proposed to avoid or reduce impact on the affected wetland, watercourse, and/or adjacent (buffer) area? Please include details concerning soil erosion measures and specify how the plans address the rectification by repairing or restoring existing damaged wetlands, watercourses or adjacent (buffer) areas, including enhancement thereto. (If more room is needed please submit on a separate sheet)

All stabilization measures on the site will be proposed to limit soil erosion and will be installed in a timely fashion to ensure that all Town of Greenburgh requirements are met as set forth in Section 245-7(A). All topsoil will be stripped and stockpiled on site for reuse after the project has been regraded. The stockpile location is proposed in an area that is less than 15% slopes.

5) Site Characteristics:

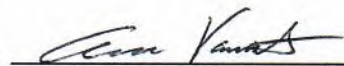
- 1) Is there an existing structure located on the site: Yes ☒ No ☐
- 2) Proposed Starting Date: 3/1/2024 Proposed Completion Date: 1/1/2025
- 3) Size of Activity (disturbance) Area: 10,396 SF Total Value of Work: \$850,000
(as provided for on site plan)
- 4) Estimated Quantity of Excavation/Fill: Excavation: 525 yards³ Imported Fill: 75 yards³
- 5) What are the predominant soil types on the property? Urban Land- Charlton- Chatfield Complex.
- 6) Approximately what percentage of the property is: Well Drained 100 % of property
Moderately Drained % of property
Poorly Drained % of property
- 7) What is the approximate depth to groundwater? >6 feet
- 8) Are there any trees 6-inches or greater in diameter proposed for removal as part of this work? Yes ☒ No ☐
a) If yes, how many? 1 Tree
- 9) Does the property contain any species of plant or animal life listed as rare, threatened, or endangered by New York State, the New York State Natural Heritage Program or the United States of America? Yes ☐ No ☒
a) If yes, please identify each species and its status as classified by New York State, the New York State Natural Heritage Program or the United States.
- 10) Has the property ever been used for the disposal of solid waste or hazardous waste? Yes ☐ No ☒

6) Project Information:

- 1) Is work proposed in a (Check all that apply): Wetland ☐ Watercourse ☐ Adjacent Buffer Area ☒ N/A ☐
- 2) Total area of Wetland, Watercourse, and Adjacent Buffer Area on the property: 12,591 sq.ft.
- 3) Total area of disturbance proposed in Wetland, Watercourse and Adjacent Buffer Area on the property: 3,619 sq.ft.
- 4) Functions provided by Wetland or Watercourse: Drainage watercourse
- 5) Name and phone number of expert delineating Wetland or Watercourse: N/A
- 6) Plans Prepared by: Tommy Maene, P.E. License #094606 Dated: 08/25/2023 Revised: 11/7/2023

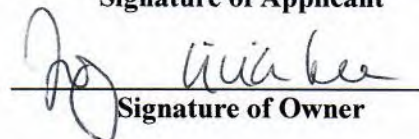
7. Authorizations and Certifications:

- A. I/we hereby indemnify and hold the Town or its representatives harmless against any damage or injury and that the owner and applicant consent to the approval authority's (including its agents or employees) entry upon lands or waters for the purpose of undertaking any investigations, inspections, examination, survey, or other activity outlined in Chapter 280 of the Town Code of Greenburgh.
- B. I/we further certify that I/we am/are aware that it is a violation of law to obtain a wetlands permit or ruling through deception or through inaccurate or misleading information.
- C. I/we hereby certify that I/we am/are familiar with the information included in this application and the requirements for a permit under §280 "Wetlands and Watercourses Law" and am/are aware that the law provides that any person who commits, takes part in, or assists in any violation of any provision of §280, be punishable by a fine of not less than \$1,000. For each subsequent offense, such person shall be punishable by a fine of not less than \$2,000, nor more than \$15,000, and/or a term of imprisonment of not more than 15 days.
- D. I/we hereby certify that I/we am/are familiar with the permit fees and construction inspection fees for permits obtained from the Town of Greenburgh.


Signature of Applicant

Andrew Vaccarello
Print Applicant's Name

12/11/2023
Date


Signature of Owner

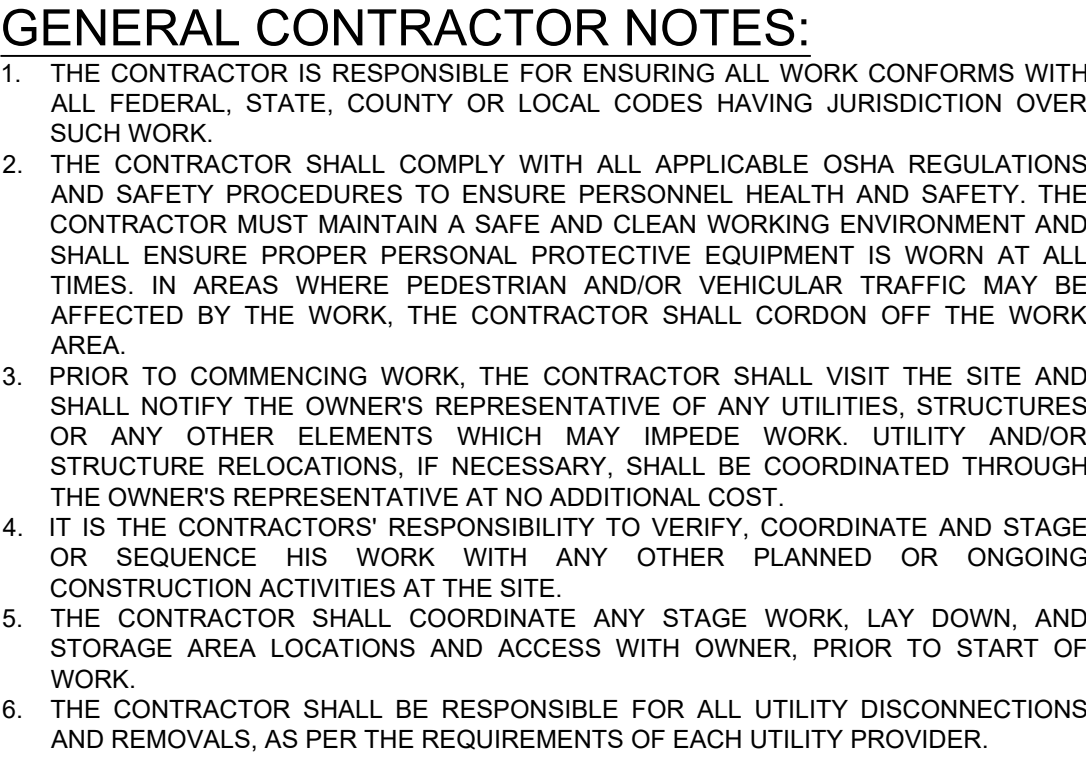
Warren Cheng Vivian Lee
Print Owner's Name

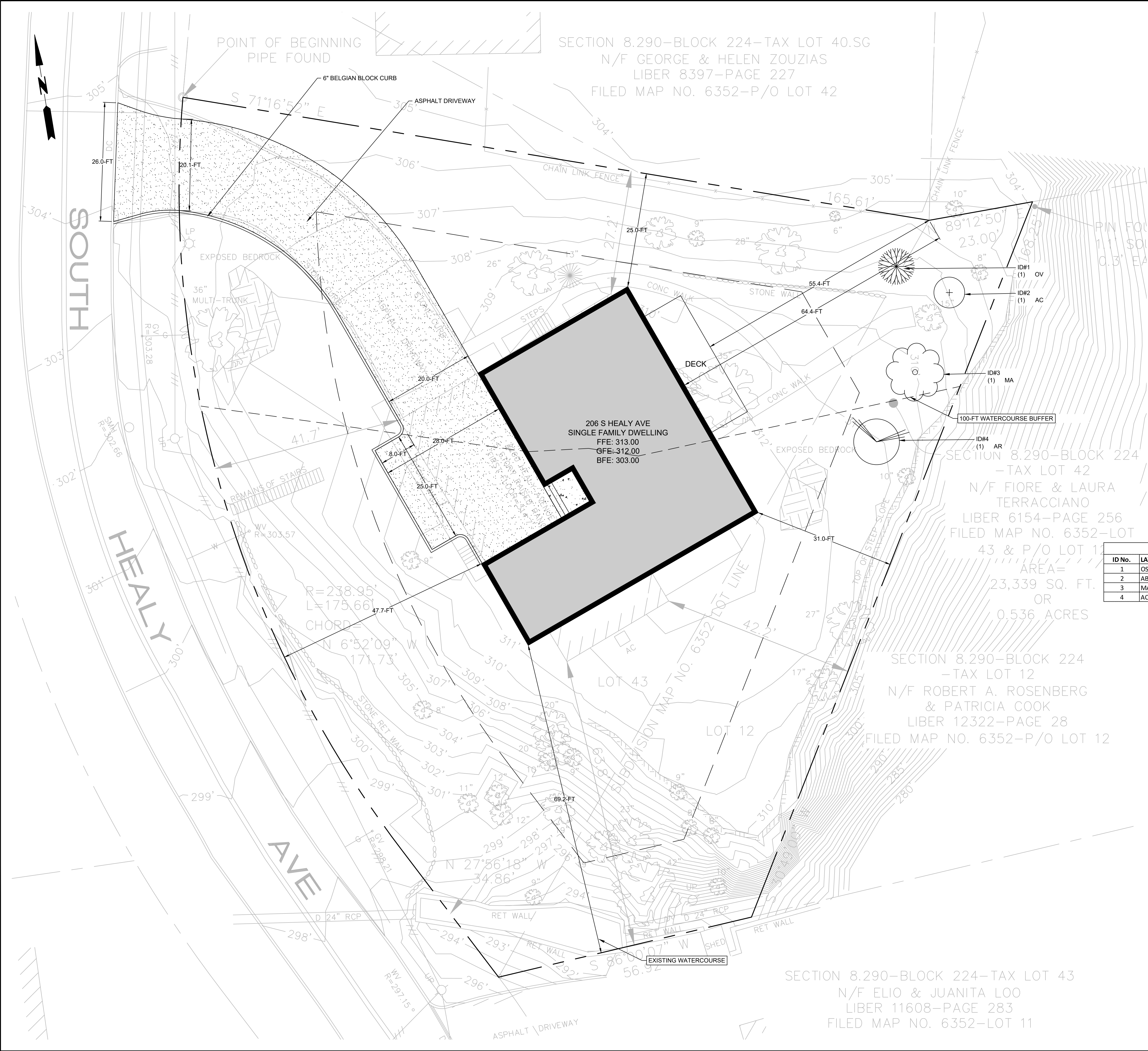
12-7-23 12/7/23
Date

Chapter 280, WETLANDS AND WATERCOURSES

§ 280-6. Authorized clearance form required

A. All applications for any permit issued by the Building Department, Department of Public Works, Antenna Review Board, Town Board, Planning Board, or Zoning Board of Appeals of the Town of Greenburgh must be accompanied by an authorized wetland/watercourse clearance form. An applicant must provide sufficient information to enable the Wetland Inspector or other authorized representative to properly determine if the proposed activity is an allowable activity, as defined herein, or use that does not also require an activity permit; is a prohibited activity; or is a regulated activity or use which requires an activity permit as issued by the Planning Board in accordance with the standards and procedures set forth herewith. No permits, certificates of occupancy, or temporary certificates of occupancy may be issued without prior approval of the Planning Board for any project involving a wetland/watercourse permit.





