



**TOWN OF GREENBURGH
PLANNING BOARD MINUTES
GREENBURGH – NEW YORK
Wednesday – August 7, 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 7:05 pm on Wednesday, August 7, 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 (remote participant), 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
Elizabeth Gerrity, Deputy Building Inspector

2. APPROVAL OF MINUTES

Chairperson Schwartz asked if there were any comments on the draft minutes of the July 17, 2024 Planning Board work session prepared by staff. Mr. Desai stated that while he was not at the meeting, he supported Mr. Snaggs' comments about the variance recommendation for Case No. PB 24-14. Mr. Simon indicated that he reviewed the video of the meeting and felt confident to vote on the draft minutes. Chairperson Schwartz stated that, in the first paragraph, Mr. Simon is a Planning Board member and that line should be removed. On a motion made by Ms. Davis and seconded by Mr. Snaggs, the Planning Board unanimously voted to approve the minutes of the July 17, 2024 work session, as amended.

3. CORRESPONDENCE

- a. Case No. PB 22-20** Elmwood Preserve, 850 Dobbs Ferry Road (P.O. White Plains, N.Y.) – 2nd Preliminary Subdivision Extension Request

Chairperson Schwartz reported that the Applicant has requested a second 180-day extension of its Preliminary Subdivision approval, due to ongoing remediation efforts. There were no comments.

On a motion made by Mr. Simon and seconded by Mr. Snaggs, the Planning Board unanimously voted to grant a 180-day extension of the Preliminary Subdivision approval, valid through February 7, 2025.

- b. Case No. PB 24-11** Young, 4 Covent Place (P.O. Hartsdale, N.Y.) – Minor Project Wetland/Watercourse Permit

A report from the Town Wetlands Inspector concerning a Minor Wetland/Watercourse Permit application involving the proposed expansion of an existing single-family home. The Applicant proposes to construct an approximately 233 sq. ft. expansion to the rear of the house and to add a new deck. The Applicant proposes to disturb approximately 650 sq. ft. of wetland/watercourse buffer area on the property, associated with an on-site watercourse. The residential addition and deck will be approximately 82 feet and 74 feet from the watercourse, respectively. The property consists of approximately 11,250 sq. ft. (0.26 acres) and is situated on the southwesterly side of Covent Place, approximately 50 feet south of the intersection of Covent Place and Kenneth Road. 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: 8.170-122-3.

Chairperson Schwartz stated that this project involves a Minor Wetland/Watercourse Permit. Mr. Mark Young, the Applicant, presented the project. Mr. Desai asked how equipment for the proposed expansion would be delivered to the rear of the house. Mr. Young responded that equipment would go around the right of the house. Mr. Desai asked if there would be any impacts to trees. Mr. Schmidt stated that the Town Code requires protection of trees. Mr. Desai requested this be added as a condition of project approval. Mr. Schmidt responded that this could be done. Mr. Simon felt it was a straightforward application and should be turned over to the Town Wetlands Inspector for a decision. The Board agreed.

On a motion made by Mr. Simon and seconded by Mr. Snaggs, the Planning Board, in accordance with Section 280-8B(1) of the Town Code, unanimously voted to waive referral of this application to the Planning Board and to permit the Town Wetlands Inspector to issue a decision on the Minor Project Permit.

