



**TOWN OF GREENBURGH
PLANNING BOARD MINUTES
GREENBURGH – NEW YORK
Monday – July 1, 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 7:01 pm on Monday, July 1, 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, Kirit Desai, Johan Snaggs, Leslie Davis, and Aisha Sparks (Alternate Voting Member)

Absent: Michael Golden

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 June 17, 2024 Planning Board work session prepared by staff. Mr. Desai indicated that, under the discussion of Case No. PB 17-09, he made a comment about it perhaps being the wrong location for the project, given the flooding issues. Mr. Schmidt stated that he would review the meeting tape and make the modification. 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 June 17, 2024 work session, as amended.

3. CORRESPONDENCE

a. Discussion on Town Board Resolution TB-1 06/26/2024

Chairperson Schwartz stated that there was a question about possible conflicts of interest for himself, Mr. Simon, Mr. Snaggs, and Ms. Sparks, for their roles with Viable Living Incorporated (VLI), a 501(c)(3) charitable organization. He reported that Mr. Snaggs and himself appeared before the Town's Board of Ethics to discuss this issue. He advised that the draft decision of the Ethics Board, which will be voted upon at its July 18, 2024 meeting, indicates that if the Planning Board members recuse themselves from projects in which VLI is involved, there would not be a conflict of interest issue. Chairperson Schwartz stated that he and the other members have promised to do so and would recuse themselves regardless of the Board of Ethics' decision. He noted that he receives no compensation for his role with VLI.

Chairperson Schwartz stated that one (1) or more members of the Town Board, prior to the decision of the Board of Ethics, drafted a resolution that would overturn the Ethics Board's decision and, in his view, is so broad and vague it could potentially impact six (6) existing Planning Board members. He noted that a resolution does not require any public scrutiny. He stated that the Town Supervisor held over consideration of this resolution until the Town Board's July 10, 2024 meeting and the Board of Ethics has sent a letter to the Town Board requesting the resolution be taken off the agenda until its decision has been voted upon. Chairperson Schwartz stated that the Planning Board is discussing the resolution tonight because the resolution impacts the Planning Board, and Board members could not meet in groups larger than three (3) to discuss it, without the requirement of a public meeting.

Mr. Snaggs recited the proposed Town Board resolution (available here: http://agendaquick.greenburghny.com:8085/docs/2024/TBR/20240626_2371/9566%5FTB%202024%200626%20TB%2D1%20reso%20Policy%20prohibiting%20land%2Duse%20members%20con

[flicts%20of%20interest%20R%200625.pdf](#)) and read a proposed draft letter from the Planning Board to the Town Board, and asked for member input. Mr. Simon opined that, when the State enabled the creation of Planning Boards, the intent was for the Planning Board to have a certain level of independence from the Town Board, so it could make decisions based on the Town Code, not on what a developer or the Town liked or disliked. He stated that the Planning Board is structured to have seven (7) appointed members on staggered seven (7) year terms, but the Town Board has not been following the intent of the law, as four (4) Planning Board members currently have terms that have expired. Mr. Simon stated that the Town Board is able to completely control the Planning Board, contrary to the intent of New York State law.

Mr. Snaggs felt that the draft Town Board resolution would automatically disqualify a majority of the Planning Board members from serving. Chairperson Schwartz stated that it is unclear who exactly would be affected, as there are no definitions in the resolution. Mr. Desai stated that he understands the Town Board may have concerns, but he was concerned about the resolution impacting those who serve on two (2) or more boards. Ms. Davis stated that she was concerned the resolution would limit the talent pool of potential Planning Board members and felt recusal was a better option. Mr. Snaggs clarified that the intent of the draft letter to the Town Board is not to encourage a revised resolution with tighter language, but to have the resolution withdrawn from consideration entirely. He felt that the resolution was a violation of the Town's Code of Ethics. Chairperson Schwartz agreed with Mr. Snaggs, opining that a resolution is not the way the Town Board should proceed. He stated that he would like the Planning Board to sign on to the letter, and for it to be sent to the Town Board.

Mr. Desai agreed with most of the letter but felt that it should stay factual and not second guess intentions. Ms. Davis and Mr. Hay expressed their desire to review and revise the letter before sending it to the Town Board. Chairperson Schwartz stated that while there may be certain things in the letter that are suppositions, most of it is fact. He stated that he would like to get the letter out to the Town Board by Friday, July 5, 2024, after review and discussion by the Planning Board members.

