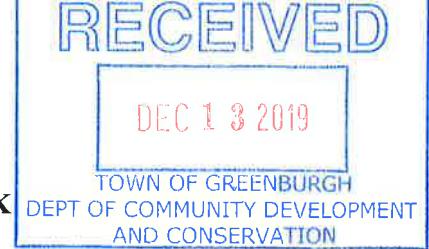


**TOWN OF GREENBURGH
PLANNING BOARD MINUTES
TOWN HALL – GREENBURGH – NEW YORK
Wednesday – November 20, 2019**



The Work Session of the Planning Board of the Town of Greenburgh was held on Wednesday, November 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, Mona Fraitag, Michael Golden, and Thomas Hay

Absent: Hugh Schwartz, Kirit Desai, and Viola Taliaferrow

Staff: Aaron Schmidt, Deputy Commissioner, CD&C
David Fried, Esq., 1st Deputy Town Attorney
Garrett Duquesne, AICP, Commissioner, CD&C
Matthew Britton, Assistant Planner, CD&C

Mr. Fried announced that, prior to the start of the Planning Board meeting, an Executive Session was held to discuss a legal matter. He reported that no votes were taken.

Chairperson Simon announced that Vice Chairperson Schwartz recently fell and injured his back. The Board is hopeful that he will be able to return in early 2020. He will be sorely missed during this time.

Mr. Fried advised that the lawsuit between the owners of the Dromore Road property and the Sisters of the Blessed Sacrament was concluded and resolved in September. He advised further that while there is still federal litigation, the Town's position since 2016 has been that the developer should proceed with its workforce housing project as soon as it is able to do so.

Chairperson Simon announced that he received an email from Town Supervisor Feiner advising that the Town Board will be voting, at its November 25, 2019 meeting, to appoint Mr. Johan Snaggs as an alternate member with the Planning Board.

Commissioner Duquesne introduced Matthew Britton as the newly hired Assistant Planner with the Department. Board members welcomed Mr. Britton.

2. APPROVAL OF MINUTES

Chairperson Simon asked if there were any comments to the November 6, 2019 draft minutes. There were none. On a motion made by Mr. Hay and seconded by Mr. Golden, the Planning Board unanimously voted to approve the minutes of the November 6, 2019 Planning Board work session, as written.

3. CORRESPONDENCE

a. Proposed Town Tree Ordinance

Mr. Schmidt advised that the Town Board has held two public hearings on this matter, the last of which was adjourned to November 25, 2019. Accordingly, the Planning Board has time to provide any additional comments to the Town Board on the proposed law. Mr. Golden noted that he forwarded his comments, which previously were circulated to Planning Board members, to the Town Board.

Mr. Schmidt stated that the proposed Town Tree Ordinance does not impact or change the Planning Board's approval authority or review of tree removal permit applications, and related removal plans and landscaping plans. Currently, he explained, the Planning Board has approval authority over tree removal permit applications submitted in connection with subdivision applications, and that it has review and input on all other tree removal permit applications which are submitted in connection

with development projects before the Board. He confirmed that this would not change under the proposed ordinance. Chairperson Simon noted that he had no issue with the Planning Board's role not changing with respect to tree removal and landscaping review.

Chairperson Simon stated that he saw no issue with the Town Board moving forward with the proposed ordinance, although attention must be paid to certain aspects which appear to be particularly onerous on homeowners. Mr. Golden disagreed that the ordinance should be hurried forward, stating that, because it would affect all homeowners in the Town, appropriate time should be provided to ensure they all are made aware. Mr. Golden questioned if the Planning Board had any special expertise in the matter and, if it did not, could the Planning Board issue a proper opinion. Mr. Golden also questioned what problem the law is designed to address. Chairperson Simon responded that the Planning Board has limited experience with tree removals. It was invited to give an opinion by the Town Supervisor, though one is not required. He noted that a formal referral by the Town Board was not provided to the Planning Board in this instance. He suggested that the Town Board work to make the document people-friendly.