- GENERAL NOTES:**
- EXISTING INFORMATION SHOWN HEREON TAKEN FROM THE "TOPOGRAPHIC/BOUNDARY SURVEY" FOR #280 HEALY AVENUE, PREPARED BY HEIDECKER LAND SURVEYING, PLLC, AND DATED JULY 21, 2023.
 - AS PER THE ABOVE REFERENCED SURVEY, ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) AND ARE BASED UPON GPS OBSERVATIONS PERFORMED BY HEIDECKER LAND SURVEYING, PLLC.
 - ALL UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE AND BASED UPON SURFACE EVIDENCE OBSERVED IN THE FIELD AT THE TIME OF THE FIELD SURVEY. PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL CALL "CALL BEFORE YOU DIG" AT 811 TO HAVE ALL UTILITY LOCATIONS FIELD VERIFIED PRIOR TO ANY EXCAVATION.
 - CONTRACTOR SHALL SECURE ALL PERMITS PRIOR TO ANY WORK PERFORMED

- GENERAL CONTRACTOR NOTES:**
- THE CONTRACTOR IS RESPONSIBLE FOR ENSURING ALL WORK CONFORMS WITH ALL FEDERAL, STATE, COUNTY OR LOCAL CODES HAVING JURISDICTION OVER SUCH WORK.
 - THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE OSHA REGULATIONS AND SAFETY PROCEDURES TO ENSURE PERSONNEL HEALTH AND SAFETY. THE CONTRACTOR MUST MAINTAIN A SAFE AND CLEAN WORKING ENVIRONMENT AND SHALL ENSURE PROPER PERSONAL PROTECTIVE EQUIPMENT IS WORN AT ALL TIMES. IN AREAS WHERE PEDESTRIAN AND/OR VEHICULAR TRAFFIC MAY BE AFFECTED BY THE WORK, THE CONTRACTOR SHALL CORDON OFF THE WORK AREA.
 - PRIOR TO COMMENCING WORK, THE CONTRACTOR SHALL VISIT THE SITE AND SHALL NOTIFY THE OWNER'S REPRESENTATIVE OF ANY UTILITIES, STRUCTURES OR ANY OTHER ELEMENTS WHICH MAY IMPEDE WORK. UTILITY AND/OR STRUCTURE RELOCATIONS, IF NECESSARY, SHALL BE COORDINATED THROUGH THE OWNER'S REPRESENTATIVE AT NO ADDITIONAL COST.
 - IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY, COORDINATE AND STAGE OR SEQUENCE HIS WORK WITH ANY OTHER PLANNED OR ONGOING CONSTRUCTION ACTIVITIES AT THE SITE.
 - THE CONTRACTOR SHALL COORDINATE ANY STAGE WORK, LAY DOWN, AND STORAGE AREA LOCATIONS AND ACCESS WITH OWNER, PRIOR TO START OF WORK.

SCHEDULE OF ZONING REQUIREMENTS ZONING DISTRICT R-20				
REGULATION	REQUIREMENT	EXISTING	PROPOSED	COMMENTS
MIN. LOT AREA (SF)	20,000	23,339	23,339	CONFORMING
MIN. LOT WIDTH (FT)	120	210.3	210.3	CONFORMING
MIN. FRONT YARD (FT)	30	41.7	47.7	CONFORMING
MIN. ONE SIDE (FT)	18	27.2	25.0	CONFORMING
MIN. TWO SIDES (FT)	40	91.0	56.0	CONFORMING
MIN. REAR YARD (FT)	32	42.2	55.4	CONFORMING
MAX. BUILDING COVERAGE (%)	18	10.1%	12.0%	CONFORMING
MAX. IMPERVIOUS COVERAGE (%)	29	17.6%	24.1%	CONFORMING
MAX. FLOOR AREA RATIO	0.255	-	0.245	CONFORMING
MAX. BUILDING HEIGHT (FT)	4,959	-	4,269	CONFORMING
MAX. NUMBER OF STORIES	30	17	27.04	CONFORMING
	2.5	1.5	2	CONFORMING

- AVERAGE GRADE CALCULATION:**
- THE AVERAGE GRADE AROUND THE PROPOSED BUILDING WAS CALCULATED TO BE 311.3-FT. THE FINISHED FLOOR ELEVATION IS 313.00, WHICH EXPOSES AS AVERAGE OF 1.7-FT OF FOUNDATION WALL FOR THE ENTIRE BUILDING.

PLANTING SCHEDULE				
ID No.	LATIN NAME	COMMON NAME	SW ABSORPTION	CO ABSORPTION
1	OSTRYA VIRGINIANA	AMERICAN HOPHORNBEAM	872.91	103.31
2	ABIES CONCOLOR	WHITE FIR	724.81	350.08
3	MAGNOLIA ACUMINATA	CUCUMBERTREE MAGNOLIA	1047.46	321.01
4	ACER RUBRUM	RED MAPE	1144.11	180.29
TOTAL			3789.29	954.69

OWNER
VIVIAN LEE & WARREN CHENG
10 WEST 66TH STREET, 18D
NEW YORK, NY, 10023

PREPARED BY
HARTLAND ENGINEERING, DPC
152 EDGAR STREET, 2ND FLOOR
WEEHAWKEN, NJ, 07086
201-446-5533
INFO@HARTLANDENGINEERING.COM

APPLICANT
WELCOME HOMES N.Y. BUILDING COMPANY LLC
41 MADISON AVENUE, SUITE 3300
NEW YORK, NY, 10010
212-920-5150

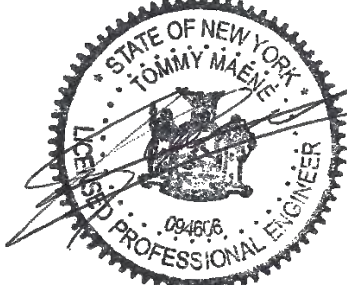
PARCEL DATA
MUNICIPALITY: GREENBURGH
COUNTY: WESTCHESTER COUNTY
STATE: NEW YORK
PARCEL ID: BLOCK 224, LOT 42
TOTAL AREA: 23,339 SF (0.536 AC)
ZONE: R-20
PROPOSED USE: SINGLE FAMILY RESIDENTIAL
NUMBER OF LOTS: 1
WATER SUPPLY METHOD: PUBLIC WATER SUPPLY
SEWER DISPOSAL METHOD: PUBLIC SEWER DISPOSAL SYSTEM

HARTLAND
GEOTECHNICAL • SITE/CIVIL ENGINEERING

Hartland Engineering, DPC
152 Edgar Street, 2nd Floor
Weehawken, NJ 07086
347.599.4710

IT IS A VIOLATION OF THE STATE EDUCATION LAW SECTION 7209 (2) FOR ANY PERSON TO ALTER AN ITEM IN ANY WAY UNLESS SUCH A PERSON IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, AND THE ENGINEER STAMPS SUCH CHANGES.

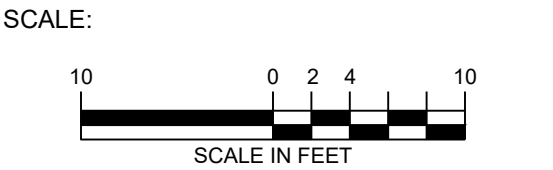
NO.	DESCRIPTION	DATE
1	PLANNING BOARD 1	11-07-23



TOMMY MAENE
NY STATE LIC. No. 094606

DATE: 08/25/2023

DRAWN BY / CHECKED BY: NB / VS



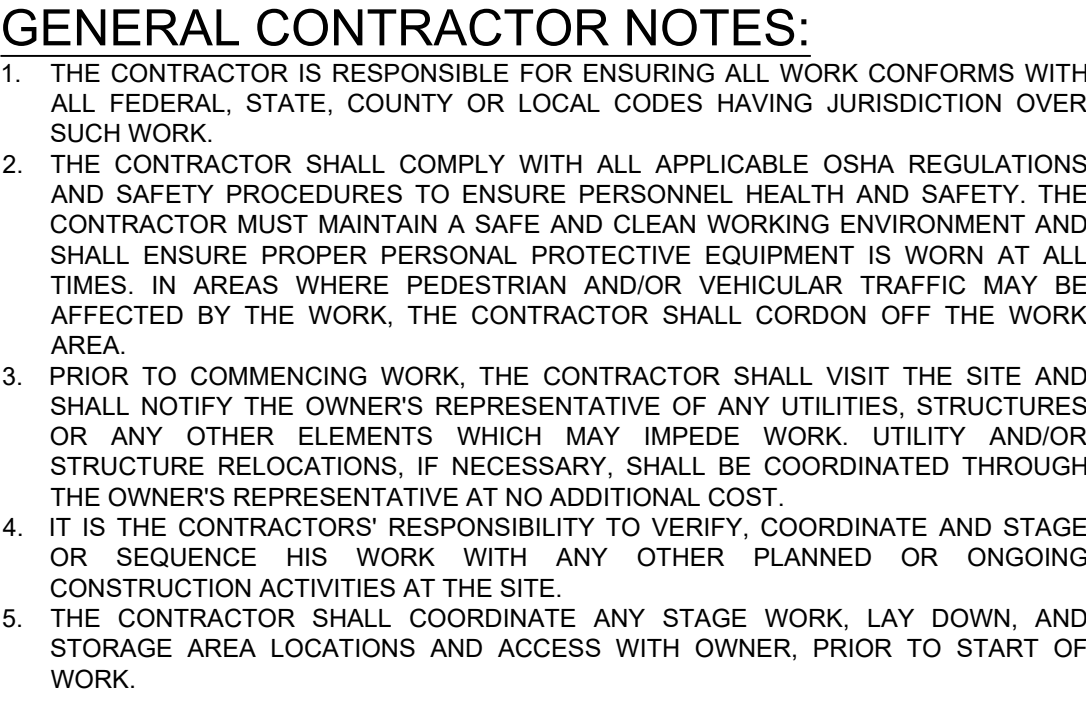
PROJECT:
260 S HEALY AVENUE
GREENBURGH, NY 10583

