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TOWN OF GREENBURGH
PLANNING BOARD MINUTES
GREENBURGH – NEW YORK
Wednesday – July 17, 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 7:01 pm on Wednesday, July 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, left 7:13pm), Michael Golden, Johan Snaggs, and Aisha Sparks (Alternate Voting Member)

Absent: Kirit Desai and Leslie Davis

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

Chairperson Schwartz announced that, due to the passage of Town Board Resolution TB-1, the status of four (4) members of the Planning Board, who are members of Viable Living Incorporated, is in question.

2. **APPROVAL OF MINUTES**

Chairperson Schwartz asked if there were any comments on the draft minutes of the July 1, 2024 Planning Board work session prepared by staff. There were no comments. On a motion made by Mr. Hay and seconded by Ms. Sparks, the Planning Board unanimously voted to approve the minutes of the July 1, 2024 work session, as written.

3. **CORRESPONDENCE**

a. **Case No. PB 19-26** Kaufmann, 36 Hillcrest Avenue (P.O. Ardsley, N.Y.) – 8th Preliminary Subdivision Extension Request

Mr. Schmidt reported that the Applicant has had Preliminary Subdivision approval for a long stretch of time and is seeking an 8th extension of said approval. He stated that the Applicant had requested Final Subdivision approval, but staff brought to the Applicant's attention a condition in the Preliminary Subdivision approval that it was required to at least apply to the Village of Ardsley for the widening of Springwood Road. Mr. Schmidt stated that he spoke with the Applicant's Engineer, Emilio Escaladas, P.E., of Escaladas Associates, who indicated that he filed in June for the roadway expansion. Mr. Schmidt reported that Mr. Escaladas stated that he was juggling several projects and had some health issues, but accepted it was his fault for the late filing. Chairperson Schwartz asked if the Applicant had any comments. Mr. Kenneth Kaufmann, the Applicant, reiterated that Mr. Escaladas has a lot of items he is working on, and added that he was waiting for test results for a while.

Mr. Schmidt stated that he can confirm the road widening application was submitted to the Village and preliminarily reviewed. He reported that the Village had a question about when the slope is cut into to widen the road, how the Applicant intends to hold back the rock and dirt. Mr. Schmidt stated that Mr. Escaladas is working on addressing that question. Mr. Golden asked how long of an extension is requested. Chairperson Schwartz responded that a 180-day extension has been requested and asked if a permit would be needed for slope modifications associated with the road widening work. Mr. Schmidt responded that any modifications would be within the Village right-of-way, and the Town does not have jurisdiction.

Chairperson Schwartz asked if the Board had any comments. Mr. Snaggs indicated he had no problem with an extension. Mr. Hay observed that while he understands some items have been out of the Applicant's control, this would be the 8th extension and he would not be inclined to grant further extensions. Chairperson Schwartz agreed and questioned if 180 days are needed. Mr. Schmidt noted that the Board has, for other projects, requested monthly updates and could do so here. The Board agreed.

On a motion made by Mr. Hay and seconded by Mr. Snaggs, the Planning Board unanimously voted to grant a 180-day extension of the Preliminary Subdivision Approval, valid through January 17, 2025, with the Applicant providing monthly project updates to Town staff.

4. OLD BUSINESS – WORK SESSION

a. Case No. PB 22-01 Ries Subdivision, *Beaver Hill Road (P.O. Elmsford, N.Y.) – Final Subdivision*

A work session to discuss the decision of a Final Subdivision application involving the proposed resubdivision of nine (9) existing tax lots (7.190-68-3, 4, 5, 6, 7, 8, 9, 10 & 11). Tax lot 7.190-68-3, is an undeveloped, approximately 57-foot wide by 550-foot-long parcel of land situated to the rear of the developed lots known as 32, 34, 36, 38, 40, 42, 44, 48 & 50 Beaver Hill Road, which had been foreclosed on by the Town in the 1950s. In 2018, Tax lot 7.190-68-3 was auctioned off by the Town to a private party, who later submitted preliminary applications with the intent to develop said parcel. A preliminary injunction was issued by the State Supreme Court in 2019 prohibiting the new owner and Town from taking further action in pursuit of a Building Permit. A settlement was later reached whereby neighbors to the property, and the Town, purchased the property back and, in return, the neighbors agreed to seek Subdivision approval from the Town to resubdivide the vacant parcel and add land area to their current, developed properties. It is noted that the undeveloped parcel presently contains many encroachments from said Beaver Hill Road properties. The Applicants seek to resubdivide the subject lots in order to provide additional land area to each of the Beaver Hill Road properties, thus reducing the overall size of the undeveloped parcel. The properties, in total, consist of approximately 79,994 sq. ft. (1.84 acres) and are situated on the south side of Beaver Hill Road between Eastward Place and Catskill Place. The properties are located in the R-5 One-Family Residence District and are designated on the tax map of the Town of Greenburgh as Parcel ID: 7.190-68-3, 4, 5, 6, 7, 8, 9, 10 & 11.