4. **OLD BUSINESS – WORK SESSION**

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

A continued work session (June 17, 2024) 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 ft. 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 Town Engineer. 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 review and consider 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 this project is on for re-approval of the Site Plan and consideration of a SEQRA determination. He stated that the Applicant reviewed the flooding impact in the original submission and the only issue currently before the Board is that, when the project was originally approved, the Applicant had access to off-site parking spaces, but those parking spaces are no longer available, so a modification to the variance approval is needed. Mr. Simon stated that he made two (2) visits to the site. He reported that a source of the problem is a bridge near Sam's Club which narrows the river and causes flooding after short periods of rain. Mr. Desai noted that incremental developments along the Saw Mill River have exacerbated the flooding issue and, while the Applicant should not suffer for something that is not its fault, the project likely will have an impact. Paul Petretti, P.E., representing the Applicant, stated that the application is to raise the building to the statutory requirement of three (3) feet above the base flood elevation, and raising the building would not have an impact on flood elevations. Mr. Glenn Preiser, the Applicant, added that he has to stop work and use employees to remove equipment from his current building every time it rains, costing him time and money. Mr. Schmidt noted that he also had a site visit with Mr. Golden, who unfortunately is not present this evening, though he did provide his comments to the Board via email, and that the Applicant was unable to join the site visit due to prepping for upcoming rain. Chairperson Schwartz read Mr. Golden's comments from his site visit.

Mr. Desai asked, with all this hardship, if the Applicant intended on staying in the area if the project is approved and the building is constructed. Mr. Preiser responded that he intends to be in business

for another 25 years. Ms. Magana stated that, if there were a substantial change to the employee count, volume of work, or other changes to the off-street parking needs due to the use of the site, the Applicant can be required to come back to the Board for further review to address potential impacts associated with the greater demand for off-street parking.

On a motion made by Ms. Davis and seconded by Mr. Simon, the Planning Board unanimously voted to declare itself Lead Agency for the purpose of SEQRA review of this project.

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

On a motion made by Mr. Simon and seconded by Mr. Snaggs, the Planning Board, with six (6) in favor and one (1) abstention, voted to issue a Negative Declaration for this project, under SEQRA. Mr. Desai abstained.

Chairperson Schwartz opined that the Planning Board should consider issuing a positive recommendation on the variance modification, as the business would not exist without the variance. Mr. Snaggs supported a positive recommendation, noting that the business supports the Town and first responders, and that it previously received variance approvals and a positive recommendation from the Planning Board. Mr. Hay also supported a positive recommendation, stating that the proposal is an improvement necessary to conduct business in that area. Mr. Desai stated that he is in favor of a neutral recommendation, opining that the Planning Board is not an economic board and that it should not interfere in another board's business – the matter of off-street parking rests entirely with the Zoning Board of Appeals. Mr. Simon felt that a positive recommendation would not be in violation of the guidelines the Planning Board agreed on, as this is a planning issue related to the flooding and this project would not exacerbate the flooding problem. Chairperson Schwartz noted that for this project, the use and business is not changing. He added that the recommendation can be related only to this business. Ms. Magana clarified that it should relate to the current volume of work on the site, number of employees, and demand for parking.

On a motion made by Mr. Simon and seconded by Mr. Snaggs, the Planning Board, with six (6) in favor and one (1) abstention, voted to issue a positive recommendation to the Zoning Board of Appeals for the variance approval modification, specifying that should the volume of work, number of employees, or demand for parking increase, the Applicant should have to come back to the Planning Board for further review of potential impacts associated with an increased off-street parking demand. Mr. Desai abstained.

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 23-24 Lee & Cheng, 260 South Healy Avenue (P.O. Scarsdale, N.Y.) – Wetland/Watercourse Permit and Tree Removal Permit

A public hearing 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 single-family residence 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) new 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.

On a motion made by Mr. Desai and seconded by Mr. Simon, the Planning Board unanimously voted to close the public hearing and to keep the written record open through August 21, 2024.

b. 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 and July 17, 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.

On a motion made by Mr. Simon and seconded by Mr. Snaggs, the Planning Board unanimously voted to issue a neutral recommendation to the Zoning Board of Appeals on the area variance related to the awning.

Following a presentation by the Applicant and related discussion., the Planning Board adjourned the public hearing to its September 4, 2024 meeting.

