



**TOWN OF GREENBURGH
PLANNING BOARD MINUTES
GREENBURGH – NEW YORK
Wednesday – May 15, 2024**

RECEIVED

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**TOWN OF GREENBURGH
DEPARTMENT OF COMMUNITY
DEVELOPMENT & CONSERVATION**

The Work Session of the Planning Board of the Town of Greenburgh began at 7:00 am on Wednesday, May 15, 2024, 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, Michael Golden, Kirit Desai, Johan Snaggs, Leslie Davis, and Aisha Sparks (Alternate Non-Voting Member)

Absent: None

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

2. APPROVAL OF MINUTES

Chairperson Schwartz asked if there were any comments on the draft minutes of the May 1, 2024 Planning Board work session prepared by staff. Mr. Hay identified a typographical error on Pg. 1, which Mr. Schmidt indicated had been corrected. On a motion made by Mr. Hay and seconded by Mr. Simon, the Planning Board unanimously voted to approve the minutes of the May 1, 2024 work session, as amended.

3. CORRESPONDENCE

- a. **Case No. PB 15-06** Shelbourne Assisted Living, 448 Underhill Road (P.O. Scarsdale, N.Y.) – Site Plan, Planning Board Steep Slope Permit, and Wetland/Watercourse Permit 3rd Extension Request
Ms. Magana recused herself prior to any discussion on this project.

Mr. Schmidt reported that the Applicant has requested a third extension of its Site Plan, Planning Board Steep Slope Permit, and Wetland/Watercourse Permit approvals. Chairperson Schwartz explained that he requested the Applicant attend the meeting because the project has been approved for some time. He stated that he understood there was litigation on the project, and asked what the ownership situation of the land is, recalling that one parcel was owned by the nursery, and one owned by NYSDOT. Mr. Hay asked how long the Applicant thought the project would take to move forward. Mr. Mark Maberry, representing the Applicant, stated that while litigation has been resolved in the Applicant's favor, it now faced a challenging economy with high construction costs and interest rates. He stated that the Applicant is committed to moving forward with the project. Mr. Maberry explained that discussions with the NYSDOT about acquiring that additional parcel of land were ongoing and complicated, and the Applicant has decided to move forward with the approved structure on the smaller parcel of land.

Chairperson Schwartz asked if the Applicant had discussed with the Town its plans to move forward with building on the 3.79-acre lot. Mr. Maberry responded that it has met with the Town to review the Fire Code and other matters, and he anticipates submission of a Building Permit application with related plans, within the next few months. He noted that he had been advised that if the Applicant seeks to increase the size of the building, a further public review process would be required. Chairperson Schwartz asked if the approved plans included the NYSDOT parcel. Mr. Hay stated that he recently had a conversation with Commissioner Duquesne on this matter and was advised that the approved plans are based on the 3.79-acre parcel only. Mr. Schmidt responded that he would review the plans and approvals, and report back to the Board.

Chairperson Schwartz opined that the property, in its current state, is in a hazardous condition and presents a danger to the public. He requested that the Applicant secure the property with a fence in a reasonable amount of time. Mr. Maberry noted that the Applicant currently does not have the right to make improvements to the land, though he can forward along the Town's concerns to the property owners. Chairperson Schwartz directed Town Staff to work with the Building Inspector to get the property fenced off. He asked when the Applicant expects to close on the property. Mr. Maberry responded that a date had not been set but could likely be within a few months.

On a motion made by Mr. Golden and seconded by Mr. Snaggs, the Planning Board unanimously voted to grant a two (2) year extension of the Site Plan, Planning Board Steep Slope Permit, and Wetland/Watercourse Permit approvals, valid through May 17, 2026.

b. Discussion on Large Retaining Walls and Associated Landscaping

Chairperson Schwartz opined that the Board had failed to properly anticipate the visual impact of a couple of recently approved large retaining walls and failed to properly anticipate the minimal visual screening provided by the approved landscaping plans. He felt that this was something the Board needed to improve upon in future applications, perhaps through evergreen trees or ivy draped down the walls. The Board agreed.

4. EXECUTIVE SESSION

At 7:19 pm, on a motion made by Ms. Davis and seconded by Mr. Snaggs, the Planning Board unanimously voted to enter into an Executive Session to discuss a personnel matter. The Executive Session lasted 9 minutes, until 7:28 pm. Chairperson Schwartz reported that no votes were taken during the Executive Session.

