

**TOWN OF GREENBURGH  
PLANNING BOARD MINUTES  
TOWN HALL – GREENBURGH – NEW YORK  
Monday – September 17, 2018**



The Work Session of the Planning Board of the Town of Greenburgh was held on Monday, September 17, 2018, in the auditorium of the Greenburgh Town Hall, 177 Hillside Avenue, Greenburgh, New York, and began at 9:00 pm.

**1. ROLL CALL**

Present: Chairperson Walter Simon, Hugh Schwartz, Kirit Desai, and Viola Taliaferrow

Absent: Michael Golden, Chet Watson, Mohamed Ayoub, and Thomas Hay (Alternate)

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

**2. APPROVAL OF MINUTES**

**a. September 5, 2018 Work Session Minutes**

Chairperson Simon asked Planning Board members if there were any comments to the draft Planning Board minutes of September 5, 2018. Mr. Desai requested additional language be added to page six (6), paragraph five (5), stating that he had expressed concerns regarding the potential change in character of the existing building arising through the proposed building modifications, particularly with the first floor roof line and the introduction of a faux chimney. Chairperson Simon requested a language modification on page one (1), section 3b, stating Mr. Golden had indicated that the Joint Meeting need not be limited to a Wednesday evening, but could be any day where most members of both boards are able to attend. Chairperson Simon requested a language modification to page five (5), paragraph one (1), stating he had commented that he was pleased New Castle Building Products had its headquarters, and was staying in Greenburgh. Mr. Schmidt reported a necessary modification to page five (5), paragraph two (2), stating that the area variances will be listed. On a motion made by Mr. Schwartz, and seconded by Mr. Desai, the Planning Board voted to approve the September 5, 2018 minutes, as amended.

**3. CORRESPONDENCE**

**a. Case No. PB 14-12 Solano, 12 Barnaby Lane (P.O. Hartsdale, N.Y.) – 2<sup>nd</sup> Preliminary Subdivision Extension Request**

Chairperson Simon reported that an email was received from Mr. Peter Nurzia, Esq., on behalf of the applicant, dated September 17, 2018, requesting a retroactive extension of the preliminary subdivision approval as the owner was in poor health. Chairperson Simon noted that this is the applicant's 2<sup>nd</sup> extension request, the initial extension expired on September 15, 2018. On a motion made by Mr. Schwartz and seconded by Ms. Taliaferrow, the Planning Board unanimously voted to grant a 180-day extension of the preliminary subdivision approval for the proposed project, valid through March 16, 2019.

**b. Joint Town Board/Planning Board meeting**

Mr. Schwartz suggested that the Historic and Landmarks Preservation Board (H&LPB) be invited to the Joint Town Board and Planning Board meeting for discussion. Chairperson Simon stated the H&LPB would be invited to the meeting once a date has been scheduled.

**4. OLD BUSINESS**

**a. Case No. PB 14-16 Landmark at Eastview, 777 Old Saw Mill River Road (P.O. Tarrytown, N.Y.) – Planning Board Steep Slope Permit & Wetland/Watercourse Permit – 2<sup>nd</sup> Extension Request**

A work session to discuss the applicant's 2<sup>nd</sup> extension request related to a Planning Board steep slope and wetland/watercourse permit application approved in connection with the construction of a new four (4) story 128,564 sq. ft. building, off-street parking, landscaping and related amenities. On November 6, 2014, the Planning Board granted Planning Board steep slope and wetland/watercourse permits in connection with the project. The approvals were extended by the Planning Board in October 2016 through, and including, October 22, 2018. The property consists of approximately 2,859,367 sq. ft. (65.6 acres) and is situated on the south side of Old Saw Mill River Road, approximately 500 ft. from its intersection with Saw Mill River Road (NYS Rt. 9A). The property is located in the OB Office Building District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.71-6-1. A portion of the property is located in the M-6 Multifamily Residence District, as well.

