

**TOWN OF GREENBURGH
PLANNING BOARD MINUTES
TOWN HALL – GREENBURGH – NEW YORK
Wednesday – October 17, 2018**



The Work Session of the Planning Board of the Town of Greenburgh was held on Wednesday, October 17, 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: Vice Chairperson Hugh Schwartz, Mohamed Ayoub, Michael Golden, Viola Taliaferrow, and Thomas Hay

Absent: Chairperson Walter Simon and Kirit Desai

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

Mr. Schmidt announced that Mr. Thomas Hay now has been appointed by the Town Board, as a full-time member of the Planning Board.

2. APPROVAL OF MINUTES

a. October 3, 2018 Work Session Minutes

Vice Chairperson Schwartz asked Planning Board members if there were any comments to the draft Planning Board minutes of September 17, 2018. Mr. Hay identified that item 6a was listed as project TB 18-24, instead of as PB 18-24. On a motion made by Mr. Hay and seconded by Mr. Ayoub, the Planning Board voted to approve the October 3, 2018 minutes, as amended.

3. CORRESPONDENCE

a. Joint Town Board/Planning Board Meeting

Mr. Golden had comments on the draft agenda circulated by Town staff on the upcoming Joint Board meeting. Mr. Schmidt suggested he email those comments to the Planning Board and Town Staff. Vice Chairperson Schwartz noted that an item related to the Historic and Landmarks Preservation Board (H&LPB) was not included on the agenda, as Councilwoman Diana Juettner, of the Town Board, is unable to attend. He and Chairperson Simon will be requesting a special meeting with either the Town Board, or Councilwoman Juettner, on her own, in order to discuss this matter. Mr. Golden suggested that the Planning Board express its concerns on the matter at the Joint Meeting. Vice Chairperson Schwartz noted that this may, or may not, be permitted. He clarified that the matter pertains to process, in that a land-use board must follow a very specific set of standards, which needs to be reviewed and discussed.

4. OLD BUSINESS

a. 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 work session to discuss a Planning Board report and recommendation to the Town Board related to 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 contains approximately 132 acres of land with a mix of residential, commercial and governmental uses.

Ms. Taliaferrow questioned if existing non-conforming residences could be grandfathered, in the event of destruction from a fire or natural disaster. Vice Chairperson Schwartz asked if an existing non-conforming structure could be replaced in-kind, in the event of a fire or natural disaster. Mr. Fried advised that applicant property owner would have the right to seek a variance, based on the hardship, however, there is no guarantee the Zoning Board of Appeals would grant such a variance. He added that the potential for grandfathering in these uses could be part of the Planning Board's recommendation back to the Town Board on this matter. Vice Chairperson Schwartz asked if requiring a property owner to rebuild a conforming structure, different from what pre-existed, could cause an insurance or refinance issue for the homeowner. Mr. Fried replied that

he had not come across this issue. Mr. Golden asked whether an existing non-conforming house, if completely destroyed, could be rebuilt on the current foundation. Mr. Schmidt replied that once a home is destroyed by more than 75%, any rebuild is considered a demolition, and must be built to current zoning standards. The Planning Board agreed to amend its recommendation to the Town Board, so that lawfully existing residential uses within each of the two (2) proposed districts, could be grandfathered in to their respective districts, and be permitted to be rebuilt as lawfully pre-existing, in the event of casualty loss.

Vice Chairperson Schwartz opined that the proposed zoning text and zoning map amendments may be reducing the potential and opportunity for the construction of multi-family residences within the Town. He suggested that the Planning Board consider further recommending to the Town Board that it seek opportunities to identify areas throughout the Town, where privately-owned, small-scale multi-family residential dwellings, may be allowed as permitted uses. Mr. Golden recommended that this issue be added to the Joint Town Board/Planning Board meeting agenda. Mr. Hay agreed. Board members discussed this potential additional recommendation, and agreed to further amend the Board's recommendation to the Town Board, to include language that the Town Board consider opportunities to identify areas throughout the Town, where privately-owned, small-scale multi-family residential dwellings, may be allowed as permitted uses..

On a motion made by Mr. Golden and seconded by Mr. Schwartz, the Planning Board unanimously voted to issue its report to the Town Board, concerning the R-5/LTF zoning text amendment referral. On a motion made by Mr. Hay and seconded by Ms. Taliaferrow, the Planning Board unanimously voted to issue its report to the Town Board, concerning the R-5/LTF zoning map amendment referral. On a motion made by Ms. Taliaferrow and seconded by Mr. Ayoub, the Planning Board voted to issue a positive recommendation to the Town Board on the R-5/LTF zoning text & zoning map amendments, as amended.

