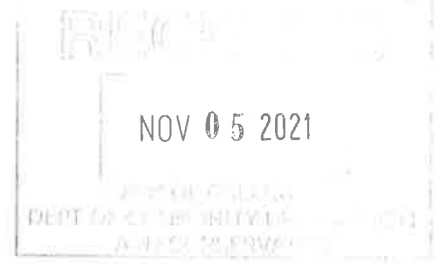


**TOWN OF GREENBURGH
PLANNING BOARD MINUTES
GREENBURGH – NEW YORK
Wednesday – October 20, 2021**



The Work Session of the Planning Board of the Town of Greenburgh began at 7:01 pm on Wednesday, October 20, 2021, and was held online via Zoom-enabled videoconference. It further was simulcast over cable television and the Town of Greenburgh website.

1. ROLL CALL & ANNOUNCEMENTS

Present: Chairperson Walter Simon, Hugh Schwartz, Kirit Desai, Thomas Hay, Mona Fraitag, Johan Snaggs, and Jonathan Campozano (Alternate – voting member)

Absent: Michael Golden

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

Chairperson Simon announced that Mr. Campozano would be a full voting member of the Planning Board this evening, as Mr. Golden was unable to attend.

2. APPROVAL OF MINUTES

Chairperson Simon asked if there were any comments to the draft minutes of October 6, 2021. There were no comments. On a motion made by Chairperson Simon and seconded by Mr. Hay, the Planning Board unanimously voted to approve the minutes of the October 6, 2021 work session, as written.

3. CORRESPONDENCE

a. Case No. PB 20-04 Casale, 34-40 & 50 Saw Mill River Road (P.O. Hastings-on-Hudson, N.Y.) – 1st Preliminary Subdivision Extension Request

Chairperson Simon reported that a letter of extension request had been submitted by Mr. David Steinmetz, Esq., attorney for the applicant. Chairperson Simon stated that Mr. Steinmetz advised that there is the potential for further, future development on the site, though Chairperson Simon noted that should not affect the Board's decision on considering the extension request.

On a motion made by Mr. Schwartz and seconded by Ms. Fraitag, the Planning Board unanimously voted to grant a 180-day *nunc pro tunc* extension of the preliminary subdivision approval, now valid through January 29, 2022.

b. Revised 2022 Calendar

Mr. Schmidt stated that the 2022 Planning Board Meeting calendar had been revised slightly, and a vote to approve the modification should be taken.

On a motion made by Mr. Hay and seconded by Mr. Desai, the Planning Board unanimously voted to approve the 2022 calendar, as revised.

4. NEW BUSINESS

a. Case No. PB 21-23 Worthington Estates (DiNapoli), 1490 & 1952 Saw Mill River Road (P.O. White Plains, N.Y.) – Preliminary Subdivision & Planning Board Steep Slope Permit (Pre-Submission Conference)

A pre-submission conference to discuss a potential future subdivision application involving the subdivision of two (2) existing lots into thirteen (13) lots for the purpose of constructing thirteen (13) new single-family residences, with related improvements, to be accessed via a new, 950-foot cul-de-sac, off of Whitehouse Road, to be built to Town standards. The existing 8.03 acres (349,974 sq. ft.) property is proposed to be subdivided to create thirteen (13) lots all meeting the requirements

of the R-20 One-Family Residence Zoning District. The subject properties contain regulated steep slopes and regulated trees that would be disturbed/removed as part of the project, requiring appropriate permits from the Planning Board. The properties consist of approximately 349,974 sq. ft. (8.03 acres) and are situated on the easterly side of Saw Mill River Road, adjacent to the intersection of Whitehouse Road and Saw Mill River Road. The properties are located in the R-20 One-Family Residence District, and are designated on the tax map of the Town of Greenburgh as Parcel ID: 7.450-256-22.1 & 7.450-256-22.2.

Following Mr. Schmidt's introduction of the project, he reported that the Historic and Landmarks Preservation Board (H&LPB) has been made aware of the application and will conduct its review of the site and surroundings in the future. Mr. Emilio Escaladas, P.E., R.A., of Escaladas Associates, representing the applicant, stated that previously a subdivision had been approved for this property, but the final subdivision plat never was filed with Westchester County. He stated that the process has been re-started and designed in a similar way, with the entrance from Whitehouse Road. He noted that all proposed lots are above the minimum lot size and a tree removal and planting plan currently is being worked on. Mr. Escaladas advised that all stormwater runoff from the proposed lots would be collected and directed to a centralized underground stormwater system. He added that a secondary emergency vehicle entrance to the cul-de-sac was planned.