Ms. Janet Giris, Esq., attorney for the applicant, provided a brief background of the prior approvals issued in connection with this project, and noted that the amended site plan approval was extended for two (2) years by the Town Board at its last meeting. The original Planning Board steep slope and wetland/watercourse permits were granted in November of 2014. Ms. Giris explained that the site originally was owned by BMR (Biomed Realty). Regeneron subsequently bought the entire site. Regeneron is not ready to break ground on this project and is requesting a two (2) year extension of the Planning Board steep slope and wetland/watercourse permits. On a motion made by Mr. Schwartz and seconded by Ms. Taliaferrow, the Planning Board unanimously voted to grant a 2-year extension of the Planning Board steep slope permit and wetland/watercourse permit approvals associated with this project, valid through October 22, 2020.

b. **Case No. PB 18-01** New Castle Building Products, 535 Old Tarrytown Road (P.O. White Plains, N.Y.) – Amended Site Plan, Planning Board Steep Slope Permit & Tree Removal Permit (Town Forestry Officer Approval)

A continuation of a work session (September 5, 2018) to discuss an amended site plan and Planning Board steep slope permit application involving a proposal to construct forty-eight (48) new off-street parking spaces at the subject property, with related improvements. The project involves the proposed construction of an approximately 523-foot long retaining wall ranging from 9' to 23' in height, the proposed removal of 50 regulated trees (Town Forestry Officer approval), and the inclusion of a stormwater management system. The applicant proposes 2,786 sq. ft. of disturbance on 15-25% slopes (STEEP SLOPES), 1,260 sq. ft. of disturbance on 25-35% slopes (VERY STEEP SLOPES) and 12,728 sq. ft. of disturbance on 35%+ slopes (EXCESSIVELY STEEP SLOPES). The project requires approximately 0 cubic yards of cut and 1700 cubic yards of imported fill, requiring a fill permit from the Town Engineer. Area variances are required from the Zoning Board of Appeals. The property consists of approximately 191,231 sq. ft. (4.39 acres) and is situated on the southerly side of Old Tarrytown Road approximately 550 feet from the intersection of Knollwood Road. The property is situated in the LI – Light Industrial Zoning District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.410-221-15.

Mr. Keith Haskell, Chief Operating Officer of New Castle Building Products, presented an overview of the applicant's project, and requested that the Planning Board consider issuing a positive recommendation to the Zoning Board of Appeals (ZBA) this evening. Mr. Haskell described traffic congestion issues on the site and the need for additional parking. He noted that the applicant has agreed to a twenty-four (24) foot drive-aisle at the rear of the building, a sidewalk along the site's frontage with Old Tarrytown Road, the replacement of fencing along the site's frontage with Old Tarrytown Road, tree plantings off-site, and smaller-scale plantings at the base of the proposed retaining wall.

Mr. Drazen Cackovic, Principal, DCAK-MCA Engineering, provided an overview of the revisions made to the site plan, describing the addition of fences, sidewalks, and plantings. Mr. Desai asked if there were two (2) different styles of fences proposed. Mr. Cackovic replied there were two options provided to the Board, adding that the applicant is proposing to merge the two (2) fencing styles by having a more attractive fence facing away from the property and a solid fence facing the interior of the property. Chairperson Simon stated that the Planning Board's concerns appear to have fully been addressed, site visits by Board members have been made, and the need for more on-site parking was obvious. He added that the proposal would help alleviate truck staging along Old Tarrytown Road and that the applicant has been very responsive to the Planning Board. Mr. Desai asked if a chain-link fence would be provided on top of the proposed retaining wall. Mr. Cackovic confirmed there would be a fence on top of the retaining wall. Mr. Desai asked if the plantings around the retaining wall would be on the applicant's property. Mr. Cackovic confirmed the plantings around the retaining wall would be on the applicant's property. Mr. Desai asked if the proposed retaining wall would be concrete. Mr. Cackovic replied it would be a segmented block retaining wall.

Mr. Schmidt noted emails received from Mr. Michael Golden and Mr. Thomas Hay, issuing their support for the Planning Board to issue a positive recommendation to the Zoning Board of Appeals, in connection with the required area variances. Mr. Schmidt detailed the required area variances, and noted that the applicant has requested a waiver from the Planning Board, with respect to not providing landscaped curbed islands every 15 parking spaces, as set forth in Section 285-38D(9) of the zoning ordinance.

On a motion made by Mr. Schwartz and seconded Ms. Taliaferrow, the Planning Board unanimously voted to issue a positive recommendation to the ZBA on the three (3) area variances (parking to principle building, parking to side lot line, and impervious surface coverage) required in connection with the proposed project.