Mr. Golden stated that the Planning Board is experienced in seeing the burden current review processes place on homeowners, and is sensitive to placing additional burdens on them. Mr. Golden asked Mr. Schmidt what problem Greenburgh faces regarding trees within the Town. Mr. Schmidt responded that the Town tree canopy coverage has decreased from approximately 55% in 2012, to approximately 51% currently, primarily due to older and unhealthy trees dying or falling down from diseases or storms, from development, and from a lack of replanting. Mr. Golden expressed concern over the proposed ordinance requiring replanting of trees cut down. Mr. Schmidt explained that removal of invasive species are not required to be replanted, and that consideration now is being given to not requiring replacement trees when diseased or infested trees are to be removed, as contemplated under proposed Section 260-5 of the draft law.

Mr. Schmidt was asked if the Town requiring the removal of diseased trees infected with communicable diseases would affect funding or assistance received from New York State. He responded that he contacted a representative at the New York State Department of Agriculture and Markets concerning this matter, and is awaiting a response back.

Ms. Freitag expressed concerns over citizen engagement in the law and how the monetary costs associated with the permit process would affect residents. She was concerned that people would not want to take care of their trees, particularly diseased trees, due to fears of incurring additional costs. Mr. Schmidt reiterated that proposed Section 260-5, requiring removal, only relates to trees containing diseases which can spread and kill other trees, of which there are few. He stated that information will be posted to the Town website to assist homeowners in understanding current threats to trees, and that contact information will be provided for additional resources, such as the Cornell Cooperative Extension office of Westchester County.

Mr. Golden stated he had four concerns with the proposed ordinance: (1) that there are too many approval authorities; (2) that some sections of the law are too vague; (3) that there is no appeal structure through the Town, only through a court; and (4) that the proposed ordinance is unfair, as it disproportionately affects homeowners with heavily wooded lots as opposed to those without. Mr. Schmidt replied that he would review the proposed law with respect to the approval authorities contained therein, though he noted that the day-to-day processing of applications by the Town Forestry Officer, would not change much.

Mr. Golden asked, if a homeowner recently planted new trees on their property, would it receive credit towards replanting if it applied for a permit to remove an older tree shortly following the planting of new trees. Mr. Schmidt responded that he would review and consider this. Mr. Golden

asked, if a homeowner were to cut down an oak tree, would planting an apple tree satisfy the replanting requirements. Mr. Schmidt responded that a single apple tree may not be enough to meet the replacement requirements, as oak trees tend to provide greater environmental benefits than apple trees, and so, an additional apple tree or trees may be required to be planted.

Chairperson Simon and Mr. Hay suggested revising the ordinance to make it easier to read. Mr. Hay also expressed concerns over the responsibility for replanting and the costs thereof falling on the homeowner, for a developer's or contractor's mistake.

Mr. Golden suggested the Town start a tree planting program and an educational program to drive engagement with, and care for, the trees of the Town. If this effort failed, then the Town could consider amending the current tree ordinance. Mr. Schmidt noted that there are programs available, such as the New York State Department of Environmental Conservation's Trees for Tributaries program, and the New York Power Authority's Power Tree program, which allow the Town to purchase trees at a discount. He expects the Town to take advantage of these programs. Mr. Schmidt noted that the Town Board has allocated \$15,000 in the proposed 2020 budget for additional Town tree planted. Mr. Golden suggested that this amount be increased, as the Town should set an example by planting many trees throughout the Town. Mr. Schmidt added that, recently, through the efforts of the Town Supervisor, the Town partnered with property owners to plant trees along their roadway, and split the cost of purchasing the trees. Ms. Fraitag suggested that the Town civic associations be informed about potential public/private partnerships, such as the one stated.

Chairperson Simon summarized the Planning Board's questions, comments, and concerns, and indicated that these would be passed along to the Town Board for its review and consideration.

4. **OLD BUSINESS**

a. **Case No. TB 19-08** *Brightview-Metropolis, 289 Dobbs Ferry Road (P.O. White Plains, N. Y.) – Zoning Text and Zoning Map Amendments (Referral from Town Board)*

A work session to review the previously voted upon recommendation of the Planning Board to the Town Board concerning a zoning map and zoning text amendment referral from the Town Board, involving a proposal to create a new floating zone district (Continuum of Care Facility - CCF) to the Town's Zoning Ordinance and Zoning Map. If approved, the petitioner seeks to rezone an approximately 6 acre portion of Parcel ID: 8.10-1-6, 8.141-94-15, 16, 17 & 18 [289 Dobbs Ferry Road], for the purposes of permitting a proposal for a 160-unit independent living, assisted living and/or memory care development to a CCF District.

