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TOWN OF GREENBURGH
PLANNING BOARD MINUTES
GREENBURGH – NEW YORK
Wednesday – June 5, 2024

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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 7:03 pm on Wednesday, June 5, 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
Joseph Danko, Esq., 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 15, 2024 Planning Board work session prepared by staff. Mr. Hay requested a modification on pg. 1, to clarify that the Applicant for Case No. PB 15-06 was referring to the additional parcel of land. Mr. Schmidt stated that this revision would be made. There were no other comments. On a motion made by Mr. Hay and seconded by Mr. Simon, the Planning Board unanimously voted to approve the minutes of the May 15, 2024 work session, as amended.

3. **CORRESPONDENCE**

a. **Various Updates**

Chairperson Schwartz asked if the letter regarding Planning Board member re-appointments had been delivered to the Town Board. Mr. Danko confirmed that it had been.

Chairperson Schwartz informed Planning Board members that the Accessory Dwelling Unit Local Law was still with the Town Board, and he was hoping that the Town Board would be able to discuss it in July.

Chairperson Schwartz reported that the Edgemont School District Bond proposal was voted down by 26 votes. He opined that this gives the Town an opportunity to work with the Edgemont School Board on issues that he felt were not adequately addressed. Chairperson Schwartz noted that the Town has not heard from the Association of Towns on the letter which was sent to them. He added that he has a recommendation to the Town Board that it seek an opinion from the Attorney General on the laws surrounding public school improvements and the Town's authority to review said improvements.

4. **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 24-10** Pizza One, 365 Central Park Avenue South (P.O. Scarsdale, N.Y.) – Planning Board Special Use Permit (Restaurant)

A public hearing to discuss a Special Use 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 and 259 are proposed. Three (3) off-street parking spaces are proposed to be eliminated, in order to provide two (2) additional ADA accessible parking spaces along the front of the building and two (2) refuse containers to the rear of the building. 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.

On a motion made by Mr. Simon and seconded by Mr. Desai, the Planning Board unanimously voted to close the public hearing and to keep the written record open through June 12, 2024.

b. **Case No. PB 23-18** Regeneron, 555 Saw Mill River Road (P.O. Tarrytown, N.Y.) – Planning Board Steep Slope Permit and Planning Board Wetland/Watercourse Permit

A public hearing to discuss a Planning Board Steep Slope Permit and Planning Board Wetland/Watercourse Permit application involving the proposed construction of an approximately 136,000 sq. ft. R&D Building (aka Logistics Building), with related improvements. The site is partially disturbed with existing off-street parking and driveway connections to Old Saw Mill River Road and the internal “Loop Road” on the Regeneron site. The Applicant proposes approximately 4,196 sq. ft. of disturbance to 15-25% slopes (STEEP SLOPES), approximately 20,717 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES), and approximately 10,325 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The proposed project involves a total of approximately 8.04 acres (350,222 sq. ft.) of disturbance, 35,823 sq. ft. of which are proposed in a wetland buffer. On May 8, 2024, the Town Board adopted a resolution (CD-3 – 05/08/2024) approving, with conditions, a Site Plan and Tree Removal Permit application required in connection with the project (TB 23-08). The subject property consists of approximately 39.8 acres (1,735,153 sq. ft.), is located in the PED Planned Economic Development District, and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.71-6-2.2.

On a motion made by Mr. Hay and seconded by Mr. Snaggs, the Planning Board unanimously voted to close the public hearing and to keep the written record open through June 12, 2024.

5. **NEW BUSINESS – WORK SESSION**

a. **Case No. PB 24-12** Margash LLC, 36 Cross Hill Road (P.O. Hartsdale, N.Y.) – Preliminary Subdivision and Tree Removal Permit (Initial Conference)

An initial conference to discuss a potential future Preliminary Subdivision and Tree Removal Permit application involving the subdivision of three (3) existing lots into five (5) lots, for the purposes of constructing three (3) new one-family residences. An existing one-family residence on Lot 5 is proposed to remain. The lots are proposed to be served by a private cul-de-sac off of Cross Hill Road on its own lot. The Applicant anticipates area variances being required for lot frontage for two (2) of the newly proposed lots to be developed. The properties consist of approximately 2.07 acres (90,135 sq. ft.) and are situated approximately 600 feet south of the intersection of Cross Hill Road and Rochambeau Drive. 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: 8.280-215-5, 6, & 7.

