



**TOWN OF GREENBURGH**  
**Conservation Advisory Council**  
Minutes of Meeting  
Thursday, June 24, 2021

Zoom Meeting hosted by Garrett Duquesne and Theresa Tori

**ROLL CALL:**

**CAC Members Present:** T. Tori, M. Sigal, S. Hernstadt, M. Beal, D. Maiello

**CAC Student Members Present:**

**Town of Greenburgh:** Garrett Duquesne, Commissioner CD & C

**Town Residents:** N. Drain, G. Gundlach, L. Powell (interest in joining CAC)  
Dorinne Livson (President of the Worthington Woodlands Civic Association);

**Applicants:** For Regeneron: Janet Giris (Attorney), Stephen Spina (Project Engineer),  
Beth Evans (Wetlands Consultant), Javier Garay, Cody Axness, Kimberly  
Martin, Annie Kline, Anton Wong, Benjamin Suzuki

**ITEMS OF NOTE:**

The CAC had a quorum for a portion of the June 24, 2021 meeting. While there was a quorum, the CAC voted on the approval of the June 10, 2021 minutes and voted on the ratification of a June 22, 2021 report to the Town Board with regard to the Battery Energy Storage System law (see that item below for additional information).

**APPROVAL OF MINUTES:**

- June 10, 2021 – minutes approved

**CORRESPONDENCE:**

- None

**WETLANDS AND WATER COURSES PERMIT REFERRALS:**

- *Case No. TB 21-06/PB 21-04 Regeneron, 777 Old Saw Mill River Road (P.O. Tarrytown, N.Y.) - Amended Site Plan (Town Board Referral to Planning Board), Town Board Tree Removal Permit, Planning Board Steep Slope Permit & Wetland/Watercourse Permit)*

An amended site plan (Town Board approval – referral to Planning Board), Town Board tree removal permit, Planning Board steep slope permit and wetland/watercourse permit application involving the proposed construction of a 2-story, 207,940 sq. ft. Research & Development (R&D) building and structured parking facility within an existing R&D Campus, with related improvements. The proposal includes the demolition of existing parking areas and other site features. The location of the project was the subject of prior amended site plan (TB 14-05) and related approvals (PB 14-16) for a differently configured building and parking layout, which was never constructed. The Applicant no longer seeks to construct per the prior approvals, based on its updated needs for the site. The applicant now proposes approximately 29,064 sq. ft. of disturbance to 15-25% slopes (STEEP SLOPES), approximately 9,764 sq. ft. of

disturbance to 25-35% slopes (VERY STEEP SLOPES), and approximately 3,137 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The applicant proposes approximately 87,987 sq. ft. of wetland/watercourse buffer area disturbance within the 957,355 sq. ft. of wetland, watercourse, and adjacent buffer area on the site. The applicant proposes a total disturbance area of 500,940 sq. ft. (11.55 acres) as part of the project. The applicant proposes the removal of 152 regulated trees, requiring a tree removal permit from the Town Board, and has prepared a preliminary landscaping plan identifying replacement trees, shrubs, and groundcovers. The property consists of approximately 2,859,367 sq. ft. (65.64 acres) and is situated along the south side of Old Saw Mill River Road, approximately 500 feet west of the intersection of Saw Mill River Road and Old Saw Mill River Road. The property is located in the OB Office Building Zoning District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.71-6-1.1. This matter is being reviewed in conjunction with Case No. TB 21-10/PB 21-09, described below, which would provide a temporary staging and parking area on adjacent property during the construction of this project.

The CAC noted that since this Applicant was last in front of the CAC, the new Community Tree Management law has been added to the Town's code.

Janet Giris, the attorney for Regeneron, introduced this and the next application to the CAC. While there are two different Applicants, they are both subsidiaries of Regeneron. This project is 65 acres in the OB district. It includes Regeneron's regional corporate headquarters in multiple buildings. Regeneron has acquired the property and intends to develop Parcel D with a 2 story building and 7 level parking structure. Nothing in Regeneron's 2014 approval has been constructed.

Stephen Spina, the Project Engineer, described the proposed project. The project will disturb the wetland buffer but not the wetland. There will also be some steep slope disturbance. Besides the construction of the building and parking garage, there will also be widening of the loop road. The wetland buffer will be restored where it is impacted by grading. 500 existing spaces will be displaced by construction.

Beth Evans, the Wetlands Consultant, explained that the wetlands are stormwater basins that were constructed as part of the Landmark Development. The perimeter disturbed areas will be planted with a native grass seed mix and a wetland seed mix.