Chairperson Simon stated that draft recommendations prepared by staff, which were voted upon by the Board at its November 6, 2019 meeting, were circulated to Board members for final review. Mr. Schmidt noted that the Planning Board reports associated with the recommendations are not yet complete, though they would be distributed to the Board for review in advance of the December 4, 2019 meeting, for a vote at that time.

Mr. Schmidt noted that draft recommendations were previously distributed to the Planning Board for the Continuum of Care Facility and Assisted Living Facility local law referrals, which were reflective of the Board's November 6, 2019 positive recommendations. Mr. Duquesne indicated that no additional votes are necessary, however, if Planning Board members identified any aspect of the recommendations that were inaccurate or not clear, those comments should be relayed to staff so that the documents could be updated prior to transmission to the Town Board. Mr. Golden opined that the drafts were accurate and reflective of the discussion and vote from the prior meetings. Ms. Fraitag stated that she and Chairperson Simon were not present at the October 16, 2019 meeting, and this should be updated within the drafts. Mr. Hay provided one comment related to the discussion regarding the potential to combine undersized lots, and asked if the provision regarding at least one lot being three acres was accurate. Mr. Duquesne noted

that he believed the section was accurate, but agreed to listen to the discussion once more prior to finalizing the recommendation on behalf of the Board.

b. Case No. TB 19-19 Assisted Living Facility Zoning Text Amendment, *Zoning Text Amendment (Referral from Town Board)*

A work session to review the previously voted upon recommendation of the Planning Board to the Town Board concerning a zoning text amendment referral from the Town Board, involving a proposal to include additional special permit criteria associated with Convalescent homes, rest homes, nursing homes or homes for the aged approved, Continuing Care Retirement Communities, and Assisted Living Facilities, in a manner consistent with the Comprehensive Plan.

Discussion of this agenda item is contained under item 4a, above.

c. Case No. TB 19-03/PB 19-31 Lewis Masters Holdings, LP (Shoprite), 320 Saw Mill River Road (P.O. Elmsford, N.Y.) – Site Plan (Referral from Town Board), Special Permit (Restaurant – Zoning Board of Appeals), Area Variance (Zoning Board of Appeals), Shared Parking Reduction (Planning Board approval) Planning Board Steep Slope Permit, and Tree Removal Permit (Town Forestry Officer approval)

A continuation of a work session (November 2, 2019) to discuss a site plan (Town Board approval – referral to Planning Board), special permit (restaurant – Zoning Board of Appeals), area variance (Zoning Board of Appeals), Planning Board steep slope permit, and shared parking reduction (Planning Board approval) application for a project involving the proposed redevelopment of a site containing a now closed movie theater and associated retail building. The proposal includes the demolition of an existing 42,000 sq. ft. multiplex cinema and separate multi-level retail building, and the construction of a new 75,711 sq. ft. grocery store with an accessory interior restaurant space, together with 13,765 sq. ft. of attached separate retail space, a 3,000 sq. ft. retail outbuilding towards the front of the lot, and associated site grading, parking and stormwater management facilities. The applicant proposes to construct 520 off-street parking spaces where 544 spaces are required. A shared parking reduction of 24 parking spaces is sought, requiring approval by the Planning Board. The project involves approximately 427,436 sq. ft. of disturbance, with 12,257 sq. ft. of proposed disturbance on 15-25% slopes (STEEP SLOPES), 4,725 sq. ft. of disturbance on 25-35% slopes (VERY STEEP SLOPES), and 6,317 sq. ft. of disturbance on 35%+ slopes (EXCESSIVELY STEEP SLOPES). The project requires approximately 37,000 cubic yards of excavation and 0 cubic yards of imported fill. The applicant proposes the removal of 218 trees, requiring a tree removal permit from the Town Forestry Officer. The property consists of approximately 458,437 sq. ft. and is situated on the northeast corner of Saw Mill River Road and Old Country Road. The applicant proposes to reconfigure the existing signaled intersection at Saw Mill River Road and construct a new driveway along Old Country Road. The property is located in the DS – Designed Shopping District, and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.120-19-25.

