TOWN OF GREENBURGH

PLANNING BOARD MINUTES

###### GREENBURGH – NEW YORK

**Wednesday – July 1, 2020**

The Work Session of the Planning Board of the Town of Greenburgh began at 4:00 pm on Wednesday, July 1, 2020, online via Zoom-enabled Video Conference, and was simulcast over cable television and the Town of Greenburgh website.

1. **ROLL CALL & ANNOUNCEMENTS**

Present: Chairperson Walter Simon, Hugh Schwartz (4:03 pm), Kirit Desai, Michael Golden, Thomas Hay, Mona Fraitag, and Johan Snaggs

Absent:

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

Chairperson Simon announced a proposal to modify the start time of Planning Board meetings from 4:00 pm to 5:00 pm, beginning July 15, 2020. No objections were raised.

Chairperson Simon stated that he will work to maintain better control over applicant presentations, to ensure that presented materials are relevant to items the Board has jurisdiction over.

Chairperson Simon announced that, applicants seeking steep slope permits involving the installation of a retaining wall or walls, should provide appropriate cross-sections to assist the Board in its review of such projects.

Chairperson Simon suggested that all mics be muted during Zoom meetings and that any Board member who wishes to speak make such a request. He noted that all members will be given an opportunity to speak. Mr. Schwartz stated that he prefers open mics, to allow for a smoother flow of discussion of matters. Chairperson Simon understood and stated that all mics will be left open, however, all members must exercise discipline in allowing others to speak.

Chairperson Simon noted that for large projects and minor wetland/watercourse permits, the Board typically conducts site visits. He recommended that at least one member of the Board conduct a site visit on every project before the Board. Ms. Fraitag agreed and Mr. Snaggs expressed his interest in conducting site visits. No objections were issued to Chairperson Simon’s proposal.

Chairperson Simon noted that there is an alternate position available on the Planning Board, and that interested parties should contact Commissioner Duquesne for information.

1. **APPROVAL OF MINUTES**

Chairperson Simon asked if there were any comments to the June 17, 2020 draft minutes. Mr. Hay requested that the minutes for PB 20-01 Bastone, 185 Chelsea Road be updated to indicate that Board members suggested plantings on top of the retaining wall as an alternative to the installation of a fence. Mr. Schmidt stated that this revision would be made. On a motion made by Mr. Hay and seconded by Mr. Schwartz, the Planning Board unanimously voted to approve the minutes of the June 17, 2020 Planning Board work session, as amended.

1. **CORRESPONDENCE**

None.

1. **OLD BUSINESS**

None.

1. **NEW BUSINESS**
   1. **Case No. PB 19-14** Consolidated Edison, *2235 Saw Mill River Road* *(P.O. Elmsford, N.Y.) – Planning Board Wetland/Watercourse Permit*

A work session to discuss a Planning Board wetland/watercourse permit application involving the proposed construction of a new, approximately 12’ x 150’ gravel road to access existing electrical transmission towers. The wetland and wetland buffer area on the applicant’s property consists of approximately 76,000 sq. ft., and the applicant is proposing approximately 9,500 sq. ft. of wetland and watercourse buffer area disturbance, including 1,800 sq. ft. of direct disturbance on the northern edge of the wetland area in an approximately 12 foot by 150 foot section. It is noted that the wetland area proposed to be disturbed is an emergent wetland predominantly occupied by common reed (*Phragmites australis*). The applicant proposes 0 cubic yards of excavation, and approximately 585 cubic yards of imported fill, of which approximately 140 cubic yards are within the wetland, requiring a Fill Permit through the Town Engineer, to carry out the project. The project area consists of approximately 20,000 sq. ft. and is situated on the northwest side of Saw Mill River Road, approximately 1,125 ft. south of the intersection of Saw Mill River Road Road and Babbitt Court. 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: 7.51-2-2..SE.

Mr. Chris Cotroneo, representing the applicant, described the proposal, which consists of the construction of a new, approximately 12’ x 150’ gravel access road to access existing high-voltage electrical transmission towers for maintenance purposes. The project involves approximately 1,800 sq. ft. of direct disturbance to an existing, on-site wetland area, comprised primarily of common reed, a well-known invasive species found within wetland areas.