Following Chairperson Schwartz’s introduction of the project, Shahin Badaly, P.E., of Badaly Engineering, representing the Applicant, provided a detailed presentation of the potential future subdivision application, involving the subdivision of three (3) existing lots into five (5) lots, for the purposes of constructing three (3) new one-family residences. Chairperson Schwartz asked if Lot 8 on the map is unimproved. Mr. Hay asked if the potential cul-de-sac would cut into that lot. Mr. Badaly responded that Lot 8 is unimproved and the cul-de-sac would not cut into that property. Mr. Hay asked how wide Clover Close (the potential roadway) is as per the maps supplied. Mr. Britton responded that it has an 80-foot diameter bulb and a 50-foot right-of-way. Mr. Badaly indicated that it would technically be a driveway and would meet NYS Fire Code, as only four (4) homes would

potentially be connected to it. Mr. Hay noted that it was not necessary to pave a 50-foot wide road. Mr. Golden asked how wide the existing driveway is. Mr. Badaly responded that he was not sure, but it functioned as a standard driveway.

Mr. Simon asked about the lot widths. Chairperson Schwartz observed that two (2) of the lots will likely need variances for inadequate lot widths. Mr. Golden requested that the area of the lot to be Clover Close be included in future calculations and descriptions of the project. Mr. Badaly responded that he can provide a narrative for the lots in a formal submission. Mr. Golden suggested as narrow a roadway and as small a cul-de-sac as possible, to reduce impervious surface coverage. Mr. Badaly responded that this would be taken into account. Mr. Schmidt stated that he could coordinate a meeting with the local Fire Chief if the Applicant was interested. Mr. Hay stated that the property is located at a low point in the neighborhood and water could accumulate due to a high water table. He added that the area is served by septic and does not have connections to sanitary sewer service. He requested that the Applicant provide details about the septic systems and stormwater runoff as part of a formal submission and suggested that the Applicant seek to dig some test pits around the site. Mr. Badaly responded that test pits would be performed in connection with any formal submission.

Mr. Schmidt asked for an estimate of how many trees would be removed. Mr. Nick Marcola, the Applicant, responded that about 50 trees would need to be removed, and a similar number would be re-planted. Chairperson Schwartz asked how the proposed houses would look. Mr. Marcola responded that they would be two (2) stories, similar to the houses in the neighborhood, and about 3,000 sq. ft. in size. Chairperson Schwartz noted that, while not required, architectural elevations of the proposed homes would be helpful as part of a formal submission. Mr. Snaggs asked if a landscaped island in the center of the cul-de-sac would be appropriate. Mr. Schmidt noted that the Town's DPW prefers no landscaped island, if the road is intended to be offered for dedication to the Town. Chairperson Schwartz suggested that the Applicant revise the roadway to reduce impervious surfaces, while being mindful of the potential for additional area variances. He asked about the water pressure at the site and surmised that a fire hydrant may be needed at the end of the roadway in order to service the homes. Mr. Badaly responded that water pressure would be tested and he would work with Town staff to arrange for a meeting with the Fire District for its input on the proposal. Chairperson Schwartz thanked the Applicant for its presentation.

b. Case No. PB 24-13 Taco Bell, 57 Central Park Avenue North (P.O. Hartsdale, N.Y.) – Site Plan and Tree Removal Permit (Pre-submission Conference)

A Pre-submission Conference to discuss a potential future Site Plan and Tree Removal Permit application involving a proposal to demolish an existing building and construct a new, one-story, approximately 1,688 sq. ft. Taco Bell restaurant building with associated drive-thru. The Applicant has indicated that a total of 49 parking spaces would be required in connection with the proposed project, while 32 in total would be proposed (including drive-thru queuing spaces), requiring a variance from the Zoning Board of Appeals. One (1) existing curb cut would be removed. The property consists of approximately 17,755 sq. ft. (0.41 acres) and is situated on the westerly side of Central Park Avenue North (NYS Rt. 100), north of the intersection of Central Park Avenue North and West Hartsdale 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: 8.250-184-6.

Following Chairperson Schwartz's introduction of the project, the Applicant's representatives, David Steinmetz, Esq., of Zarin & Steinmetz LLP, and Paul Dumont, P.E., of JMC PLLC, provided a detailed presentation of the project. Mr. Steinmetz stated that he had met with Town staff and the Town's traffic consultant about re-using the existing building on-site, but after discussions, the Applicant now seeks to demolish the existing building and construct a new building with a dedicated drive-thru lane. He acknowledged that the proposal is not zoning compliant, having fewer off-street parking spaces than the Town Code requires, but felt that the drive-thru oriented nature of Taco Bell rendered the parking count a nonissue. Mr. Steinmetz stated that the Applicant owns several other Taco Bells and can obtain empirical data on traffic counts from them. He indicated that the Applicant

would agree to a condition in any approval that, should the Taco Bell change hands in the future, the new owner must come back to the Town for further review.

