



**TOWN OF GREENBURGH
PLANNING BOARD MINUTES
GREENBURGH – NEW YORK
Wednesday – June 18, 2025**

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 7:03 pm on Wednesday, June 18, 2025, and was held 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 on the Town of Greenburgh website.

1. ROLL CALL & ANNOUNCEMENTS

Present: Chairperson Leslie Davis, Dylan Pyne, Kirit Desai, and Edwin Weinberg

Absent: Johan Snaggs, Michele Moir, and Emily Anderson (Alternate Member)

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

2. APPROVAL OF MINUTES

Chairperson Davis asked if there were any comments on the draft minutes of the June 4, 2025 Planning Board Work Session prepared by staff. There were none. On a motion made by Mr. Pyne and seconded by Mr. Weinberg, the Planning Board unanimously voted to approve the minutes of the June 4, 2025 Work Session, as written.

3. CORRESPONDENCE

a. Case No. PB 22-12 Pan, Old Tarrytown Road (P.O. White Plains, N.Y.) – Planning Board Steep Slope Permit and Tree Removal Permit 1st Extension Request

Mr. Schmidt reported that the Applicant has requested a two (2) year extension of its Planning Board Steep Slope Permit and Tree Removal Permit approvals. He stated that the Applicant is actively seeking a Building Permit to construct a house on the lot and expects to be proceeding soon. Mr. Schmidt suggested linking the Steep Slope Permit and Tree Removal Permit to expire on the same date, on July 20, 2027. Mr. Weinberg asked if two (2) years is needed by the Applicant. Mr. Schmidt responded that the Applicant likely does not need that much time, but it is customary to grant that much time for an extension, particularly for a first extension.

On a motion made by Mr. Desai and seconded by Mr. Pyne, the Planning Board unanimously voted to grant an extension of the Steep Slope Permit and Tree Removal Permit approvals, valid through July 20, 2027.

b. Case No. PB 19-33 Brodsky, 2121 Saw Mill River Road (P.O. White Plains, N.Y.) – Preliminary Subdivision 8th Extension Request

Chairperson Davis stated that this is the 8th Preliminary Subdivision approval extension request associated with this project. Steve Anderson, P.E., of Gabriel Senor PC, representing the Applicant, stated that he has been in discussions with the Town Engineer and Westchester County Department of Health (WCDOH) regarding the sanitation system for the property. He indicated that the WCDOH has the authority to require connection to a public sewer on a lot greater than 40,000 sq. ft. in area and is requiring the Applicant to explore that possibility. Mr. Anderson stated that there is a sewer line to the north about 300 linear feet away, but this will have to cross NY State aqueduct land and is unlikely to obtain approval. He added that there is also a sanitary sewer pump station across Saw Mill River Road from the site, which may be more easily tied into. He noted that bringing a sewer line to the rear, garage structure with apartment above likely would result in a significant financial burden. Mr. Anderson added that he recently was informed by the property owner that the garage has its own

septic system and, in conversations with the WCDOH, he was told that he could seek to utilize the existing septic as long as it is in working condition, provided that a note is placed on the plans indicating that, should the septic system fail in the future, a connection to the public sewer would need to be made. Mr. Anderson stated that he would have to confirm this with the Town Engineer. Ms. Magana asked if the garage apartment is occupied. Ms. Paige Brodsky, the Applicant and Property Owner, responded that it is occupied. Mr. Pyne asked if both the primary residence and garage have been added to the register of historic structures, or just the primary. Ms. Brodsky responded that just the primary residence is on the historic register. Mr. Pyne asked how long the Applicant needs and noted that the previous extension was specific on requiring monthly updates as to the progress of the project. Mr. Anderson responded that he believes he can get an answer from the WCDOH soon and can commit to the monthly updates. Board members discussed the Applicant's request and noted that, should this extension be granted, it be indicated that failure to comply with the written monthly update requirements may result in the Board refusing to consider any further or future extensions.

