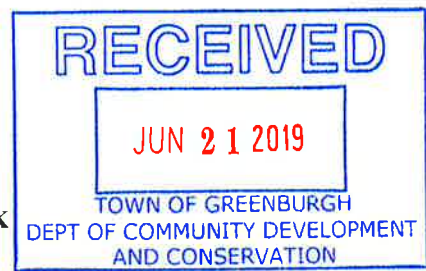


**TOWN OF GREENBURGH  
PLANNING BOARD MINUTES  
TOWN HALL – GREENBURGH – NEW YORK  
Wednesday – June 5, 2019**



The Work Session of the Planning Board of the Town of Greenburgh was held on Wednesday, June 5, 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, Hugh Schwartz, Kirit Desai, Michael Golden, Thomas Hay, Viola Taliaferrow, and Mona Fraitag (Alternate – Voting Member)

Absent:

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

Chairperson Simon announced that Ms. Fraitag would be a full voting member during tonight's meeting, as the Planning Board currently is short one (1) member.

**2. APPROVAL OF MINUTES**

**a. May 1, 2019 Work Session Minutes**

Chairperson Simon asked Planning Board members if there were any comments to the draft Planning Board minutes of May 15, 2019. Mr. Hay requested a minor language modification on page 9, related to item 4b, Case No. PB 19-15 611 West Hartsdale Avenue.

On a motion made by Mr. Schwartz, and seconded by Ms. Taliaferrow, the Planning Board unanimously voted to approve the May 15, 2019 minutes, as amended.

**3. CORRESPONDENCE**

**a. Historic and Landmarks Preservation**

Mr. Schwartz requested that a draft memorandum concerning Historic and Landmarks Preservation Board procedures be amended, to provide more reasonable time frames for response, as per Ms. Fraitag's suggestion. The Board briefly discussed the new dates to be provided. Mr. Desai asked if all Board members had a copy of the Town Code Chapter 235 entitled, "Historic Districts and Landmarks." Mr. Schwartz requested that Mr. Schmidt circulate copies to all Board members, by email.

**4. OLD BUSINESS**

**a. Case No. TB 19-09 Chapter 285 – Shared Parking Definition – *Zoning Text Amendment (Referral from Town Board***

A continuation of a work session (May 1, 2019) to discuss a zoning text amendment referral from the Town Board to Section 285-38 of Town Zoning Ordinance, entitled "Off-Street Parking, Loading and Landscaping Requirements," related to Shared Parking.

Chairperson Simon stated that Board members had provided a few comments concerning the draft local law. He requested that Commissioner Duquesne circulate the revised draft to all members of the Board, for review.

Mr. Schwartz explained that, on page 4, language has been added to address not overburdening the on-site parking capacity. He added it has been made clear that the shared parking provisions only shall apply to the business which obtains a shared parking reduction approval, and shall not apply to the site.

**b. Case No. PB 16-25 Teverbaugh Subdivision, *Woodlands Avenue North (P.O. White Plains, N.Y.) – Preliminary Subdivision. Planning Board Steep Slope Permit, Planning Board Wetland/Watercourse Permit & Tree Removal Permit***

A work session to discuss a preliminary subdivision, Planning Board steep slope permit, wetland/watercourse permit, and tree removal permit application for a proposal consisting of the resubdivision of five (5) existing tax lots for the purpose of creating three (3) buildable lots and constructing three (3) new one-family residences. Proposed Lot 1 would consist of approx. 10,452 sq. ft., proposed Lot 2 would consist of approx. 10,792 sq. ft., and proposed Lot 3 would consist of approx. 20,208 sq. ft. Access for all three (3) proposed lots would be provided through the proposed construction of a privately owned and maintained, twenty (20) foot wide