6. NEW BUSINESS – WORK SESSION

a. Case No. PB 24-07 Chang-Roberts, 9 Greenvale Circle (P.O. White Plains, N.Y.) – Planning Board Steep Slope Permit and Tree Removal Permit

A work session to discuss a Planning Board Steep Slope Permit and Tree Removal Permit application involving the proposed construction of a new single-family residence, with related improvements. The Applicant proposes approximately 2,417 sq. ft. of disturbance to 15-25% slopes (STEEP SLOPES), approximately 829 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES), and approximately 700 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The project requires approximately 49.6 cubic yards of excavation and 206 cubic yards of imported fill, requiring a Fill Permit from the Town Engineer. The Applicant proposes the removal of nine (9) regulated trees, requiring a Tree Removal Permit, and is in the process of preparing a landscaping plan. A watercourse passes through the rear of the property, though the Applicant is proposing all work to be conducted outside of the 100-foot regulated buffer area. The property consists of approximately 17,398 sq. ft. (0.40 acres) and is situated on the westerly side of Greenvale Circle, approximately 320 feet south of the intersection of Greenvale Circle and Tarrytown Road. 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: 8.20-19-9.

Nicholas Shirriah, P.E., of Hudson Engineering, representing the Applicant, provided a detailed presentation of the project. Mr. Simon recalled that the prior application for this lot (Case No. PB 15-28) involved a proposed house that was substantially larger than the currently proposed house, and asked what the size of the proposed house would be. Mr. Shirriah responded that the prior proposed home was approximately 1,600 sq. ft. footprint, and the currently proposed home is approximately 1,300 sq. ft. Mr. Simon requested details on the proposed retaining wall. Mr. Shirriah responded that it is proposed to be a fieldstone retaining wall with weepholes for drainage, not exceeding four (4) feet in height.

Chairperson Schwartz noted that the proposal does not provide for much of a backyard and asked if the Applicant had future thoughts on developing a backyard into the 100-foot regulated wetland buffer area. Mr. Anthony Chang-Roberts, the Applicant, responded that it may be looked into in the future. Mr. Schmidt stated that proposed work could be reviewed with the Town Wetlands Inspector. Chairperson Schwartz asked if the proposed stormwater management system could handle a 50-year storm event, noting that it is not a requirement to do so, though it is strongly encouraged by the Board. Mr. Shirriah responded that he would review the calculations though he was confident the system could handle a 50-year storm event. Mr. Desai asked if a landscaping plan had been prepared. Mr. Chang-Roberts responded that he was working on the plan. Mr. Schmidt noted that the landscaping plan would be finalized before any public hearing. He added that only the lot to the south was developed. Mr. Desai and Mr. Simon recommended the Applicant speak to its neighbors about the project. Chairperson Schwartz scheduled the project for a public hearing on September 4, 2024.

7. **OLD BUSINESS – WORK SESSION (continued)**

- a. **Case No. PB 22-03** Jackson Avenue Nursery, 279 Jackson Avenue (P.O. Scarsdale, N.Y.) – Planning Board Amended Site Plan, Planning Board Steep Slope Permit, and Wetland/Watercourse Permit
A continued work session (April 17, 2024) to discuss a Planning Board Amended Site Plan, Steep Slope Permit, and Wetland/Watercourse Permit application involving the proposed modification of an existing nursery to facilitate the construction of a cul-de-sac roadway designed to serve four (4) single-family homes proposed in the City of Yonkers. The Applicant proposes to remove and relocate existing retaining walls and widen an existing curb cut on Jackson Avenue. The cul-de-sac is proposed to be approximately 350 feet long and 26 feet wide, within the Town, and the bulb of the cul-de-sac is proposed to partially be within the City of Yonkers. The four (4) residences are proposed to receive water from Jackson Avenue, and the Applicant will have to petition Consolidated Water District No. 1 for out-of-district use. The Applicant proposes approximately 2,625 sq. ft. of disturbance to 15-25% slopes (STEEP SLOPES), approximately 278 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES), and approximately 1,689 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The Applicant requires approximately 871 cubic yards of excavation and approximately 2,800 cubic yards of imported fill, requiring a Fill Permit from the Town Engineer. In a memorandum dated July 11, 2024, the Building Inspector determined that the following area variances are required: (1) impervious surface coverage, from 29% permitted to 60.2% proposed; (2) side yard setback to driveway, from 16 feet required to 10.2 feet proposed; (3) side yard setback to gravel parking area, from 16 feet required to 0 feet proposed; and (4) side yard setback to accessory structure, from 16 feet required to 0.3 feet proposed. The Applicant proposes an under-road stormwater management system to handle stormwater runoff from impervious surfaces within the Town; the proposed homes will have stormwater management systems of their own. The property consists of approximately 91,974 sq. ft. (2.18 acres) and is situated on the southwest side of Jackson Avenue, approximately 250 feet from the intersection of Jackson Avenue and Fort Hill 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: 8.580-399-3, 8.580-399-2..LY, 8.580-399-4..LY.