Chairperson Simon noted that, after the prior subdivision had been approved, there have been changes in the Town Code. He asked if the current submission is compliant with the latest Town regulations. Mr. Escaladas responded that he believes the current proposal is compliant with the Town Code, but noted that it will be fully reviewed by Town staff at the time of formal submission. Mr. Schwartz asked if there would be a Homeowner's Association. Mr. Escaladas responded that there likely would not be, as the roadway and other public improvements are envisioned to be dedicated to the Town. Mr. Schwartz asked if this also included the drainage system. Mr. Escaladas responded that it would be possible, though ultimately would be up to the Town and the Bureau of Engineering. Mr. Schwartz expressed concerns with the Town being responsible for maintenance of the drainage system, especially as it is proposed to be on private property and does not appear to be easily accessible. He stated that the applicant would need to discuss this with the Department of Public Works, as in the case of a powerful storm, concentrating all of the water into one location could lead to higher chances of flooding along Saw Mill River Road. Mr. Schwartz stated he was very concerned with access to the drainage system, and questioned how a truck would be able to reach the stormwater detention units, as currently proposed to be located on the property. Mr. Escaladas stated that a large easement would be provided to access the system from Saw Mill River Road, which could then be accessed by any truck or excavator. Mr. Schwartz asked how a vehicle would access the area from Saw Mill River Road, as it appears to be upslope. Mr. Escaladas replied that the area would be accessible by vehicle, as the difference in elevation is only four feet. Mr. Escaladas noted that there had been no flooding in this area from the last storm and, while the impervious surfaces on the site would be increasing, the underground storage capacity would be enlarged as well to accommodate the increase.

Mr. Schwartz stated that he appreciated the idea of an easement on Lot 8 for emergency access, and asked if there were plans to utilize pervious pavers across this area. Mr. Escaladas responded that pavers could be placed, if desired. Mr. Schwartz noted that the easement needs to be paved or contain pavers, to be useful. Mr. Schmidt stated that he had spoken with Mr. Escaladas about emergency access during his preliminary review of the proposal, and added that other applications had utilized grass pavers for emergency access. He requested that the applicant consider other opportunities for utilization of pervious materials, such as with the new driveways. Mr. Hay requested the applicant consider installing pervious pavers or landscaping within an island in the center of the proposed cul-de-sac.

Mr. Desai asked if Lot 13 would have a usable backyard, noting what appears to be a 30-foot drop in elevation. He expressed concern about the overall layout of the subdivision. He asked if the applicant could build one less house and use that lot for a retention basin for the development. He questioned the short distance from the entrance to the subdivision and the intersection with Saw Mill River Road and asked if there was a way to increase this distance. He noted that the site borders an old, potentially historic, cemetery, and asked the applicant to consider how it could make improvements to benefit that property as well. He asked that the details of the prior subdivision approval be circulated to the Board. Mr. Schmidt stated that, if the applicant elects to move forward, Town staff can supply a copy of the original subdivision plat and approval letter. He added that the applicant is prepared to meet with the H&LPB and has had talks about ways to enhance the cemetery property.

Chairperson Simon asked if there were any other comments or concerns. There were none.

5. **PUBLIC HEARING AND 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.

a. **Case No. PB 19-26** Kaufmann, 36 Hillcrest Avenue (P.O. Ardsley, N.Y.) – Preliminary Subdivision, Planning Board Steep Slope Permit, and Tree Removal Permit

A continuation of a public hearing (September 14, 2021 and October 6, 2021) to discuss a preliminary subdivision, Planning Board steep slope permit, and tree removal permit application for a proposal consisting of the subdivision of 3 existing tax lots (8.320-238-10, 8.320-238-11 & 8.320-238-9..L6) into two buildable lots to allow the construction of one new single family home. The applicant proposes approximately 1,891 sq. ft. of disturbance to 15-25% slopes (STEEP SLOPES), approximately 4,985 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES), and approximately 4,283 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The project involves approximately 70 cubic yards of excavation and 0 cubic yards of imported fill. The applicant proposes the removal of 24 regulated trees and proposes the planting of 18 new trees and 9 new shrubs, as replacement. On June 17, 2021, the Zoning Board of Appeals granted an area variance related to the newly proposed lot not having frontage onto a roadway built to Town standards. The properties consist of approximately 23,334 sq. ft. (0.54 acres) and are situated on the east side of Hillcrest Avenue approximately 350 ft. north of the intersection of Larchmont Street and Hillcrest Avenue. 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: 8.320-238-10, 8.320-238-11 & 8.320-238-9..L6.