roadway (Van Cott Avenue), approximately 10,445 sq. ft. in area, connecting off of Windom Street, and situated within the twenty-five (25) foot offset of the property line of each of the 3 proposed lots. The applicant proposes 12,248 sq. ft. of disturbance within 15-25% slopes (STEEP SLOPES), 2,402 sq. ft. of disturbance within 25-35% slopes (VERY STEEP SLOPES), and 882.5 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The applicant proposes 1,933 cubic yards of excavation and 687.3 cubic yards of imported fill, requiring a Fill Permit from the Town Engineer. The watercourse and watercourse buffer area on the applicant's property consist of approx. 20,855 sq. ft., and the applicant is proposing approx. 17,314 sq. ft. of disturbance, associated with the proposed development of the site. As part of the project, the applicant proposes to divert the surface water runoff which has formed a drainage channel (watercourse) on the property, through the installation of a curtain drain along the property line between proposed Lots 2 & 3, and a secondary curtain drain along the rear property line across all 3 of the proposed lots, which is proposed to tie in to the existing drainage channel (watercourse) where it exists outside of the proposed development area, on the west side of the proposed private road. The applicant proposes the removal of 88 regulated trees, and has prepared a landscaping plan which calls for the planting of 67 new trees, as well as wetland/watercourse mitigation plantings, as replacement. The properties consist of approximately 41,452 sq. ft., are situated along an undeveloped paper street commonly known as Van Cott Avenue, and are located approximately 100 feet south of Windom Street. The properties are located in the R-10 One-Family Residential District, and are designated on the tax map of the Town of Greenburgh as Parcel ID: 7.520-316-11, 12, 13, 14 & 15.

Chairperson Simon stated that he understands there is an ongoing issue between the applicant and one of its neighbors concerning an easement. He advised that this matter is outside of the Planning Board's jurisdiction, and therefore will not be discussed by the Board. He noted that all correspondence has been received and is part of the file. He stated that, if this project moves forward and ultimately is approved, the applicant may proceed at its own risk.

Mr. Schmidt advised that the Conservation Advisory Council reviewed the application, and issued a positive recommendation to the Planning Board, dated May 13, 2019, concerning the Wetland/Watercourse Permit request, a copy of which was provided in the Board's packages. He noted that correspondence received in his office pertaining to this project was placed into the file, and hard copies were provided in the Board's packages this evening.

*At 8:15 pm, on a motion made by Mr. Schwartz, and seconded by Ms. Taliaferrow, the Planning Board entered into an Executive Session, to discuss a legal matter pertaining to this project.*

The Executive Session lasted approximately ten (10) minutes. Following the Executive Session, Chairperson Simon reported that no votes were taken during this session. Mr. Fried noted that the reference to an issue of an "easement" between the applicant and one of its neighbors mentioned previously, actually involves a property dispute.

Mr. Schmidt explained that, while there have been pre-submission conferences held by the Planning Board concerning this project, this is the first official work session being held by the Planning Board. Mr. Schmidt advised that, following tonight's work session, the Planning Board may wish to declare its intent to serve as Lead Agency, for purposes of conducting a SEQRA review. He noted that area variances are required in connection with the project, and that, therefore, the Zoning Board of Appeals will be an involved agency, as part of a coordinated review under SEQRA.

Mr. Eliot Senor, P.E., Project Engineer, provided an overview of the project which involves the proposed resubdivision of five (5) existing tax lots for the purpose of creating three (3) buildable lots and constructing three (3) new one-family residences. Access for all three (3) proposed lots would be provided through the proposed construction of a privately owned and maintained, twenty (20) foot wide roadway (Van Cott Avenue), approximately 10,445 sq. ft. in area, connecting off of Windom Street, and situated within the twenty-five (25) foot offset of the property line of each of the 3 proposed lots. He noted that, during a site visit conducted with Board members on February 23, 2019, a watercourse, as defined under the Town Code, was identified on, and adjacent to, the site. He advised that application materials and revised project plans have been provided to reflect this, and noted that the applicant proposes to divert the surface water runoff which has formed this drainage channel (watercourse) on the property, through the installation of a curtain drain along the property line between proposed Lots 2 & 3, and a secondary curtain drain along the rear property line across all 3 of the

proposed lots, which is proposed to tie in to the existing drainage channel (watercourse) where it exists outside of the proposed development area, on the west side of the proposed private road. He added that wetland mitigation plantings have been proposed in order to comply with Town Code requirements. He advised that the Town Engineer has requested a watershed analysis, which has been prepared and will be provided for review.