4. OLD BUSINESS – WORK SESSION

a. Case No. PB 23-24 Lee & Cheng, 260 South Healy Avenue (P.O. Scarsdale, N.Y.) – Wetland/Watercourse Permit and Tree Removal Permit

A continuation of a work session (March 6, 2024) to discuss a Wetland/Watercourse Permit and Tree Removal Permit application involving the proposed construction of a new single-family residence on an existing lot. The Applicant proposes to remove an existing, burnt-out single-family home and to construct a new home with related improvements. The Applicant proposes to disturb approximately 3,619 sq. ft. of wetland/watercourse buffer area on the property, associated with an on-site watercourse. The Applicant proposes the removal of one (1) regulated tree, requiring a Tree Removal Permit, and has prepared a landscaping plan providing for the planting of four (4) trees, as replacement. The property consists of approximately 23,339 sq. ft. (0.54 acres) and is situated on the easterly side of South Healy Avenue, approximately 500 feet south of the intersection of South Healy Avenue and Elizabeth Street. The property is located in the R-20 One-Family Residence District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.290-224-42.

Chairperson Schwartz stated that this is a continued work session for this project, and the Board had some questions at the previous meeting which needed to be answered, regarding tree removals and rock removal. Vageles Sophias, P.E., of Hartland Engineering, representing the Applicant, responded that he discussed the house location with the owner, and determined that regulated steep slopes prevent shifting the house to preserve a large tree. He stated that he spoke with the Town Engineer regarding the stormwater system and has answered almost all his questions. Mr. Sophias reported that several test pits were performed, indicating that the depth to bedrock is 1.5 to 3 feet. He stated that four (4) detention basins are proposed to be installed under the driveway, for purposes of capturing stormwater runoff. Mr. Hay asked how deep the basins will be and how they will release water. Mr. Sophias responded that they will be four (4) to six (6) feet deep, and slowly release water via a pipe. Chairperson Scharzt asked how the pipe would be installed. Mr. Sophias responded that it would be drilled.

Mr. Simon asked where stormwater runoff at the end of the driveway would flow to. Mr. Sophias responded that stormwater would flow to a drainage swale along the driveway. Chairperson Schwartz asked where the stormwater would end up. Mr. Sophias responded that it would flow into the watercourse that runs along the edge of the property. Mr. Desai expressed concern with stormwater being discharged in one area of the site. Chairperson Schwartz noted that while the Board has raised this concern before, Chapter 248 of the Town Code only considers net runoff. He suggested some kind of drain be installed to slow the stormwater runoff at the end of the driveway. Mr. Snaggs asked how much water the detention basins are designed to capture. Mr. Sophias responded that they can handle a 50-year storm event and will drain over the course of 72 hours.

Chairperson Schwartz suggested that the Town Engineer take one more look at the proposed stormwater management system, and stated he would like to know where the watercourse flows to. Mr. Schmidt noted that the Town Engineer issued comments asking that an updated SWPPP report be provided, and asked if the Applicant has prepared one yet. Mr. Sophias responded that one is not completed as of yet but will be soon. Chairperson Schwartz stated that, as the Board needs more information from the Town Engineer, he would like to hold another work session on July 17, 2024 with a target to set a public hearing for August 7, 2024, and requested the Applicant submit the materials before July 10, 2024. Mr. Schmidt stated that he would coordinate on the items that have been discussed and seek a memorandum from the Town Engineer related to his review of the preliminary stormwater management design.

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 20-09** Lightbridge Academy, 529 Central Park Avenue South (P.O. Scarsdale, N.Y.) – Amendment to Site Plan and Special Use Permit Approval

A public hearing 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. The Applicant seeks to increase enrollment beyond 105 children, up to a maximum total of 152 full-time equivalent 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.

On a motion made by Mr. Hay and seconded by Mr. Desai, the Planning Board unanimously voted to adjourn the public hearing to July 17, 2024.

