

**TOWN OF GREENBURGH  
PLANNING BOARD MINUTES  
TOWN HALL – GREENBURGH – NEW YORK  
Wednesday – October 3, 2018**



The Work Session of the Planning Board of the Town of Greenburgh was held on Wednesday, October 3, 2018, in the auditorium of the Greenburgh Town Hall, 177 Hillside Avenue, Greenburgh, New York, and began at 8:00 pm.

**1. ROLL CALL**

Present: Chairperson Walter Simon, Mohamed Ayoub, Michael Golden, Kirit Desai, Viola Taliaferrow, and Thomas Hay (Alternate)

Absent: Hugh Schwartz

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

*Chairperson Simon noted that Mr. Thomas Hay, alternate Planning Board member, would be voting in place of Mr. Hugh Schwartz.*

*Chairperson Simon stated that Mr. Chet Watson recently had submitted his resignation from the Planning Board. Chairperson Simon noted that Mr. Watson would be moving out of the Town of Greenburgh. He has been a valued member of the Planning Board, with a willingness to discuss tough issues, and was a model example of the type of person sought after for the Town of Greenburgh Planning Board.*

*Chairperson Simon noted that Mr. Tom Hay, alternate Planning Board member, is expected to be appointed as a full-time member of the Planning Board at the next Town Board meeting. Once appointed by the Town Board, the Planning Board would seek to fill the Planning Board alternate member position.*

**2. APPROVAL OF MINUTES**

**a. September 17, 2018 Work Session Minutes**

Chairperson Simon asked Planning Board members if there were any comments to the draft Planning Board minutes of September 17, 2018. There were no comments. On a motion made by Mr. Golden and seconded by Ms. Taliaferrow, the Planning Board voted to approve the September 17, 2018 minutes, as written.

**3. CORRESPONDENCE**

**a. 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**

Mr. Schmidt noted that, following the Planning Board's positive recommendation to the Zoning Board of Appeals (ZBA) concerning three (3) area variances required in connection with the project at its meeting held September 17, 2018, it was identified that plan modifications made during the Planning Board's review of the project resulted in changes to the required area variances in connection with the proposal. The Town's Building Inspector reviewed the plan and provided a revised variance determination memorandum, dated September 24, 2018. Mr. Schmidt reviewed the four (4) required area variances, as outlined in the Building Inspector's memorandum. Mr. Schmidt noted that, due to the modification to the area variances required for the project, the Planning Board should consider revising its previously issued positive recommendation to the ZBA, to be reflective of the currently required variances. Mr. Schmidt noted that the draft SEQRA negative declaration had been updated to reflect the most current information concerning the project, and that action should be taken on the draft circulated to the Board. He also advised that the Board should consider re-approving the waiver which it granted to the applicant related to a requirement that landscaped curbed islands be provided every fifteen (15) off-street parking spaces in the proposed parking areas.

On a motion made by Mr. Golden and seconded by Ms. Taliaferrow, the Planning Board unanimously voted to classify the project as an "Unlisted" action, under SEQRA. On a motion made by Mr. Golden and seconded by Mr. Ayoub, the Planning Board unanimously voted to issue a negative declaration, under SEQRA. On a motion made by Mr. Golden and seconded by Ms. Taliaferrow, the Planning Board voted to amend its positive recommendation to the Zoning Board of Appeals, to be reflective of the currently required four (4) area variances (parking to principle building, parking to side lot line, parking to rear lot line, and impervious surface coverage), as outlined in a memorandum issued by the Town of Greenburgh Building Inspector, Mr.

Steven Fraietta, dated September 24, 2018. On a motion made by Ms. Taliaferrow and seconded by Mr. Golden the Planning Board unanimously voted to re-approve 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.

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

Chairperson Simon stated that the Town Board had identified Monday, November 5, 2018 as a potential meeting date for the next Joint Board meeting. He noted that Councilwoman Juettner would not be able to attend if the meeting is held on November 5, 2018. Councilwoman Juettner expressed no issue with the meeting being held in her absence, but requested that the Historic and Landmarks Preservation Board (H&LPB) topic be taken off the agenda, as she is the Town Board liason to the H&LPB. The Town Board has agreed with Ms. Juettner's request. Chairperson Simon stated that removing this item from the agenda does not preclude the Planning Board from making its position known on the matter.