Mr. Schmidt stated that the applicant, in its discussion of the project with the Conservation Advisory Council, has proposed to make a contribution of approximately $13,000 to the recently established Town Tree Fund, which represents the approximate cost of the initially proposed on-site mitigation, in lieu of providing on-site mitigation to offset the wetland disturbance. He added that this was arrived at following discussion with the Town’s environmental consultant for the project, Mr. Sven Hoeger, regarding the likelihood of the proposed on-site mitigation area to become overrun with invasive species following the maintenance and monitoring period. Mr. Fried noted that such a contribution can be done legally, with proper conditioning.

Mr. Schwartz expressed concern over potential drainage issues on Babbit Court being exacerbated by the proposed access road, and asked if appropriate drainage facilities would be provided in connection with the project. Mr. Schmidt advised that he would discuss this with the Town’s Bureau of Engineering and report back to the Board. Mr. Schwartz opined that Mr. Sven Hoeger should examine the benefits of the proposed monetary contribution versus an on-site mitigation area, and advise the Board as to whether or not the benefits are comparable.

Mr. Schmidt indicated that Mr. Hoeger can be available at a future meeting where this project is discussed. He stated that a contribution of $13,000 to the Town Tree Fund could provide for the planting of approximately 30-40 large growing shade trees, which would provide numerous benefits over the course of their lifespan. He added that large growing trees cannot be planted in the Con-Edison right of way due to the overhead high-voltage transmission wires, and that the proposed contribution would help to provide necessary canopy coverage along Town rights-of-way.

Mr. Desai asked how frequently the electrical transmission towers are maintained, and what protection measures are proposed to handle any petroleum products discharged by vehicles utilizing the proposed roadway. Mr. Cotroneo replied that the towers are inspected at least once per year by a small pickup truck, and that vegetation maintenance within the right of way is performed periodically, approximately once every five (5) years. Mr. Cotroneo noted that no vehicles are filled with petroleum products on-site. Mr. Desai asked if a material more pervious than gravel could be used for the roadway. Mr. Cotroneo responded that he was not aware of such a material that could hold the weight of a truck, though this could be looked in to.

Chairperson Simon asked what the underlying material of the proposed roadway would be. Mr. Robert Shuman, engineer for the project, stated that item 4 is the standard material utilized for an access road of this nature, with a bed of gravel as the base layer. He stated that he could look into installing more angular rocks to improve permeation, noting that larger, more angular rocks are necessary to stabilize the road within wet areas. Mr. Fried stated that the applicant must ensure there is no negative impact on the surrounding areas due to the increase in impervious surfaces, noting that the applicant may need to devise a plan to slow down and/or channelize the runoff.

Ms. Fraitag asked if emergency vehicles would be able to drive on the road, should the need arise. Chairperson Simon noted that the proposed access road would be an improvement over existing conditions.

Chairperson Simon, acknowledging the Town’s sidewalk initiative that seeks to expand the network of sidewalks throughout the Town, requested that the applicant consider installing a sidewalk along its frontage on Saw Mill River Road, adding that the recently developed site immediately north of the applicant’s site installed a sidewalk along its frontage.

Chairperson Simon, concluding that the applicant has a lot of information to consider and respond to, scheduled a continued work session with the applicant at the Board’s July 15, 2020 meeting for further review and discussion. He requested that Mr. Hoeger be present to assist the Board and answer questions.

* 1. **Case No. PB 20-10** Caraballo, *33 Lark Avenue* *(P.O. White Plains, N.Y.) – Minor Project Wetland/Watercourse Permit*

A work session to discuss a minor project wetland/watercourse permit application involving the proposed construction of a semi-below ground pool, with related patio area, in the rear yard of an existing single-family residential property. The wetland and wetland buffer on the applicant’s property consists of approximately 15,816 sq. ft., and the applicant is proposing approximately 4,944 sq. ft. of disturbance. The applicant proposes approximately 77.47 cubic yards of excavation in order to carry out the project. No imported fill is required. The applicant proposes approximately 1,972 sq. ft. of additional impervious surface coverage in connection with the project. The applicant proposes a stormwater management system consisting of three (3), 280HD Cultec chambers, to handle runoff from new impervious surfaces. The subject property consists of approximately 15,850 sq. ft. and is situated on the north side of Lark Avenue, approximately 225 feet east of Wren Court. The property is situated in the R-20 One-Family Residence District, and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.520-319-15.