Chairperson Simon advised that Mr. William Null, Esq. of Cuddy & Feder, LLP, had represented his church approximately 20 years ago, but stated that he did not believe this was a reason to recuse himself from this matter; the applicant and Board members agreed.

Mr. Null asked the Planning Board members if they had further questions regarding the project, following the last presentation on November 2, 2019. Chairperson Simon stated that the primary concern appears to be the use of Old Country Road by large trucks servicing the proposed supermarket. He asked if the applicant could consider shifting the main access driveway to be just north of Old Country Road, and eliminate the Old Country Road entrance. Mr. Null replied that two entry points to the site have been deemed necessary for delivery trucks and appropriate and safe circulation through the site. Mr. Kevin Solli, P.E., of Solli Engineering, responded that the suggested driveway relocation would be situated too close to the intersection of Old Country Road and Saw Mill River Road, and likely result in challenges obtaining approval from the New York State Department of Transportation (NYSDOT). He also stated that trucks going into the parking lot via an adjusted driveway likely would conflict with customers and their vehicles in front of the store, presenting a safety issue. He stated that the current plan addresses this issue, and directs all truck traffic behind the proposed building.

Mr. Solli stated that revisions have been made to the proposed Old Country Road ingress/egress point based on feedback from Deputy Commissioner Schmidt. The Old Country Road entrance/exit was modified to permit full access into the site, while restricting those leaving the site to right hand turns only. Mr. Solli noted that this would direct traffic away from existing residences and, because the exit point slopes downwards, headlights likely would not shine into houses across the street. Mr. Null stated that changes have been made to the Old Country Road intersection with Saw Mill River Road, with the proposed stop bar pulled further back from the intersection to help prevent trucks from jumping the curb in this area, and creating two lanes of traffic leaving Old Country Road. He stated that this would alleviate the need for an easement on the property at the southeastern corner of the intersection, and would help prevent trucks from coming into conflict with vehicles at the stoplight, when seeking to turn right onto Old Country Road. The intersection improvements would require some reconfiguration of existing utilities, which Mr. Null stated would be provided as part of the project.

Chairperson Simon asked if the applicant had received comments issued by the Westchester County Planning Board and by the Town's Traffic Consultant for the project, Mr. John Canning of Kimley-Horn. Mr. Solli replied he had, stating that the Westchester County Planning Board's comments were reviewed and discussed at the last meeting. He stated that, in response, the applicant has proposed the construction of a sidewalk along Old Country Road, and to add wayfinding signs at the bus stop adjacent to the site along Saw Mill River Road. Mr. Solli reported that his revisions are in line with Mr. Canning's comments, with one exception. Mr. Solli stated that he did not agree with Mr. Canning's recommendation to add a mountable barrier between the front of the supermarket building and the new curb cut at Old Country Road, as this would force vehicles to travel behind the store to get from that entrance to the parking lot, or vice versa. He opined that this would cause too much interaction between heavy trucks and cars, posing a safety issue. He stated that the current plan eliminates the need for trucks to traverse the front of the store, which reduces conflicts between passenger vehicles and the trucks. Mr. Null also expressed his disagreement with Mr. Canning's comment related to the SEQRA process. Mr. Null stated that the correct standard is to evaluate whether a proposed site modification would result in a significant detrimental impact, which Mr. Null stated he did not believe to be the case at the applicant's proposed Old Country Road curb cut.

Mr. Canning reiterated that access to the site and related traffic appears to be the most significant issue the applicant is attempting to address. Mr. Canning noted that applicant stated it needs secondary access via Old Country Road for dairy truck delivery, due to loading dock orientation. Mr. Canning re-suggested the mountable barrier between the front of the store and the Old Country Road curb cut. Mr. Golden asked Mr. Canning about the on-site route of cars entering from Old Country Road and the predicted volume of such. Mr. Canning responded that he hoped most passenger vehicles would enter from Saw Mill River Road, as residents have expressed concerns regarding the potential for heavy usage of Old Country Road. He stated it would be difficult to estimate the volume of cars predicted to enter the site via Old Country Road. He suggested that signage be provided to direct vehicles to the main access point along Saw Mill River Road. Ms. Fraitag asked Mr. Canning to elaborate on the dairy truck loading dock. Mr. Canning stated that the loading dock's position requires the use of Old Country Road. Mr. Golden noted that requiring trucks to traverse in front of the store would be a safety issue and, as such, the Old Country Road curb cut appears to be necessary. He added that this proposed curb cut likely only could impact up to five adjacent neighboring residences which does not appear to be significant, though he understands the concerns those residents would have with the proposal.

