



**TOWN OF GREENBURGH
PLANNING BOARD MINUTES
GREENBURGH – NEW YORK
Monday – June 17, 2024**

RECEIVED

JUL - 3 2024

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

The Work Session of the Planning Board of the Town of Greenburgh began at 7:04 pm on Monday, June 17, 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 (remote participant – 7:07 pm arrival), Michael Golden, Kirit Desai (remote participant), Johan Snaggs (7:30 pm arrival), and Aisha Sparks (Alternate Voting Member)

Absent: Leslie Davis

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 stated that there was a minor correction to the draft minutes of the June 5, 2024 Planning Board work session prepared by staff, to clarify that the Town has not yet heard from the Association of Towns on the letter that was sent to them. Mr. Desai also indicated that he voted to recommend a neutral recommendation for Case No. PB 20-09, and therefore the vote was not unanimous. Mr. Schmidt stated this change would be made. There were no other comments. On a motion made by Mr. Hay and seconded by Ms. Sparks, the Planning Board unanimously voted to approve the minutes of the June 5, 2024 work session, as amended.

3. CORRESPONDENCE

a. Case No. PB 21-03 Marron Subdivision, 710 Ardsley Road (P.O. Scarsdale, N.Y.) – 5th Preliminary Subdivision Extension Request

Mr. Schmidt reported that the Applicant has requested a fifth (5th) extension of its Preliminary Subdivision approval as Mr. Marron, the signatory to the subdivision, passed away and all requisite signature blocks are in the process of being changed to Ms. Marron. He stated that a 180-day extension of the Preliminary Subdivision approval should be enough time to accomplish this task.

On a motion made by Mr. Hay and seconded by Mr. Simon, the Planning Board unanimously voted to grant a 180-day extension of the Preliminary Subdivision approval, valid through December 25, 2024.

b. Outstanding Items with the Town Board

Chairperson Schwartz reviewed a few outstanding items regarding letters sent by the Planning Board to the Town Board and other parties. He stated that the longest outstanding item is the Accessory Dwelling Unit Local Law. He indicated that he is attempting to convince the Town Board that a public discussion is unnecessary, and that a work session should instead be scheduled, because the Planning Board held a public discussion and there will be a public hearing before the Town Board. Chairperson Schwartz reported that the Planning Board has not heard from the Town Board regarding: (1) its letter requesting a second alternate member; (2) its letter requesting an opinion from the Attorney General on Town jurisdiction in public school projects; (3) requesting adjustments to the local law referral procedure to ensure that the local law a committee refers is what the Town Board actually receives and deliberates on; and (4) its letter requesting a staggered re-appointment of

Planning Board members to bring the terms in line with New York State regulations. Chairperson Schwartz noted that some of these letters were sent more recently than others.

4. OLD BUSINESS – WORK SESSION

a. Case No. PB 22-19 *McGourty, 5 Hillcrest Avenue (P.O. Ardsley, N.Y.) – Final Subdivision, Planning Board Steep Slope Permit, and Tree Removal Permit*

A work session to discuss the decision of a Final Subdivision, Planning Board Steep Slope Permit, and Tree Removal Permit application involving the proposed subdivision of one (1) lot with an existing one-family residence, into two (2) lots, for the purpose of constructing one (1) new single-family home on the newly proposed lot. The Applicant proposes for the new lot to front on Chestnut Street, a private roadway, which would be improved as part of this project. On April 20, 2023, the Zoning Board of Appeals granted one (1) area variance for lack of required street frontage on a public road or road built to Town standards. The Applicant proposes approximately 872 sq. ft. of disturbance to 15-25% slopes (STEEP SLOPES), approximately 0 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES), and approximately 0 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES), requiring a Planning Board Steep Slope Permit. The Applicant proposes approximately 244 cubic yards of excavation and 0 cubic yards of imported fill. The Applicant proposes twelve (12) Cultec chambers to handle stormwater runoff created by new impervious surfaces. The Applicant proposes the removal of three (3) regulated trees, requiring a Tree Removal Permit from the Planning Board, and has prepared a landscaping plan providing for the planting of five (5) trees, as replacement. The property consists of approximately 20,000 sq. ft. (0.46 acres) and is situated on the southwest side of the intersection of Hillcrest Avenue and Chestnut Street. 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: 8.380-271-54.

