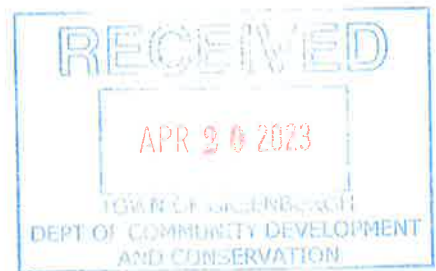




**TOWN OF GREENBURGH
PLANNING BOARD MINUTES
GREENBURGH – NEW YORK
Monday – April 3, 2023**



The Work Session of the Planning Board of the Town of Greenburgh began at 7:05 pm on Monday, April 3, 2023, and was held both in-person at Town Hall, located at 177 Hillside Avenue, Greenburgh, New York, and online via Zoom-enabled videoconference. It was also simulcast over cable television and the Town of Greenburgh website.

1. ROLL CALL & ANNOUNCEMENTS

Present: Chairperson Hugh Schwartz, Thomas Hay, Walter Simon, and Leslie Davis

Absent: Kirit Desai, Michael Golden, Johan Snaggs, and Mona Freitag (Alternate Member)

Staff: Aaron Schmidt, Deputy Commissioner, CD&C
Matthew Britton, Planner, CD&C
Amanda Magana, Esq., Deputy Town Attorney

2. APPROVAL OF MINUTES

Chairperson Schwartz asked if there were any comments to the draft minutes of March 15, 2023. Mr. Hay noted two (2) minor typographical errors and stated that, in the discussion of Case No. PB 21-23, the minutes should reflect that Mr. Schmidt noted historical maps have shown clear delineation of the property line between the Worthington Cemetery site and the property to be developed, for a number of years. Mr. Schmidt stated that these revisions would be made. Chairperson Schwartz stated that an error was made at the conclusion of the public hearing for Case No. PB 22-22, which was identified after the meeting. He stated that the Board voted to “adjourn” the public hearing for PB 22-22 Saunders, 1 St. Mary’s Place rather than voting to “close” it, and the minutes need to be revised to reflect this, with a footnote that the mistake will be corrected at the next meeting. Mr. Schmidt stated that these revisions would be made. On a motion made by Mr. Simon and seconded by Ms. Davis, the Planning Board unanimously voted to approve the minutes of the March 15, 2023 work session, as amended.

On a motion made by Mr. Simon and seconded by Ms. Davis, the Planning Board unanimously voted to amend its motion made at the last public hearing, to close the public hearing for Case No. PB 22-22 Saunders, 1 St. Mary’s Place.

3. CORRESPONDENCE

a. Case No. PB 21-18 Bhatti, 14 Payne Street & 175 Winthrop Avenue (P.O. Elmsford, N.Y.) – 4th Preliminary Subdivision Extension Request

Mr. Schmidt reported that the Applicant has requested a fourth 90-day extension of its Preliminary Subdivision Approval. He stated that the Applicant is currently waiting for a letter of authorization from the Kay Linden Life Estate Our Lady of Mount Carmel Church, and once that letter is received, the County is expected to sign the plat. Chairperson Schwartz stated that if the Applicant needs another extension, it will be required to attend a meeting and discuss it with the Board.

On a motion made by Mr. Hay and seconded by Mr. Simon, the Planning Board unanimously voted to grant a fourth 90-day extension of the Preliminary Subdivision Approval, valid through July 14, 2023.

4. OLD BUSINESS

a. Case No. PB 22-22 Saunders, 1 St. Mary’s Place (P.O. White Plains, N.Y.) – Preliminary Subdivision
A work session to discuss the decision of a Preliminary Subdivision application involving the proposed subdivision of one (1) lot containing an existing one-family residence into two (2) lots, for

the purpose of constructing a single-family home on the newly created lot. The existing on-site residence is to remain on proposed Lot 1. The Applicant proposes a new curb cut on Salem Road for access to proposed Lot 2. The Applicant proposes the removal of three (3) regulated trees, requiring a Tree Removal Permit, and has prepared a Landscaping Plan in conformance with Chapter 260 of the Town Code. The property consists of approximately 33,558 sq. ft. (0.77 acres) and is situated on the northwest side of the intersection of St. Mary's Place and Salem Road. The property is located in an R-15 One-Family Residence District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.130-28-1.