5. OLD BUSINESS – WORK SESSION

a. Case No. PB 24-08 Crossroads Shopping Center, 367-459 Tarrytown Road (P.O. White Plains, N.Y.) – Planning Board Shared Parking Reduction Request

A work session to discuss a Planning Board Shared Parking Reduction request to facilitate the proposed conversion of approximately 3,498 sq. ft. of existing retail space into restaurant space. The conversion would increase the required off-street parking amount to 1,567 parking spaces, where 1,549 parking spaces exist (approved under Case No. PB 23-01), necessitating a Shared Parking Reduction of 18 off-street parking spaces. The Applicant proposes to convert the entirety of Tenant Space 2, approximately 2,750 sq. ft. in area, into a restaurant use. Tenant Space 2 is located on the eastern portion of the site, between the existing PetSmart and Carter's stores. The Applicant proposes to convert a portion of Tenant Space 20, approximately 748 sq. ft., into a restaurant use. The remainder of Tenant Space 20, approximately 3,619 sq. ft., is already approved as a restaurant use. Tenant Space 20 is located on the western portion of the site, to the immediate east of the existing Party City store. No external physical changes to the site are proposed. The property consists of approximately 1,181,347 sq. ft. (27.1 acres) and is situated on the southern side of Tarrytown Road and on the northern side of Dobbs Ferry Road. The property is located in the UR Urban Renewal District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.480-295-1 & 2.

Chairperson Schwartz provided an introduction of the project and stated that the Planning Board was in a position to consider a SEQRA determination.

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

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

Mr. Simon stated that he had no objection to approving the application. He noted that several homes along Dobbs Ferry Road back up to the shopping center and not all of them are provided with ample screening. He requested that the Applicant investigate adding screening between these homes and the

shopping center, acknowledging the difficulty in some areas, and suggested that the Applicant work with the Town Forestry Officer on identifying certain areas for planting. He specified that this request should not delay a decision on this application. Mr. Schmidt noted that the Board previously made a similar request for a different location on the site, to which the Applicant was receptive, and plantings were subsequently installed. Mr. Schmidt indicated that he is willing to work with the Applicant on this issue again. Michael Thompson, P.E., of JMC, representing the Applicant, noted that a paved swale exists between the curb and the fencing, leaving very little, if any, space for plantings. Mr. Desai requested that the Applicant consider land banking some of the parking spaces in proximity to these residences, as they are rarely used. Mr. Golden felt that it was not solely up to the shopping center to provide screening, and the homeowners had some responsibility as well.

On a motion made by Mr. Golden and seconded by Mr. Hay, the Planning Board unanimously voted to approve the Shared Parking Reduction request of eighteen (18) parking spaces, from 1,567 (required) to 1,549 (approved).

b. **Case No. PB 23-22** *Tasca Hyundai, 450 Central Park Avenue South (P.O. Scarsdale, N.Y.) – Site Plan, Planning Board Steep Slope Permit, Planning Board Special Permit (Motor Vehicle Sales), Planning Board Waiver, and Tree Removal Permit*

A work session to consider the decision of a Planning Board Site Plan, Steep Slope Permit, Special Use Permit (Motor Vehicle Sales), and Tree Removal Permit application to expand and convert an existing shopping center building into a Hyundai dealership with an associated service center. The existing on-site buildings consist of approximately 40,000 sq. ft., and the additions consist of approximately 9,000 sq. ft. The Applicant will provide 88 off-street parking spaces for employees and customers (where 72 are required) and 117 spaces for vehicle display and vehicle storage on-site. The Applicant has represented that car-carriers will drop off vehicles at an off-site location, and the vehicles will then be individually driven to the site. The Applicant has represented that the on-site drainage system would be improved and maintained as part of the project and comply with the requirements of Chapter 248 of the Code of the Town of Greenburgh. The project requires 2,578 sq. ft. of disturbance to 15-25% slopes (STEEP SLOPES), 575 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES), and 1,237 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The Applicant also is seeking a waiver from the Planning Board associated with landscaped parking islands. The project involves the removal of 8 regulated trees from the site, requiring a Tree Removal Permit from the Planning Board, and proposes the planting of 39 trees and various shrubs, as replacement. The property consists of approximately 189,921 sq. ft. (4.36 acres) and is situated on the easterly side of Central Park Avenue South, immediately north of the intersection of Central Park Avenue South and Dromore Road. 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: 8.471-346-1.