6. **NEW BUSINESS – WORK SESSION**

a. **Case No. PB 24-03** Wang, 6 Cotswold Way (P.O. Scarsdale, N.Y.) – Preliminary Subdivision, Planning Board Steep Slope Permit, and Tree Removal Permit (Initial Conference)

An Initial Conference to discuss a potential future Preliminary Subdivision, Planning Board Steep Slope Permit, and Tree Removal Permit application involving the proposed subdivision of two (2) existing tax lots into two (2) buildable lots for the purpose of constructing one (1) new single-family home, with related improvements. The proposed lot line would be coterminous with the existing tax lot line. The Applicant has prepared two (2) different layout plans: Plan 1 involves a proposed one-family residence roughly centered on the new building lot, with a new curb cut on Cotswold Way. Plan 2 involves a proposed one-family residence closer to the southwesterly corner of the lot, with

the driveway connecting to an existing shared driveway off Chedworth Road. The Applicant has also prepared a demonstrative plan for a pool and related improvements in connection with the existing, on-site residence, if the Subdivision application is unsuccessful. Both layout plans involve tree removals and steep slope disturbances, with Plan 1 involving a greater number of tree removals and increased steep slope disturbances over Plan 2. The Applicant has indicated that three (3) Area Variances likely will be required for either plan: (1) lot size, from 20,000 sq. ft. (required) to 16,108 sq. ft. (proposed Lot A); (2) lot size, from 20,000 sq. ft. (required) to 15,838 sq. ft. (proposed Lot B); and (3) subdividing to create a nonconforming lot with an existing structure. The property consists of approximately 31,946 sq. ft. (0.73 acres) and is situated on the westerly side of Cotswold Way, at the intersection of Cotswold Way and Kempster Road. The property is located in the R-20 One-Family Residence District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.530-368-2 & 3.

Chairperson Schwartz stated that this project is being discussed as part of an initial conference. Emilio Escaladas, P.E., of Escaladas Associates, representing the Applicant, provided a detailed presentation of the two (2) alternatives for the potential future home location. Mr. Hay asked if, other than the lot area, the lots and homes would be zoning compliant. Mr. Escaladas responded that they would be and noted that many lots in the area are smaller in size than the proposed lots. Chairperson Schwartz asked when the area was upzoned. Mr. Britton stated that the area was zoned O2 in 1932, which had a minimum lot area of 10,000 sq. ft. and was zoned R-20 in 1957. Mr. Simon stated that the Board needs to understand the surrounding lot sizes, to determine if the proposed lots are in character with the neighborhood.

Chairperson Schwartz asked how wide and long the shared driveway would be for Plan 2. Mr. Escaladas responded that the driveway is about 14 feet wide, and Mr. Schmidt stated that the driveway is about 200 feet long. Mr. Hay noted that Plan 2 involves less additional driveway than Plan 1. Mr. Simon felt that Plan 2 might fit into the community better, without the new curb cut onto Cotswold Way. Chairperson Schwartz noted that four (4) houses off of one (1) driveway would not be consistent with the character of the neighborhood. Ms. Magana asked how long the driveway has been shared by two (2) or more houses.

Mr. Desai noted that neither option presented is zoning compliant. Mr. Schmidt added that Plan 2 would introduce additional variances for driveway setbacks and lot access. Chairperson Schwartz stated that an agreement on shared driveway maintenance would have to be made under Plan 2. Ms. Magana noted that some language to that effect may be in the deed for the properties. Mr. Hay suggested the Applicant consider a conservation easement over the slope and trees on the property, outside the limits of disturbance. Mr. Escaladas stated that this could be agreeable. He presented a third alternative, showing a potential pool, pool house, and patio expansion, and stated that a similar amount of disturbance could take place in an expansion proposal such as this, without the need for a variance. Mr. Schmidt noted that, if such a proposal is pursued, Steep Slope Permit and Tree Removal Permit approvals may be needed through the Planning Board.

Chairperson Schwartz stated that a 25% reduction in lot area is something that the Applicant will have to prove is acceptable. He requested the Applicant address the Board's comments and concerns in a formal submission through Town staff. He indicated that while the Planning Board would issue a recommendation to the Zoning Board of Appeals on a formal application submittal, such variances would primarily be for the Zoning Board to decide. Chairperson Schwartz suggested the Applicant discuss with the Fire District about having four (4) houses off of one (1) driveway and discuss the various layout proposals with the neighbors, to get an idea of what their concerns are. He requested that the height and size of the proposed house be demonstrated through a rendering. Mr. Simon noted that the Board should take into account the third alternative, when considering Plans 1 and 2. Ms. Julia Wang, owner of the property, stated that the lots were originally divided in 1924, with the home built in 1932, and many lots in the area are of a similar size. Chairperson Schwartz suggested that the Applicant include that supporting information in its formal submission, again noting that while the