Chairperson Schwartz commented that the Applicant has been very responsive to requests by the Board throughout the course of this project, which resulted in improvements to the layout of the site. He asked if there were any special conditions of note. Mr. Schmidt responded that condition 7.9 requires the Town Engineer to confirm that the stormwater system is designed to handle a 50-year storm event, as represented by the Applicant. He also noted that the findings make mention of the plan revisions and additional test pits performed by the project team at the request of the Board.

On a motion made by Ms. Davis and seconded by Mr. Hay, the Planning Board unanimously voted to approve the Preliminary Subdivision application.

b. Case No. PB 22-23 United Refrigeration, 420 Saw Mill River Road (P.O. Elmsford, N.Y.) – Amended Site Plan, Planning Board Steep Slope Permit, and Tree Removal Permit

A continued work session (from March 1, 2023) to discuss an Amended Site Plan, Planning Board Steep Slope Permit, and Tree Removal Permit application involving the proposed addition of two (2) stories to an existing warehouse building, to add more storage and operational space. The Applicant proposes a two-story, 80,600 sq. ft. addition, raising the height of the building to 73 feet. The Applicant proposes to include 34 striped parking spaces where 121 parking spaces are required. The Building Inspector has determined that the following area variances are required: (1) building height, from two (2) stories (permitted) to three (3) stories (proposed); (2) building height, from 25 feet (permitted) to 73 feet (proposed); and (3) parking spaces, from 121 spaces (required) to 34 spaces (proposed). The Applicant proposes approximately 484 sq. ft. of disturbance to 15-25% slopes (STEEP SLOPES), approximately 499 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES), and approximately 1,619 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The project requires approximately 42 cubic yards of excavation and approximately 0 cubic yards of imported fill. The Applicant proposes to remove 15 trees, requiring a Tree Removal Permit, and has prepared a Landscaping Plan providing for the planting of 15 trees, as replacement. The property consists of approximately 109,536 sq. ft. (2.5 acres) and is situated on the eastern side of Saw Mill River Road, approximately 320 feet from the intersection of Saw Mill River Road and Hunter Lane. The property is located in the IB Intermediate Business District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.120-19-21.

Mr. Schmidt provided a brief overview of the project, and reported that no objections to the Board's declaration of intent to serve as Lead Agency were received. Mr. Stephen Labroli, Esq., representing the Applicant, stated that he met with two (2) neighboring residents at the Board's request concerning potential landscaping improvements, and left his card for a third. He reported that the neighbors seemed primarily concerned about a common fence between the properties. Mr. Labroli stated that one (1) of the residents wished for the Applicant to install a fence of its own, to which the Applicant is agreeable. He noted that this same resident seemed happy to learn that the wholesale operation would be moved from this location to another, as part of the proposal. Mr. Labroli stated that the other resident stated that he would get back to Mr. Labroli and, to date, Mr. Labroli has not heard back. Mr. Hay asked if the neighbors were aware of the proposed height of the building. Mr. Jeffery Jordan, R.A., of Jeffery Jordan Architecture, representing the Applicant, stated that the residents were made aware of the Applicant's proposal.

Ms. Anne Kline, Esq., of DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, representing the Applicant, presented that, with the wholesale business proposed to relocate elsewhere, the site would be used only for warehousing and would house large HVAC equipment. Chairperson Schwartz asked if the Applicant would be agreeable to a condition requiring the cessation of its wholesale operation at this site. Ms. Kline stated that she would have to review this with the Applicant. Ms. Kline reported that, in response to comments from the Board, the Applicant is willing to install a trench drain at the end of the driveway and to repave the driveway. She added that the Applicant wished to discuss a potential contribution for future sidewalk improvements along Saw Mill River Road. Ms. Kline stated that the Applicant has been reviewing its proposed tree removals, and is considering the potential to preserve one or more of the larger trees, in an effort to retain some of the existing screening between properties. She added that the landscape architect is currently reviewing which mature trees would provide the best screening without impacting the project. Mr. Schmidt asked if the trees being considered for preservation are in good condition. He also asked that the landscape architect identify whether or not they are invasive species. Mr. Simon asked what the impact of leaving the invasive trees could be. Mr. Schmidt stated that there is a large wooded area to the rear of the property that invasive species could spread to, and that invasive trees could hinder the growth of native trees in the area.