**4. OLD BUSINESS**

**a. Case No. PB 18-10 Quintero Subdivision, 20 Terrace Street (P.O. White Plains, N.Y.) – Final Subdivision**

A work session to discuss the decision of a final subdivision application involving the subdivision of one (1) existing lot, approximately 11,250 sq. ft. in size, into two (2) buildable lots, for the purpose of constructing one (1) new single-family residence. Lot 1 would equal approximately 6,250 sq. ft., with an existing one-family residence to remain. Lot 2 would total 5,000 sq. ft., and would be improved with one (1) new, single-family residence. One new curb cut is required along Terrace Street. The project requires the removal of two (2) regulated trees from within the Town's right-of-way, requiring approval from the Town Highway Superintendent. A Landscape Plan has been submitted, which provides for the planting of two (2) Flowering Dogwood trees, seven (7) Prairie Fire Crabapple trees, five (5) White Pine trees, six (6) Juniper trees, and two (2) American Holly bushes. The project involves approximately 1,400 sq. ft. of disturbance. The project requires approximately 185 cubic yards of cut and 0 cubic yards of fill. The property consists of approximately 11,250 sq. ft. and is situated on the west side of Terrace Street, at the intersection of Dobbs Ferry Road and Terrace Street. The property is located in the R-5 One-Family Residence District, and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.10-6-1.

Mr. Schmidt noted that a draft final subdivision decision was circulated to the Planning Board and that no changes had been made to the subdivision plat since the preliminary subdivision approval was issued by the Planning Board. He added that the applicant has paid all required fees in connection with the final subdivision application. Mr. Schmidt noted that the applicant will require approval from the Town Highway Superintendent, to remove trees from within the Town's right-of-way.

On a motion made by Mr. Golden and seconded by Ms. Taliaferrow, the Planning Board unanimously voted to waive the public hearing on the final subdivision application. On a motion made by Mr. Golden and seconded by Mr. Hay, the Planning Board unanimously voted to grant final subdivision approval for the project.

**b. Case No. TB 18-10 Urban Renewal Rezoning, (Proposed R-5/LTF and R-5/LMF Districts) - *Zoning Map and Zoning Text Amendments (Referral from Town Board)***

A continuation a work session (July 18, 2018) to discuss a zoning map and zoning text amendment (Town Board approval – referral to Planning Board) to add newly created zoning districts (R-5/LMF and R-5/LTF) to the Town's Zoning Map and Zoning Ordinance. The Town of Greenburgh Comprehensive Plan contains policies associated with the planned removal and replacement of the UR – Urban Renewal District. The existing UR District contains over 300 individual parcels that have been identified as appropriate for the proposed R-5/LMF One-Family/Limited Multi-Family Residence and the R-5/LTF One-Family/Limited Two-Family Residence Districts. The Urban Renewal District was created in 1957, and in total, contains approximately 132 acres of land with a mix of residential, commercial and governmental uses.

Commissioner Duquesne presented an overview of the proposed zoning map and text amendments related to rezoning of the Urban Renewal District, noting that the proposal seeks to remove an outdated zoning district and create new districts that are consistent with the historic character of the neighborhood. The amendment would create two (2) new single-family zoning districts which would allow prior approved multi-family housing.

