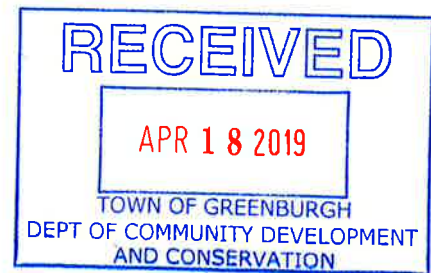


**TOWN OF GREENBURGH
PLANNING BOARD MINUTES
TOWN HALL – GREENBURGH – NEW YORK
Wednesday – March 20, 2019**



The Work Session of the Planning Board of the Town of Greenburgh was held on Wednesday, March 20, 2019, in the auditorium of the Greenburgh Town Hall, 177 Hillside Avenue, Greenburgh, New York, and began at 8:00 pm.

1. ROLL CALL & ANNOUNCEMENTS

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

Absent: Mohamed Ayoub and Hugh Schwartz

Staff: Aaron Schmidt, Deputy Commissioner, CD&C
Timothy Lewis, Esq., Town Attorney
Evan Breining, Assistant Planner, CD&C

Chairperson Simon welcomed Ms. Fraitag as the newly appointed Planning Board alternate. He noted that Ms. Fraitag would be a voting member at tonight's meeting, in place of Mr. Schwartz, who is not present.

2. APPROVAL OF MINUTES

a. March 6, 2019 Work Session Minutes

Chairperson Simon asked Planning Board members if there were any comments to the draft Planning Board minutes of March 6, 2019. There were no comments. On a motion made by Mr. Golden, and seconded by Mr. Hay, the Planning Board voted to approve the March 6, 2019 minutes, as written. Mr. Golden abstained from voting.

3. CORRESPONDENCE

a. Public Notification Signage

Chairperson Simon noted that the Town Board recently adopted a zoning text amendment to require applicants to erect signage on their properties, in an effort to notify the public of a project early on in the process. He stated that the intent of this Code amendment was to provide the public with additional time to review a project and provide its comments to Town land-use boards. He opined that the zoning text amendment adopted by the Town Board does not achieve this objective, noting that the requirement is that the signage being erected on an applicant's property only a few days ahead of when the required notices of public hearing are mailed out. He suggested that the Planning Board consider recommending to the Town Board that the adopted zoning text amendment does not achieve the original intent of this initiative. Mr. Golden asked if it was not the intent of the amendment to provide early notification to the public of projects before a Board of the Town. Board members confirmed this as accurate. Mr. Lewis stated that he would notify the Town Board of this suggestion, and would work with the Department of Community Development & Conservation to draft a local law to reflect the original intent of the Planning Board. He added that before the local law is presented to the Town Board, it would be forwarded along to the Planning Board for review.

b. Case No. PB 17-19A Milea Trucking, Lot A Nepperhan Avenue (P.O. Elmsford, N.Y.) – Planning Board Site Plan Approval – 1st Extension Request

Chairperson Simon noted that, on March 12, 2019, a letter was received from Mr. James E. Caris of JMC, PLLC, on behalf of Milea Truck Sales Corp., in relation to Case No. PB 17-19A Milea Trucking, Lot A Nepperhan Avenue, Planning Board Site Plan approval. The letter requested a 1-year extension of the Planning Board Site Plan approval, which is set to expire on March 29, 2019. The letter indicated that the applicant's consultants are currently underway with the design development on the building construction plans, and that the applicant intends to proceed with construction in the near future.