On a motion made by Mr. Desai and seconded by Mr. Schwartz, the Planning Board unanimously voted to grant a waiver related to the requirement of landscaped curbed islands for rows of 15 or more parking spaces, as allowed under Section 285-38D(9) of the zoning ordinance.

**c. Case No. TB 18-17/PB 18-18** Westchester Hills Cemetery, 400 Saw Mill River Road (P.O. Hastings-on-Hudson, N.Y.) – Amended Site Plan (Town Board Referral), Planning Board Steep Slope Permit & Tree Removal Permit (Town Forestry Officer Approval)

A continuation of a work session (September 5, 2018) to discuss an amended site plan (Town Board approval – referral to Planning Board) and Planning Board steep slope permit application for a proposal involving the full interior renovation of an existing on-site administration building, with related improvements. The project also involves the construction of a small addition to the existing administration building, in order to provide a service area and additional crypts. An existing shed is proposed to be removed. The applicant proposes 1,430 sq. ft. of disturbance on 15-25% slopes (STEEP SLOPES), 161 sq. ft. of disturbance on 25-35% slopes (VERY STEEP SLOPES), and 128 sq. ft. of disturbance on 35%+ slopes (EXCESSIVELY STEEP SLOPES). The project requires approximately 60 cubic yards of excavation and 0 cubic yards of imported fill. The applicant proposes the removal of two (2) regulated trees requiring a tree removal permit from the Town Forestry Officer. The applicant has prepared a landscaping plan which calls for the planting of various shrubs, flowers, and groundcover. The project will involve the removal of curbing, walkways, and other minor improvements, in the area of proposed work. Area variances are required from the Zoning Board of Appeals in connection with the proposal. The property consists of approximately 638,464 sq. ft. (14.66 acres) and is situated on the easterly side of Saw Mill River Road approximately 2,500 feet from the intersection of Saw Mill River Road and Jackson Avenue. The property is situated in the R-30 One-Family Residence Zoning District, and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.490-349-2 & 3.

Ms. Nina Lesser, R.A., representative for the applicant, provided an overview of the project, noting that the proposal involves the full interior renovation of the administration building, with related improvements, including the construction of a small addition to provide a service area and additional crypts. Mr. Schwartz asked about parking on-site. Mr. Schmidt reported that parking is permitted within the roadway network of the cemetery. Mr. Desai noted that handicap parking should be addressed on-site. Mr. Schwartz suggested adding two (2) to three (3) handicap parking spaces. Mr. Schmidt stated that the Planning Board could consider incorporating this as part of its recommendation to the Town Board on the amended site plan referral. Ms. Lesser stated that the applicant would look into creating a handicap parking area, though she noted that the roadway adjacent to the subject building is steep. She added that there may be space adjacent to the garage, which is located in close proximity to the area of proposed disturbance.

Mr. Schwartz asked if there were any other issues from the previous work session that needed to be discussed. Mr. Schmidt noted that, as identified during a site visit, one (1) additional tree is proposed for removal, requiring that the plans and application materials be updated. He added that extensive landscaping is proposed for the project area. Mr. Desai asked about a chimney located on the proposed plans. Ms. Lesser explained the existing chimney will be repurposed for the elevator shaft, and the exterior chimney stone will be expanded upwards as the roofline changes. Mr. Schmidt noted an email received from Mr. Thomas Hay, providing his support for the Planning Board to consider issuing a positive recommendation to the Town Board on the amended site plan referral.

On a motion made by Mr. Schwartz and seconded by Ms. Taliaferrow, the Planning Board unanimously voted to issue a positive recommendation to the Town Board in connection with the amended site plan referral, provided that the applicant addresses handicap parking on the site, and revises its plan and application materials to reflect the one (1) additional tree proposed for removal.

**d. Case No. PB 12-03** Sguerra Subdivision, 245-251 Ferndale Road (P.O. Scarsdale, N.Y.) – Subdivision Improvement Plan Amendment Request

A work session to discuss a subdivision improvement plan amendment request associated with the approved construction of one (1), new single family residence on an approximately 10,000 sq. ft. property located at 251 Ferndale Road, also known and designated by the Town of Greenburgh as Parcel ID 8.400-284-10.1. The applicant received final subdivision approval from the Planning Board on November 19, 2015. Area variances associated with the project were granted on May 15, 2014. The applicant seeks to relocate the approved driveway that originally was approved off of Ferndale Road. The applicant has modified the

proposed development layout of the site so that the new driveway would be situated off of Sheridan Road. The property consists of approximately 10,000 sq. ft. and is situated on the northwest corner of Ferndale Road and Sheridan Road. The property is located in the R-10 One-Family Residence District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.400-284-10.1.