Mr. Schmidt reported that the Preliminary Subdivision plat has been endorsed by the Westchester County Department of Health and no substantive changes were made to the plat since the Board issued Preliminary Subdivision Approval. He added that there are no special conditions that were not included in the Preliminary Subdivision approval. There were no comments.

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

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

b. 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 and July 1, 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.

Mr. Schmidt reported that Town staff spoke with the Town Engineer, who indicated that he is in a position to issue a Stormwater Permit should the Planning Board approve the Wetland/Watercourse Permit application. He added that the Conservation Advisory Council was satisfied with the Applicant's watercourse buffer planting plan. Chairperson Schwartz stated that it was a matter of setting a public hearing and asked if members of the Board had any comments. There were none. Chairperson Schwartz scheduled the project for a public hearing on August 7, 2024. Mr. Schmidt stated that staff would prepare the notice and signage for the Applicant.

c. **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 continuation of a work session (July 1, 2024) 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 is a continuation of a work session, and the Planning Board may consider a recommendation to the Zoning Board of Appeals. Stephen Anderson, P.E., of Gabriel Senor P.C., representing the Applicant, presented updates to the project, which included calculations verifying the proposed stormwater system has the capacity to handle a 50-year storm event, the inclusion of a fence surrounding the pool, and a positive recommendation from the Conservation Advisory Council (CAC) with wetland buffer plantings. Chairperson Schwartz noted that the Applicant is adopting the recommendations of the CAC through its updates to the plans. Mr. Anderson added that pool water will be trucked off-site. Ms. Magana noted that the Applicant has yet to start the imported fill legalization process with the Town Engineer.

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

Mr. Golden asked what area variance is required. Mr. Schmidt responded that the pool was constructed within the side yard setback, 13.1 feet from the side lot line where 15 feet is required. Mr. Golden asked if the Applicant knew how or why that happened. Mr. Anderson surmised that the pool was constructed without permits during the pandemic, and the Applicant likely wanted the pool to line up aesthetically with the gazebo and other structures, so it was an oversight. Mr. Golden observed that if the variance is denied, the pool would have to be removed. He stated that his inclination is for a neutral recommendation, with the comment that the pool would have to be removed if the variance is denied. Chairperson Schwartz noted that the Applicant is still in Town court for its violations, and Ms. Magana added that retroactive Building Permit fees are triplicate.

On a motion made by Mr. Golden and seconded by Mr. Snaggs, the Planning Board unanimously voted to issue a neutral recommendation to the Zoning Board for the one (1) required area variance.

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 continuation of a public hearing (July 1, 2024) 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 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 approvals 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.

Following a presentation by the Applicant and related discussion., the Planning Board adjourned the public hearing to its August 7, 2024 meeting.

6. **NEW BUSINESS – WORK SESSION**

a. **Case No. PB 24-14** Dicker, 718 Central Park Avenue South (P.O. Scarsdale, N.Y.) – Planning Board Special Use Permit (Small Animal Hospital)

A work session to discuss a Planning Board Special Use Permit application involving the proposed conversion of a former restaurant space into an animal hospital. The Applicant proposes no outside work with the exception of façade changes to facilitate signage for the hospital and a small outdoor dog run, which will be fenced. The proposed 10,447 sq. ft. animal hospital requires 53 off-street parking spaces, where 75 off-street parking spaces exist on-site. The Applicant is not proposing any overnight boarding of animals, except as medically necessary. In a memorandum dated July 1, 2024, the Building Inspector determined that an area variance is required for the unenclosed exterior dog run. The property consists of approximately 46,950 sq. ft. (1.08 acres) and is situated on the easterly side of Central Park Avenue South, approximately 530 feet north from 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.