Mr. Hay asked Mr. Canning how the traffic light synchronization would work. Mr. Canning responded that it would be similar to the current synchronization, though it would operate at a slightly lesser level than which it does now. The decrease would still result in an acceptable level of service. Mr. Golden asked if the only disagreement between the applicant and Mr. Canning was in regards to the Old Country Road curb cut. Mr. Canning replied "yes," and stated that his job is to provide the Planning Board with options to consider, evaluate, and then ultimately decide what it wishes to recommend to the Town Board.

Mr. Golden commented on the vehicle-pedestrian conflicts in front of the Midway Shopping Center Shoprite store, and asked if there was a way to direct passenger vehicles away from the front of the building as they are attempting to leave the site. Mr. Canning stated that there is an exit in the northwest corner of the lot to which cars could be directed so that they would not have to travel in front of the building to exit the site. He stated that the applicant could make the northerly aisle southbound only. Mr. Golden suggested that the applicant consider providing signage to appropriately direct traffic out of the site without the need for vehicles to pass in front of the building.

Chairperson Simon asked if it was possible to reconfigure the layout of the site to move the parking lot areas further away from the building. Mr. Canning responded that a different layout likely could be accommodated if more land were available. He added that a driveway in front of the building is necessary for fire and other emergency access. Mr. Solli agreed, and mentioned that he is a member of the International Council of Shopping Centers, where there has been a large amount of analysis on shopping centers and parking lots. He opined that the current layout is the most efficient, from a customer safety standpoint, as well as an economic standpoint. He noted that the pedestrian access points to the site are at the edges of the driveways, minimizing potential vehicle-pedestrian interaction.

Mr. Hay asked what the distance from the proposed Old Country Road curb cut to Saw Mill River Road would be. Mr. Solli replied that it would be approximately 400 feet. Mr. Hay noted that the first portion of Old Country Road off of Saw Mill River Road is commercial, to which Mr. Solli agreed, and noted that the applicant has attempted to limit the potential impact to the few existing residences which back up to Old Country Road.

Mr. Hay asked if there were any other concerns raised by neighbors, aside from volume of traffic, noise, and lighting. Mr. Solli replied that visibility to the site from the adjacent residential neighbors was an additional concern expressed. He indicated that the proposed building is set further away from Old Country Road than the existing building to be demolished, and that additional landscaping would be provided as a buffer to shield the site from those neighbors. He added that screening would be added to the rear of the site and that the site would be set at a lower elevation than the neighboring properties to the north and east.

Chairperson Simon stated that the Planning Board would benefit from obtaining additional public comment and would be holding a public discussion on this matter. Planning Board members requested a cross section showing how the headlights from trucks and vehicles leaving the site via Old Country Road would affect, or not affect, the residences across the street. Chairperson Simon suggested the applicant discuss with residents the potential for additional landscaping, to reduce noise and lighting impacts.

Ms. Freitag stated that other residents living adjacent to the property also have concerns. She suggested the applicant produce additional visuals to depict how the supermarket would look from various vantage points, to assist in determining the visual impact and proposed modifications to the site. Mr. Golden agreed, and noted that there is an approximately 80 foot grade change between the front and rear of the site. He added that development of the site will be challenging, and that those challenges should be respected by the Town. Mr. Hay stated his appreciation with the applicant's willingness to consider multiple design layouts. Chairperson Simon agreed with Ms. Freitag that additional visual representations should be provided, and stated that a public discussion and public hearing for this proposal would take place at the January 2, 2019 Planning Board meeting.