Ms. Christine Broda, R.A., representing the applicant, described the proposal, seeking construction of a semi-below ground pool, with related patio area, in the rear yard of an existing single-family residential property. She stated that the project proposes approximately 4,944 sq. ft. of disturbance to the on-site wetland/watercourse buffer area. She noted that, while no regulated trees are proposed for removal, an existing Japanese Maple tree in the area of proposed disturbance would be relocated elsewhere on the property.

Mr. Schwartz asked how the applicant would get runoff to flow to the proposed drywell location, as the contours of the property slope to the rear of the yard and the drywells are proposed to be on the side of the property. Ms. Broda explained that the drywells would be situated deep enough to allow water to be directed to them, and that a curtain drain installed along the proposed patio would collect runoff and direct it to the drywells.

Mr. Schwartz asked if a fence is needed to surround the pool, or if a fence around the property suffices. Mr. Schmidt stated that a perimeter fence is acceptable. Ms. Broda noted that New York State requires that the rear sliding doors be alarmed if a perimeter fence is the only fence around the pool, which is proposed as part of this application. Ms. Fraitag noted that, as part of her site visit, she observed a pipe which surfaces in the rear yard which she believed may be connected to a sump pump. She asked if this would be rerouted. Ms. Broda confirmed that the sump pump would be rerouted to connect to the drywells. Ms. Fraitag expressed concern over runoff to the rear of the property. Ms. Broda stated that the proposed curtain drain would catch most of the runoff and noted that the applicant is planning on planting grasses which would assist with additional stormwater infiltration.

Chairperson Simon stated that the Planning Board would conduct a public hearing on this project, at its July 15, 2020 meeting.

1. **ITEMS FOR PUBLIC HEARING & PUBLIC DISCUSSION**

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

* 1. **Case No. PB 20-01** Bastone, *185 Chelsea Road (P.O. White Plains, N.Y.) – Planning Board Steep Slope Permit*

A public hearing to discuss a Planning Board steep slope permit application involving the proposed regrading and construction of various improvements, on an existing single-family residential property. The applicant proposes to construct a four (4) foot high block retaining wall, in order to divide the backyard into an upper and lower level. The applicant proposes to construct an approximately 339 sq. ft. semi-above ground pool, with a related 220 square foot paver patio, a new 10-foot by 15-foot storage shed, and a retaining wall along the rear property line, on the proposed lower level. The applicant proposes the construction of a new 352 square foot patio and a 184 square foot walkway within the proposed upper level. The applicant proposes a total of 2,368 sq. ft. of disturbance on 15-25% slopes (STEEP SLOPES). The applicant is proposing four (4) CULTEC drywells to manage stormwater runoff. The project requires approximately 158 cubic yards of imported fill, requiring a fill permit from the Bureau of Engineering. The property consists of approximately 14,782 sq. ft. (0.34 acres) and is situated on the east side of Chelsea Road, south of the intersection of Chelsea Road and Bellwood Road. The property is located in the R-10 One-Family Residence District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.200-94-1.

*On a motion made by Mr. Hay and seconded by Mr. Golden, the Planning Board unanimously voted to close the public hearing and to keep the written record open through July 8, 2020.*

* 1. **Case No. PB 20-08** Greystone-on-Hudson PUD, *Carriage Trail (P.O. Tarrytown, N.Y.) – Planning Board Site Plan and Steep Slope Permit*