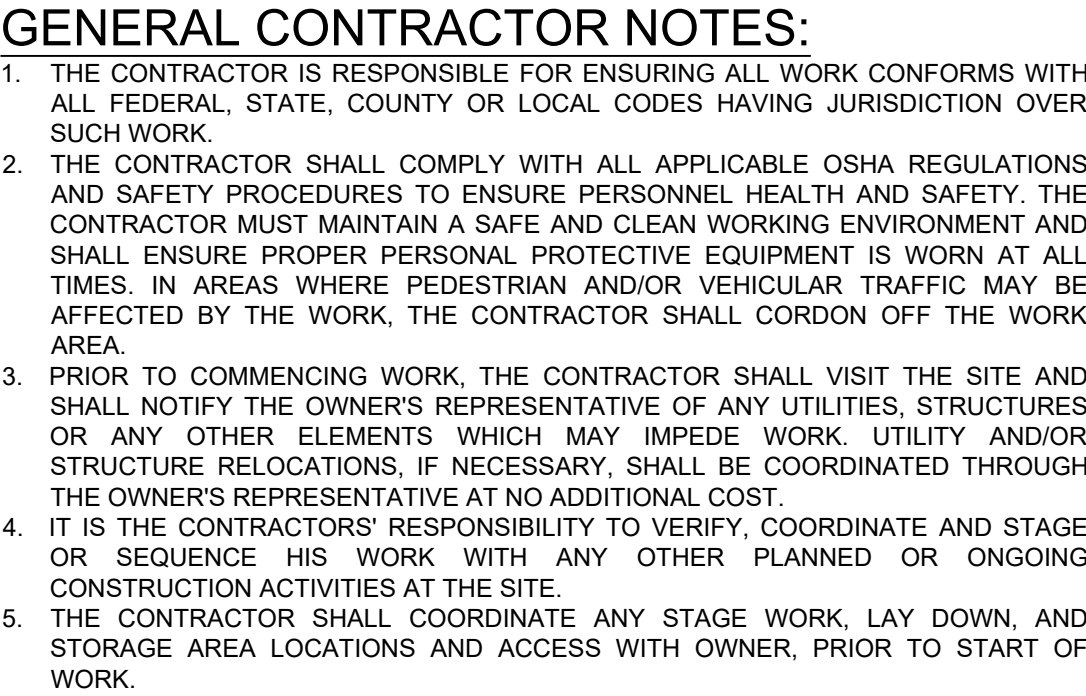
WESTCHESTER COUNTY NEW YORK

PROJECT NUMBER: 1008230301

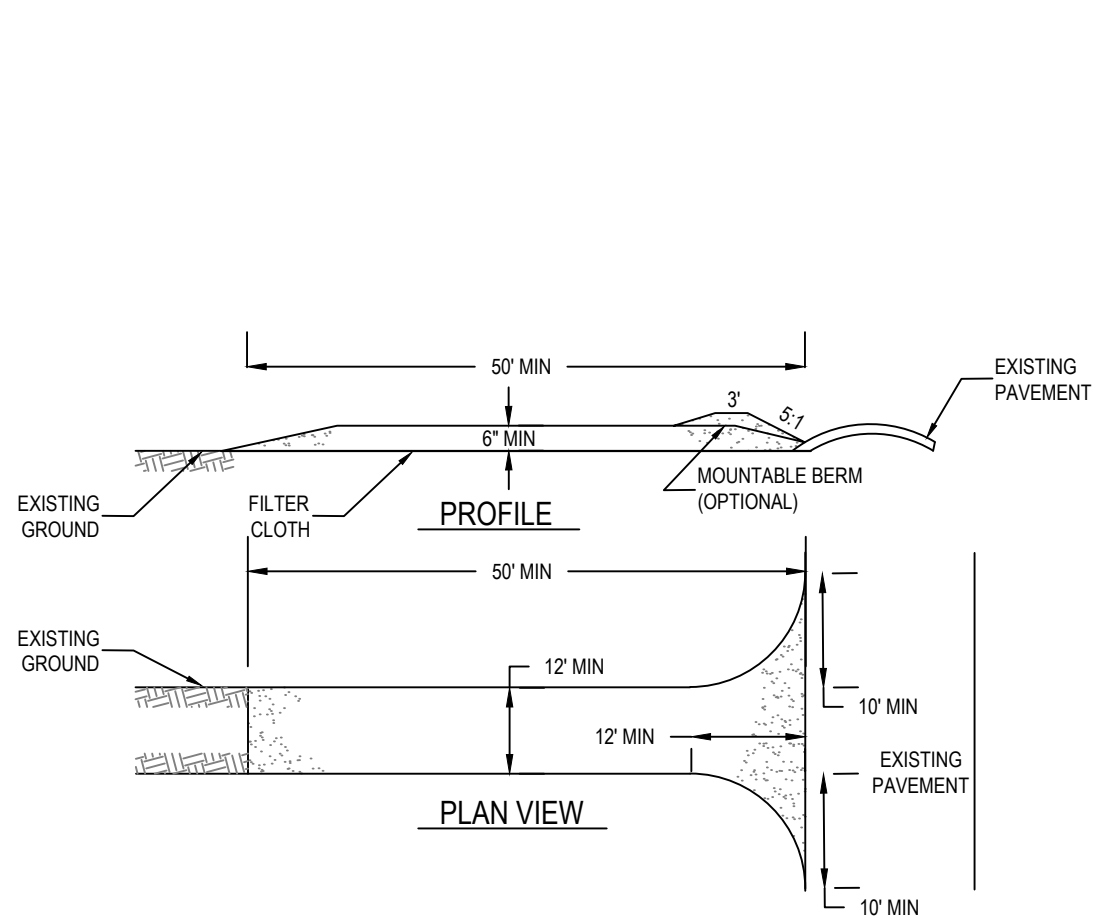
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SITE PLAN

DRAWING NUMBER:
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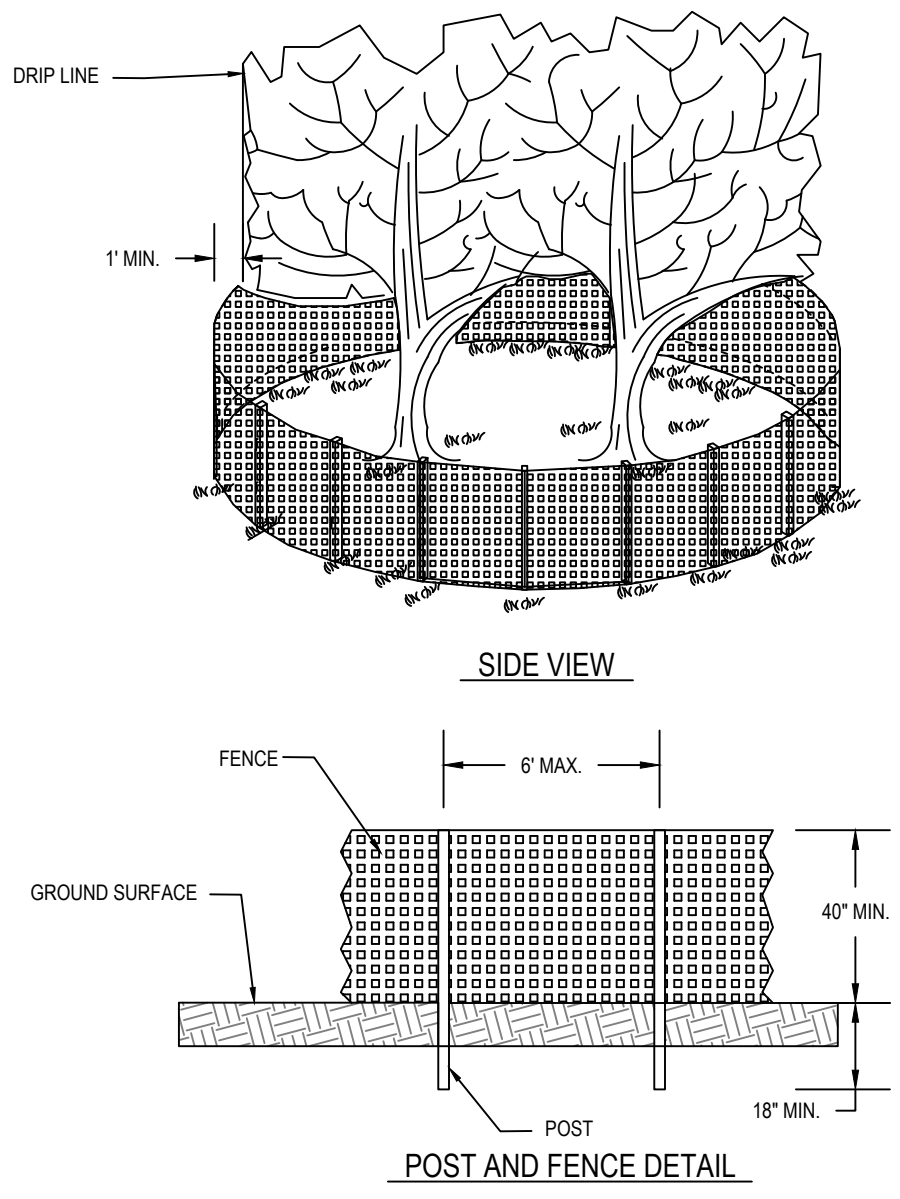




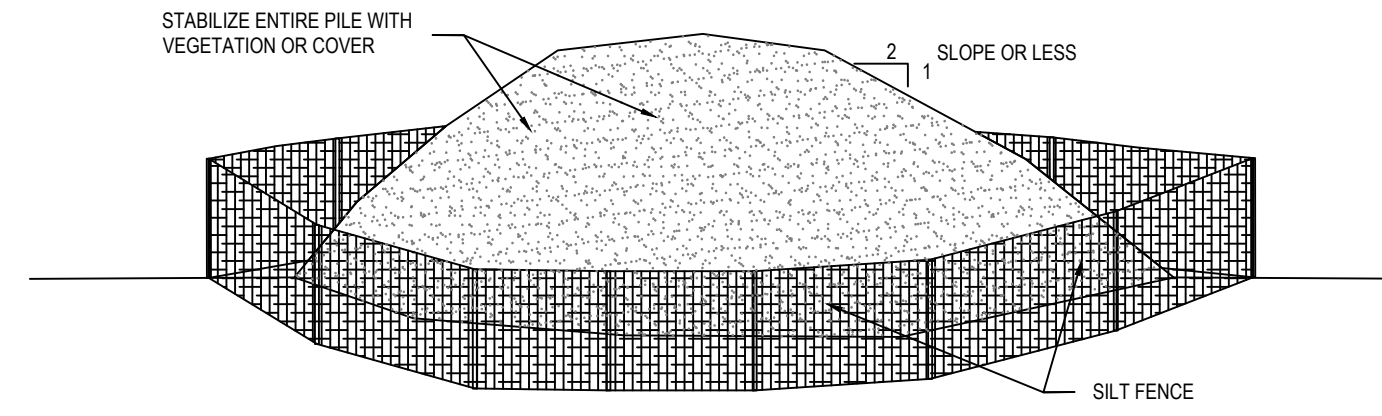
<u>PARCEL DATA</u>	
MUNICIPALITY:	GREENBURGH
COUNTY:	WESTCHESTER COUNTY
STATE:	NEW YORK
PARCEL ID:	BLOCK 224, LOT 42
TOTAL AREA:	23.339 SF (0.536 AC)
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WATER SUPPLY METHOD:	PUBLIC WATER SUPPLY
SEWER DISPOSAL METHOD:	PUBLIC SEWER DISPOSAL SYSTEM



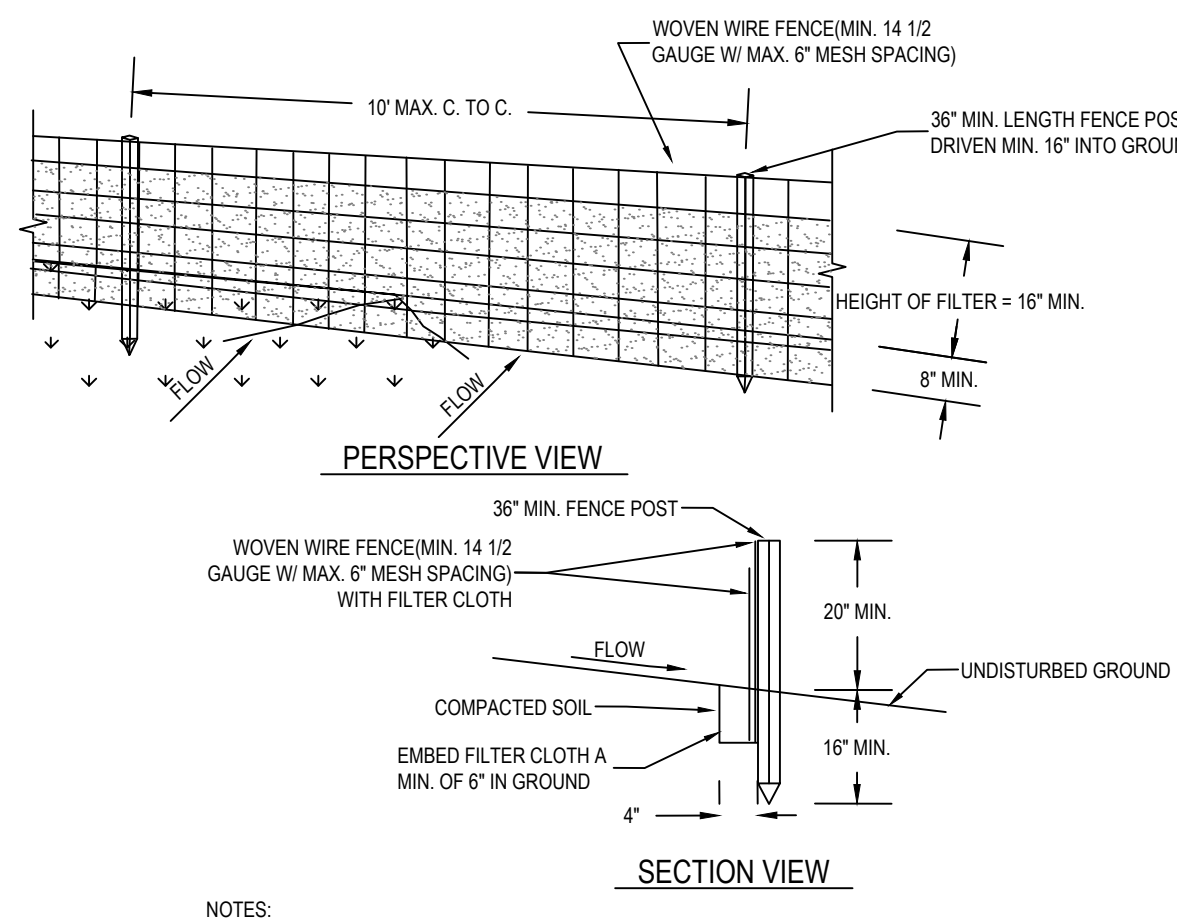
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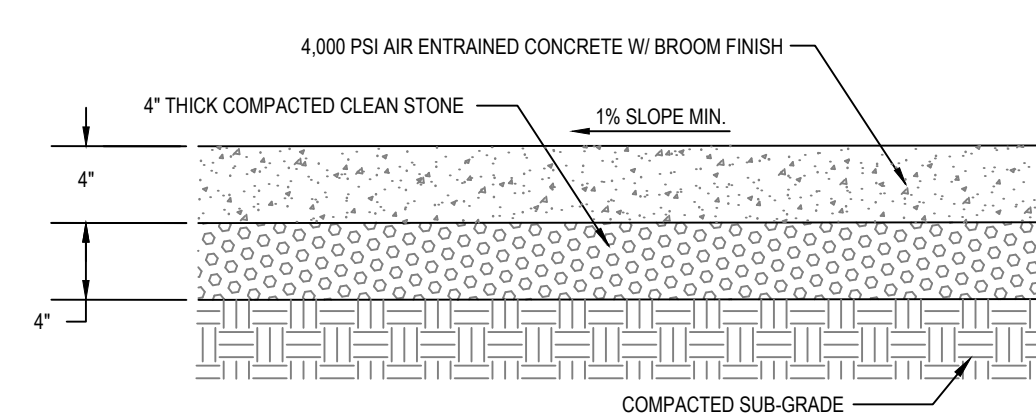
TREE PROTECTION/CONSTRUCTION FENCE
NOT TO SCALE