On a motion made by Mr. Golden and seconded by Mr. Ayoub, the Planning Board unanimously voted to issue its report to the Town Board, concerning the R-5/LMF zoning text amendment. On a motion made by Ms. Taliaferrow and seconded by Mr. Hay, the Planning Board unanimously voted to issue its report to the Town Board, concerning the R-5/LMF zoning map amendment. On a motion made by Ms. Taliaferrow and seconded by Mr. Golden, the Planning Board unanimously voted to issue a positive recommendation to the Town Board on the R-5/LMF zoning text & zoning map amendments, as amended.

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

A continuation of a work session (October 3, 2018) to discuss a Planning Board report and recommendation related to 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).

Mr. Schmidt stated that, at the request of the Board, a draft Planning Board report and recommendation were prepared in connection with the proposed zoning text amendment. Vice Chairperson Schwartz requested that the draft recommendation be amended to state that drive-through facilities not be permitted in connection with these accessory uses. On a motion made by Mr. Hay and seconded by Mr. Golden, the Planning Board unanimously voted to issue the Planning Board report prepared in connection with the proposed zoning text amendment. On a motion made by Ms. Taliaferrow and seconded by Mr. Ayoub, the Planning Board unanimously voted to issue a positive recommendation to the Town Board on the proposed zoning text amendment, with the additional recommendation that drive-through facilities be specifically restricted.

c. Case No. PB 18-13 Muger, 7 Rockhill 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 the decision of 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) River Birch trees and three (3) Red 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. Schmidt advised that a draft decision had been circulated to the Board. He highlighted Condition 4.1, which requires the installation of a swale as soon as practicable, following the removal of the existing driveway. On a motion made by Mr. Ayoub and seconded by Mr. Hay, the Planning Board unanimously voted to grant a Planning Board steep slope permit for the project. On a motion made by Ms. Taliaferrow and seconded by Mr. Ayoub, the Planning Board unanimously voted to grant a wetland/watercourse permit for the project.

d. **Case No. PB 15-29** Ranjan Subdivision, 18 Castle Walk (P.O. Scarsdale, N.Y.) – Final Subdivision & Tree Removal Permit

A work session to discuss the decision of a final subdivision and tree removal permit application involving the proposed subdivision of one (1) lot into three (3) lots, for the purpose of creating one (1) additional buildable lot. Proposed Lot A would total 23,231 sq. ft. Proposed Lot B would total 25,162 sq. ft. Proposed Lot C would total 6,809 sq. ft. An existing single-family residence is proposed to remain on Lot A. The applicant proposes the construction of one, new single-family residence, with related improvements, to be located on proposed Lot B. Lot C is proposed for the purpose of creating a private roadway extension, built to Town standards, that would connect to the existing Castle Walk. The applicant proposes 10,340 sq. ft. of disturbance on 15-25% slopes (STEEP SLOPES), 2,975 sq. ft. of disturbance on 25-35% slopes (VERY STEEP SLOPES) and 3,679 sq. ft. of disturbance on 35%+ slopes (EXCESSIVELY STEEP SLOPES). The applicant proposes the removal of six (6) regulated trees, requiring a tree removal permit from the Planning Board. The applicant has prepared a landscaping plan which includes the proposed installation of: twelve (12) Maple-leaved Viburnum shrubs, eight (8) Pinxter Azalea shrubs, seven (7) New Jersey Tea shrubs, six (6) Mountain Laurel shrubs, nine (9) American Holly shrubs, eighteen (18) Blue Spruce trees, one (1) White Oak tree, and six (6) Greenspire Linden trees. The property consists of approximately 55,203 sq. ft. and is situated on the east side of Castle Walk approximately 490 feet from the intersection of Fort Hill Road. The property is located in the R-20 One-Family Residence District, and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.530-363-19.10.

Mr. Schmidt reported that the applicant has filed for final subdivision approval, that no changes have been made to the subdivision plat since the preliminary subdivision approval was issued by the Planning Board, and that all fees, including the recreation fee, have been paid by the applicant. On a motion made by Mr. Golden and seconded by Ms. Taliaferrow, the Planning Board unanimously agreed to waive the public hearing on the final subdivision plat. On a motion made by Mr. Ayoub and seconded by Ms. Taliaferrow, the Planning Board unanimously voted to adopt the final subdivision. On a motion made by Mr. Ayoub and seconded by Mr. Hay, the Planning Board unanimously voted to issue a tree removal permit for the proposed project.

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

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 & Tree Removal Permit (Town Forestry Officer Approval)

A public hearing 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.

On a motion made by Mr. Ayoub and seconded by Ms. Taliaferrow, the Planning Board unanimously voted to close the public hearing, and to keep the written record open through October 31, 2018.


6. **ESTABLISH DATE FOR NEXT MEETING**

The next regularly scheduled meeting of the Greenburgh Planning Board will be held on Wednesday, November 7, 2018 and will begin at 8:00 pm in the Greenburgh Town Hall Auditorium.

7. **ADJOURNMENT**

The October 17, 2018 work session of the Town of Greenburgh Planning Board was adjourned at 9:02 pm.

Respectfully submitted,



Aaron Schmidt
Deputy Commissioner,
Department of Community Development and Conservation