On a motion made by Chairperson Simon and seconded by Mr. Schwarz, the Planning Board unanimously voted to close the public hearing and to keep the written record open through October 27, 2021.

b. **Case No. PB 21-11** Grolier, 6 Chauncey Circle (P.O. Ardsley, N.Y.) – Planning Board Steep Slope Permit

A public hearing to discuss a Planning Board steep slope permit application involving the proposed construction of an in-ground pool and patio area, on an existing single-family residential property. The applicant proposes approximately 1,376 sq. ft. of disturbance to 15-25% slopes (STEEP SLOPES) and approximately 107 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES). The applicant is proposing the addition of a 3 foot by 5 foot rip rap level spreader to handle runoff created by new impervious surfaces. The property consists of approximately 41,382 sq. ft. (0.95 acres) and is situated along the west side of the cul-de-sac on Chauncey Circle. The property 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: 8.380-271-4.2.

On a motion made by Chairperson Simon and seconded by Ms. Fraitag, the Planning Board unanimously voted to close the public hearing and to keep the record open through October 27, 2021.

c. **Case No. PB 21-07** Greystone PUD Lots 4-7, Carriage Trail (P.O. Tarrytown, N.Y.) – Amended Site Plan and Preliminary Subdivision

A public hearing to discuss a Planning Board amended site plan and resubdivision application for a proposal consisting of the resubdivision of four (4) building lots and one (1) lot containing a roadway, in order to remove the cul-de-sac roadway and revegetate it, distributing the land amongst Lots 4, 5, 6, and 7 of the development. The applicant previously petitioned for and was granted a zoning change to a PUD Planned Unit Development 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 its prior subdivision approval (Case No. PB 11-13). The applicant previously received a Planning Board steep slope permit and site plan approval (Case No. PB 20-08) in connection with the development site. The properties consist of approximately 415,303 sq. ft. (9.5 acres) and are situated on the east side of South Broadway (NYS Route 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: 7.290-141-9.4, 7.290-141-9.5, 7.290-141-9.6, 7.300-142-3.7, and 7.290-141-9.15.

At the request of the applicant, the Planning Board, on a motion made by Mr. Schwartz and seconded by Mr. Hay, unanimously voted to adjourn the public hearing to November 3, 2021.

6. **OLD BUSINESS**

a. **Case No. PB 19-33** Brodsky, 2121 Saw Mill River Road, (P.O. White Plains, N.Y.) – Preliminary Subdivision

A continuation of a work session (April 1, 2020) to discuss a preliminary subdivision application involving the proposed subdivision of one (1) existing lot, approximately 87,226 sq. ft. in size, into two (2) lots, for the purpose of resolving the issue of more than one dwelling (principal structure) on a single lot. There is no construction or site disturbance proposed as part of this application. Proposed Lot 1 would total approximately 28,198 sq. ft. and includes an existing 3,236 sq. ft. single-family residence to remain. Proposed Lot 2 would total approximately 59,028 sq. ft. and includes an existing 2,016 sq. ft. single-family residence to remain. The project also requires area variances from the Zoning Board of Appeals. The property consists of approximately 87,226 sq. ft. and is situated on the north side of Saw Mill River Road, to the west of the intersection of Saw Mill River Road and Suburban Place. 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: 7.380-195-5.

Following Mr. Schmidt's introduction of the project, Mr. Schwartz opined that, as long as a condition of any project approval states that no improvements may be made on the property without coming back before the Planning Board, the application does not appear to be an issue. Mr. Schmidt advised that, from a procedural standpoint, the Planning Board: (1) may go ahead and vote to declare itself lead agency, being that there were no objections raised to the Planning Board's lead agency intent; (2) consider classifying the proposed action; and (3) consider issuing a SEQRA determination on the project. Following these actions, the Board may consider issuing its recommendation to the Zoning Board of Appeals on the area variances required in connection with the project, as identified in a memorandum issued by the former Building Inspector, Mr. Steven Fraietta, dated January 3, 2020.

On a motion made by Mr. Schwartz and seconded by Mr. Hay, the Planning Board unanimously voted to declare itself lead agency for the purposes of SEQRA review of this project.

On a motion made by Mr. Schwartz and seconded by Chairperson Simon, the Planning Board unanimously voted to classify the proposed action an Unlisted action under SEQRA.

On a motion made by Mr. Schwartz and seconded by Ms. Fraitag, the Planning Board unanimously voted to issue a negative declaration for the proposed action under SEQRA.