Mr. Golden asked if the applicant proposes to develop on any portion of the land to which the neighbor has made a claim. Mr. Senor replied that the applicant proposes to construct a 20 foot wide private roadway within the twenty-five (25) foot offset of the property line of each of the 3 proposed lots and, therefore, he did not believe so. Mr. Fried clarified that the applicant is not proposing to develop beyond the midpoint of the right-of-way commonly known as Van Cott Avenue.

Mr. Senor reviewed the existing conditions plan, as well as the subdivision improvement plan. He identified that the applicant has proposed a hammerhead style turnaround for fire and emergency vehicles, within a proposed emergency access easement on Lot 3, which meets the New York State Fire Code. He advised that area variances are required, because each of the three (3) proposed lots would not front onto a roadway improved to Town standards.

Mr. Golden asked for clarification as to where the proposed roadway would be situated within the 50-foot right of way. Mr. Senor responded its location would be within the 25 feet nearest to the applicant's property. Mr. Schmidt requested that the applicant update plan sheet 5 to reflect the proposed private roadway in relation to the existing 50 foot right-of-way.

Chairperson Simon noted that the impervious surface coverage on proposed Lot 3 appears to be extensive, and asked the applicant to review this with the Board. Mr. Senor explained that the impervious surface coverage is higher due to the proposed hammerhead style turnaround, though each of the three lots do meet Town Code requirements. He suggested that pervious pavement could be utilized in certain areas, which the Board agreed would be beneficial. Mr. Senor reviewed the proposed stormwater management systems on each of the three (3) lots. He outlined the proposed drainage system associated with the private roadway, noting that two (2) proposed catch basins would tie into a series of drywell units, situated under the northernmost portion of the roadway.

Mr. Desai requested the applicant to provide the topography of the adjacent neighbor's lot to the west, and to show where the overflow of the drainage system would flow to. He asked the size of the proposed residences. Mr. Senor stated that he would provide the topographical and drainage information requested. He stated that the proposed residences would likely be around 3,000 sq. ft. each.

Mr. Schwartz asked if there were any regulated trees proposed for removal in connection with the project. Mr. Senor replied that a tree removal permit application, tree removal plan, and landscaping plan have been provided in connection with the applicant's submittal. He noted that the applicant proposes the removal of 88 regulated trees, and has prepared a landscaping plan which calls for the planting of 67 new trees, as well as wetland/watercourse mitigation plantings, as replacement.

On a motion by Mr. Golden and seconded by Mr. Schwartz, the Planning Board unanimously voted to declare its intent to serve as Lead Agency for purposes of conducting a coordinated SEQRA review. Mr. Schmidt advised he would circulate the Board's intent to all interested and involved agencies.

**5. 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 19-01** Deitch, 6 Mohican Lane (P.O. Irvington, N.Y.) – Planning Board Steep Slope Permit  
A continuation of a public hearing (May 1, 2019) to discuss a Planning Board steep slope permit application for a proposal to construct an approximately one hundred eighty (180) linear foot retaining wall, ranging in height from 0.0 feet to 10.0 feet, along portions of the westerly and southerly property lines, with related site improvements. The applicant is proposing to construct a reinforced, segmental retaining wall on its property, in order to create a level rear yard area for recreational use. An existing dry-stone wall approximately 4-feet