On a motion made by Mr. Pyne and seconded by Mr. Desai, the Planning Board unanimously voted to grant a 180-day *nunc pro tunc* retroactive extension of the Preliminary Subdivision approval, requiring the Applicant to provide monthly updates on its progress with advancing the project, valid through October 15, 2025.

4. **OLD BUSINESS – WORK SESSION**

- a. **Case No. TB 25-07** Recreation Fee Use Request (*Nature Center at Greenburgh – Welcome Center*)
A continued work session (June 4, 2025) to discuss a recommendation to the Town Board regarding the proposed use of up to \$75,000 of recreation escrow funds for the purpose of funding a Welcome Center on the grounds of the Nature Center at Greenburgh's facility located on Town parkland that both receives visitors immediately after they arrive and creates a safer area for students to access school buses. The total cost of the project is \$350,000 and the Nature Center at Greenburgh has committed \$275,000 from their funds and from donors.

There was not a quorum to discuss this project, and it was therefore rescheduled to the July 2, 2025 Planning Board meeting.

- b. **Case No. PB 25-09** Lombardo's, 919 Central Park Avenue South (P.O. Scarsdale, N.Y.) – *Planning Board Special Use Permit (Restaurant)*
A work session to classify the proposed action under SEQRA and to discuss the decision of a Planning Board Special Use Permit (Restaurant) application involving the proposed expansion of an existing restaurant space by 17 seats. The existing restaurant use was approved for 86 seats, as part of Case No. PB 06-32. The Applicant proposes to increase the number of seats by 17, bringing the total number of seats up to 103. The size of the restaurant is not changing, and the increase in seating does not change the off-street parking requirement. No exterior site changes are proposed. The property consists of approximately 14.1 acres (612,976 sq. ft.) and is situated on the westerly side of Central Park Avenue South, at the intersection of Central Park Avenue South and Ardsley 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: 8.530-363-2.

Chairperson Davis stated that this project was on for a SEQRA determination and decision, and asked if there were any comments. There were none.

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

On a motion made by Mr. Pyne and seconded by Mr. Desai, the Planning Board unanimously voted to approve the Special Use Permit (Restaurant) for this project.

- c. **Case No. PB 24-13** Taco Bell, 57 Central Park Avenue North (*P.O. Hartsdale, N.Y.*) – *Site Plan, Special Use Permit (Quick Service/Fast Food Establishment), Planning Board Steep Slope Permit, Wetland/Watercourse Permit, Tree Removal Permit, and Planning Board Landscape Buffer Waivers*
- A continued work session (March 19, 2025) to discuss a Planning Board Site Plan, Special Use Permit (Quick Service/Fast Food Establishment), Planning Board Steep Slope Permit, Wetland/Watercourse Permit, and Tree Removal Permit application and Landscape Buffer Waivers request involving the proposed construction of a new Taco Bell Quick Service Restaurant on an existing lot. The lot is currently improved with a restaurant building, which is proposed to be removed. The Applicant proposes to construct an approximately 1,688 sq. ft. Taco Bell restaurant, with a drive-through lane capable of stacking up to 7 vehicles. The Applicant proposes approximately 584 sq. ft. of disturbance to 15-25% slopes (STEEP SLOPES), approximately 126 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES), and approximately 1,543 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The project requires approximately 172 cubic yards of excavation and 179 cubic yards of imported fill, requiring a Fill Permit from the Town Engineer. In a memorandum dated April 16, 2025, the Building Inspector identified the following required area variances: (1) building height, from 12 feet (permitted) to 15.4 feet (proposed); (2) floor area ratio, from 0.015 (permitted) to 0.09 (proposed); (3) impervious surface coverage, from 60% (permitted) to 72% (proposed); (4) side yard setback, from 20 feet (required) to 14.1 feet (proposed); (5) front yard setback to off-street parking, from 20 feet (required) to 1.7 feet (proposed); (6) southerly side yard setback to off-street parking, from 10 feet (required) to 3 feet (proposed); (7) northerly side yard setback to off-street parking, from 10 feet (required) to 2 feet (proposed); (8) setback from off-street parking to principal building, from 10 feet (required) to 0 feet (proposed); and (9) off-street parking spaces, from 49 (required) to 29 (proposed). The Building Inspector additionally identified that front, north side, and south side yard landscape buffer waivers are required from the Planning Board. The Applicant proposes to remove ten (10) regulated trees, requiring a Tree Removal Permit, and has prepared a landscaping plan providing for the planting of 53 trees, as replacement. The site is currently served by two (2) curb cuts on Central Park Avenue North, which are proposed to be consolidated into one (1) curb cut. The property consists of approximately 17,755 sq. ft. (0.41 acres) and is situated on the westerly side of Central Park Avenue North, approximately 150 feet south of the intersection of Central Park Avenue North and Lawton 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.