Mr. Schwartz recommended the Board consider issuing positive recommendations to the Zoning Board of Appeals (ZBA), with the proviso that no improvements are made to either property without the applicant coming back before the Planning Board for a review, as the property contains a structure listed on the Historical Register. Ms. Emilyn Brodsky, project applicant, advised that there are a number of internal building violations which are required to be remedied. Mr. Schwartz suggested that any improvements, beyond those remediating the current violations, be required to come before the Planning Board for review. Mr. Desai asked if the Planning Board should wait to hear from the H&LPB before issuing its recommendation to the ZBA. Mr. Schwartz believed this was unnecessary, while Mr. Schmidt noted that no final decision is being made this evening and there is opportunity for recommendations to be issued by the H&LPB for the Planning Board to consider. Mr. Schwartz added that the applicant would have to come back to the H&LPB for future improvements regardless, because all of the on-site structures are more than 50 years old.

On a motion made by Mr. Schwartz and seconded by Mr. Desai, the Planning Board unanimously voted to issue positive recommendations to the Zoning Board of Appeals on the four (4) area variances required in connection with the project, with the proviso that any future improvements to either of the lots, including but not limited to, construction, demolition, and/or renovation activities, be reviewed by the Planning Board and Historic & Landmarks Preservation Board and, further, that any improvements required in order to remedy open violations with the Building Department, be reviewed by the Historic & Landmarks Preservation Board.

b. Case No. PB 20-24 Bloom Energy, 151 Fulton Street (P.O. White Plains, N.Y.) – Planning Board Amended Site Plan

A continuation of a work session (September 14, 2021) to discuss a Planning Board amended site plan application involving the proposed installation of six (6) outdoor natural gas clean fuel cell energy servers. The applicant is proposing the installation of six (6) energy servers to provide approximately 1,500 kW of base load power to the site. The installation would have a footprint of approximately 2,450 sq. ft. and be surrounded by bollards, and located within an existing parking lot. The project requires the removal of 14 of the existing 30 off-street parking spaces. The applicant has proposed the addition of 13 off-street parking spaces to compensate, resulting in 29 parking spaces, where 29 are required. The applicant has added a gravel service area around the servers to offset the additional impervious surfaces from the parking spaces. The project has been reviewed by the Town Building Inspector, and the following area variance is required: accessory structure proposed within the front yard. The properties consist of approximately 53,578 sq. ft. (1.23 acres) and are situated on the northern side of the intersection of Fulton Street and Russell Street. The properties are located in the IB Intermediate Business District and are designated on the tax map of the Town of Greenburgh as Parcel ID: 8.80-42-1 & 2.

Following Mr. Schmidt's introduction of the project, Chairperson Simon recalled that when the battery energy storage application at the Knollwood Country Club was before the Planning Board, there was a lot of confusion, and he wanted to make sure the Planning Board did everything correctly for this application. Chairperson Simon stated that he wanted to have a complete understanding of the Town Code as it applies to this application. He noted that the applicants are not the owners of the site and questioned how someone who is not the owner of the site can make an application to modify the site. Chairperson Simon stated that he had hoped to have the Building Inspector appear this evening, or at least obtain a clearer interpretation of the Code and how this application fits within the

Code. He opined that these are major issues that need to be resolved. He added that he did not feel the Board is in a position to issue its recommendation to the Zoning Board of Appeals on the one (1) area variance required. He suggested that the applicant submit a joint application with the owner of the site, and asked if any Board members felt differently about his opinions. No Board members commented.

Mr. Schmidt noted that the Board has encountered similar situations like this in the past, such as with restaurants in shopping plazas, where the Board requested the owner of the site to sign on as a co-applicant, and requested the applicant to notify him once it has done so. Chairperson Simon asked if the units would store any energy when the gas is turned off. Mr. Nedal Sumrein, project manager of Bloom Energy, representing the applicant, responded that there was no electrical storage.

Mr. Schwartz commented that he had looked at the Town Code and the proposed use is not listed under section 285-36 of the zoning ordinance, while substations are listed as a special permit use in that section. He noted that the same section contains a prohibition on certain hazardous emissions and stated that while he is not saying the application meets or does not meet the standards, he is not sure if he has enough information to make a recommendation. Mr. Schwartz opined the proposal should be recommended to the Conservation Advisory Council (CAC), as it was instrumental in the Battery Energy Storage System (BESS) local law, and could review this project at its October 28, 2021 meeting and provide a recommendation before the Planning Board's November 3, 2021 meeting. He stated that his recommendation to refer is not a reflection on the technology, which may be great, but is about due diligence.