Mr. Fried explained that the applicant seeks to amend a subdivision improvement plan to change the location of a driveway, previously proposed and approved along Ferndale Road, to Sheridan Road. Mr. Schmidt stated that he conducted research on discussions held during work sessions and public hearings of the Planning Board for this project. It was noted that, during these discussions, the placement of the driveway along Ferndale Road was preferred over Sheridan Road. Mr. Schmidt stated that the proposed modification was distributed to Sgt. Reckson of the Greenburgh Police Department's Traffic & Safety Unit, for review. Sgt. Reckson advised that he had no objection to the modification, provided that the right-of-way and the sight triangle at the intersection of Ferndale Road and Sheridan Road be kept clear of vegetation.

Mr. Schwartz asked how far the newly proposed driveway would be from the intersection of Ferndale Road and Sheridan Road. Mr. Eliot Senor, P.E., engineer for the applicant, stated the distance proposed is approximately fifty (50) feet. Mr. Schwartz asked if Sgt. Reckson identified a preference for either of the two (2) options. Mr. Schmidt replied that Sgt. Reckson was not asked his preference, but only to review the proposed modification and provide his feedback. Mr. Schwartz opined that the driveway along Sheridan Road could present a safety issue. Mr. Fried advised that the Planning Board conduct a public discussion regarding this matter, as there were concerns related to the siting of the driveway raised by neighbors during the initial public hearing on the project. Mr. Schwartz agreed, stating that the public discussion should be restricted only to comments regarding the proposed driveway modification.

Mr. Schwartz asked why the driveway is proposed to be relocated. Mr. Senor explained that the original home design was a generic concept, as the property owner's goal at that time was to sell off the lot prior to its development. He elaborated that the property owner is no longer selling the site, has designed a residence it wishes to construct on the lot, and would prefer the garage and driveway in the proposed location, for aesthetic reasons. Mr. Schwartz asked why the house could not be rotated within the lot, to still permit the driveway off of Ferndale Road. Mr. Senor stated that the house would not fit in the building envelop, as currently designed. Mr. Desai asked if the driveway could be flipped on its vertical access. Mr. Senor replied that, because of the shape of the lot, there is less space towards the corner of Sheridan Road and Ferndale Road, making flipping the driveway less achievable and desirable.

Chairperson Simon suggested the driveway be moved further from the intersection, easterly along Sheridan Road, and Mr. Desai suggested the applicant explore such alternatives. Mr. Senor stated that a stop sign could be added at the end of Ferndale Road. Mr. Schwartz requested a visual representation of the location of the nearby driveways along Sheridan Road. He added that Town Staff should address with the Greenburgh Police Department Traffic and Safety Unit, issues related to proximity of the driveway to the intersection, potential safety issues, and the opportunity for traffic calming measures. Mr. Schmidt replied that he would address these matters with Sgt. Reckson and report back to the Board. A public discussion was scheduled for October 3, 2018.

e. **Case No. PB 17-34** Greenburgh Project LLC, 395 Saw Mill River Road (P.O. Elmsford, N.Y.) – Final Subdivision & Tree Removal Permit

A work session to discuss a final subdivision and tree removal permit application involving the subdivision of one (1) existing lot, containing an existing self-storage facility (Westy's), into two (2) buildable lots, for the purposes of constructing one (1) new self-storage facility. An existing, approximately 149,916 sq. ft. self-storage facility (Westy's) would remain on proposed Lot 1 (296,959 sq. ft.). A new, approximately 98,400 sq. ft., 3-story self-storage facility is proposed to be built on proposed Lot 2 (198,577 sq. ft.). The applicant proposes 19,944 sq. ft. of disturbance on 15-25% slopes (STEEP SLOPES), 13,634 sq. ft. of disturbance on 25-35% slopes (VERY STEEP SLOPES), and 11,206 sq. ft. of disturbance on 35%+ slopes (EXCESSIVELY STEEP SLOPES). The applicant proposes the removal of 359 regulated trees from the subject property, requiring a tree removal permit from the Planning Board. The applicant has proposed the planting of twenty-four (24) new trees, and forty-four (44) new shrubs, as replacement. The property consists of approximately 495,536 sq. ft. (11.38 acres) and is situated on the west side of Saw Mill River Road at the intersection at Fairview Park Drive and Saw Mill River Road. The property is located in the PD

– Nonresidential Planned Development District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.110-15-6.1.