in height, is proposed to be removed. The applicant proposes 2,312 sq. ft. of disturbance on 15-25% slopes (STEEP SLOPES) 235 sq. ft. of disturbance on 25-35% slopes (VERY STEEP SLOPES), and 746 sq. ft. of disturbance on 35%+ slopes (EXCESSIVELY STEEP SLOPES). The project involves approximately 90 cubic yards of excavation and approximately 430 cubic yards of imported fill, requiring a fill permit from the Bureau of Engineering. The applicant proposes the removal of three (3) 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 one (1) Black Tupelo tree, ten (10) Skyrocket Juniper trees, and one (1) White Spruce tree, as replacement. The property consists of approximately 11,523 sq. ft. (0.26 acres) and is situated on the southerly side of Mohican Lane, approximately 200 feet from the intersection of Alta vista Circle and Mohican Lane. The property is situated in the R-10 One-Family Residence Zoning District, and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.370-187-9.

*On a motion made by Mr. Golden, and seconded by Mr. Schwartz, the Planning Board unanimously voted to close the public hearing, and to keep the written record open through June 25, 2019.*

b. **Case No. PB 17-36** Zappico, Old Colony Road (P.O. Hartsdale, N.Y.) – Preliminary Subdivision, Planning Board Steep Slope Permit, Wetland/Watercourse Permit and Tree Removal Permit

A public hearing to discuss a preliminary subdivision, steep slope permit, wetland/watercourse permit, and tree removal permit application for a proposal consisting of the subdivision of two (2) existing tax lots, in order to create four (4) zoning compliant lots, for the purposes of constructing four (4) single-family residences. Proposed Lot 1 would consist of 58,372 sq. ft. Proposed Lot 2 would consist of 23,753 sq. ft. Proposed Lot 3 would consist of 17,012 sq. ft., and proposed Lot 4 would consist of 14,973 sq. ft. The applicant proposes 20,193 sq. ft. of disturbance on 15-25% slopes (STEEP SLOPES), 9,058 sq. ft. of disturbance on 25-35% slopes (VERY STEEP SLOPES) and 26,002.5 sq. ft. of disturbance on 35%+ slopes (EXCESSIVELY STEEP SLOPES). The applicant proposes to disturb approximately 641 sq. ft. of the 1,236 sq. ft. of regulated watercourse area on the subject property, associated with the proposed piping of an on-site watercourse, and approximately 29,743 sq. ft. of the 46,235 sq. ft. of regulated watercourse buffer area on the subject property. The applicant proposes the removal of seventy (70) regulated trees, requiring a tree removal permit from the Planning Board. The applicant has prepared a landscaping plan which calls for the planting of four (4) Oak trees, sixteen each of (16) Blue Spruce and Norway Spruce trees, nine (9) Green Giant Arborvitae trees, eight (8) White Spruce trees, six (6) Sugar Maple trees, four (4) Eastern Redbud trees, four (4) Shagbark Hickory trees, four (4) White Oak trees, and an assortment of foundation shrubs and plants, as replacement. The properties consist of approximately 114,110 sq. ft. and are situated on the south side of Old Colony Road, opposite the intersection of Old Colony Road and Midvale Road. The properties are located in the R-10 One-Family Residence District, and are designated on the tax map of the Town of Greenburgh as Parcel ID: 8.360-259-11 & 12.

*On a motion made by Mr. Golden, and seconded by Ms. Fraitag, the Planning Board unanimously voted to adjourn the public hearing to July 2, 2019.*

6. **ESTABLISH DATE FOR NEXT MEETING**

The next regularly scheduled meeting of the Greenburgh Planning Board will be held on Wednesday, June 19, 2019, and will begin at 8:00 pm in the Greenburgh Town Hall Auditorium.

7. **ADJOURNMENT**

The June 5, 2019 work session of the Town of Greenburgh Planning Board was adjourned at 11:00 pm.

Respectfully submitted,



Aaron Schmidt  
Deputy Commissioner,  
Department of Community Development and Conservation