Commissioner Duquesne noted a request made by the Planning Board, at the July 18, 2018 Planning Board meeting, to identify whether the new zoning amendments could negatively affect existing properties within the proposed area. Commissioner Duquesne began by explaining changes to the proposed R-5/LTF District, located south of I-287 and north of Rt. 119, which is currently comprised of single-family residences with some two-family homes. Originally, the amendment set the minimum lot size at 5,000 sq. ft. Research indicated that two-family homes in this area require a minimum lot size of 6,000 sq. ft. The amendment was revised to show that all single-family homes would be required to have a minimum lot size of 5,000 sq. ft. and that all two-family homes would require a minimum lot size of 6,000 sq. ft. Commissioner Duquesne reiterated that this requirement would only apply to existing two-family homes, as the new local law would not permit building of new two-family residences. Existing two-family homes could be replaced in the event of a disaster, as long as the residence was lawfully existing at the time of the passage of this law and had a minimum lot size of 6,000 sq. ft. Ms. Taliaferrow asked whether pre-existing two-family residences on lots less than 6,000 sq. ft. could be replaced without a variance. Commissioner Duquesne replied that a variance would be required for the replacement of two-family residences on lots less than 6,000 sq. ft. in area. Ms. Taliaferrow voiced concerns that some two-family homes may not meet this requirement. Mr. Golden noted that this issue applies to all non-conforming properties throughout the Town, and would be no different in this case. Chairperson Simon stated that Town law should be consistent throughout and, therefore, did not see any problems with this issue. Mr. Fried noted that, throughout the Town, if a disaster occurred, the homeowner would be required to rebuild to conforming standards, otherwise the property would require a variance.

Commissioner Duquesne addressed changes to the R-5/LMF District, located north of I-287. He noted that the minimum lot size for two (2) and three (3) family homes would be updated from 5,000 sq. ft. to 6,000 sq. ft. For Townhouses and Garden Apartments, the minimum lot size would be set at 2,000 sq. ft. Impervious surface coverage for Townhouses and Garden Apartments would be set at 35% to provide consistency with the existing Urban Renewal District requirements. Commissioner Duquesne identified that the proposed local law calls for side yards to provide eight (8) feet on one side with a total of eighteen (18) feet for both side yards. He explained that Townhouses do not have two (2) side yards, and so, a caveat was added to the new local law expressly stating that this requirement does not apply to Townhouses and Garden Apartments. Chairperson Simon asked for an explanation of the difference between a Townhouse and a Garden Apartment. Commissioner Duquesne explained that a Garden Apartment is a building with four (4) units connected by a single entrance. Commissioner Duquesne identified an area of six (6) Townhouses, just south of I-287, which were originally proposed in the R-5/LTF District, which are now proposed to be located in the R-5/LMF District.

Commissioner Duquesne explained that, if the amendment is adopted, two (2) additional areas of the current UR District would remain as within the UR District. These areas consist of a group of three (3) apartment complexes just north of I-287, along Manhattan Avenue, and properties fronting on Rt. 119. These two (2) areas are proposed to be updated during subsequent phases of the UR District rezoning. Mr. Desai asked why the remaining areas would not be addressed at the present time. Commissioner Duquesne replied that these areas required additional study. Mr. Fried noted that the UR District is divided into sub-zones, and that because of this, staff is attempting to make sure that proposed re-zoning is completed in the most efficient and consistent way possible. Chairperson Simon noted that the Town's Comprehensive Plan calls for a full re-zone of the UR District, and that the re-zone is being completed in phases.

Mr. Golden asked how the proposed zoning is different from current Urban Renewal zoning district. Commissioner Duquesne stated that the change is related to use. He explained that the current zoning allows multi-family uses, whereas the proposal would only allow new construction of single-family homes. He elaborated that one issue which deems this change necessary would be parking requirements. Commissioner Duquesne explained that the area is predominantly single-family, and if multi-family uses are allowed to expand, it could result in negative impacts from the potential for an over abundance of off-street parking needs. Mr. Golden asked why the change is necessary. Chairperson Simon responded that the Urban Renewal district was originally created to eliminate blight. He explained that the zoning of the Urban Renewal District helped to encourage development, though now that the area has developed into a working/middle class neighborhood, the prior requirements are no longer necessary.

Commissioner Duquesne noted that all affected property owners were notified as part of the zoning text and zoning map amendment process. He reported receiving at least forty (40) phone calls or office visits from

residents of the areas subject to the amendments. Commissioner Duquesne explained that after discussing various aspects of the rezoning proposal with those residents, most residents felt the change was good planning. Commissioner Duquesne stated that staff would prepare a draft report and recommendation for the Board's consideration at the next Planning Board meeting.

