



**TOWN OF GREENBURGH
PLANNING BOARD MINUTES
GREENBURGH – NEW YORK
Wednesday – April 19, 2023**



The Work Session of the Planning Board of the Town of Greenburgh began at 7:04 pm on Wednesday, April 19, 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 (8:14 pm arrival), Kirit Desai, Michael Golden, Johan Snaggs, Leslie Davis (Remote Video-Conferenced Member), and Mona Fraitag (Remote Video-Conferenced, Alternate Voting Member until Walter Simon arrived, then Non-Voting Member)

Absent: None

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

Chairperson Schwartz reported that several Board members attended the WMPF conference this week. He opined that it was a very helpful conference with good discussions on topics such as accessory dwelling units and Governor Hochul's housing initiative.

2. APPROVAL OF MINUTES

Chairperson Schwartz asked if there were any comments to the draft minutes of April 3, 2023. Mr. Hay noted one (1) minor typographical error. There were no other comments. On a motion made by Mr. Hay and seconded by Mr. Golden, the Planning Board, with six (6) in favor and one (1) abstention, voted to approve the minutes of the April 3, 2023 work session, as amended. Ms. Fraitag abstained, noting that she was not present for the April 3, 2023 meeting.

3. CORRESPONDENCE

a. Letter Submitted for Case No. PB 23-10 Lucia Brothers Funeral Home

Chairperson Schwartz reported that correspondence was received about case no. PB 23-10 Lucia Brothers Funeral Home. He noted that the Applicant for this case requested discussion be moved to May 3, 2023 as the design professional could not attend this meeting. Chairperson Schwartz stated that discussion of the correspondence and project would be held on May 3, 2023.

4. OLD BUSINESS

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 work session to discuss the decision of 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.

Chairperson Schwartz felt that this was a very exciting project with energy benefits and environmental benefits, and stated that the project was on for decision. He asked if there were additional conditions to those in the draft decision. Mr. Schmidt reported that, after the draft decision was circulated to the Board, staff received comments from the Town's fire consultant for the project, related to ensuring all fire hydrants had NFPA compliant signage and the fire access route is clearly marked in the field to ensure fire department access is maintained. Mr. David Steinmetz, Esq., of Zarin & Steinmetz, representing the Applicant, stated that the Applicant had no issue with those additional conditions or the conditions already in the draft decision. He stated that he appreciated the Board moving along as expeditiously as possible.

On a motion made by Mr. Hay and seconded by Mr. Snaggs, the Planning Board unanimously voted to approve the Amended Site Plan application, as amended.

On a motion made by Mr. Hay and seconded by Mr. Snaggs, the Planning Board unanimously voted to approve the Tree Removal Permit application, as amended.

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 work session to discuss the decision of a Preliminary Subdivision 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 project requires a Planning Board Steep Slope Permit, as 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 White House 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.

Chairperson Schwartz stated that a draft decision has been prepared and recalled that there was an open issue related to the sidewalk. Mr. Schmidt reported that he received written correspondence from the Applicant's representative stating that the Applicant is voluntarily donating \$50,000 for sidewalk improvements. Chairperson Schwartz asked if the money could only be used for sidewalk improvements along White House Road. Mr. Schmidt noted that White House Road is listed as a priority sidewalk location in the Adopted Comprehensive Plan. Discussion on the sidewalk and discussion of future improvements to, and maintenance of, the adjacent Worthington Cemetery property ensued. Potential language modifications to conditions of the draft decision related to these matters took place.

At 7:31 pm, on a motion made by Ms. Davis and seconded by Ms. Fraitag, the Planning Board unanimously voted to enter into an executive session to discuss a legal matter. The executive session lasted 16 minutes, until 7:47 pm. No votes were taken during the executive session.

Mr. Schmidt recited the finalized language for conditions 4.8, 4.9, 4.10, 4.11, and 4.12. Mr. Golden asked why emergency access from Saw Mill River Road is included as a condition when it is indicated on the plans, and the plans are already incorporated into the decision. Mr. Schmidt responded that while it is redundant, it is helpful to emphasize certain items for future reference.