As the CAC did not have a quorum, the CAC adjourned a vote on recommendation of this project until the next meeting.

- **Case No. TB 21-10/PB 21-09** *Regeneron, 555 Saw Mill River Road (P.O. Tarrytown, N.Y.) – Amended Site Plan (Town Board Referral to Planning Board), Town Board Tree Removal Permit, Planning Board Steep Slope Permit & Wetland/Watercourse Permit*

An amended site plan (Town Board approval – referral to Planning Board), Town Board tree removal permit, Planning Board steep slope permit and wetland/watercourse permit application involving the proposed development of a temporary area for construction staging and construction employee parking, to facilitate the construction of a new two-story research and

development building on the neighboring lot, 777 Old Saw Mill River Road, which is being applied for as Case No. TB 21-06/PB 21-04. The applicant is proposing to develop a portion of the property for use as construction staging and construction employee parking for a period of approximately 5 years, after which the construction staging and parking areas would be removed and the area replanted. The applicant proposes approximately 28,911 sq. ft. of disturbance to 15-25% slopes (STEEP SLOPES), approximately 10,555 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES), and approximately 14,940 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The applicant proposes approximately 12,718 sq. ft. of wetland/watercourse buffer area disturbance within the 551,837 sq. ft. of wetland, watercourse, and adjacent buffer area on the site. The applicant proposes a total disturbance area of 264,845 sq. ft. (6.08) acres as part of the project. The applicant proposes the removal of 129 regulated trees, requiring a tree removal permit from the Town Board, and has noted that, once this temporary area no longer is needed, it will be restored with trees, shrubs, and groundcovers. The property consists of approximately 1,735,153 sq. ft. (39.8 acres) ) and is situated along the south side of Old Saw Mill River Road, approximately 500 feet west of the intersection of Saw Mill River Road and Old Saw Mill River Road. The property 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.

Janet Giris explained that nothing from the 2016 approved site plan for this site has been constructed yet.

Stephen Spina explained that this area was selected for temporary parking and construction staging as it is proximate to the project site and roadways and this area was previously disturbed. 90% of the proposed trees are native. In reviewing the proposed plant palette, the CAC asked if it would be possible to add more fruit and/or nut trees to the plant list and to try to match the variety of trees which will be removed. Mr. Spina indicated this was possible. As part of the proposed stormwater management, a bioretention basin will be constructed for the proposed garage and the existing stormwater basin/wetland will be utilized and enhanced. There will be water quality pre-treatment structures before the basins and also subsurface detention.

As the CAC did not have a quorum, the CAC adjourned a vote on recommendation of this project until the next meeting.

### **ON-GOING ITEMS -**

- **Elmwood County Club** – the CAC asked Commissioner Duquesne about the status of the Elmwood DEIS in light of the new alternative. The CAC was informed that NYSDOT was sent a cover letter and the Applicant’s information and will reply with written comments. Information has also been sent to County Planning and the Greenburgh and Elmsford school districts. The decision on a new or supplemental DEIS will be per the Town Board. The CAC requested to meet with the Town’s consultant Chazen to go over the draft final EIS. The CAC asked if the Applicant will include an as of right study in the FEIS and was informed that a response to this query will be provided per the Applicant in the FEIS response to the DEIS. The CAC reiterated the concern that without this baseline, the proposal can’t be properly evaluated.
- **4 Corners Proposal** – no new discussion.

- **Excess Food for Needy Law** – no new discussion.
- **Development Process and Procedures** – no new discussion.
- **CAC Guide under Town Code and SEQR** – no new discussion.
- **SWAB (Saw Mill River Watershed Advisory Board)** – no new discussion.
- **Web Page** – it was noted that the CAC will be looking into improving their web page.
- **TB 19-08: Metropolis Environmental Considerations** – no new discussion.
- **Blower Law**- no new discussion.
- **Invasive Plants** - no new discussion.
- **Battery Energy Storage Systems (BESS)** – the CAC discussed portions of the proposed Law that it believes need further review and enhancement. On June 22, 2021 the CAC sent a report to the Town Board with a summary of its concerns. A copy of this report is attached to these meeting minutes. With reference to the authorization given at the June 10 meeting, the CAC voted to ratify the June 22 Report to the Town Board regarding the BESS law.
- **Environmental Recommendations for New Construction** – no new discussion.

## **NEW BUSINESS**

### **ESTABLISH DATE OF NEXT MEETING:**

Thursday, July 8, 2021 at 6:30 pm.

Abbreviations that may be used:

CD&C – Community Development & Conservation