Chairperson Schwartz stated that this project is being considered for Final Subdivision, Planning Board Steep Slope Permit, and Tree Removal Permit approvals, and asked if there have been any substantive changes to the subdivision plat since Preliminary Subdivision approval was granted. Mr. Schmidt responded that the only change has been the addition of an existing water line serving the existing home. There were no further comments.

On a motion made by Mr. Hay and seconded by Mr. Simon, the Planning Board unanimously voted to waive the public hearing requirement on the Final Subdivision application.

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

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

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

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

A work session to discuss the decision of 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.

Chairperson Schwartz asked if there were any special conditions associated with the Restaurant Special Use Permit decision prepared by staff. Mr. Schmidt responded that there were none, with all conditions typical of a Restaurant Special Use Permit.

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

On a motion made by Mr. Desai and seconded by Ms. Sparks, the Planning Board unanimously voted to approve the Planning Board Special Use Permit (Restaurant) application.

c. **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 work session to discuss the decision of 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.

Chairperson Schwartz asked if there were any conditions the Planning Board should be aware of in connection with the decision prepared by staff. Mr. Schmidt responded that the conditions were standard, with reference to the Town Board’s Site Plan approval letter. Mr. Simon stated that, at the previous meeting this project was discussed, he indicated the need for a traffic calming device for vehicles traveling south on Saw Mill River Road (NYS Route 9A). He stated that the Applicant reported NYSDOT did not seem enthusiastic about the idea but felt that the Applicant should keep trying to get NYSDOT to provide some sort of traffic calming device. Chairperson Schwartz felt that while this is a good idea, it is more of a site plan issue, than a steep slope or wetland/watercourse issue. He added that the Applicant has stated it will make its best efforts to continue to coordinate with NYSDOT, and the Applicant has been cooperative throughout the process with the Town.

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

On a motion made by Mr. Simon and seconded by Mr. Hay, the Planning Board unanimously voted to approve the Wetland/Watercourse Permit application.

5. **NEW BUSINESS – WORK SESSION**

a. **Case No. PB 17-09** *Preiser, 110 Nepperhan Avenue (P.O. Elmsford, N.Y.) – Site Plan Re-Approval Request*

A work session to discuss a request for re-approval of a previously approved Site Plan application for a project consisting of the demolition of one (1) existing commercial building and the construction of one (1) new, two-story 10,126 sq. ft. multi-use automotive and truck repair facility, with related site improvements. The Applicant is proposing demolition of an existing structure on the property in order to construct a new building three (3) feet above the FEMA established base flood elevation of

177.1. A concrete ramp is proposed to be built to facilitate access into the new building. The project involves approximately 240 cubic yards of cut and approximately 340 cubic yards of imported fill, requiring a fill permit from the Bureau of Engineering. The project also requires a Floodplain Development Permit from the Town Engineer. On October 19, 2017, the Applicant obtained required area variances, and a Special Use Permit (satellite parking), from the Zoning Board of Appeals (ZBA). The Applicant seeks to obtain a modification to the ZBA decision, related to required satellite parking, which the Planning Board will be considering issuing a recommendation on. The property consists of approximately 22,500 sq. ft. (0.52 acres) and is situated on the east side of Nepperhan Avenue approximately 150 feet from the intersection of North Payne Street and Nepperhan Avenue. The property is located in the LI Light Industrial District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.180-55-11.