5. NEW BUSINESS

a. **Case No. PB 19-23** Prevlukaj & Rose Subdivision, 6 Farm Way Drive & 25 Winding Road Farm (P.O. Ardsley, N.Y.) – Preliminary Subdivision

A work session to discuss a preliminary subdivision application involving a proposal to reconfigure two existing, adjacent and developed lots. The applicants propose to transfer a 0.2629 acre (11,450 sq. ft.) portion of tax lots 8.440-309-32 and 8.430-308-3.7 (25 Winding Road Farm) to tax lot 8.430-308-3.4 (6 Farm Way Drive). Tax lots 8.440-309-32 & 8.430-308-3.7 (25 Winding Road Farm)

currently consist of approximately 74,077 sq. ft. and are proposed to consist of one tax lot, totaling 62,627 sq. ft. (1.4377 acres). Tax lot 8.430-308-3.4 (6 Farm Way Drive) currently consists of approximately 40,003 sq. ft. and is proposed to consist of 51,453 sq. ft. (1.1812 acres). There is no physical development proposed as part of this application. Each of the two properties are fully developed with single-family residences and related amenities. Currently, tax lot 8.430-308-3.4 (6 Farm Way Drive) does not meet impervious surface coverage requirements of the R-40 One-Family Residence District, which permits a maximum coverage of 21.75%. This proposal would bring this lot into full compliance with the Town's zoning regulations. The tax lots at 25 Winding Road Farm are situated on the south side of Winding Road Farm, at the intersection of Winding Farm Road and Winding Road, are located in the R-40 One-Family Residence District, and are designated on the tax map of the Town of Greenburgh as Parcel ID: 8.440-309-32 and 8.430-308-3.7. The property at 6 Farm Way Drive is situated on the east side of Farm Way Drive, approximately 630 ft. from the intersection of Winding Road South and Farm Way Drive, is located in the R-40 One-Family Residence District, and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.430-308-3.4.

Mr. Emilio Escaladas, R.A, P.E., of Escaladas and Associates, representing the applicant, provided an overview of the proposal, including a brief history of the recently developed 6 Farm Way Drive property, which was built beyond the maximum impervious surface permitted within the R-40 One-Family Residence zoning district. He stated that the proposed subdivision would result in both lots being compliant with all zoning ordinance regulations. He stated that there is no physical development proposed as part of this application.

Chairperson Simon asked as to the amount of impervious surface coverage constructed over the maximum permitted. Mr. Escaladas replied that there was approximately 800 to 1,000 square feet of additional impervious surfaces constructed above that which is permitted. Mr. Golden asked how many square feet of pool patio originally was approved by the Building Department. Mr. Escaladas replied that he did not have that information with him, but could provide it to the Board. Mr. Golden asked why the additional paved surfaces could not be removed, in order to comply with the zoning regulations. Mr. Escaladas replied that the applicant, instead of removing impervious areas, made the choice to purchase the additional land, in order to meet the Town's requirements. Mr. Golden stated that the layout of the proposed lot would be unusual. Mr. Escaladas agreed, though he noted that this subdivision would not result in the creation of a new lot or any further development of the site. He added that the area of land to be purchased is unsuitable for development regardless, as it contains steep slopes and wetland areas. Mr. Schmidt asked if the applicant would be agreeable to place the land into a conservation easement area. Mr. Escaladas stated that could likely be negotiated.

Chairperson Simon asked how the applicant could meet the Town regulations without the need for a subdivision. Mr. Escaladas replied that the applicant could remove a portion of the pool patio or driveway, and likely comply with all regulations. Chairperson Simon and Mr. Golden stated that it would be helpful for the Planning Board to be provided with the originally approved plan, so that it could be compared with the as-built drawing, which is non-compliant. Mr. Golden commented on the seriousness of excessive impervious surface coverage in the Town, which adds to the flooding problems experienced. Mr. Escaladas understood, though he noted that all current impervious surface coverage is more than adequately handled through on-site stormwater management systems.