Chairperson Schwartz stated that this project has been of interest to a number of people, likely because many of them have been living next to a fairly dormant shopping center for a number of years. He explained that the shopping center could have become a number of permitted uses, such as one large big-box store or, in this case, a motor vehicle dealership, which is allowable via a Special Use Permit. He stated that the Planning Board reviewed all of the comments submitted by residents and interested parties. He noted that a common comment was a request for an Environmental Impact Statement. Chairperson Schwartz stated that such an environmental study was not needed, as the proposed action does not rise to the level of a Type I action under SEQRA, and the traffic generation is anticipated to be less than a fully occupied shopping center. He explained that, as required, an Environmental Assessment Form was submitted by the Applicant and reviewed by Town staff. With input from staff, the Planning Board has been able to determine that, with the required mitigations and design improvements implemented, no significant adverse environmental impacts would result from the project.

On a motion made by Mr. Snaggs 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 Mr. Simon and seconded by Mr. Snaggs, the Planning Board unanimously voted to issue a Negative Declaration, as amended, for the proposed action, under SEQRA.

Chairperson Schwartz stated that the Town has been working with the Applicant since the public hearing to further reduce potential impacts. He reported that the Applicant has added a five-foot (5') canopy over the northerly-facing service bay door to further mitigate noise and the view and has expanded a landscaped island to provide for additional trees and screening between the Applicant's site and the neighboring Edgemont Apartment complex to the north. Chairperson Schwartz indicated that the final issue being worked on relates to construction noise, and that the Planning Board had inquired as to whether the Applicant could limit outdoor construction to weekdays only. Helen Mauch, Esq., of Mintzer Mauch PLLC, representing the Applicant, responded that this was accurate, and the Applicant is agreeable to no outdoor construction activities on Saturdays (with Sunday work prohibited), unless a weekday workday in the preceding week was lost due to inclement weather. Chairperson Schwartz asked if it would be possible to limit jackhammer use to weekdays. Ms. Magana suggested that the Applicant make its best efforts to not jackhammer and not perform other noisy outdoor work on Saturdays. Ms. Mauch agreed with this suggestion.

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

On a motion made by Ms. Davis and seconded by Mr. Hay, the Planning Board unanimously voted to approve the Special Use Permit (Motor Vehicle Sales) application, as amended.

On a motion made by Mr. Simon and seconded by Mr. Desai, the Planning Board unanimously voted to approve the Steep Slope Permit 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.

Chairperson Schwartz requested Mr. Schmidt explain the requested waiver. Mr. Schmidt explained that a Planning Board waiver is required related to providing more than 15 parking spaces in a single line without a landscaped island. Chairperson Schwartz noted that this is a pre-existing condition.

On a motion made by Mr. Golden and seconded by Ms. Davis, the Planning Board unanimously voted to grant the requested Planning Board waiver related to providing more than 15 parking spaces in a single line without a landscaped island.

6. NEW BUSINESS – WORK SESSION

a. Case No. TB 24-06 Game On 365, 701 Dobbs Ferry Road (P.O. White Plains, N.Y.) – Amended Site Plan (Town Board Referral)

A work session to discuss an Amended Site Plan (Town Board approval – referral to Planning Board) application involving the proposed installation of a prefabricated removable awning on a new concrete platform, replacing pre-existing asphalt. The awning would be installed in support of existing driving tees at the existing golf driving range. The Building Inspector has determined that two (2) area variances are required: (1) Front yard setback, from 35 feet (required) to 26.6 feet (proposed); and (2) Alteration of a nonconforming use (golf driving range) to increase such nonconformance. The property consists of approximately 9.62 acres (419,000 sq. ft.) and is situated east of the intersection of Westchester View Lane and Dobbs Ferry Road. The property is located in the R-30 One-Family Residence District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.120-70-3 and 8.50-28-8.

Ms. Magana recused herself prior to any discussion on this project. Chairperson Schwartz announced that he is acquaintances with one of the principals of this project but would not be recusing himself unless there were objections from Board members. There were no objections.