On a motion made by Mr. Golden and seconded by Mr. Hay, the Planning Board unanimously voted to grant a one year extension of site plan approval, valid through March 29, 2020.

c. Case No. PB 17-19B Milea Trucking, 229-233 Saw Mill River Road (P.O. Elmsford, N.Y.) – Planning Board Site Plan Approval – 1st Extension Request

Chairperson Simon noted that, on March 12, 2019, a letter was received from Mr. James E. Caris of JMC, PLLC, on behalf of Milea Truck Sales Corp., in relation to Case No. PB 17-19B Milea Trucking, 229-233 Saw Mill River Road, Planning Board Site Plan approval. The letter requested a 1-year extension of the

Planning Board Site Plan approval, which is set to expire on March 29, 2019. The letter indicated that the applicant's consultants are currently underway with the design development on the building construction plans, and that the applicant intends to proceed with construction in the near future.

On a motion made by Mr. Golden and seconded by Mr. Hay, the Planning Board unanimously voted to grant a one year extension of site plan approval, valid through March 29, 2020.

d. **Case No. PB 14-12** Solano Subdivision, *Barnaby Lane (P.O. Hartsdale, N.Y.) – Preliminary Subdivision Approval – 3rd Extension Request*

Chairperson Simon noted that, on March 13, 2019, an email was received from Mr. Peter Nurzia, Esq., on behalf of the applicant, in relation to Case No. PB 14-12 Solano Subdivision, Barnaby Lane, Planning Board Preliminary Subdivision approval. The email requested a 180-day extension of the Planning Board Preliminary Subdivision approval, which expired on March 16, 2019. The email indicated that the applicant recently passed away, and the property is now in his estate.

On a motion made by Mr. Desai, and seconded by Mrs. Taliaferrow, the Planning Board unanimously voted to grant a 180-day retroactive extension of preliminary subdivision approval, valid through September 16, 2019.

e. **Review of 2018 Adopted SEQRA Amendments**

Mr. Schmidt provided an overview of amendments made to the New York State SEQRA regulations, adopted in 2018. He highlighted a few of the amendments he found to be most applicable to matters before the Planning Board, including: (1) the addition of a definition for the term "green infrastructure,"; (2) modifications and additions to the Type I actions list: [1] in a city, town or village having a population of 150,000 persons or less, a reduction from 250 (previous threshold) to 200 (new threshold) residential units to be connected to existing public water and sewer systems; [2] in a city, town or village having a population of 150,000 persons or less, construction of new residential units that provide parking for 500 vehicles (formerly was strictly parking for 1,000 or more vehicles in any jurisdiction); and (3) modifications and additions to the Type II actions list: [a] construction or expansion of a single-family, a two-family or a three-family residence – modified to include the conveyances of land in connection therewith; and [b] the addition of a new express Type II category for an agency's acquisition and dedication of 25 acres or less of land for parkland, or dedication of land for parkland that previously was acquired, or acquisition of a conservation easement.

Mr. Hay asked for an example where this first category of Type II action modifications, would be applicable. Mr. Schmidt explained that, within the Town of Greenburgh, conveyances of land cannot take place without the need for subdivision approval which, in and of themselves, are "Unlisted" actions, and not Type II actions. He added that there have been discussions amongst Town staff and in-house committees in the past, concerning the potential to allow certain small-scale lot mergers or conveyances of land without the need for subdivision approval, though no amendments to this effect have taken place within the Town. Chairperson Simon asked for some pros and cons of enacting this type of amendment to the Town Code. Mr. Schmidt replied that an amendment of this type would save time and cost to applicants, however, the Town would lose certain oversight in not requiring subdivision approval. Mr. Lewis advised that no amendment was ever adopted in the Town to this effect, due to the feeling that it is important for a land-use Board to have oversight on these matters, and thus require subdivision approval, no matter how minor in nature.

Mr. Schmidt encouraged all Board members to review the full list provided in the Board's packages, and, should any member have questions, to please contact him by phone or email. He added that, should any additional discussion of these SEQRA amendments require discussion at a future work session, he would be happy to arrange for this.