Mr. Hay stated that the geographic nature of the area of land proposed to be acquired in relation to the 6 Farm Way Drive residence represents an issue, as the land is not immediately adjacent and has been stated as usable. Mr. Golden reiterated the Board's concern with the overage of impervious coverage, and requested that additional information be provided prior to the next meeting for this project. Chairperson Simon agreed, and stated that a continued work session would be held on December 4, 2019, provided the requested additional information is submitted in a timely fashion.

b. **Case No. PB 19-21** Franco, 6 Westchester View Lane (P.O. White Plains, N.Y.) – Minor Project Wetland/Watercourse Permit

A work session to discuss a minor wetland/watercourse permit application involving the proposed construction of an approximately 14' x 30' in-ground pool and an approximately 1,300 sq. ft. related paver patio, associated with an existing single-family residential property. The applicant is proposing approximately 4,500 sq. ft. of disturbance within the regulated 100-foot wetland/watercourse buffer area, which consists of approximately 28,500 sq. ft. The applicant proposes approximately 80 cubic yards of excavation to carry out the project. The applicant proposes a series of three (3) underground Cultec recharger units, to capture stormwater runoff from the proposed patio area. The subject property consists of approximately 42,413 sq. ft. and is situated on the west side of Westchester View Lane, approximately 0 ft. from the intersection of Dobbs Ferry Road and Westchester View Lane. The property is situated in the R-30 One-Family Residence District, and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.40-26-1.3.

Mr. William Besharat, representing the owner, provided an overview of the proposal, which involves the proposed construction of an approximately 14' x 30' in-ground pool and an approximately 1,300 sq. ft. related paver patio, associated with an existing single-family residential property. He stated that measures have been taken to reduce the impacts to the wetlands buffer area both during, and after, construction. He noted that the pool installation would be very easy to perform, as it is a shell which gets delivered and placed into the ground.

Mr. Schmidt stated that the applicant had met with the Conservation Advisory Council (CAC), which issued a positive recommendation with conditions. The conditions included: (1) that the applicant comply with the recommendations issued by the Wetland Inspector in the staff report, dated September 11, 2019, (2) that it be confirmed that the pool and related improvements are not located within the existing, on-site conservation easement, and (3) that the applicant be required to truck away pool water, and dispose of it properly, off-site.

Chairperson Simon stated that he recently visited the site with Mr. Schmidt, and noted that the rear yard is separated from a large portion of the wetland/watercourse buffer area by a fence. He stated that the pool and related improvements would be situated within the fenced-in area, and this fencing is a good measure to prevent additional area being converted to lawn within the buffer over time.

Mr. Hay asked what measures the applicant will be taking with regards to stormwater management. Mr. Besharat stated that the applicant proposes three (3) Cultec recharger units to capture water from the proposed patio area.

Further discussion of this project took place as part of the public hearing, item 6a of the agenda.

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 19-21** Franco, 6 Westchester View Lane (P.O. White Plains, N.Y.) – Minor Project Wetland/Watercourse Permit

A public hearing to discuss a minor wetland/watercourse permit application involving the proposed construction of an approximately 14' x 30' in-ground pool and an approximately 1,300 sq. ft. related paver patio, associated with an existing single-family residential property. The applicant is proposing approximately 4,500 sq. ft. of disturbance within the regulated 100-foot wetland/watercourse buffer area, which consists of approximately 28,500 sq. ft. The applicant proposes approximately 80 cubic yards of excavation to carry out the project. The applicant proposes a series of three (3) underground cultec recharger units, to capture stormwater runoff from the proposed patio area. The subject property consists

of approximately 42,413 sq. ft. and is situated on the west side of Westchester View Lane, approximately 0 ft. from the intersection of Dobbs Ferry Road and Westchester View Lane. The property is situated in the R-30 One-Family Residence District, and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.40-26-1.3.

On a motion made by Mr. Golden and seconded by Mr. Hay, the Planning Board unanimously voted to classify the proposed action as a Type 2 action, under SEQRA.

On a motion made by Mr. Golden and seconded by Mr. Hay, the Planning Board unanimously voted to close the public hearing, and to turn the matter over to the Town Wetlands Inspector for decision.

7. **ESTABLISH DATE FOR NEXT MEETING**

The next regularly scheduled meeting of the Greenburgh Planning Board will be held on Wednesday, December 4, 2019, and will begin at 8:00 pm in the Greenburgh Town Hall Auditorium.

8. **ADJOURNMENT**

The November 20, 2019 work session of the Town of Greenburgh Planning Board was adjourned at 10:55 pm.

Respectfully submitted,



Aaron Schmidt
Deputy Commissioner,
Department of Community Development and Conservation