Mr. Kevin Kaye, the Applicant, provided a detailed presentation of the project, which involves the proposed installation of a prefabricated removable awning on a new concrete platform, replacing pre-existing asphalt. Mr. Golden asked why only ten (10) additional covered bays are proposed. Mr. Kaye responded that increments of ten are in-line with the current technology available, and the addition would double the total number of covered bays, from 10 to 20. Mr. Golden asked why Site Plan approval is required. Mr. Schmidt responded that the Building Inspector determined that the proposed awning is a structure, and therefore Site Plan approval is required. Chairperson Schwartz asked what variances are necessary in connection with the project. Mr. Schmidt responded that a front yard setback variance from 35 feet required to 26.6 feet proposed is needed, as well as a variance for increasing a nonconforming use. Chairperson Schwartz questioned if the front yard setback variance is a pre-existing condition. Mr. Schmidt responded that pavement exists in the setback, but not a structure. Mr. Golden noted that the required front yard variance only applies to a few of the canopies, as they curve away from the front yard and become compliant in the easternmost portion. Chairperson Schwartz stated that he agreed with Mr. Golden's assessment but felt that there is no compelling planning reason to issue a positive recommendation on the variances, and therefore supported a neutral recommendation. Board members agreed.

On a motion made by Mr. Golden and seconded by Mr. Desai, the Planning Board unanimously voted to issue a neutral recommendation to the Zoning Board of Appeals on the two (2) required area variances, noting that the proposed canopies curve away from the front yard and therefore only a few require the front yard setback variance.

On a motion made by Mr. Desai and seconded by Mr. Golden, the Planning Board unanimously voted to issue a positive recommendation to the Town Board on the Amended Site Plan application referral.

b. Case No. PB 24-10 Pizza One, 365 Central Park Avenue South (P.O. Scarsdale, N.Y.) – Planning Board Special Permit (Restaurant)

A work session to discuss a Special Permit (Restaurant) application involving the proposed conversion of a former delicatessen space into a restaurant use. The Applicant seeks approval to permit eighteen (18) interior seats within the 1,460 sq. ft. space. The restaurant use requires 20 off-street parking spaces, bringing the total required off-street parking count for the shopping center to 209 spaces, where 262 spaces exist. No exterior site changes are proposed. The property consists of approximately 163,786 sq. ft. (3.76 acres) and is situated on the westerly side of Central Park Avenue South, at the intersection of Central Park Avenue South and South Healy 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: 8.530-253-1.

Following Chairperson Schwartz's introduction of the proposal, Leonard Brandes, R.A., representing the Applicant, provided a detailed presentation of the project, involving the proposed conversion of a former delicatessen space into a restaurant use, with eighteen (18) interior seats. Mr. Schmidt asked if the Applicant proposes to utilize liquid sealed dumpsters. Mr. Brandes responded that they are closed dumpsters. Ms. Magana asked about the Applicant's grease containment. Mr. Brandes responded that there will be grease traps with separate pickup. Chairperson Schwartz asked about the filtration system and the sprinkler system. Mr. Brandes responded that a new filtration system would be installed, and there is a preexisting sprinkler system. Mr. Desai requested that the Applicant show the dumpsters on the plans. Mr. Brandes responded that he would update the plans before the public hearing.

Chairperson Schwartz asked if ADA parking exists on the site. Mr. Brandes responded that some spaces exist on the northerly side of the building. Mr. Britton added that some blue-striped spaces also exist on the southerly side, by the former California Pizza Kitchen. Mr. Schmidt noted that those spaces are not ADA compliant due to not including striping and signage. He noted that the shopping plaza has excess parking spaces and could afford to lose some spaces in order to provide additional ADA compliant spaces. The Board was supportive of incorporating additional ADA compliant

parking spaces. Mr. Schmidt stated that he would work with the Applicant on this matter. Chairperson Schwartz scheduled the project for a public hearing on June 5, 2024.

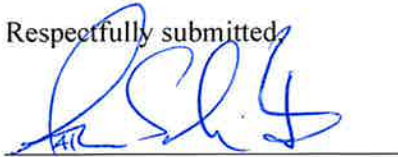
7. **ESTABLISH DATE FOR NEXT MEETING**

The next regularly scheduled meeting of the Greenburgh Planning Board will be held on Wednesday, June 5, 2024, and is scheduled to begin at 7:00 pm.

8. **ADJOURNMENT**

The May 15, 2024 work session of the Town of Greenburgh Planning Board was adjourned at 8:37 pm.

Respectfully submitted,



Aaron Schmidt
Deputy Commissioner,
Department of Community Development and Conservation