Chairperson Schwartz stated that the Planning Board was in a position to declare itself lead agency, as the 30 days since the declaration of intent had expired with no objections.

On a motion made by Mr. Simon and seconded by Mr. Desai, the Planning Board unanimously voted to declare itself Lead Agency for SEQRA review of this project.

Chairperson Schwartz stated that there have been some changes to the plans and additional variances identified. Mr. Schmidt noted that the Planning Board has two (2) meetings in September before the Zoning Board of Appeals meeting and could consider a SEQRA determination and recommendation on the variances at one of those meetings. William Schneider, P.E., of PS&S LLC, representing the Applicant, stated that the latest submission answered questions from the Town Engineer, including a question on if the residential lots associated with the project could obtain water from the City of Yonkers. Mr. Schneider explained that they could, but it would require an eight inch (8") water main through an enlarged easement to do so, which may not be an easy task. He recognized that the homes

would have to apply to Greenburgh as an out of district user, if water service was to be sought from the Town. He stated that the Westchester County Department of Health (WCDH) was primarily concerned that the water main be publicly owned.

Ms. Magana asked if the proposed homes are in an existing water district within the City of Yonkers, noting that if they are, the Applicant may need to go through the process of removing them from the existing water district. Mr. Schneider acknowledged the concern, adding that there are examples of cross-district uses. He stated that he has been unable to obtain anything in writing from the WCDH because a subdivision plat would have to be submitted and he has not yet submitted with Yonkers because, in preliminary meetings with Yonkers officials, Yonkers wants to know that the Town would approve of the driveway off of Jackson Avenue to service the proposed homes. Mr. Schmidt requested that the Applicant provide a detailed letter explaining what approvals are needed from the Town, City of Yonkers, and WCDH and in what order, as well as identifying who the Applicant has spoken with from the relevant authorities. Mr. Schneider noted that the Applicant had previously went to the Yonkers Zoning Board for approval to use the property as storage and was denied. Chairperson Schwartz agreed with Mr. Schmidt's request for the letter. Mr. Schmidt recommended the Applicant apply to the Town of Greenburgh Zoning Board of Appeals by August 15th to be scheduled for the Zoning Board's September meeting, indicating that the Planning Board could issue a recommendation and SEQRA determination at one of its September meetings. Mr. Schneider thanked the Board for its time.

8. EXECUTIVE SESSION

At 9:34 pm, on a motion made by Mr. Simon and seconded by Mr. Snaggs, the Planning Board unanimously voted to enter into an Executive Session to discuss a personnel matter, restricted to Planning Board members only. The Executive Session lasted 26 minutes, until 10:00 pm. Chairperson Schwartz reported that no votes were taken during the Executive Session.

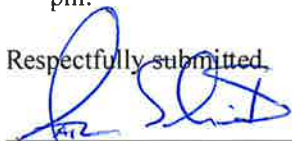
9. ESTABLISH DATE FOR NEXT MEETING

The next regularly scheduled meeting of the Greenburgh Planning Board will be held on Wednesday, September 4, 2024, and is scheduled to begin at 7:00 pm.

10. ADJOURNMENT

The August 7, 2024 work session of the Town of Greenburgh Planning Board was adjourned at 10:00 pm.

Respectfully submitted,



Aaron Schmidt
Deputy Commissioner,
Department of Community Development and Conservation