Ms. Kline reviewed the height regulations of principal buildings of this type in other local municipalities. Chairperson Schwartz observed that the only major outlier is the Village of Elmsford. He opined that, while the Town likely is too restrictive in its requirements, the question is how lenient to be. Mr. Simon recalled that the application forms indicate that 89 off-street parking spaces are proposed, with 55 proposed to be landbanked within the building. Mr. Schmidt clarified that the application was revised such that the Applicant is seeking to obtain a variance down to 34 parking spaces proposed, as it is unable to obtain credit for "landbanked" spaces within the building. Chairperson Schwartz opined that parking is not a concern with the wholesale business moving out.

Ms. Kline presented that a sprinkler plan and truck turning diagram have been provided, and a fire hydrant has been added to the Site Plan. Mr. Simon asked if the Applicant could make a commitment on the sidewalk. Ms. Kline responded that the Applicant's preference is to commit some amount of money to a fund for future sidewalk improvements. Mr. Schmidt stated that he would coordinate with the project team to approximate the construction costs for a sidewalk.

On a motion made by Ms. Davis and seconded by Mr. Simon, the Planning Board unanimously voted to declare itself Lead Agency for purposes of SEQRA review.

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

On a motion made by Ms. Davis and seconded by Mr. Hay, the Planning Board unanimously voted to issue a Negative Declaration for the proposed action, under SEQRA.

Chairperson Schwartz stated that the Planning Board may consider issuing a positive, negative, or neutral recommendation to the Zoning Board of Appeals, on the required area variances. He opined that the Town should conduct a review of its current principal building height limitations, though he emphasized that the Planning Board is not a legislative board, and has to be careful about setting any precedent. Chairperson Schwartz felt that any recommendation should include findings on the location of the building being sunken down from other adjacent buildings, and that, in his opinion, the recommendation should not be negative.

Mr. Schmidt recited the required off-street parking space area variance, from 121 spaces (required), to 34 spaces (proposed). Board members expressed interest in issuing a positive recommendation.

On a motion made by Mr. Hay and seconded by Mr. Simon, the Planning Board unanimously voted to issue a positive recommendation to the Zoning Board of Appeals on the off-street parking area variance.

Mr. Schmidt stated that the Applicant requires an area variance for the number of stories of the principal building, from 2 stories (permitted) to 3 stories (proposed). Mr. Simon opined that, due to the sunken nature of the lot, the building would not look like it is three (3) stories, and he therefore felt that, in this instance, a positive recommendation was warranted. Ms. Davis agreed.

On a motion made by Mr. Simon and seconded by Mr. Hay, the Planning Board unanimously voted to issue a positive recommendation to the Zoning Board of Appeals on the area variance for number of stories associated with the principal building.

Mr. Schmidt stated that the applicant requires an area variance for principal building height, from 25 feet (permitted) to 73 feet (proposed). Mr. Simon reiterated his opinion that, since the building is sunken down, the actual impact is lessened. Chairperson Schwartz noted that it nevertheless remains a considerable variance. Ms. Kline added that the site sits 20 to 30 feet lower than the surrounding developed properties. Ms. Davis stated that she would support a positive recommendation in this instance, due to the lowered elevation of the site. Mr. Hay stated that he was leaning toward supporting a positive recommendation. Chairperson Schwartz stated that he was leaning more towards a neutral recommendation, opining that it is a Zoning Board issue. He stated that in the recommendation, the findings need to explain that this site is unique in that it is sunken down relative to neighboring properties, the principal building height requirements of the district need to be revisited, and the benefit of keeping the business in town outweighs any potential impacts, which appear only to be of the visual type.

On a motion made by Mr. Hay and seconded by Mr. Simon, the Planning Board unanimously voted to issue a positive recommendation to the Zoning Board of Appeals on the principal building height area variance.