Chairperson Schwartz stated that this property had been the site of a restaurant for a long time but has been vacant for a while now. He stated that a potential funeral home tenant appears to have fallen through, and now a potential small animal hospital is seeking to occupy the space. Samuel Dicker, DVM, the Applicant, provided a detailed presentation of his business and the application. He presented that a variance is needed for an outdoor relief area. He stated that the relief area would be fenced-in with a turf ground. He indicated that solid waste would be picked up and disposed of properly, and the turf would be cleaned with a hose. He explained that water would drain through the turf into the building’s plumbing system. Mr. Dicker added that anti-odor enzymes would be included in the turf. Chairperson Schwartz expressed concern with noise from the relief area. Mr. Dicker noted that, typically, the dogs utilizing the area would be too unwell to bark and if a dog was well enough to bark, it would likely be going home. Chairperson Schwartz suggested a solid or slatted chain link fence, and suggested the Applicant look into sound baffling. Mr. Dicker responded that he would.

Mr. Golden asked who the neighbors to the property are. Mr. Dicker responded that Curry Chevrolet is to the south and residences are to the east, but several hundred feet from the building. Mr. Schmidt asked if the Applicant filed in time for the August Zoning Board of Appeals meeting. Mr. Dicker responded that he had. Ms. Sparks asked if there is a maximum number of days a pet will stay for medical needs. Mr. Dicker responded that it depends on the condition of the pet, adding that he has had animals stay for weeks for treatment. Chairperson Schwartz asked if any changes to the existing site lighting are proposed. Mr. Dicker responded that none are. Chairperson Schwartz asked how the building would be soundproofed. Mr. Dicker responded that certain architectural techniques and certain flooring materials would be utilized to reduce noise. Chairperson Schwartz asked how many deliveries can be expected and their timing. Mr. Dicker responded that there would be a few per week, delivering supplies and retrieving waste, during normal delivery hours.

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

Chairperson Schwartz asked the Board's feelings on a recommendation to the Zoning Board of Appeals (ZBA). Mr. Snaggs and Ms. Sparks felt a neutral recommendation would be appropriate in this instance. Mr. Golden stated that he is inclined to vote positive, as he felt the use is a good fit for the site, the outdoor space is important for the health of the pets, and there is a significant distance from residential areas. Mr. Hay stated that he is leaning towards a positive recommendation but wanted to discuss it further. Mr. Snaggs stated that he wanted to be consistent with the guidelines the Board most recently established. Ms. Magana indicated that the Board decided it should issue neutral recommendations unless there is a compelling planning reason to issue a positive or negative recommendation.

Mr. Golden asked what the Applicant would do if the ZBA denied the variance. Mr. Dicker responded that dogs would be walked outdoors around the property. Chairperson Schwartz stated that he is inclined to agree with Mr. Golden, opining that the facility works much better with the outdoor relief area and the alternative is worse. He noted that the property has been vacant for three (3) years and there has already been a failed application for the property. Mr. Snaggs clarified that a neutral recommendation does not state a negative connotation on the business and felt the Planning Board should be consistent. Ms. Magana noted that the required area variance is not a typical setback variance and is related to planning considerations of the proposed Special Permit Use. Mr. Golden stated that he did not think it mattered if the recommendation is positive or neutral, as long as the points the Board outlined are included. Mr. Hay felt that, from a planning perspective, the project is an excellent addition and the alternatives to the outdoor dog run are worse than what is proposed.

On a motion made by Mr. Golden and seconded by Ms. Sparks, the Planning Board, with four (4) in favor and one (1) opposed, voted to issue a positive recommendation to the Zoning Board on the one (1) required area variance. Mr. Snaggs opposed, stating that he would vote for a neutral recommendation.

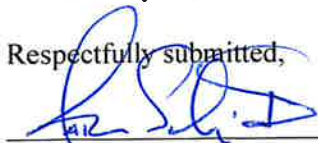
7. **ESTABLISH DATE FOR NEXT MEETING**

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

8. **ADJOURNMENT**

The July 17, 2024 work session of the Town of Greenburgh Planning Board was adjourned at 9:10 pm.

Respectfully submitted,



Aaron Schmidt
Deputy Commissioner,
Department of Community Development and Conservation