A public hearing to discuss a Planning Board site plan and steep slope permit application for a proposal consisting of the buildout of a residential development site with a total of ten (10) primary residences and fourteen (14) accessory residences. The applicant previously petitioned for and was granted a zoning change to a Planned Unit Development (PUD) District, allowing for multiple dwellings on a single lot (Case No. TB 19-02). The applicant previously received a Planning Board steep slope permit in connection with prior subdivision approval (Case No. PB 11-13). As part of the updated buildout of the site, the applicant proposes approximately 10,000 sq. ft. of additional regulated steep slope disturbance to Lot 11, associated with the reorientation of the driveway layout. The properties consist of approximately 2,463,675 sq. ft. (56.6 acres) and are situated on the east side of Broadway (NYS Rt. 9). The properties are located in the PUD Planned Unit Development District and are designated on the tax map of the Town of Greenburgh as Parcel ID: 7.290-141-9.1, 7.290-141-9.2, 7.290-141-9.3, 7.290-141-9.4, 7.290-141-9.5, 7.290-141-9.6, 7.300-142-3.7, 7.300-142-3.8, 7.300-142-3.9, 7.300-142-3.10, 7.300-142-3.11, and 7.300-142-3.12.

*At the request of the applicant, this item was not heard. Chairperson Simon explained that the applicant seeks to resolve matters brought to its attention by the Village of Tarrytown. On a motion made by Mr. Desai and seconded by Mr. Snaggs, the Planning Board voted to adjourn the public hearing to its July 15, 2020 meeting. Mr. Schwartz voted against the motion, stating that the hearing had been adjourned too many times and the Board should wait to reschedule a public hearing until all issues with the Village of Tarrytown are resolved.*

* 1. **Case No. PB 19-27** Manhattan Avenue Senior, LLC, *48-58 Manhattan Avenue (P.O. White Plains, N.Y.) – Site Plan, Planning Board Wetland/Watercourse Permit, and Tree Removal Permit (Town Forestry Officer approval).*

A continuation of a public hearing (June 17, 2020) to discuss a site plan and Planning Board wetland/watercourse permit application consisting of the proposed demolition of six (6) on-site, single-story buildings containing a total of thirty (30) senior affordable housing units, and the construction of one (1) new, three (3) story multi-family dwelling containing seventy (70) units of senior affordable housing, together with forty-four (44) off-street parking spaces, related infrastructure, and other amenities. Access to the site will be provided from the existing curb cut on Manhattan Avenue which will be widened and improved. A gated, emergency access drive will be provided, north of the existing curb cut. The applicant proposes approximately 49,703 sq. ft. of wetland/watercourse buffer disturbance within the 49,703 sq. ft. of wetland, watercourse and adjacent buffer area on the subject property. The applicant proposes the removal of 34 regulated trees, requiring a tree removal permit from the Town Forestry Officer. The applicant also is seeking approval from the Town Board to permit an increase in the height of the proposed building, from 2½ stories, 30 feet (permitted) to 3 stories, 46 feet (proposed), as permitted under Section 285-22.1(C)(7) of the zoning ordinance (TB 20-06). The property consists of approximately 113,839 sq. ft. (2.61 acres) and is situated on the west side of Manhattan Avenue, across from the intersection of Manhattan Avenue and Florence Avenue. The property is situated in the M-SH-62 Multifamily Senior Housing District, and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.410-228-9.

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

*On a motion made by Mr. Hay and seconded by Mr. Schwartz, the Planning Board unanimously voted to adopt a negative declaration for the proposed action.*

*On a motion made by Mr. Schwartz and seconded by Mr. Desai, the Planning Board unanimously voted to close the public hearing and to keep the written record open through July 9, 2020, and to schedule this matter for a decision at its July 15, 2020 meeting, pending a decision is rendered by the Town Board with respect to the applicant’s request to increase the allowed building height.*

1. **ESTABLISH DATE FOR NEXT MEETING**

The next regularly scheduled meeting of the Greenburgh Planning Board will be held on Wednesday, July 15, 2020, and will begin at 5:00 pm via Zoom-enabled Video Conference.

1. **ADJOURNMENT**

The July 1, 2020 work session of the Town of Greenburgh Planning Board was adjourned at 5:40 pm.

Respectfully submitted,

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Aaron Schmidt

Deputy Commissioner,

Department of Community Development and Conservation