**5. NEW BUSINESS**

**a. Case No. TB 18-24** Chapter 285 – OB District (Hotel Accessory Use) – *Zoning Map and Zoning Text Amendments (Referral from Town Board)*

A work session to discuss a Town Board referral of a proposed local law to amend Section 285-25 of the Code of the Town of Greenburgh, entitled "OB – Office Building District," to allow additional accessory uses in the OB District with respect to hotels allowed pursuant to 285-25(A)(4)(c).

Commissioner Duquesne presented an overview of the proposal, noting that the amendment would provide flexibility for the accessory uses associated with hotels within the OB District. The proposed amendment would allow cafes and bakeries as an accessory use within hotels, and would not restrict those uses from having an independent access point to allow for off-site consumption. Commissioner Duquesne explained that this amendment would help local hotels stay competitive. He noted that there currently is interest from a hotel in Town, the Sheraton on White Plains Road, which would like to add a Starbucks to its building.

Mr. Golden stated that the Town Code can be overly restrictive, and that he supports changes that help businesses succeed. Ms. Taliaferrow agreed that this would be a good update to the Town Code. Mr. Desai agreed to support the Code amendment, and recommended that a committee be formed to review all zoning within the Town. Mr. Fried noted that, in the past, a Zoning Ordinance Review Committee (ZORC) existed in the Town for some time. Chairperson Simon added that he had served on ZORC, and that a report had been completed. Mr. Golden requested the report be provided to the Planning Board. Commissioner Duquesne replied that this could be accomplished. Commissioner Duquesne stated that a draft report and recommendation would be prepared for the Board's consideration at its next meeting.

**6. ITEMS FOR PUBLIC HEARING & PUBLIC DISCUSSION (ITEMS WILL START NO SOONER THAN 8:45 P.M.)**

**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 public hearing 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. Three (3) 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.

*On a motion made by Mr. Golden and seconded by Ms. Taliaferrow, the Planning Board unanimously voted to classify the project as a "Type II" action, under SEQRA. On a motion made by Mr. Golden and seconded by Mr. Desai, the Planning Board unanimously voted to close the public hearing, and to keep the written record open through October 10, 2018.*

**b. Case No. PB 18-14** Clinkscapes, 31 Cross Hill Road (P.O. Scarsdale, N.Y.) – *Minor Project Wetland/Watercourse Permit*

A public hearing to discuss a minor wetland/watercourse permit application involving the proposed completion of an approximately 945 sq. ft. open wood deck on an existing single-family residential property. The watercourse buffer area consists of approximately 23,107 sq. ft. and the applicant is proposing approximately 60 square feet of disturbance. The applicant proposes approximately 2.2 cubic yards of

excavation to carry out completion of the project. It is noted that site work previously commenced on the property in connection with this proposal. The subject property consists of approximately 23,585 sq. ft. and is situated on the east side of Crosshill Road, approximately 530 ft. from the intersection of Rochambeau Drive and Crosshill Road. 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: 8.280-216-10.

*On a motion made by Mr. Golden and seconded by Ms. Taliaferrow, the Planning Board unanimously voted to classify the project as a "Type II" action, under SEQRA. On a motion made by Mr. Golden and seconded by Mr. Ayoub, the Planning Board unanimously voted to turn the project over to the Town Wetland Inspector for decision.*

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

A public discussion associated with a subdivision improvement plan amendment request in connection 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 is requesting a subdivision improvement plan amendment involving the relocation of the approved driveway. The driveway 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, and is therefore seeking an amendment. 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.

*On a motion made by Mr. Hay and seconded by Mr. Golden, the Planning Board unanimously voted to approve the subdivision improvement plan amendment, as requested.*

7. **ESTABLISH DATE FOR NEXT MEETING**

The next regularly scheduled meeting of the Greenburgh Planning Board will be held on Wednesday, October 17, 2018 and will begin at 8:00 pm in the Greenburgh Town Hall Auditorium.

8. **ADJOURNMENT**

The October 3, 2018 work session of the Town of Greenburgh Planning Board was adjourned at 10:10 pm.

Respectfully submitted,



Aaron Schmidt  
Deputy Commissioner,  
Department of Community Development and Conservation