4. **OLD BUSINESS**

a. **Case No. PB 17-06** Ardsley Road & Old Sprain Road (*P.O. Scarsdale, N.Y.) – Preliminary Subdivision, Planning Board Steep Slope, Wetland/Watercourse Permit and Tree Removal Permit (2nd Pre-Submission Conference)*

A follow-up pre-submission conference (May 3, 2017) to discuss a potential future subdivision, Planning Board steep slope permit, wetland/watercourse permit and tree removal permit application involving the

subdivision of one (1) existing lot into three (3) lots, for the purpose of constructing three (3) new single family residences. The project would involve proposed disturbances to regulated steep slope areas and wetland/watercourse areas, and the removal of regulated trees. The applicant has provided a conceptual layout plan which depicts a potential subdivision of the site into three (3) lots, with access to all lots being from Ardsley Road, through a new cul-de-sac roadway built to Town standards. The property consists of approximately 227,325 sq. ft. and is situated on the east side of the intersection of Ardsley Road and Old Sprain Road. The property is located in the R-20 One-Family Residential District, and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.390-275-1.

Mr. Zachary Mintz, Esq., of Zarin & Steinmetz, provided an overview of a potential future subdivision application involving the subdivision of one (1) existing lot into three (3) lots, for the purpose of constructing three (3) new single family residences. Mr. Mintz noted that the layout plan has been revised to propose three (3) lots, which is a reduction from the prior proposal of four (4) lots, based upon feedback provided by the Board and Town staff. Mr. David Lombardi, PE, of JMC, PLLC, stated that the project would involve proposed disturbances to regulated steep slope areas and wetland/watercourse areas, and the removal of regulated trees. He noted that detailed plans, including a topographic survey, tree survey, and utility plan have yet to be prepared. Mr. Lombardi reviewed the preliminary wetland analysis prepared by Evans Associates. Mr. John Monacherian, President of the National Road Safety Foundation (NRSF), property owner, explained that the NRSF operates as a public charity. He noted that this parcel of land was donated to the NRSF, which cannot develop the property, but can entitle it and then sell it to a developer.

Chairperson Simon asked why the driveway to the third lot is so long. Mr. Lombardi replied that the topography of the site only allows for access from Ardsley Road and that this location of the site is best suited for a residence, which requires a longer driveway. Mr. Desai asked if the applicant has considered plans that would not disturb the on-site wetland, noting that the proposal provides for a new roadway to be built through the wetland. Mr. Lombardi replied that the applicant had looked into providing access off of Old Sprain Road, however, the Ardsley Fire Department did not prefer this option, as this area of the site is extremely steep, and would provide for limited sight distance. Mr. Lombardi stated that the current proposal provides for a new road off of Ardsley Road, with a cul-de-sac 96-feet in diameter, as per the New York State Fire Code. Mr. Schmidt noted that the Planning Board reviewed a similar layout with a subdivision in East Irvington, known as the Mulligan Lane Subdivision, wherein the Planning Board, in an effort to reduce impervious surfaces, required that a landscaped, mountable curbed island be placed in the center of the cul-de-sac. Mr. Golden requested that the applicant consider alternative layouts to the conventional cul-de-sac with appropriate Town staff. Mr. Lombardi noted that the new roadway would be proposed as private, though built to Town standards. He explained that there likely would be some stormwater management facilities situated beneath or adjacent to the roadway, which would be maintained by a Homeowner's Association.

Mr. Golden asked how stormwater runoff from new impervious surfaces would be handled for each lot. Mr. Lombardi replied that drywells or stormwater chambers would likely be provided on the individual lots, and that the applicant is considering a pervious surface for the long driveway to Lot 3.