Mr. Dumont continued with the presentation, explaining that the two (2) existing curb cuts would be consolidated into one (1) curb cut. He stated that a Taco Bell in Briarcliff Manor, which is of a similar size with similar off-street parking spaces, was studied, and it was found that during the peak period, at most 13 parking spaces were occupied and the drive-thru queue did not exceed three (3) cars. He added that additional Taco Bell restaurants could be studied. Mr. Golden asked if the off-street parking spaces, shown on the northerly side of the lot, could be angled. Mr. Steinmetz stated that could be explored. Chairperson Schwartz noted that a drive-thru bypass lane is not proposed. Mr. Simon emphasized that the Board needs evidence that the drive-thru queue will not back up onto Central Park Avenue. Mr. Steinmetz stated that the Applicant would provide that data. Mr. Schmidt requested that the Applicant provide turning diagrams for vehicles going to and from the off-street parking spaces. Ms. Davis noted the proposed sidewalks and asked how pedestrians would enter the building. Mr. Dumont responded that the plans have not been prepared to that level of detail yet, but there will be interconnections provided for pedestrians.

Mr. Schmidt suggested that the four (4) off-street parking spaces at the end of the drive-thru might make sense to be employee-only or reserved for people to eat in their vehicles. Mr. Desai asked if there were bus stops nearby. Mr. Dumont responded that there is one diagonally north across Central Park Avenue, and one to the south in front of the adjacent apartment buildings. Mr. Desai opined that one driveway is better for circulation and pedestrians. He asked how a vehicle break-down in the drive-thru lane would be handled, asking for examples of how other Taco Bell sites manage this, and asked about the lighting plan. Mr. Snaggs asked if the Applicant had considered expanding the lot to the rear. Mr. Schmidt noted that the proposal does expand the paved areas compared to existing conditions. Mr. Dumont added that the ground is very steeply sloped in the rear, and a ten-foot (10') retaining wall is proposed. Mr. Britton requested that garbage truck and delivery truck time and turning diagrams be provided. He suggested the Applicant give thought to online order pickup parking spaces. Mr. Desai asked if outdoor seating is proposed. Mr. Steinmetz responded that it was not.

Chairperson Schwartz stated that he was concerned with the drive-thru, as once more than eight (8) vehicles are in the queue, it creates a conflict with the parking spaces. He was also concerned with the four (4) parking spaces at the end of the drive-thru, as cars backing out of those spaces could conflict with the cars leaving the drive-thru. He stated that a traffic study would be needed. Mr. Dumont stated that garbage pickup is typically early in the morning. Mr. Raghav Patel, the Applicant, stated that he could work with the refuse company on pickup times, and added that deliveries are typically early in the morning before 7:00 am. Chairperson Schwartz asked if breakfast would be served. Mr. Patel responded that it would be, though it starts at 8:00 am. Mr. Hay asked how far from the residences (apartments) the proposed building would be and asked that hours of operation be provided. Mr. Dumont responded that this distance would be provided and added that the Briarcliff Manor location included a noise-attenuating fence. Chairperson Schwartz noted that the residences are in a 6-story apartment building, so a noise-attenuating fence would likely have limited benefit. He concluded that the Applicant needs to provide data on the drive-thru and traffic conditions with any formal submission. Mr. Steinmetz thanked the Board for its time.

6. **OLD BUSINESS – WORK SESSION**

a. **Case No. PB 20-09** Lightbridge Academy, 529 Central Park Avenue South (P.O. Scarsdale, N.Y.) – *Amendment to Site Plan and Special Use Permit Approval*

A work session to consider an amendment to a previously approved Site Plan and Special Use Permit (Child Day-Care Center) which facilitated the opening of a child day-care facility for 105 children, with 22 staff, along with 1,534 sq. ft. of separate office space. At this time, the Applicant seeks to increase enrollment beyond 105 children, up to a maximum total of 152 children and 31 staff, and to remove the “Employee Parking Only” designation on the three (3) off-street parking spaces in front of the building, requiring amended Site Plan and Special Use Permit approval from the Planning

Board. The proposal also requires an amended approval from the Zoning Board of Appeals for: Minimum number of off-street parking spaces (68 required; 45 previously approved; 45 proposed). No site work is proposed in connection with the Applicant's request. The property consists of approximately 70,532 sq. ft. (1.619 acres) and is situated on a flag lot on the westerly side of Central Park Avenue, between Underhill Road 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: 8.410-298-6.