Mr. Schmidt stated that staff has circulated an updated staff report and stated that, as 30 days have passed since the Planning Board declared its intent to serve as Lead Agency for purposes of SEQRA review and no objections were received, the Board may consider declaring itself Lead Agency this evening. Matt Behrens, Esq., of Zarin & Steinmetz, and Paul Dumont, PE., of JMC PLLC, representing the Applicant, provided presentations of the project. Mr. Dumont reported that, following discussion at the last work session on March 19, 2025, traffic counts were conducted at the Yonkers Taco Bell on Central Park Avenue. He stated that the highest counts recorded were ten (10) parking spaces utilized and six (6) vehicles in the drive-thru queue. Mr. Dumont stated that two (2) of the proposed parking spaces on the project site have been converted into landscaped islands, eliminating the need for one Planning Board waiver and further reducing impervious surface coverage, but increasing the required parking space variance request. He stated that, on the southern property line, Juniper evergreens have been proposed and a vinyl sound attenuation fence was added at the request of the Board. He noted he was aware that a Board member expressed concern with the length of the fence, in that it does not extend across the entire length of the adjacent parking lot to the south and noted that the Applicant is agreeable to extending the fence along the length of the property line. Mr. Pyne recalled there were questions about how the refuse area will be accessed and requested the Applicant review this. Mr. Dumont responded that the site will be served by a private carter whose hours of pickup can be set to occur before the establishment is open so there is no conflict with a vehicle parked in the adjacent handicap parking stall. He added that an employee only door could be added to the side of the enclosure for access if a vehicle were blocking the front gate, though this option would probably require relocating some landscaping. Mr. Pyne suggested a sliding

barn-style door as an alternative to a swinging gate. Mr. Dumont stated that he would speak with the Applicant on the suggestion.

Mr. Weinberg asked if pickup from the refuse area could be accomplished later than 7:30 a.m. to minimize disturbance to the adjacent residents. Mr. Dumont responded that refuse pickup could likely be scheduled anytime before 10:00 a.m., as long as breakfast is not served. Mr. Pyne asked if the Applicant would have to appear before the Board if the Board conditioned garbage pickup at 9:00 a.m. and the Applicant then wanted to serve breakfast. Ms. Magana confirmed that the Applicant would have to come back to the Board to amend the condition. Chairperson Davis asked how a person would enter the site then leave the site without going through the drive-thru. Mr. Dumont responded that the person would be able to turn around in a parking space, as the data shows there will be ample vacant spaces. He noted that consolidating the curb cuts simplifies access and maximizes off-street parking spaces. Mr. Schmidt asked if customers could make a left turn into the small parking area upon entering the site. Mr. Dumont responded that they would not be able to, and signage has been added to the plans indicating "Do Not Enter."