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

c. **Case No. PB 22-20** *Elmwood Preserve, 850 Dobbs Ferry Road, (P.O. White Plains, N.Y.) – Preliminary Subdivision, Planning Board Steep Slope Permit, Wetland/Watercourse Permit, and Tree Removal Permit*

A continued work session (February 15, 2023) to discuss a Preliminary Subdivision, Planning Board Steep Slope Permit, Wetland/Watercourse Permit, and Tree Removal Permit application involving a proposed Conservation Subdivision. In connection with an approved zoning map amendment, a CD Conservation District Overlay was added to the site. Consistent with the Findings Statement, the Applicant proposes to subdivide and develop 113 single-family homes, while preserving 25.2 acres of open space. The easterly 14.2 acre parcel is proposed to be dedicated to the Town for use as an extension of East Rumbrook Park. The Applicant proposes two (2) new curb cuts on Dobbs Ferry Road, the easternmost of which is proposed to be full-movement, while the westernmost is proposed to be right-in and right-out only. The Applicant proposes approximately 476,854 sq. ft. of disturbance to 15-25% slopes (STEEP SLOPES), approximately 152,501 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES), and approximately 85,653 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The project requires approximately 217,059 cubic yards of excavation and approximately 257,392 cubic yards of imported fill, requiring a Fill Permit from the Bureau of Engineering. The Applicant proposes to disturb approximately 49,832 sq. ft. of regulated Wetland/Watercourse Buffer Area. No direct disturbance to wetlands or watercourses is proposed. The Applicant proposes the removal of regulated trees, the total amount of which is being determined, and has prepared preliminary landscaping plans for review by the Town Forestry Officer. The property is located in the R-20 and R-30 One-Family Residence Districts, with a CD – Conservation District Overlay, and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.370-265-1, 8.370-265-2, 8.370-265-3 and 8.370-265-4.

Chairperson Schwartz recalled that last time this project was discussed, the Board did not see a robust landscaping plan and disagreed with the drainage plan presented at the time. He added that there have been some environmental issues in the interim. Mr. David Steinmetz, Esq., of Zarin & Steinmetz, representing the Applicant, explained that the Applicant has been working with staff in connection with the demolition of the on-site structures. He clarified that there are no environmental issues with the demolition as far as he is aware. He noted that the site is a Brownfield due to pesticides used over the years by the former country club, and additional testing will be conducted under the Brownfield program. Mr. Steinmetz stated that the Applicant spent a lot of time working on alternatives for the drainage system, and he felt that the Applicant has proposed a concept that meets everyone's needs.

Mr. James Caris, AICP, and Mr. Diego Villareale, P.E., of JMC Engineering, representing the applicant, presented the proposed drainage improvements, to include a detention pipe on each individual lot designed for a 25-year storm event, but able to convey a 100-year storm event, to prevent water backing up into the house. Mr. Caris explained that the system would slowly release water into the public infrastructure under the road. He noted that each lot would be required to file a separate Stormwater Permit based on the impervious surfaces proposed, to meet Town standards. Mr. Golden asked why the Applicant did not wish to use drywells. Mr. Caris responded that drywells

require a significant amount of additional studies and testing, which would be infeasible for all 113 lots, and the proposed system addresses stormwater control requirements.

Chairperson Schwartz asked if the proposed public infrastructure was designed for a 25-year storm event. Mr. Caris responded that it was. Chairperson Schwartz asked how the Board can be sure that the proposed system can handle the runoff, without a final design for each lot. Mr. Villareale responded that each lot will be required to get a Stormwater Permit based on impervious coverage and other requirements, and the outflow from each lot will be the same, just the systems will be different. Chairperson Schwartz asked if additional stormwater control systems would be required if, in the future, one or more homeowners constructed additional impervious surfaces. Mr. Villareale responded that it would, and each lot would be reviewed individually with additional controls added if required by the Town Engineer.

Mr. Hay asked if the stormwater leaving the property met Town Code requirements. Mr. Villareale responded that the rate of runoff cannot be increased, and the proposed system is designed to meet the requirements. Ms. Magana added that the Town Engineer and Department of Public Works are satisfied with the indicated rate of runoff. Chairperson Schwartz asked if the proposed stormwater basins are designed for a 100-year storm event. Mr. Villareale confirmed that they were.

Mr. Caris presented the tree removal and landscaping plans, indicating that of the approximately 1,400 trees on-site, approximately 700 are to be removed, 700 are to remain, and of the 700 to be removed, 333 are regulated trees under Town Code. He stated that the Applicant calculated the environmental values for the removals and prepared a typical lot landscaping plan with a plant palette. He added that eight (8) different species of street trees are proposed. Chairperson Schwartz noted that street trees can beautify a development and requested renderings of what the streets would look like. Mr. Hay asked how the Board would make sure that what is on the typical lot landscape plan is executed. Mr. Caris stated that it could be included as a condition.