Chairperson Schwartz stated that, when this project was discussed in 2020, the Board had concerns about full capacity of the Day-Care use due to the configuration and capacity of the parking lot and, therefore, initial capacity was limited to 105 children as part of the Planning Board Site Plan and Special Permit approval. He reported that the Applicant now seeks to expand enrollment to 152 children (full capacity), and the Zoning Board of Appeals will need to decide on a further off-street parking variance. He asked if SEQR was necessary. Mr. Schmidt responded that the proposal qualifies as a Type II action.

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

Mathew Dudley, Esq. of Harris Beach PLLC, representing the Applicant, provided a detailed presentation of the expansion proposal. He stated that the Applicant is scheduled with the Zoning Board of Appeals for its June 20, 2024 meeting. Mr. Dudley stated that, as part of the original approval, the first three (3) off-street parking spaces were restricted to employees only, due to concerns over driveway width, but those spaces have been used by customers without issue, and the Applicant now requests that the restriction be removed. Jesse Cokeley, P.E., of Colliers Engineering, representing the Applicant, stated that the only update on the Site Plan is the parking calculation, which now shows the parking requirements for 152 students and 31 staff. He stated that a parking study was performed at other Lightbridge Academy sites, which confirmed that approximately 30 off-street parking spaces are needed for facilities with 150 students. Mr. Britton started the submitted timelapse video, which played in the background for the next 10 minutes.

John Canning, P.E., of Kimley-Horn, the Town's Traffic Consultant for this project, reviewed his findings memorandum with the Board. He stated that observations indicate that the delay will not be as much as originally anticipated, though there is always some concern with a left-out onto Central Park Avenue due to there not being a traffic signal. Mr. Canning indicated that there has been an increase in traffic at the Old Army Road intersection due to a poorly timed traffic signal, unrelated to this application. He reported that the Applicant has recommended that the timing at this intersection be optimized and suggested that the Applicant send a letter to the NYSDOT but advised the Planning Board to not make any approval contingent on the signal being optimized. Mr. Snaggs asked if the Town could support the suggestion. Chairperson Schwartz stated that it could be included in the findings of a decision.

Mr. Canning stated that he reviewed the first six (6) off-street spaces in front of the building and found no issue with the Applicant's request to eliminate the employee-only parking restriction. Mr. Simon asked if, with a 50% increase in enrollment, there will be capacity in the front for drop-off and pick-up. Mr. Cokeley responded that he felt there would be, especially with the elimination of the employee-only restriction. Ms. Sparks asked if the 45 proposed parking spaces is enough for large events. Mr. Cokeley responded that there is enough space to accommodate additional parking if needed and noted that those large events are only a few times per year.

Chairperson Schwartz stated that he would like the Board to consider issuing a recommendation to the Zoning Board tonight, and suggested a neutral recommendation with a finding that, in discussions with the Town's and Applicant's Traffic Consultants, the Planning Board believes the site will function, even with the current parking amount and a full enrollment of 152 Full-Time equivalent children. Mr. Golden suggested referencing Mr. Canning's memorandum in the recommendation.

Mr. Simon felt that a positive recommendation should be issued, as the Applicant has demonstrated there is no traffic issue. Mr. Snaggs agreed, adding that this recommendation is a follow-up to a previously issued positive recommendation to the Zoning Board of Appeals. Mr. Golden agreed.

On a motion made by Mr. Golden and seconded by Mr. Simon, the Planning Board, by a count of six (6) in favor and with one (1) abstention, voted to issue a positive recommendation to the Zoning Board of Appeals on the required off-street parking area variance. Mr. Desai abstained from the vote, noting that he is in favor of a neutral recommendation.

Chairperson Schwartz scheduled the project for a public hearing on July 1, 2024.

7. **ESTABLISH DATE FOR NEXT MEETING**

The next regularly scheduled meeting of the Greenburgh Planning Board will be held on Monday, June 17, 2024, and is scheduled to begin at 7:00 pm.

8. **ADJOURNMENT**

The June 5, 2024 work session of the Town of Greenburgh Planning Board was adjourned at 9:29 pm.

Respectfully submitted,



Aaron Schmidt
Deputy Commissioner,
Department of Community Development and Conservation