Chairperson Schwartz stated that the Applicant is seeking Site Plan re-approval to construct a truck repair facility, raised out of the flood elevation. He stated that the business does not generate a lot of traffic, and the Planning Board previously issued a positive recommendation to the Zoning Board of Appeals (ZBA) on all variances required, including a reduction in the off-street parking requirement. He added that the Applicant previously agreed to obtain a lease for 25 off-site parking spaces, which was conditioned by the ZBA in granting its approval, but the lot which included those spaces has changed owners and a lease is now unable to be obtained. Mr. Golden asked why the original Site Plan was never carried out. Mr. Glenn Preiser, the Applicant, responded that repeated flooding of this and other properties required significant finances to rebuild each time, and he did not have the finances to complete the Site Plan during the two-year approval period. Mr. Golden asked if there were changes to the proposed Site Plan from the previous approval. Mr. Schmidt responded that there were no changes to the Site Plan, with the only difference being the Applicant requesting removal of a ZBA condition requiring the lease of 25 off-site parking spaces.

Paul Petretti, P.E., representing the Applicant, explained that the project intent is to raise the building and work area three feet (3') above the base flood elevation, with a ramp up to the building. He explained that being required to park vehicles in a lot across the street would be useless as they would have to be driven away every time the area floods. Mr. Golden asked how many parking spaces are needed to accommodate the business. Mr. Petretti responded that eight (8) spaces are needed, primarily for employees, and are depicted on the plans. Mr. Golden suggested that the Applicant consider hiring a traffic consultant to prepare a report and submit it to the ZBA. Mr. Desai opined that the whole area is becoming non-usable due to changing climate conditions and flooding. He felt that the Planning Board should not interfere, as the off-street parking requirements will be reviewed by the ZBA. Mr. Simon agreed with Mr. Golden, suggesting that the Applicant prepare data for the ZBA on the parking requirements. Mr. Schmidt stated that, when the ZBA was considering the original application, it asked if there was an opportunity to provide additional off-street parking spaces and the Applicant agreed to the 25 leased spaces, even though the Applicant felt that they were not needed.

Mr. Golden alternatively suggested that the Applicant find another facility of similar size with a similar number of employees and calculate the number of off-street parking spaces they need, so this information can be reported to the ZBA. Chairperson Schwartz stated that the Applicant has been in business at this site for 32 years and has experience with how many off-street parking spaces it needs. He suggested that the Applicant take pictures of its site for the ZBA. Chairperson Schwartz added that the Planning Board and ZBA decisions can likely be limited to the occupant and use, to mitigate likely concerns of the ZBA about setting a precedent. He stated that the Planning Board should consider including this information in its recommendation to the Zoning Board of Appeals.

Mr. Schmidt noted that the Planning Board should consider SEQRA before issuing a recommendation to the ZBA and, if the Planning Board declares its intent to serve as Lead Agency tonight, it would not impact the Applicant's timeline. Mr. Desai asked which Board served as Lead Agency for the original application. Chairperson Schwartz responded that the Planning Board served as Lead Agency. Mr. Desai asked why the Planning Board should serve as Lead Agency as part of

the Applicant's current request, as the off-street parking issue rests with the ZBA. Chairperson Schwartz responded that the Site Plan application qualifies as a Type I action, which the Planning Board has jurisdiction over. Mr. Schmidt noted that the amendment to the variance decision issued by the ZBA appears to qualify as a Type II action.

On a motion made by Mr. Golden and seconded by Mr. Snaggs, the Planning Board, with six (6) votes in favor and one (1) abstention, voted to declare its intent to serve as Lead Agency for purposes of SEQRA review of this project. Mr. Desai abstained.

Mr. Schmidt requested that the Applicant submit its pictures of the parking lot and any other documentation by July 10, 2024, ahead of the July 17, 2024 Planning Board meeting.

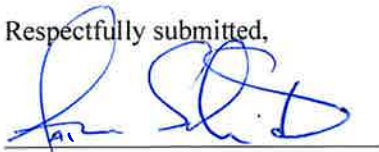
6. **ESTABLISH DATE FOR NEXT MEETING**

The next regularly scheduled meeting of the Greenburgh Planning Board will be held on Monday, July 1, 2024, and is scheduled to begin at 7:00 pm.

7. **ADJOURNMENT**

The June 17, 2024 work session of the Town of Greenburgh Planning Board was adjourned at 8:05 pm.

Respectfully submitted,



Aaron Schmidt
Deputy Commissioner,
Department of Community Development and Conservation