Mr. Pyne asked if Taco Bell provides a pick-up option through its app. Mr. Dumont responded that it does, though customers would have to use the drive-thru for such pick-up, as employees would not be bringing food out to vehicles. Mr. Desai asked if the three (3) off-street parking spaces east of the drive-thru would be utilized. Mr. Raghav Patel, the Applicant, responded that they will be used, likely infrequently for those exiting the drive-thru that want to park and eat before leaving the site or who have particularly large orders. Mr. Desai asked about the site lighting. Mr. Dumont presented the lighting plan, indicating that all lighting will be downcast, shielded, and DarkSky compliant.

Mr. Pyne asked if any variances for the proposed signage would be needed. Mr. Dumont responded that he still needs to review the proposed signage to confirm whether variances are required for the proposed signage, as locations and dimensions have yet to be finalized. Mr. Pyne recommended that this take place as soon as possible. Mr. Weinberg asked if the Applicant could look into additional stormwater management improvements, noting that he understood the project proposes an overall reduction in impervious surfaces. Mr. Dumont responded that the site was evaluated for up to a 100-year storm event, with reductions for all storms, though he would review with the client whether additional opportunities exist to address stormwater. Mr. Britton asked if any off-street parking spaces are proposed to be designated for food delivery drivers, such as Grub Hub or Uber Eats. Mr. Dumont responded that no spaces are planned to be reserved. Chairperson Davis asked if the driveway would be right-in, right-out only. Mr. Dumont responded that the goal of the project is to have a full-movement driveway, though it would be dependent on the comments and determination of New York State Department of Transportation (NYSDOT). Mr. Schmidt noted that staff have been seeking to obtain comments from the NYSDOT on the proposed driveway. Mr. Weinberg asked if solar panels are proposed on the building. Mr. Dumont responded that, due to the small size of the building and rooftop mechanicals, solar panels are not practical. Mr. Desai suggested that the Applicant incorporate other sustainable measures. Mr. Schmidt suggested the addition of a bike rack. Mr. Dumont noted that a bike rack could be added, and the team would explore the use of pervious materials within parking areas.

John Canning, P.E., of Kimley-Horn, the Town's traffic consultant for this project, opined that a concern of the Board for the proposed use is ensuring that refuse is picked up during off-hours, as there is only just enough room for a garbage truck to turn around if the lot is empty. He indicated that his review of the Applicant's traffic data shows that the site will operate without traffic, parking, or circulation issues. Mr. Canning felt that the consolidation of the two (2) curb cuts into one (1) driveway would be an improvement from a pedestrian safety perspective. Mr. Desai noted that, while the Applicant shows eight (8) vehicles in the drive-thru queue, the last vehicle is not actually in the queue lane as per the Building Inspector's memorandum, and asked if that could present an issue. Mr. Canning responded that it would not be, noting that the Applicant has agreed to designate the last space as employee parking only. He added that the Applicant has stated that it would send employees out with tablets to take orders if the queue backs up, though based on the data, it is unlikely

to occur. Mr. Weinberg expressed concern that a vehicle trying to make a left turn out of the property on Central Park Avenue North could lead to a backup at the drive-thru. He also expressed concern with safety along Central Park Avenue when a vehicle seeks to make a left hand turn into the site. Mr. Canning stated that the data indicates an average wait time of 30 seconds, and he expected a maximum queue at the driveway of two (2) vehicles waiting to exit the premises. He indicated he would look into the matter further and report back. Mr. Schmidt asked for information on when the NYSDOT reviews the driveway movements. Mr. Canning responded that it is a three-step process, where the first step, involving conceptual approval, should be able to be completed in a timely manner for the Board. Mr. Dumont added that the Applicant has submitted a Stage 1 submission to the NYSDOT and could follow up with their office. He noted that the Applicant should have a response from the NYSDOT before the project is back with the Planning Board, after going through the Zoning Board of Appeals process related to the necessary area variances. Mr. Desai asked about the proposed sidewalk across the property's frontage. Mr. Dumont responded that a concrete sidewalk is proposed across the property's frontage and across the proposed driveway. Mr. Weinberg asked the Applicant how significant a full-movement driveway is. Mr. Dumont responded that it is the preferred outcome.