Mr. Desai asked if Lot 3 would be considered a flag lot, as currently designed. Mr. Schmidt replied that a determination on this would be made by the Building Inspector at the time of formal submission, and noted that there would, at a minimum, likely be a variance required in connection with Lot 3, for not providing access across the lot's frontage on Old Sprain Road. Chairperson Simon asked if the latest plan, which includes the approximately 500 foot driveway, was reviewed by the Ardsley Fire Department. The applicant stated that the plans were sent to the Fire Department, without any reply as of yet, though it previously did request that a new fire hydrant be installed at the termination of the cul-de-sac, that is now shown on the conceptual plan. Mr. Golden noted that a pull-off appears to be shown along the driveway to Lot 3. Mr. Lombardi replied that this is a requirement, due to the length of the driveway. Mr. Hay noted that it appears a fire truck would have to back all the way out to the cul-de-sac, if it were to service Lot 3. He asked if the Fire Department had provided comments regarding this. Mr. Schmidt noted that, as part of any formal submission, application materials would be forwarded to the Fire Department, for review and comment. Mr. Desai asked if the applicant had considered a two lot design. Mr. Lombardi replied that it had not. Mr. Desai noted that he has concerns with a fire truck attempting to back out from the proposed driveway to Lot 3, and with disturbances to steep slopes as part of the project. Mr. Schmidt asked if the applicant had explored wetland mitigation. Mr. Lombardi replied that it

had not. Mr. Schmidt reviewed the Town Code requirements related to required mitigation when a wetland area is proposed to be directly impacted.

Chairperson Simon summarized the talking points from the work session, including the need for: (1) the Ardsley Fire Department to review the plans; (2) the applicant to appropriately address stormwater runoff from the lots and proposed roadway; (3) the applicant to explore the feasibility of an alternate roadway termination design; (4) identification of variances required in connection with the project; (5) the applicant to explore a potential reduction to 2 lots; and (6) the applicant to provide paved space for fire trucks to turn around on Lot 3.

Mr. Golden and other Board members expressed interest in conducting small group site visits. Mr. Schmidt noted that he could make arrangements, after a formal submission is made by the applicant.

5. NEW BUSINESS

a. Case No. PB 18-22 Gupta, 72 Clarendon Road (P.O. Scarsdale, N.Y.) – Preliminary Subdivision, Planning Board Steep Slope and Tree Removal Permit

A work session to discuss a preliminary subdivision, Planning Board steep slope permit and tree removal permit application involving a lot line adjustment to create two (2) buildable lots. The applicant is proposing a lot line adjustment to create two (2) lots, in order to construct one (1) new single-family residence. Lot 1A (8.460-324-10) currently consists of 9,946 sq. ft., and is proposed to become 12,600 sq. ft. Lot 3A (8.460-324-11), which contains a single-family residence to remain, currently consists of 12,535 sq. ft., and is proposed to become 9,881 sq. ft. One (1) new single-family residence is proposed on Lot 1A. The applicant proposes 6,059 sq. ft. of disturbance to 15-25% (STEEP SLOPES), and 432 sq. ft. of disturbance to 25-35% (VERY STEEP SLOPES). The applicant proposes the removal of one (1) regulated tree from the site. The applicant has prepared a landscaping plan which calls for the planting of two (2) Sugar Maple trees, eight (8) Green Giant Arborvitae trees, and three (3) Holly shrubs, as replacement. The properties consist of approximately 22,481 sq. ft. and are situated on the west side of Clarendon Road, approximately 220 feet from the intersection of Fort Hill Road and Clarendon Road. The properties are located in the R-7.5 One-Family Residence District, and are designated on the tax map of the Town of Greenburgh as Parcel ID's: 8.460-324-10 & 11.

Mr. Steve Anderson, project representative, summarized the history of the site and provided an overview of the project, involving a proposed lot line adjustment to create two (2) lots, in order to construct one (1) new single-family residence. He noted that each of the two lots would be oversized and meet all zoning requirements. Mr. Schmidt stated that the applicant proposes the removal of one (1) regulated tree, and has prepared a landscaping plan which meets his satisfaction. Mr. Schmidt noted that Mr. Golden had provided him with two comments concerning the project: a request to have the applicant explore the removal of the invasive bamboo at the rear of the property, and a note that there is a man-made fountain which appears to flow from groundwater, which he would like to know how that groundwater will be handled in the proposed condition. Mr. Desai asked if the applicant has considered creating any flat space, particularly at the rear of the proposed residence, to provide some rear yard area that is not sloped. Mr. Anderson indicated that his office would review these comments and questions, and submit a revised plan and cover letter addressing each of the points made. Chairperson Simon noted that this project would be on for a public hearing April 4, 2019.