Planning Board issues a recommendation, it is the Zoning Board of Appeals which decides the variances.

b. Case No. PB 22-21 Segura, 39 Sprain Valley Road (P.O. Scarsdale, N.Y.) – Planning Board Steep Slope Permit and Wetland/Watercourse Permit

A work session to discuss a Planning Board Steep Slope Permit and Wetland/Watercourse Permit application involving the legalization of various residential improvements conducted without required permits. The Applicant installed a concrete patio, gazebo, and above-ground pool at the rear of the property, and front patio pavers at the front of the property. The Applicant's unpermitted work resulted in approximately 1,460 sq. ft. of disturbance to 15-25% slopes (STEEP SLOPES), approximately 545 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES), and approximately 286 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The Applicant imported approximately 200 cubic yards of fill, requiring a Fill Permit. The Applicant's unpermitted work resulted in approximately 6,040 sq. ft. of disturbance to regulated wetland/watercourse buffer area on the property. The Applicant is proposing six (6) Cultec 330XL units to handle the runoff from impervious surfaces. In a memorandum dated June 25, 2024, the Building Inspector determined that the following Area Variance is required: Minimum setback from pool to side property line, from 15 feet (required) to 13.1 feet (proposed). The property consists of approximately 29,551 sq. ft. (0.68 acres) and is situated on the westerly side of Sprain Valley Road, approximately 1,900 feet from the intersection of Sprain Valley Road and Ardsley Road. The property is located in the R-20 One-Family Residence District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.520-355-15.

Chairperson Schwartz stated that this project involves a legalization of a majority of the work and the Applicant is currently in court for its violations. Stephen Anderson, P.E., of Gabriel Senor P.C., representing the Applicant, reviewed the unpermitted work which included about 6,000 sq. ft. of disturbance, approximately 200 cubic yards of imported fill, and disturbances within the regulated wetland/watercourse buffer, which extends across a majority of the property. He stated that a variance for a lot line setback to the pool is necessary as well. Mr. Schmidt noted that the only additional site work required as part of the legalization is the installation of a stormwater management system. Mr. Simon requested a list of the violations. Ms. Magana stated that such a list could be provided.

Chairperson Schwartz asked if there is anything that staff felt the plan was missing. Mr. Schmidt stated that there was clearly wetland/watercourse buffer disturbance, some of it quite close to the wetland/watercourse, and suggested that a buffer enhancement plan, with native plantings, be provided. Mr. Simon agreed. Mr. Schmidt noted that the project will be before the Conservation Advisory Council at their July 11, 2024 meeting. Chairperson Schwartz asked if the Town Engineer has reviewed the proposed stormwater management system. Mr. Anderson responded that percolation tests were performed, and the system is designed to meet the 25-year storm event standard but can likely handle a 50-year storm event. Chairperson Schwartz requested that staff seek confirmation from the Town Engineer.

Chairperson Schwartz asked if any trees were removed in connection with the illegal work that took place. Mr. Schmidt responded that none were that the Town has record of. Chairperson Schwartz asked if fencing exists around the pool, noting that it is a legal requirement. Mr. Anderson responded that a fence does not currently exist, but one would be added to the plan. Ms. Magana requested that the Applicant coordinate with the Town Engineer on the Fill Permit process. Mr. Schmidt requested that the Applicant provide a draft buffer enhancement plan by July 10, 2024, so it can be discussed with the Conservation Advisory Council at its July 11th meeting. Chairperson Schwartz scheduled the project for a continued work session on July 17, 2024.

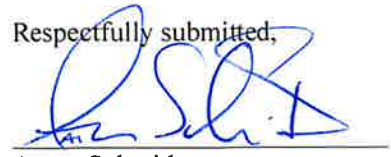
7. ESTABLISH DATE FOR NEXT MEETING

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

8. **ADJOURNMENT**

The July 1, 2024 work session of the Town of Greenburgh Planning Board was adjourned at 9:50 pm.

Respectfully submitted,



Aaron Schmidt
Deputy Commissioner,
Department of Community Development and Conservation