Mr. Schmidt stated that a draft decision was circulated to the Planning Board for review. He added that the draft final decision was the same as the preliminary subdivision approval, with the addition of the tree removal permit. On a motion made by Mr. Schwartz and seconded by Mr. Desai, the Planning Board voted to waive the holding of a public hearing on the final subdivision application. On a motion made by Mr. Schwartz and seconded by Ms. Taliaferrow, the Planning Board unanimously voted to grant final subdivision approval for the project. On a motion made by Ms. Taliaferrow and seconded by Mr. Schwartz, the Planning Board unanimously voted to approve the tree removal permit in connection with the project.

**5. NEW BUSINESS**

**a. Case No. PB 18-13** Muger, 7 Rock Hill Lane (P.O. Scarsdale, N.Y.) – *Planning Board Steep Slope Permit, Wetland/Watercourse Permit & Tree Removal Permit (Town Forestry Officer Approval)*

A work session to discuss a Planning Board steep slope and wetland/watercourse permit application involving the proposed demolition of an existing single-family residence, in order to construct a new modular, single-family residence, with related improvements. The applicant also proposes to relocate the existing driveway approximately 80 feet north of where it currently is located. The applicant proposes 1,168 sq. ft. of disturbance on 15-25% slopes (STEEP SLOPES). A watercourse exists on the subject property. The regulated watercourse buffer area on the applicant's property consists of approximately 24,250 sq. ft., and the applicant is proposing approximately 7,400 sq. ft. of disturbance. The applicant proposes approximately 200 yards of excavation to carry out the project. Six (6) regulated trees are proposed for removal as part of the project, requiring a tree removal permit from the Town Forestry Officer. The applicant has prepared a landscaping plan which calls for the planting of three (3) Pine trees and three (3) Maple trees, as replacement. The subject property consists of approximately 28,840 sq. ft. and is situated on the west side of Rock Hill Lane, approximately 300 ft. from the intersection of Underhill Road and Rock Hill Lane. The property is situated in the R-20 One-Family Residence District. The subject property is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.400-282-2.

Mr. Anthony Pisarri, P.E., representative for the applicant, provided an overview of existing conditions at the site, and the proposed modifications as part of the project, noting that the project would result in a net reduction in impervious surface coverage on the site. He added that a watercourse exists on the site, and that small areas of regulated steep slope exist in the front yard portion of the site, requiring permits to be obtained through the Planning Board.

Mr. Schmidt noted that, based on review and comments made by the Conservation Advisory Council, proposed tree removal on the site was reduced from six (6) trees to three (3). He added that the applicant is proposing to plant six (6) new trees as replacement. Mr. Schwartz asked why the driveway is proposed to be shifted. Mr. Schmidt noted that the existing driveway is non-conforming. Mr. Pisarri stated the current driveway is below the home in terms of elevation, and that the homeowner would like to have an above ground garage adjacent to the newly proposed residence. Mr. Desai asked if the fire hydrant would remain in its current location. Mr. Pisarri replied that the fire hydrant, and the existing utilities, would remain in their current locations. Mr. Desai asked if the watercourse would be cleaned. Mr. Pisarri explained that the original proposal was to pipe the watercourse, though it was later decided to leave it as is. Mr. Schmidt noted that, with the exception of the newly proposed plantings in the immediate buffer of the watercourse, no site work would be taking place within or immediately adjacent to the watercourse, as provided for on the plan through the demarcation of the limits of disturbance. A public hearing was scheduled for October 3, 2018.

**6. ESTABLISH DATE FOR NEXT MEETING**

The next regularly scheduled meeting of the Greenburgh Planning Board will be held on Wednesday, October 3, 2018 and will begin at 8:00 pm in the Greenburgh Town Hall Auditorium.

**7. ADJOURNMENT**

The September 17, 2018 work session of the Town of Greenburgh Planning Board was adjourned at 10:30 pm.

Respectfully submitted,



Aaron Schmidt  
Deputy Commissioner,  
Department of Community Development and Conservation