b. Case No. PB 19-08 9Round Franchising, LLC, 417 Central Park Avenue North (P.O. Hartsdale, N.Y.) – Special Permit (Fully Enclosed Commercial Recreation Facility)

A work session to discuss a special permit (fully enclosed commercial recreation facility) application, pursuant to Section 285-29.1(B)(5.1)(b)([1]) of the Zoning Ordinance of the Town of Greenburgh, involving the proposed conversion of 1,140 sq. ft. of vacant space (formerly Sport Clips) to a 9Round fitness studio. The property consists of approximately 131,551 sq. ft. (3.02 acres), and is situated on the west side of Central Park Avenue North (NYS Route 100) approximately 500 ft. from the intersection of Fieldstone Drive and Central Park Avenue North. The property is located in the CA Central Avenue Mixed-Use Impact District, and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.150-96-5.

Chairperson Simon stated that the Town Board recently adopted a zoning text amendment that eliminated the need for smaller recreational facilities to obtain a special permit in certain zoning districts, although it did not carry into CA – Central Avenue Mixed-Use Impact zoning district. Mr. Schmidt advised that a zoning text amendment is currently being drafted by staff to expand this to the CA District.

Mr. Romel Arias, applicant, gave an overview of the 9Round business activities & the physical changes that would be made to the interior of the space. He noted that this facility would be the first 9Round fitness studio in Westchester. The space consists of 1,140 sq. ft., located at 417 Central Park Avenue North, a former Sport Clips location. He noted that the space would be accommodated with a total of nine (9) stations, some which would have small pieces of equipment. Each station would be occupied for three (3) minutes, for a total of a thirty (30) minutes work out. There are no classes as part of this facility, and no group training.

Mr. Desai asked how much occupancy the space can handle. Mr. Arias replied approximately 30-40 persons at one time. He added that sound proofing would be installed in the space, at the request of the building owner, not due to heavy equipment, but due to music that will be played. Mrs. Taliaferrow asked if there would be lockers. Mr. Arias replied that cubbies would be provided for personal belongings.

As there were no additional questions from the Board members, this project transitioned directly into a public hearing, under Item 6a, below.

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

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

a. Case No. PB 19-08 9Round Franchising, LLC, 417 Central Park Avenue North (P.O. Hartsdale, N.Y.) – Special Permit (Fully Enclosed Commercial Recreation Facility)

A public hearing to discuss a special permit (fully enclosed commercial recreation facility) application, pursuant to Section 285-29.1(B)(5.1)(b)([1]) of the Zoning Ordinance of the Town of Greenburgh, involving the proposed conversion of 1,140 sq. ft. of vacant space (formerly Sport Clips) to a 9Round fitness studio. The property consists of approximately 131,551 sq. ft. (3.02 acres), and is situated on the west side of Central Park Avenue North (NYS Route 100) approximately 500 ft. from the intersection of Fieldstone Drive and Central Park Avenue North. The property is located in the CA Central Avenue Mixed-Use Impact District, and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.150-96-5.

On a motion made by Mr. Golden and seconded by Ms. Taliaferrow, the Planning Board unanimously voted to classify this project as a Type II action under SEQRA.

On a motion made by Mr. Hay and seconded by Mrs. Fraitag, the Planning Board unanimously voted to close the public hearing.