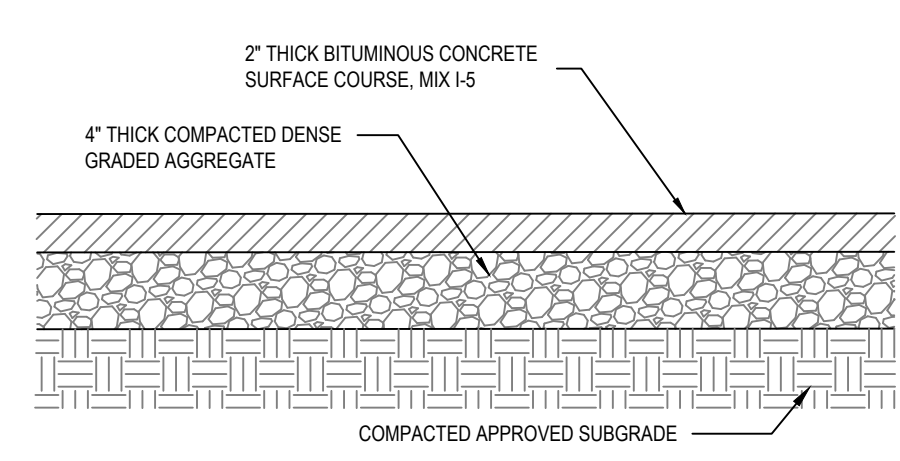
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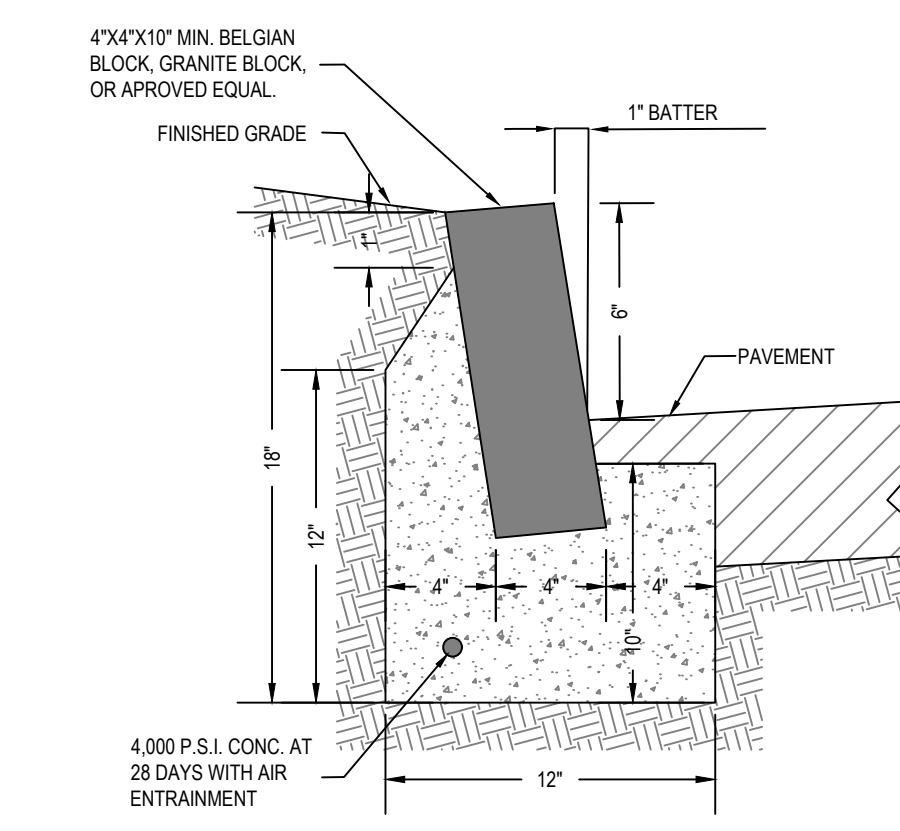
SILT FENCE
NOT TO SCALE



CONCRETE WALKWAY DETAIL
NOT TO SCALE



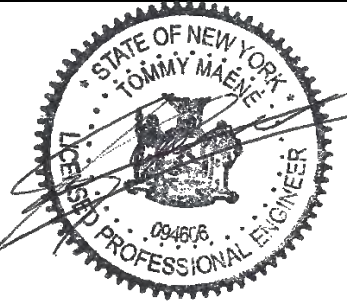
PAVED DRIVEWAY DETAIL
NOT TO SCALE



BELGIAN BLOCK CURB DETAIL
NOT TO SCALE

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NO.	DESCRIPTION	DATE
1	PLANNING BOARD 1	11-07-23



TOMMY MAENE
NY STATE L.I.C. No. 094606

DATE: 08/25/2023

DRAWN BY / CHECKED BY: NB / VS

SCALE:

PROJECT:

260 S HEALY AVENUE
GREENBURGH, NY 10583

WESTCHESTER COUNTY NEW YORK

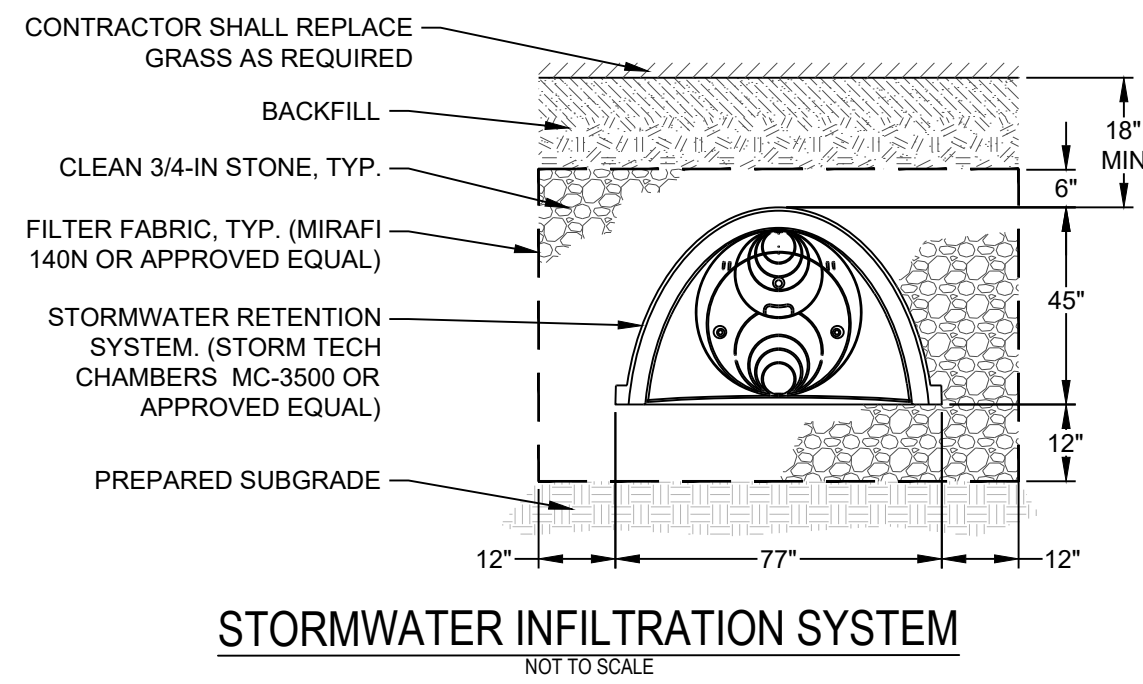
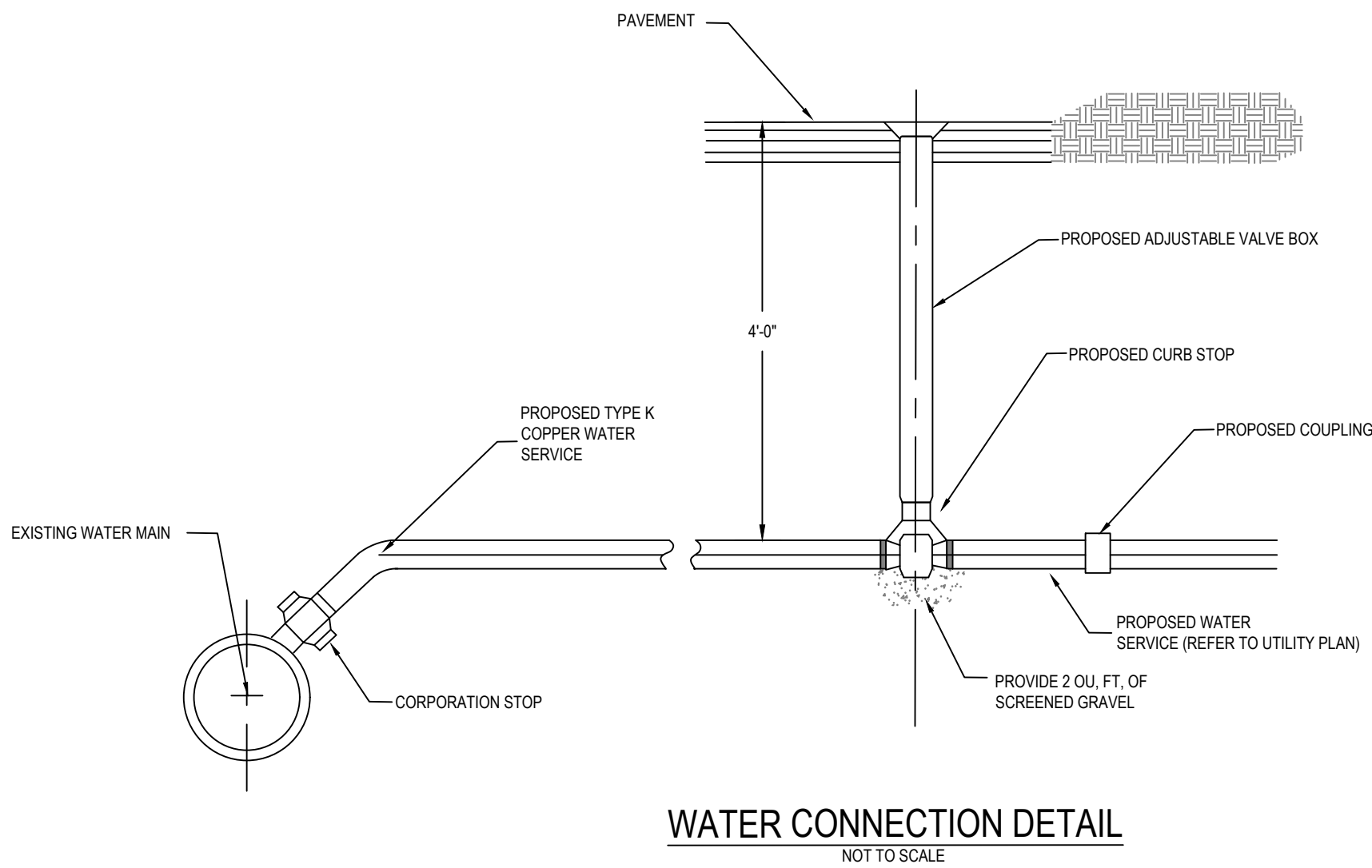
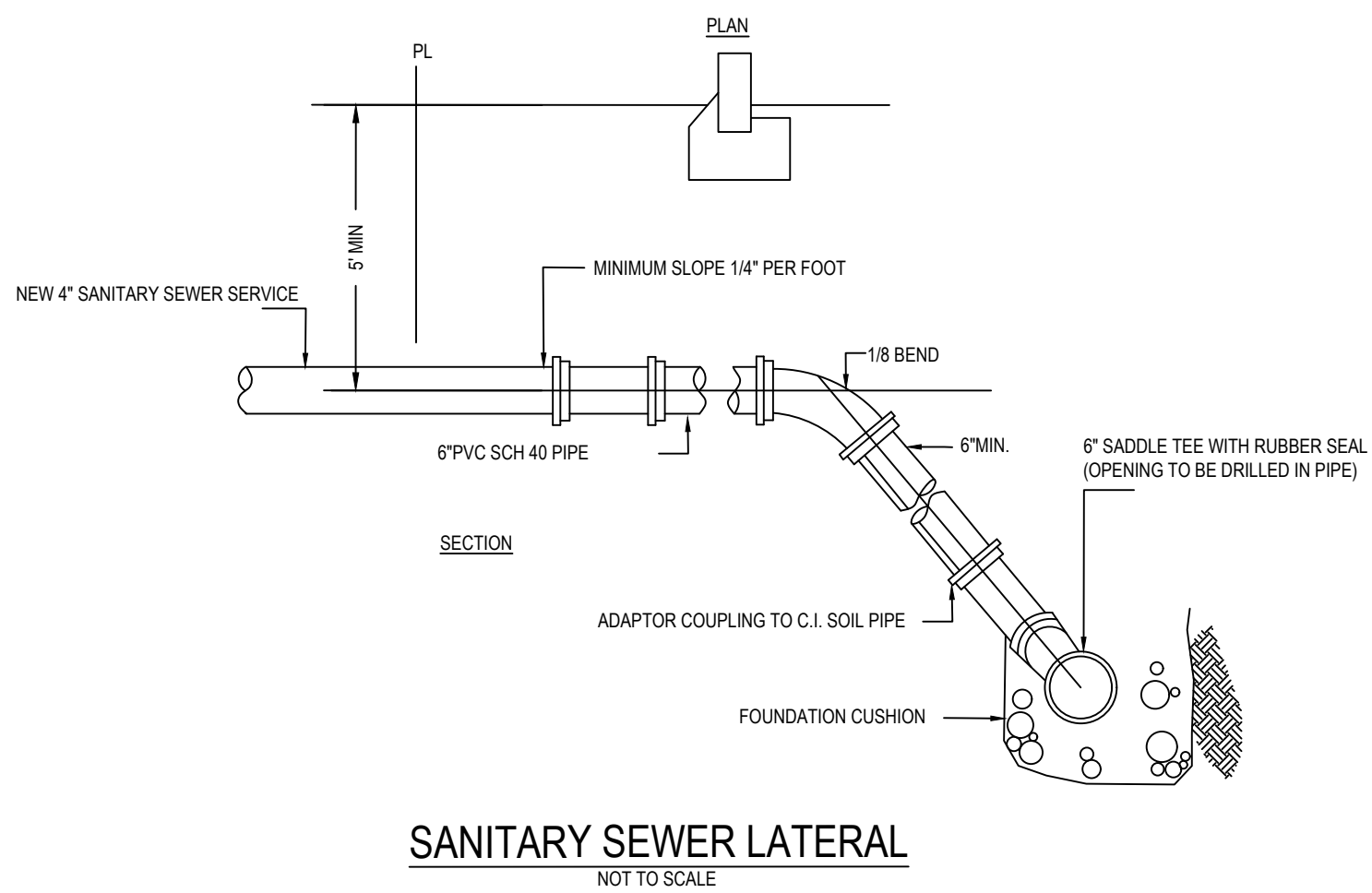
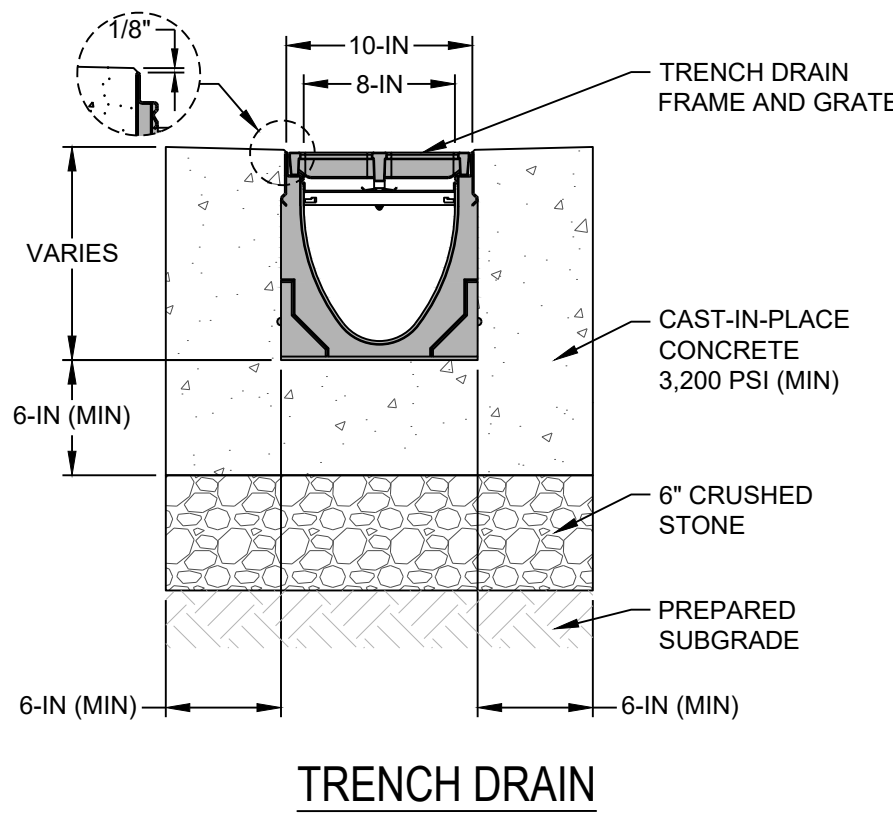
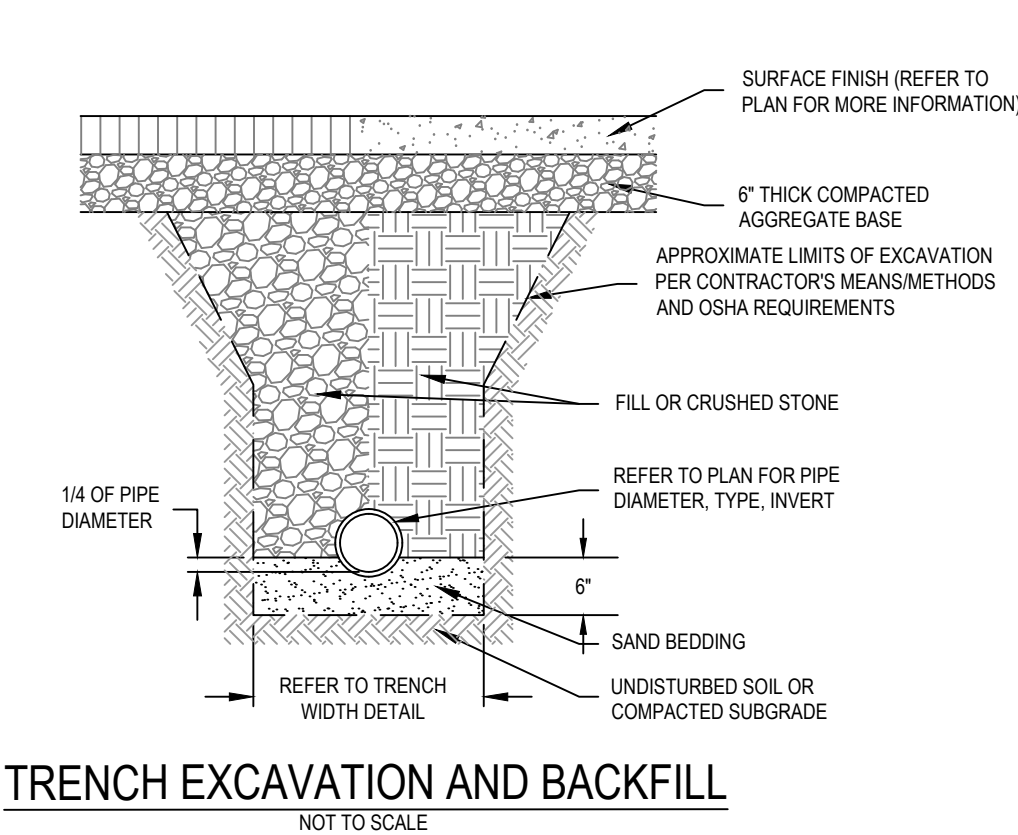
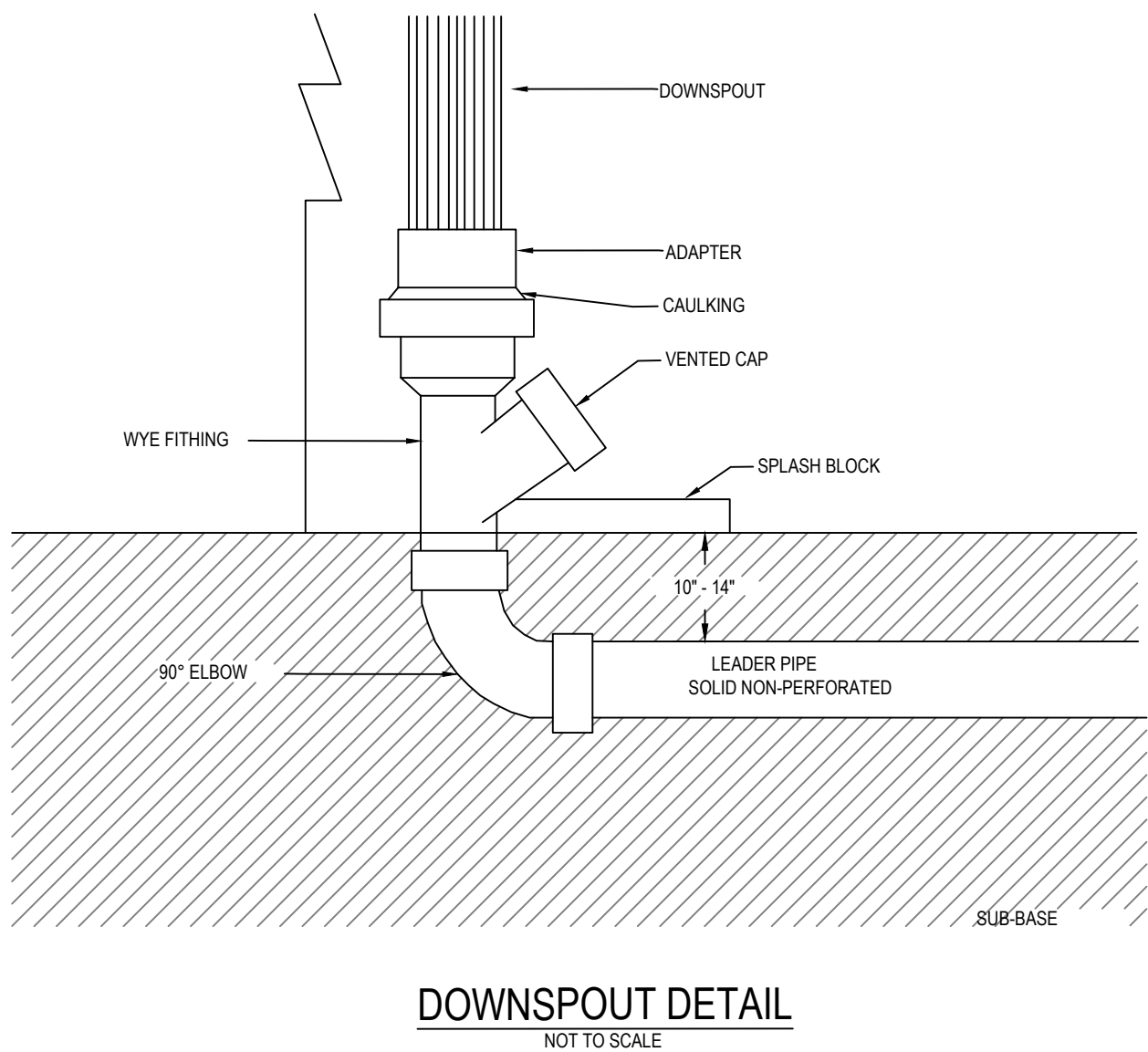
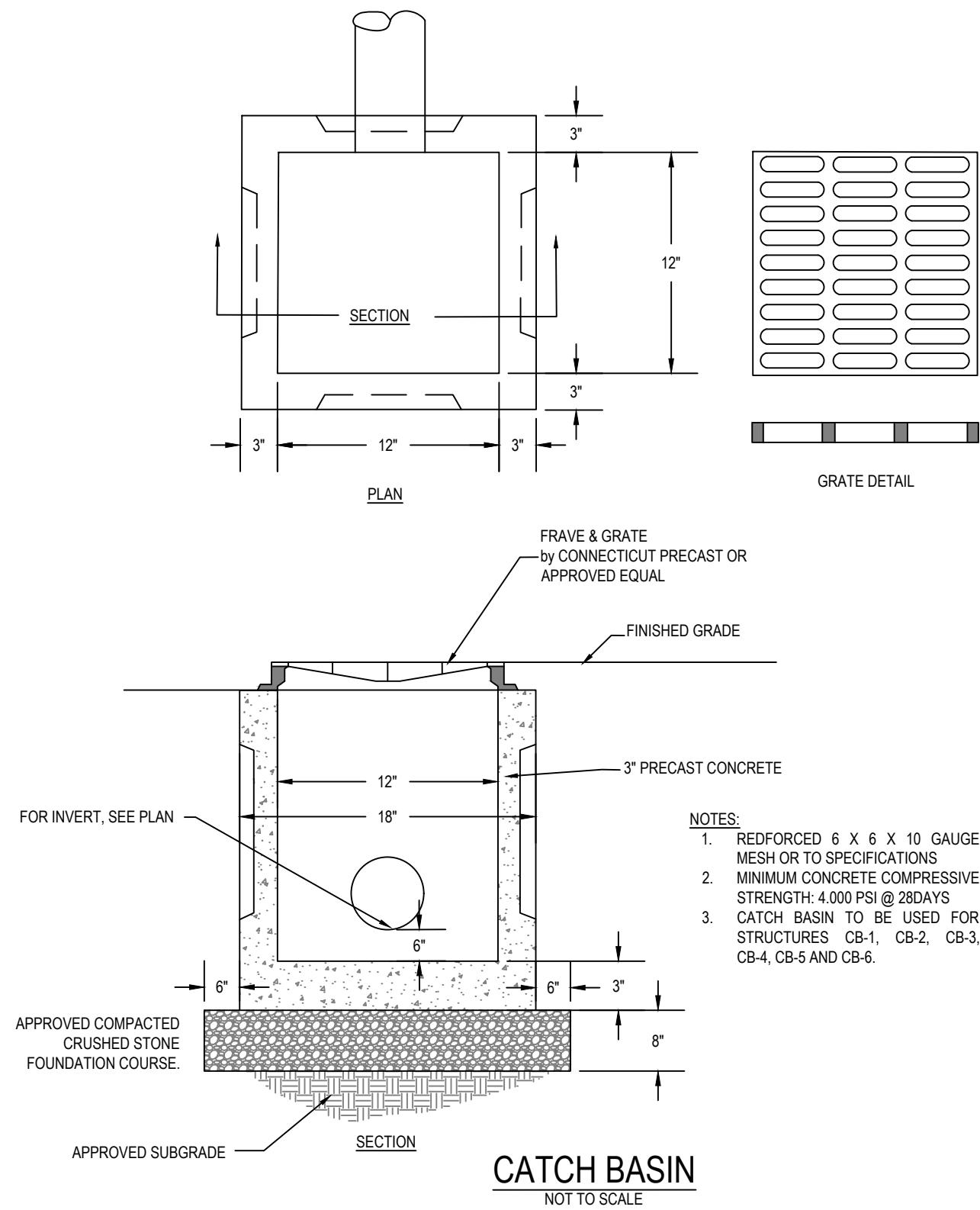
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TITLE:

SITE DETAILS

DRAWING NUMBER:

C501.00



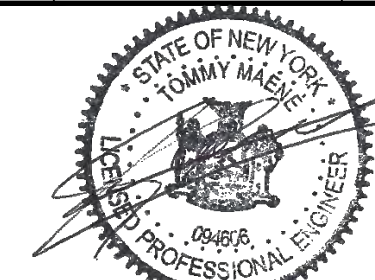
HARTLAND

GEOTECHNICAL • SITE/CIVIL ENGINEERING

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NO.	DESCRIPTION	DATE
1	PLANNING BOARD 1	11-07-23



TOMMY MAENE
NY STATE LIC. No. 094606

DATE: 08/25/2023

DRAWN BY / CHECKED BY: NB / VS

SCALE:

PROJECT:

260 S HEALY AVENUE
GREENBURGH, NY 10583

WESTCHESTER COUNTY NEW YORK

PROJECT NUMBER: 1008230301

TITLE:

SITE DETAILS

DRAWING NUMBER:

C502.00

SHEET 7 OF 7



TOWN of GREENBURGH
CONSERVATION ADVISORY COUNCIL
177 Hillside Avenue, Greenburgh, New York 10607

Theresa Mae Tori, Chair
Donna Maiello, Vice Chair
Margaret Beal
Nancy Drain
George Gundlach
Lauren Powell
Liz Silverstein

TO: Planning Board

FROM: Greenburgh Conservation Advisory Council

DATE: Feb. 26, 2024

RE: **PB 23-24** – 260 South Healy Ave., Scarsdale, NY

PB 23-24 – 260 South Healy Ave., Scarsdale, NY was discussed at the CAC meeting held on Feb. 22, 2024.

CAC members present were: T. Tori, L. Silverstein, D. Maiello, N. Drain, L. Powell, and G. Gundlach. Planner M. Britton was present. The project engineer, Vageles Sophias was present.

Based on:


- consideration of the documents presented to the CAC in connection with the application and the meeting discussions.

The CAC RECOMMENDS that the Wetland/Watercourse Permit for: **PB 23-24** – 260 South Healy Ave., Scarsdale, NY be granted, provided THE FOLLOWING CONDITION is satisfied:

1. The recommendations contained in the Staff Report dated Feb. 14, 2024 are adopted.
2. Test pits be dug in the location of the proposed underground stormwater detention system to determine the depth to bedrock and the results shared with the Town Engineer to determine if the stormwater detention system location/layout needs to be adjusted.
3. The front yard slope down to the water course be kept in a vegetated state with any invasive plant material removed and replaced with native shrubs that provide erosion control/slope stabilization.

The CAC notes that the applicant's neighbors were not given individual notice of the CAC meeting at which the application was considered and thus the CAC makes this recommendation without necessarily having heard concerns about this application from neighbors of the applicant who may choose to submit comments to the Planning Board rather than the CAC. CAC recommendations address environmental issues under Chapter 280 (Wetlands and Watercourses Law) of Town Code, and Chapter 520-3 (CAC Powers and duties) without consideration as to whether there are feasible alternatives, whether the project's impacts are "necessary and unavoidable", and whether the project is classified as a "minor project". This recommendation assumes that no environmentally significant modifications are proposed by the applicant that have not been reviewed by the CAC. Recommendation is subject to documentation satisfactory to the Town Legal Dept. and the Planning Board.

Theresa Mae Tori
CAC Chairperson

	TOWN of GREENBURGH Department of Community Development & Conservation	
Paul Feiner <i>Supervisor</i>		Garrett Duquesne, AICP <i>Commissioner</i> Aaron Schmidt <i>Deputy Commissioner</i>

Staff Report to Planning Board – February 29, 2024

Project Name:	Lee & Cheng	Zone:	R-20 One-Family Residence District
Case Number:	PB 23-24	Site Location:	260 South Healy Avenue, P.O. Scarsdale, NY
Applying for:	Wetland/Watercourse Permit, and Tree Removal Permit.	Site Size:	0.54 acres (23,339 sq. ft.)
Owner:	Vivian Lee and Warren Cheng	Parcel ID:	8.290-224-42
Design Professional:	Matthew Sorrell, P.E.	Variances:	None
Filing Date:	December 22, 2023		
Date Application Sent to Planning Board:	March 6, 2024		

The project consists of a Wetland/Watercourse Permit and Tree Removal Permit application involving the proposed construction of a new single-family home. The Applicant proposes to remove an existing, burnt-out single-family home and construct a new home with related improvements. The Applicant proposes to disturb approximately 3,619 sq. ft. of wetland/watercourse buffer area on the property, associated with an on-site watercourse. The Applicant proposes the removal of one (1) regulated tree, requiring a Tree Removal Permit, and has prepared a landscaping plan providing for the planting of four (4) trees, as replacement.