5. PUBLIC HEARINGS 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 22-27 Liberty Coca-Cola, 111 Fairview Park Drive (P.O. Elmsford, N.Y.) – Amended Site Plan and Tree Removal Permit

A public hearing to discuss a Planning Board amended site plan and tree removal permit application involving the proposed implementation of a sustainable energy project that would enable the existing on-site Coca-Cola bottling plant to generate its own electrical power, along with thermal and cooling energy, through utilization of quadgeneration technology. The project involves the proposed construction of an onsite energy system, a carbon recovery system, and related equipment, within the southern portion of the site. The Applicant proposes the removal of four (4) regulated trees, requiring a Tree Removal Permit from the Planning Board. The Applicant has prepared a Landscaping Plan providing for the planting of four (4) trees and five (5) shrubs, as replacement. On March 16, 2023, the Zoning Board of Appeals granted three (3) area variances required in connection with the project, as outlined in a memorandum issued by the Town Building Inspector, dated January 12, 2023 and revised February 17, 2023, associated with impervious surface coverage and the height of two (2) proposed accessory structures. The property consists of approximately 959,627 sq. ft. (22.03 acres) and is situated on the west side of Fairview Park Drive, at the intersection of Ridgewood Drive. The property is located in the PD Non-Residential Planned Development District, and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.110-14-5.

On a motion made by Mr. Simon and seconded by Mr. Hay, the Planning Board unanimously voted to close the public hearing and to keep the written record open through April 12, 2023.

b. 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, and Tree Removal Permit

A public hearing to discuss a Preliminary Subdivision, Planning Board Steep Slope Permit, and Tree Removal Permit application involving the proposed subdivision of two (2) existing tax lots into thirteen (13) building lots for the purpose of constructing thirteen (13) single-family homes and associated improvements. The Applicant proposes a new curb cut and cul-de-sac off of Whitehouse Road to access each of the proposed lots. The Applicant proposes approximately 33,810 sq. ft. of disturbance to 15-25% slopes (STEEP SLOPES), approximately 18,720 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES), and approximately 11,810 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The Applicant requires approximately 2,242 cubic yards of excavation and 0 cubic yards of imported fill. The Applicant proposes four (4) 3500 MC stormwater infiltration chambers on each of the thirteen (13) lots, with an additional 64 – 3500 MC stormwater infiltration chambers for a total of 116 stormwater infiltration chambers, to handle stormwater runoff created by new impervious surfaces. The Applicant proposes the removal of 626 regulated trees, requiring a Tree Removal Permit from the Planning Board, and has prepared a Street Tree Landscaping Plan and four (4) Sample Individual Lot Landscaping Plans, in order to demonstrate compliance with Chapter 260 of the Town Code. The properties consist of approximately 349,974 sq. ft. (8.03 acres) and are situated at the intersection of Saw Mill River Road and Whitehouse Road. The properties are located in the R-20 One-Family Residential District and are designated on the tax map of the Town of Greenburgh as Parcel ID: 7.450-256-22.1 & 22.2.

Prior to the start of the public hearing, on a motion made by Mr. Hay and seconded by Mr. Simon, the Planning Board unanimously voted to classify the proposed action as an Unlisted Action, under SEQRA.

Prior to the start of the public hearing, on a motion made by Ms. Davis and seconded by Mr. Hay, the Planning Board unanimously voted to issue a Negative Declaration for the proposed action, under SEQRA.

On a motion made by Mr. Simon and seconded by Mr. Hay, the Planning Board unanimously voted to close the public hearing and to keep the written record open through April 12, 2023.

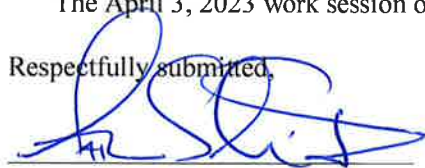
6. ESTABLISH DATE FOR NEXT MEETING

The next regularly scheduled meeting of the Greenburgh Planning Board will be held on Wednesday, April 19, 2023, and will begin at 7:00 pm.

7. ADJOURNMENT

The April 3, 2023 work session of the Town of Greenburgh Planning Board was adjourned at 9:02 pm.

Respectfully submitted,



Aaron Schmidt
Deputy Commissioner,
Department of Community Development and Conservation