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

Mr. Schmidt reviewed the potential impacts of the project under SEQRA. With respect to Land Use and Zoning and Impact on Land, he stated that area variances are required though many variances decrease the existing non-conformity. He added that the proposed use would likely increase the traffic volume compared to existing conditions. Chairperson Davis asked if it was fair to compare the proposed restaurant to the existing, failing restaurant. Mr. Schmidt responded that they are compared to a degree, though the proposed use should be evaluated on its own merits. Mr. Schmidt further noted that a Dunkin Donuts without a drive-thru previously existed on this site for many years. Mr. Pyne opined that the data from the Yonkers Taco Bell location is convincing, indicating that the proposed establishment will work. With respect to Community Character, Mr. Schmidt noted the proximity of the apartment building to the south and that sound attenuation fencing and evergreen screening have been added to the plans. With respect to Transportation, driveway access is under review with the NYSDOT. With respect to Historical Resources, the Hartsdale Pet Cemetery is nearby and borders the property in the rear, though no impacts are anticipated. With respect to Natural Resources, Mr. Schmidt stated that ten (10) regulated trees are proposed for removal and 47 trees are proposed to be planted. He added that the Applicant has agreed to look into adding pervious surfaces. With respect to Noise and Odors, Mr. Schmidt stated that discussions on refuse pickup timing, conditions related to timing, and extending the sound attenuation fencing would be included in the draft SEQRA determination. Mr. Desai suggested the inclusion of the sidewalk. Mr. Schmidt stated that it can be added to the section on Transportation. He stated that staff would prepare a draft SEQRA determination based on the Board's discussion this evening.

Mr. Schmidt reviewed the required variances. For the height variance, Mr. Desai felt that it would not be unattractive and was inclined to issue a positive recommendation. Mr. Pyne felt that a neutral recommendation was more appropriate, as while the non-conformity would be decreased, he did not think there was a significant planning reason to issue a positive recommendation. Chairperson Davis and Mr. Weinberg agreed. The Board felt a neutral recommendation would be most appropriate on the floor area ratio variance. Mr. Pyne opined that a positive recommendation on the impervious surface coverage variance could be appropriate, as there will be a decrease in impervious surface coverage compared to existing conditions. Mr. Schmidt suggested that the Board may wish to see what the Applicant comes back with, especially in terms of incorporating pervious surfaces. Mr. Desai agreed with Mr. Pyne while Chairperson Davis and Mr. Weinberg felt that a neutral recommendation was more appropriate. Chairperson Davis noted that a large portion of the required setback variances are due to the proposed drive-thru. Mr. Dumont added that the proposed building was shifted into the side yard setback to accommodate a full movement drive aisle and a full row of off-street parking spaces. He stated that the southerly parking setback is due to the drive-thru, the northerly parking setback is actually less than what currently exists, and the front parking setback is

more than what currently exists. Mr. Pyne stated that he is inclined to support a neutral recommendation on all setback variances. The Board agreed. Mr. Schmidt reviewed the off-street parking space variance. Mr. Desai asked if any ADA spaces exist on-site. Mr. Dumont responded that there is one (1) ADA space in the rear, although it is probably not Code compliant. Chairperson Davis, Mr. Pyne, and Mr. Weinberg felt a neutral recommendation was most appropriate. Mr. Desai also felt a neutral recommendation was appropriate and suggested adding that there would be an improvement to ADA-accessibility based on the plans. Mr. Schmidt stated that staff would prepare a draft recommendation based on this discussion for the next meeting.

5. ESTABLISH DATE FOR NEXT MEETING

The next regularly scheduled meeting of the Greenburgh Planning Board will be held on Wednesday, July 2, 2025, and is scheduled to begin at 7:00 pm.

6. ADJOURNMENT

The June 18, 2025 Work Session of the Town of Greenburgh Planning Board was adjourned at 9:24 pm.

Respectfully submitted,



Aaron Schmidt
Deputy Commissioner,
Department of Community Development and Conservation