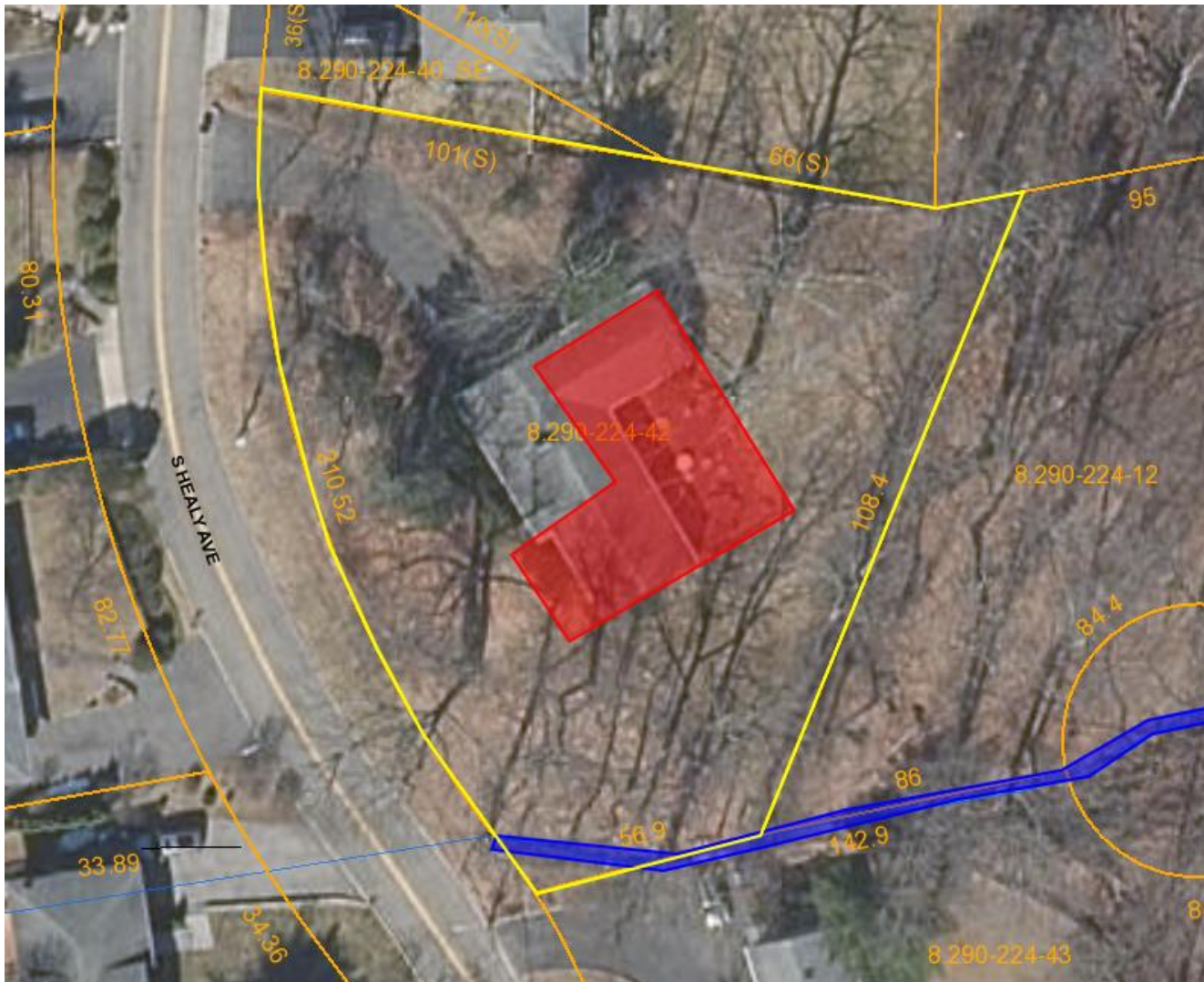
Proposed Project:

The property consists of approximately 23,339 sq. ft. (0.54 acres) and is situated on the easterly side of South Healy Avenue, approximately 500 feet south of the intersection of South Healy Avenue and Elizabeth Street. 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: 8.290-224-42.

Property Description

The property consists of approximately 23,339 sq. ft. (0.54 acres) and is situated on the easterly side of South Healy Avenue, approximately 500 feet south of the intersection of South Healy Avenue and Elizabeth Street. 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: 8.290-224-42. To the north, south, and west of the subject property are residentially developed lots. To the east of the subject property is undeveloped woodland, followed by residentially developed lots.

Aerial Photo



Aerial view of subject property (outlined in yellow). Approximate location of watercourse shown in blue. Location of proposed house shown in red.

ZONING:

Variance Determination

The application has been reviewed by the Building Inspector who has determined that no area variances are needed for the project, as proposed.

SEQRA

Pursuant to Section 617.5(c)(11) of the SEQRA regulations, this proposal qualifies as a *Type II* action.

POSSIBLE PROJECT IMPACTS AND PROPOSED MITIGATION:

1) IMPACT ON LAND USE/ZONING

Will the Proposed action create a material conflict with an adopted land use plan or zoning regulations?

The Applicant's proposal consists of the construction of a new single-family home. The Applicant proposes to remove

an existing, burnt-out single-family home and construct a new home with related improvements. The Applicant proposes to disturb approximately 3,619 sq. ft. of wetland/watercourse buffer area on the property, associated with an on-site watercourse. The Applicant proposes the removal of one (1) regulated tree, requiring a Tree Removal Permit, and has prepared a landscaping plan providing for the planting of four (4) trees, as replacement.

The proposed action would not create a material conflict with an adopted land use plan or zoning regulations.

2) IMPACT ON LAND

Will the proposed action result in a change in the use or intensity of use of land?

The Applicant's proposal consists of the construction of a new single-family home. The Applicant proposes to remove an existing, burnt-out single-family home and construct a new home with related improvements. The Applicant proposes to disturb approximately 3,619 sq. ft. of wetland/watercourse buffer area on the property, associated with an on-site watercourse. The Applicant proposes the removal of one (1) regulated tree, requiring a Tree Removal Permit, and has prepared a landscaping plan providing for the planting of four (4) trees, as replacement.

The "Proposed Action" will result in a physical change to the project site, however, the use and intensity of use of land will remain the same.

3) IMPACT ON COMMUNITY CHARACTER

Will the proposed action impair the character or quality of the existing community?

The proposed area of work is situated on a residential property in a well-established residential area. The Applicant's proposal is not anticipated to impair the character or quality of the surrounding community.

4) IMPACT ON CRITICAL ENVIRONMENTAL AREA (CEA)

Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

The proposed action will not impact any Critical Environmental Areas (CEA).

5) IMPACT ON TRANSPORTATION

Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?

The property fronts on South Healy Avenue and the project proposes to utilize an existing curb cut for the driveway. No changes to the level of traffic are anticipated.

The proposed action is not anticipated to result in an adverse change in the existing level of traffic or impact existing infrastructure for mass transit, biking or walking.

6) IMPACT ON ENERGY

Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

The proposed action will not result in an adverse impact to energy or sources of energy.

7) IMPACT ON WATER/WASTEWATER

Will the proposed action impact existing:

- a. public / private water supplies?
- b. public / private wastewater treatment utilities?

The proposed action will not negatively impact any public or private water supplies or wastewater treatment utilities.

8) IMPACT ON HISTORIC, ARCHAEOLOGICAL, ARCHITECTURAL OR AESTHETIC RESOURCES

Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?

The proposed action will not impact historic, archaeological, architectural or aesthetic resources.

9) IMPACT ON NATURAL RESOURCES

Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?

The Applicant's proposal consists of the construction of a new single-family home. The Applicant proposes to remove an existing, burnt-out single-family home and construct a new home with related improvements. The Applicant proposes to disturb approximately 3,619 sq. ft. of wetland/watercourse buffer area on the property, associated with an on-site watercourse. The Applicant proposes the removal of one (1) regulated tree, requiring a Tree Removal Permit, and has prepared a landscaping plan providing for the planting of four (4) trees, as replacement.

The proposed action is not anticipated to result in an adverse change to natural resources.

10) IMPACT ON FLOODING & DRAINAGE

Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

The Applicant's proposal consists of the construction of a new single-family home. The Applicant proposes to remove an existing, burnt-out single-family home and construct a new home with related improvements. The Applicant proposes to disturb approximately 3,619 sq. ft. of wetland/watercourse buffer area on the property, associated with an on-site watercourse. The Applicant proposes the removal of one (1) regulated tree, requiring a Tree Removal Permit, and has prepared a landscaping plan providing for the planting of four (4) trees, as replacement.

The Applicant will be required to install the following protection measures: soil stockpiling; silt fencing; a stabilized construction entrance; and tree protection measures (if deemed necessary). The sediment and erosion control measures will be installed prior to any major soil disturbances, and maintained until permanent protection is established, as directed by the Bureau of Engineering. All measures will be maintained in good working order at all times. All sediment and erosion control measures must be inspected on a regular basis, and after each heavy rainfall to ensure proper operation as designed. All work will meet the applicable provisions of the "New York State Guidelines for Urban Erosion and Sediment Control." All areas outside the limits of disturbance will remain undisturbed. The Applicant will comply with all requirements of Town Code Chapter 248 – Stormwater Management.

The proposed action is not anticipated to result in an increase in the potential for erosion, flooding, or drainage problems.

11) IMPACT ON ENVIRONMENTAL RESOURCES & HUMAN HEALTH

Will the proposed action create a hazard to environmental resources or human health?

The proposed action will not create a hazard to environmental resources or human health.

Site Photos



A. Photo of watercourse (right third of picture) from South Healy Avenue.



B. Photo of existing residence from South Healy Ave, near the watercourse.

Information

Text/Header:

Case No. TB 23-09 Accessory Dwelling Unit (ADU) Local Law – *Zoning Text Amendment (Town Board Referral)*

A continued work session (January 3, 2024, January 17, 2024, February 7, 2024, and February 21, 2024) to consider a Zoning Text Amendment (Town Board referral) to regulate and permit Accessory Dwelling Units, pursuant to Section 285-36 of the Town Zoning Ordinance, with related definitions. The Town Board of the Town of Greenburgh finds it desirable to explore allowing accessory dwelling units in one-family residential districts to provide an opportunity for development of rental housing units designed to meet housing needs that include, but are not limited to, single persons, couples, other small households, relatives of existing families within the Town, the young, the elderly, and persons seeking more affordable options. The proposed Zoning Text Amendment would allow for accessory dwellings units in the R-5, R-7.5, R-10, R-15, R-20, R-30, and R-40 Zoning Districts, by Special Use Permit from the Planning Board.

Fiscal Impact

Attachments

TB 23-09 PB Draft Recommendation

TB 23-09 - PB Draft Report



TOWN of GREENBURGH

Department of Community Development & Conservation

Paul Feiner
Supervisor

Garrett Duquesne, AICP
Commissioner
Aaron Schmidt
Deputy Commissioner

MEMORANDUM

TO: HON. SUPERVISOR AND MEMBERS OF THE TOWN BOARD
THRU: AARON SCHMIDT, DEPUTY COMMISSIONER, Department of CD & C
FROM: TOWN OF GREENBURGH PLANNING BOARD
DATE: March 7, 2024
RE: Case No. TB 23-09 Chapter 285 – Accessory Dwelling Unit (ADU) Local Law – Zoning Text Amendment (**Planning Board ~~Conditional Positive~~ Recommendation**)

On December 18, 2023, the Town of Greenburgh Town Board passed a resolution, pursuant to the requirements of Section 285-64 of the Zoning Ordinance, and referred a Zoning Text Amendment [Local Law] to the Planning Board for its review and recommendation. The Zoning Text Amendment would regulate Accessory Dwelling Units in One-Family Residential Districts to provide the opportunity and encouragement for development of rental housing units to meet housing needs that include, but are not limited to, single persons, couples, other small households, relatives of existing families within the Town, the young, the elderly, and persons seeking more affordable housing options. This provision will allow for the more efficient use of the Town's existing stock of dwellings and accessory buildings; create diversity in the housing stock with minimal increase in building density; provide additional housing opportunities; provide economic support to existing residents; better facilitate aging in place; and protect and preserve property values.

On January 3, 2024, the Planning Board, at its regularly scheduled work session, heard a presentation from Commissioner Garrett Duquesne and began its discussion of the proposed Zoning Text Amendment [Local Law]. Present at the meeting were Chairperson Hugh Schwartz, Ms. Leslie Davis, Mr. Michael Golden, Mr. Walter Simon, Mr. Johan Snaggs, and Ms. Aisha Sparks (Alternate Member).

On January 17, 2024, the Planning Board held a public discussion on the Zoning Text Amendment [Local Law] referral. Present at the meeting were Chairperson Hugh Schwartz, Vice Chairperson Thomas Hay, Ms. Leslie Davis, Mr. Michael Golden, Mr. Walter Simon, Mr. Johan Snaggs, and Ms. Aisha Sparks (Alternate Member). Following public comment, the Planning Board voted to close the public discussion and to keep the written record open through January 29, 2024.

On January 17, 2024, the Planning Board, at its regularly scheduled work session and following the public discussion, continued its review and discussion of the proposed Zoning Text Amendment [Local Law]. Prior to its discussion, on a motion made by Mr. Snaggs and seconded by Mr. Hay, the Planning Board unanimously voted to issue no objection to the Town Board's intent to serve as the Lead Agency for purposes of SEQRA review.