Mr. Simon asked if the homes could be made solar-accessible. Mr. Steinmetz responded that that could be an option at the time of construction of the house, but he was not certain the Town could require it. Chairperson Schwartz encouraged the Applicant to consider alternative energy solutions. Ms. Fraitag suggested that the homes permit EV charging stations. Mr. Jonathan Grebow, representing the Applicant, stated that every lot will permit solar and EV charging, as it is the standard in units he constructs. Chairperson Schwartz scheduled the project for a public hearing on May 3, 2023, noting that there are still comments to be addressed and the hearing may be adjourned if all comments are not responded to.

5. NEW BUSINESS

a. Case No. PB 23-09 HVA Realty LLC, 499 & 535 Old Tarrytown Road (P.O. White Plains, N.Y.) – Preliminary Subdivision

A work session to discuss a Preliminary Subdivision application involving the proposed re-subdivision of two (2) existing lots associated with a land swap/ lot line shift in two (2) locations. Parcel ID 7.410-221-14 (Lot A – Volvo Service Center) would gain a 2,229 sq. ft. strip of land, which it currently utilizes with off-street parking. Parcel ID 7.410-221-15 (Lot B – New Castle Building Products) would gain a 2,240 sq. ft. strip of land from Lot A, in exchange for the portion given. Currently, Volvo's lot contains 85,310 sq. ft. and 85,299 sq. ft. is proposed. New Castle Building Products' lot currently contains 191,242 sq. ft. and 191,253 sq. ft. is proposed. The Subdivision, if approved, would place *existing* off-street parking spaces used by Lot A (Volvo) entirely on Volvo's property. Staff notes that this project received a prior Final Subdivision Approval (Case No. PB 17-33) and Area Variance Approval (ZBA 17-35), but the Final Subdivision Plat was never filed with Westchester County and, therefore, expired. No site work is proposed as part of this application. The properties in total consist of approximately 276,549 sq. ft. (6.35 acres) and are situated on the south side of Old Tarrytown Road. The properties are located in the LI Light Industrial District and are designated on the tax map of the Town of Greenburgh as Parcel ID: 7.410-221-14 & 15.

Following Chairperson Schwartz's brief introduction of the project, Mr. Chuck Utschig, P.E., of Langan Engineering, representing the applicant, stated that this application was before the Board in 2017 as part of a large project. He stated that the project got all the way through the process, receiving all approvals, but was never filed with the County. Mr. Utschig reported that the Westchester County Health Department signed off on the current plat, as they felt it was a modification to an approved plan. Mr. Golden asked if the current plat was the same as the previously approved plat. Mr. Utschig responded that the lot lines are exactly the same, and the only change is that a private sewer easement is now shown on the plat. There were no further questions. Chairperson Schwartz scheduled the project for a public hearing on May 3, 2023. Mr. Schmidt stated that staff would be in touch regarding noticing and signage.

b. Case No. PB 23-10 Lucia Brothers Funeral Home, 718 Central Park Avenue South (P.O. Scarsdale, N.Y.) – Amended Site Plan and Special Permit – Pre-Submission Conference

A pre-submission conference to discuss a potential future Amended Site Plan and Special Permit application for a new funeral home use within an existing structure (former Ben's Deli). The Applicant proposes to re-use the existing structure to contain two (2) visitation rooms. Minimal external work is proposed. A total of 73 off-street parking spaces exist on-site where 75 are required, and the Applicant proposes to add two (2) parking spaces. The property consists of approximately 50,094 sq. ft. (1.15 acres) and is situated approximately 530 feet north of the intersection of Central Park Avenue South and Mt. Joy Avenue. The property is located in the CA Central Avenue Mixed-Use Impact District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.460-329-1.

At the request of the Applicant, discussion of this project is postponed to the May 3, 2023 work session.

6. ESTABLISH DATE FOR NEXT MEETING

The next regularly scheduled meeting of the Greenburgh Planning Board will be held on Wednesday, May 3, 2023, and will begin at 7:00 pm.

7. ADJOURNMENT

The April 19, 2023 work session of the Town of Greenburgh Planning Board was adjourned at 8:51 pm.

Respectfully submitted,



Aaron Schmidt
Deputy Commissioner,
Department of Community Development and Conservation