On a motion made by Ms. Taliaferrow and seconded by Mr. Hay, the Planning Board unanimously voted to approve the special permit.

b. Case No. PB 18-16 Crossroads Joint Venture, LLC, 367-399 Tarrytown Road (Route 119), (P.O. White Plains, N.Y.) – Planning Board Wetland/Watercourse Permit

A public hearing to discuss a Planning Board wetland/watercourse permit application for a project consisting of the proposed construction of additional parking spaces spanning over an existing concrete-lined watercourse (Manhattan Brook), on the subject property. The applicant is proposing to add sixty (60) new parking spaces to the Crossroads Shopping Center by constructing a raised platform over the existing watercourse. There currently are 1,568 off-street parking spaces provided on-site, with 1,628 proposed. It is noted that a similar parking deck was constructed over a separate portion of the Manhattan Brook, along the northeasterly section of the property, sometime after 1992. On February 27, 2019, the Town Board issued a resolution approving, with conditions, an amended site plan application associated with the project. The property consists of approximately 1,283,084 sq. ft. (29.46 acres) and is situated on the south side of Tarrytown Road (NYS Route 119), opposite the intersection of Manhattan Avenue and Tarrytown Road (NYS Route 119). The property is located in the UR – Urban Renewal District (Planned Commercial Development Sub-district), and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.480-295-1, 2 & 3.

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 March 27, 2019.

c. **Case No. PB 18-17** Maria Regina High School, 500 West Hartsdale Avenue (P.O. Hartsdale, N.Y.) – Planning Board Steep Slope Permit & Tree Removal Permit (Town Forestry Officer Approval)

A public hearing to discuss a Planning Board steep slope permit application for a project consisting of the proposed conversion and expansion of an existing athletic field, the construction of two (2) tennis courts, and the reconfiguration of an existing parking lot, with related site improvements. The applicant proposes to convert an existing grass athletic field into a synthetic turf soccer field with perimeter running track. The applicant also proposes to construct new tennis courts, and to re-configure an existing parking area. The applicant proposes 9,500 sq. ft. of disturbance on 15-25% slopes (STEEP SLOPES), 3,500 sq. ft. of disturbance on 25-35% slopes (VERY STEEP SLOPES), and 3,000 sq. ft. of disturbance on slopes greater than 35% (EXCESSIVELY STEEP SLOPES). The project involves approximately 1,000 cubic yards of cut and approximately 20,000 cubic yards of imported fill, requiring a fill permit from the Bureau of Engineering. The applicant proposes a subsurface stormwater infiltration system to capture and treat stormwater runoff from impervious surfaces. The applicant proposes the removal of eighty-five (85) regulated trees from the subject property, requiring a tree removal permit from the Town Forestry Officer. The applicant has prepared a landscaping plan which calls for the planting of thirteen (13) Autumn Blaze Maple trees, four (4) Flowering Dogwood trees, three (3) Pink Flowering Dogwood trees, twenty (20) Norway Spruce trees, six (6) White Spruce trees, three (3) Serbian Spruce trees, three (3) Oriental Spruce trees, and six (6) White Oak trees, as replacement. The Town Forestry Officer has reviewed the application materials and determined that the submission meets the requirements for permit issuance pursuant to Chapter 260 of the Town Code. The project also requires amended site plan approval from the Town Board. The property consists of approximately 923,908 sq. ft. (21.21 acres) and is situated on the west side of West Hartsdale Avenue, at the intersection at Keats Avenue and West Hartsdale Avenue. 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: 8.130-82-1.

On a motion made by Mr. Hay and seconded by Mr. Desai, the Planning Board unanimously voted to close the public hearing, and to leave the written record open until the Town Board makes a SEQOR determination and a decision on the amended site plan, plus two (2) business days.

7. **ESTABLISH DATE FOR NEXT MEETING**

The next regularly scheduled meeting of the Greenburgh Planning Board will be held on Wednesday, April 3, 2019, and will begin at 8:00 pm in the Greenburgh Town Hall Auditorium.

8. **ADJOURNMENT**

The March 20, 2019 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