Mr. Schwartz noted that the applicant has many facilities around the country which have the ability to use natural gas, hydrogen, or biofuels as their fuel sources. He asked the reason why it is choosing natural gas for this application. Mr. Sumrein responded that natural gas is what was available in this area. Mr. Schwartz stated that he understands the units scrub the natural gas for impurities and capture some carbon, and asked how often the filters needed to be replaced. Mr. Sumrein replied that the desulfurization beds are replaced annually. Chairperson Simon suggested instead of replacing the filters annually, that the filters be replaced based on their efficiency. He noted that natural gas can have varying levels of impurities which may reduce efficiency quicker than anticipated. Mr. Schwartz asked how the emissions are monitored. Mr. Sumrein responded that there are thousands of sensors measuring emissions, water conductivity, and sulfur content, among others. He stated that the sensors are monitored 24/7 and the annual filter replacement is directly related to the efficiency.

Mr. Schwartz asked if there would be any hazardous materials in the desulfurization beds and how they would be disposed of. Mr. Sumrein responded that there are no hazardous materials in the canisters, to his knowledge. Mr. Schwartz stated that he would like confirmation there are no hazardous materials in the canisters and would like information on how they are disposed of. He reported that he had driven by the site and the gate to the yard was open. He requested that the applicant propose additional fencing around the units to prevent unauthorized access, particularly by children. Mr. Sumrein responded that the site already has a fence around it and that fencing needs are based on conditions such as screening and safety. He added that the units are seven feet in height. Mr. Schwartz commented that the fence around the site does not provide proper safety unless the gate is kept closed.

Chairperson Simon stated that the application would be discussed by the CAC at its next meeting, and, as soon as a recommendation from the CAC is received, this application would be placed back on a Planning Board agenda for further discussion.

7. **NEW BUSINESS (continued)**

a. **Case No. PB 21-20** Chacon, 84 Euclid Avenue (P.O. Ardsley, N.Y.) – Planning Board Steep Slope Permit

A work session to discuss a Planning Board steep slope permit application involving the proposed demolition of a 1.5 story one-family residence and construction of a new, 2.5 story one-family residence with related improvements. The existing detached garage would remain. The new home would have a new front walkway and a new rear deck. The applicant is proposing approximately 2,098 sq. ft. of disturbance to 15- 25% slopes (STEEP SLOPES). The applicant requires approximately 233 cubic yards of excavation. The applicant proposes eight (8) 330XL Cultec drywells to handle the runoff created by impervious surfaces. The property consists of approximately 11,512 sq. ft. (0.55 acres) and is situated on the west side of Euclid Avenue, approximately 1,000 feet south of the intersection of Euclid Avenue and Riverview Avenue. The property is located in the R-7.5 One-Family Residence District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.380-271-91.

Following Mr. Schmidt's introduction of the project, Ms. Alyssa Manfredonia, R.A., of Haynes Architecture P.C., representing the applicant, provided a detailed presentation of the project, which involves the proposed demolition of a 1.5 story one-family residence and construction of a new, 2.5 story one-family residence, with related improvements. Chairperson Simon asked if the applicant had looked into what would be required to propose a new garage under the house. Ms. Manfredonia responded that it had, and that the client is not interested in having a garage below the house, as it prefers to have usable living space within the residence. Chairperson Simon asked, if the applicant were to renovate the garage, would it require moving the structure to conform to current setback requirements. Ms. Manfredonia responded that her understanding is that if any work is proposed that would add to the footprint of the garage, the garage would have to be made zoning compliant. She added that the applicant wishes to make the garage aesthetically similar to the proposed house, without altering the size or roof. There were no other questions or comments.

Mr. Schmidt suggested the Planning Board have a point person visit the site to observe and report back to the Board. Chairperson Simon volunteered for that role. Mr. Desai stated that he had visited the site and opined that the applicant's proposal is reasonable. He expressed some concern with the garage, as the applicant may have to come back and spend more money at a future point to make it zoning compliant.

Chairperson Simon stated that the matter would be discussed at a public hearing on November 3, 2021. Mr. Schmidt stated that staff would prepare the notice and signage, and get instructions to the applicant.

8. **ESTABLISH DATE FOR NEXT MEETING**

The next regularly scheduled meeting of the Greenburgh Planning Board will be held on Wednesday, November 3, 2021, and will begin at 7:00 pm online via Zoom-enabled video conference.

9. **ADJOURNMENT**

The October 20, 2021 work session of the Town of Greenburgh Planning Board was adjourned at 9:44 pm.

Respectfully submitted,



Aaron Schmidt
Deputy Commissioner,
Department of Community Development and Conservation