On February 7, 2024, the Planning Board, at its regularly scheduled work session, continued its review and discussion of the proposed Zoning Text Amendment [Local Law]. Present at the meeting were Chairperson Hugh Schwartz, Vice Chairperson Thomas Hay (via Zoom videoconference), Ms. Leslie Davis, Mr. Michael Golden, Mr. Walter Simon, and Ms. Aisha Sparks (Alternate Member). Following its discussion, on a motion made by Mr. Golden and seconded by Mr. Simon, the Planning Board unanimously voted to extend its review of the Zoning Text Amendment [Local Law] by 30 days, through March 17, 2024, as permitted under Section 285-64B(3)(a) of the Town Code. The Planning Board also directed staff to prepare a report and positive recommendation to the Town Board, for its consideration on February 21, 2024.

On February 21, 2024, the Planning Board, at its regularly scheduled work session, continued its review and discussion

of the proposed Zoning Text Amendment [Local Law]. Present at the meeting were Chairperson Hugh Schwartz, Mr. Walter Simon, Mr. Kirit Desai, and Ms. Aisha Sparks (Alternate Member).

On ~~March 6, 2024~~, the Planning Board, at its regularly scheduled work session, discussed the issuance of a report and recommendation to the Town Board pertaining to the regulation of Accessory Dwelling Units within the Town. Present at the meeting were ~~Chairperson Hugh Schwartz, Vice Chairperson Thomas Hay, Ms. Leslie Davis, Mr. Kirit Desai, Mr. Michael Golden, Mr. Walter Simon, Mr. Johan Snaggs, and Ms. Aisha Sparks (Alternate Member).~~

1. On ~~March 6, 2024~~, on a motion made by ~~Mr. Hay~~ and seconded by ~~Mr. Desai~~, the Planning Board ~~unanimously~~ voted to issue a report related to the Zoning Text Amendment [Local Law], dated March 7, 2024, and prepared in accordance with the requirements of Section 285-64 of the Zoning Ordinance.
2. On ~~March 6, 2024~~, on a motion made by ~~Mr. Snaggs~~ and seconded by ~~Ms. Davis~~, the Planning Board ~~unanimously~~ voted to support the Zoning Text Amendment [Local Law] and to issue a positive recommendation to the Town Board with respect to the regulation of Accessory Dwelling Units within the Town of Greenburgh, consistent with the findings and additional recommendations that follow.

The Planning Board is supportive of the Accessory Dwelling Unit (ADU) legislation and the efforts to address housing/affordable housing goals that the implementation of the law will help to facilitate, provided that the following three (3) recommendations are incorporated into a revised Local Law. If the approved Local Law does not include the three (3) recommendations listed below, the Planning Board's recommendation shall be construed as a negative recommendation.

- The Planning Board strongly opposes the minimum lot size restriction of 10,000 sq. ft. and therefore recommends that lots containing a minimum of 5,000 sq. ft. in area be permitted to have an ADU, subject to the issuance of a Special Use Permit. The Planning Board finds that this restriction within the Local Law, as currently written, would negatively impact low-to-moderate income families who may be house poor and for whom an ADU could provide a much-needed secondary stream of income.
- The Planning Board also opposes the 20,000 sq. ft. minimum lot size restriction for an ADU in a detached structure in addition to a detached garage. The Planning Board finds that the existing zoning regulations for floor area ratio, impervious surface coverages, and lot setbacks render this restriction unnecessary.
- The Planning Board recommends a modification to Section 285-36Q(7) Off-street parking, as follows: "An ADU may not generate extra street parking; all parking for the occupants of an ADU must be provided on the Applicant's property. Additionally, an ADU must have at least one (1) extra parking space, beyond the two (2) already required for a single-family residence under the Town's Zoning Ordinance. The Planning Board may determine that an additional parking space may be necessary, depending on the number of bedrooms in the ADU, for a potential total of two (2) additional spaces."

Additionally, the Planning Board suggests the Town Board consider the following recommendations:

- The Planning Board is supportive of the requirement that no new front doors shall be added to accommodate an ADU. However, the Planning Board recommends that, in instances where two (2) front doors already exist and an ADU is proposed, one of the front doors may be used for entry to the ADU.
- The Planning Board recommends a modification to Section 285-36Q(14) related to Permit Cap, as follows: "There shall be a twenty-five (25) per calendar year limitation on ADU Special Use Permit applications."
- The Planning Board recommends a modification to Section 285-36Q(15) related to ADU density, as follows: "Distance separation. No ADU shall be located within 100/200/500 feet of another ADU, as measured from their property lines.
- The Planning Board recommends that the following subsection be added to Section 285-36Q, as follows: "Community Character. Where any or all of the following exist: (1) lack of available off-street parking; (2) sub-standard street width; (3) lack of appropriate visual screening; or (4) other inadequate site characteristics,

the Planning Board shall have discretion to deny an application where it is determined that an ADU or ADUs could detrimentally impact the area.

- The Planning Board recommends that the following subsection be added to Section 285-36Q, as follows: ADU Ownership. An ADU may be rented separate from the primary residence, or the primary residence rented separate from the ADU, but the ADU shall not be sold or otherwise conveyed separate from the primary residence, nor shall the primary residence be sold or otherwise conveyed separate from the ADU.
 - Alternative language to above: ADU Ownership. The primary residence, the ADU, and the lot on which they are situated must be held in common ownership at all times.
- The Planning Board recommends that a sunset provision of **6 months/1 year/2 years** be included, during which existing illegal ADUs can apply directly to the Building Department to legalize the ADU, without the need to go to the Planning Board for a Special Permit.

The Planning Board finds that, with the recommended revisions detailed above, the Zoning Text Amendment [Local Law] would be a positive inclusion in the Town's Zoning Ordinance, and one that would provide the opportunity and encouragement for development of rental housing units to meet housing needs that include, but are not limited to, single persons, couples, other small households, relatives of existing families within the Town, the young, the elderly, and persons seeking more affordable housing options. The Planning Board further finds that this provision will allow for the more efficient use of the Town's existing stock of dwellings and accessory buildings; create diversity in the housing stock with minimal increase in building density; provide additional housing opportunities; provide economic support to existing residents; better facilitate aging in place; and protect and preserve property values. The Planning Board finds that this Zoning Text Amendment [Local Law] would be consistent with many aims and policies of the Town's Comprehensive Plan, which encourages aging-in-place and the creation of additional affordable housing.

cc: Lisa Maria Nero, Town Clerk;
J. Danko, Esq., Town Attorney;
A. Magana, Esq., First Deputy Town Attorney
Planning Board

B. Report of the Planning Board. In making its report on any proposed amendment, the Planning Board shall make inquiry and determination concerning the items specified below:

(1) Concerning the proposed amendments to or change in the text of this chapter.

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

The proposed Accessory Dwelling Unit (ADU) Zoning Text Amendments would amend Section 285-5, Section 285-10, Section 285-36, Section 285-38, and Section 285-39 to the Zoning Ordinance of the Code of the Town of Greenburgh, as follows:

- Amend Section 285-5 to add a definition for ADUs and Living Space;
- Amend Section 285-10 to permit ADUs on lots with a single-family home;
- Amend Section 285-36 to add subsection Q, regulating various aspects of ADUs;
- Amend Section 285-38 to add parking regulations for ADUs; and
- Amend 285-39 to add requirements of compliance for ADUs.

Accessory Dwelling Units are dwelling units that are on a lot containing a single-family home. ADUs are smaller than the single-family home and typically contained within or attached to the single-family home, although an ADU may be in a separate structure (such as a converted garage or purpose-built structure) on the same lot. ADUs can provide an opportunity for development of rental housing units designed to meet housing needs that include, but are not limited to, single persons, couples, other small households, relatives of existing families within the Town, the young, the elderly, and persons seeking more affordable options.

ADUs are proposed to be permitted via Special Use Permit in all One-Family Residence Districts within the Town. The Special Use Permit criteria are tailored to permit ADU development with minimal impact to the neighborhood, including considerations for aesthetic impacts, density concerns, and neighborhood character issues. The Planning Board, through these criteria, is empowered to restrict or modify ADU applications where there may be significant detrimental impacts. The protections granted by the criteria were designed in accordance with the aims and principals of the One-Family Residence Districts within the Town.

Establishing Special Use Permit criteria for ADUs may also help with legalizing existing, illegal ADUs. The Special Use Permit process would involve ensuring that the illegal ADU is compliant with current regulations for fire protection, sanitation and plumbing, electrical work, and other standards, which would make the ADU safer for its occupants.

These protections are anticipated to preserve the character of the One-Family Residence Districts within the Town, though the Planning Board has found that some criteria may be overburdensome. The criterion requiring a minimum lot size of 10,000 sq. ft. effectively locks out a significant portion of Town from taking advantage of ADUs and is not needed because the draft local law already contains provisions for density consideration, off-street parking requirements, and conformity with existing zoning regulations. Similarly, the criterion prohibiting a second front door when it is pre-existing, can be considered overburdensome. A pre-existing second front door being converted to an entrance for an ADU would offer minimal impacts to the neighborhood character and aesthetics.

The Zoning Ordinance, as identified in 285-2 Purpose, establishes criteria 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;

E. The maximum protection of residential areas from the intrusion of incompatible land uses;

H. The gradual elimination of nonconforming uses;

J. The maximum practical preservation of natural and other significant environmental features, including water bodies, wetlands, steep slopes, hilltops, major stands of trees and other areas of geological, ecological or scenic value;

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 zoning text amendments are consistent with the above.

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

The proposed zoning text amendments would establish regulations and guidelines for the permitting of ADUs in all of the One-Family Residence Districts within the Town, and therefore, much of the Town has the potential to be affected by the proposed amendments. The Planning Board is recommending an annual cap on

the number of applications for an ADU, which will minimize the impact of permitting ADUs.

Lots with one-family residences are the only lots on which an ADU may be permitted. These lots make up approximately 28.5% of the area of the Town. ADUs would affect the lots improved with a one-family residence by adding a second dwelling unit and adding one (1) to four (4) new residents, depending on the size of the ADU. Depending on the specific configuration of the lot and existing structures, an ADU may result in no outward change in appearance other than a separate entrance on the side or rear, or may result in a new, dedicated ADU structure being constructed with an expanded driveway, or variations of development that fall in between. The use of the land would remain residential, but the density of people would increase. The criteria implemented in the local law afford the Town the ability to ensure that adverse impacts are minimized.

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

The local law will increase the workload of the Planning Board. A potential increase in Zoning Board of Appeals applications for applicants who want an ADU but are unable to meet some of the lot and bulk requirements.

(d) Whether such proposed amendments are consistent with the aims of the official planning policies of the Town of Greenburgh.

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

Goal 10.1, Protect and Enhance the Character of One-Family Neighborhoods; Objective 10.1.1, Prevent one-family neighborhoods from becoming overly dense, Goal 10.2, Promote a Range of Housing Opportunities and Choices for Households of all Income Levels, Ages, and Physical Abilities; Objective 10.2.3, Provide greater flexibility in residential site design; 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; Objective 12.2.1, updating Zoning Districts and/or zoning criteria consistent with the Plan; 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.

The Planning Board finds that the proposed amendments are consistent with the above Comprehensive Plan goals, objectives, and policies. The Planning Board recognizes, however, that the proposed amendments may not be fully consistent with Policy 10.1.1.1: Consistent with the future land-use map, preserve the density of existing underlying one-family residence districts. Adding an ADU may *de minimusly* increase the population density of a one-family residence district, however the building density is unlikely to significantly increase as ADUs could be within the footprint of existing structures. If an additional structure were to be constructed, it would have to conform with the underlying zoning requirements. The Planning Board finds that the criteria and discretion provided in the local law would adequately preserve the character of one-family residence neighborhoods, while providing for more housing opportunities. The Planning Board additionally finds that the annual cap on ADU applications and separation distance recommended by the Planning Board would mitigate any population density impacts. The Planning Board finds that the benefits of permitting ADUs are supported in the various housing-related Goals, Objectives, and Policies of the Comprehensive Plan and outweigh any inconsistencies with Policy 10.1.1.1. The adoption of an ADU law represents a positive evolution of the Comprehensive Plan, addressing current housing conditions and the need for more housing options for Town residents.