

**TOWN OF GREENBURGH
PLANNING BOARD MINUTES
GREENBURGH – NEW YORK
Wednesday – May 5, 2021**

The Work Session of the Planning Board of the Town of Greenburgh began at 5:09 pm on Wednesday, May 5, 2021, online via Zoom-enabled Video Conference.

1. ROLL CALL & ANNOUNCEMENTS

Present: Chairperson Walter Simon, Hugh Schwartz, Michael Golden, Kirit Desai, Mona Freitag, Thomas Hay, and Johan Snaggs

Absent:

Staff: Aaron Schmidt, Deputy Commissioner, CD&C
Garrett Duquesne, AICP, Commissioner, CD&C
David Fried, Esq., 1st Deputy Town Attorney
Matthew Britton, Assistant Planner, CD&C



Chairperson Simon announced that, due to technical difficulties, the meeting would not be livestreamed, but it was still being recorded and will be made available as soon as possible.

Chairperson Simon reported that he is in the process of interviewing potential candidates for the alternate seat on the Planning Board. He noted that all current Board members have a copy of the process being used to consider new candidates.

2. APPROVAL OF MINUTES

Chairperson Simon asked if there were any comments to the draft minutes of April 21, 2021. He requested the addition of language related to his request for the applicant's counsel to provide feedback to the Board, following its discussion with the applicant, on what uses might be considered for development at the site if it were to be designated as "Research and Development (R&D) Cluster South." Ms. Freitag noted that, following the Board's discussion related to a preliminary subdivision extension request for PB 16-25 Teverbaugh subdivision, the Planning Board asked staff to draft a memorandum to the Town Board recommending that it consider amending the Town Code to permit a 180-day extension, versus two (2) 90-day extensions. She requested that this language be added. Mr. Schmidt stated that these corrections would be made.

Ms. Freitag asked if Mr. Fried had looked into whether or not it would be legal to permit a 180-day extension of preliminary subdivision approval. Mr. Fried responded that the applicant for PB 16-25 was at the preliminary subdivision stage, so a 180-day extension would be permissible. He advised that there might be an issue if the extension request were associated with a final subdivision approval, as the Code specifically permits two (2) 90-day extensions.

On a motion made by Mr. Schwartz and seconded by Mr. Hay, the Planning Board unanimously vote to approve the minutes of the April 21, 2021 meeting, as amended.

3. CORRESPONDENCE

a. Case No. PB 20-16 Captain Lawrence, 444 Saw Mill River Road (P.O. Elmsford, N.Y.)

Chairperson Simon reported that a letter was received from Town resident Mr. Murray Bodin concerning this project, which has been included as part of the file.

- b. **Case No. PB 19-07** St. Andrew's Golf Club, 10 Old Jackson Avenue (P.O. Hastings-on-Hudson, N.Y.) – Wetland/Watercourse Permit 1st Extension Request
Chairperson Simon stated that a letter of extension request had been received from the applicant, seeking a two year extension of its wetland/watercourse permit, due to delays resulting from COVID-19.

On a motion made by Ms. Fraitag and seconded by Mr. Hay, the Planning Board unanimously voted to grant a two (2) year extension of the wetland/watercourse permit, valid through May 16, 2023.

- c. **Case No. PB 17-31** Lenis, 195 Gibson Avenue (P.O. White Plains, N.Y.) – Steep Slope Permit 1st Extension Request

Chairperson Simon stated that he had invited the applicant to appear before the Board to discuss his steep slope permit retroactive extension request. Mr. Leonardo Lenis, owner and applicant, stated that, after being granted steep slope permit approval by the Planning Board on July 19, 2018, he had suffered financial hardship which left him unable to carry out the work, and then dealt with the COVID-19 pandemic. He explained that he forgot the permit had an expiration, though he is now ready to commence the work, in compliance with the approved plans.

Chairperson Simon noted that, in a memorandum issued by the Bureau of Engineering on this project, the applicant is stated to have proposed a stormwater drainage system four times greater than the Town Code requires. Chairperson Simon added that an on-site garage in poor condition, which was a topic of concern during the public hearing portion of the project, has since been removed, at the request of the Town. Ms. Fraitag asked if any trees were to be taken down in connection with this project. Mr. Lenis replied that there were none.

On a motion made by Mr. Golden and seconded by Mr. Schwartz, the Planning Board unanimously voted to grant a two (2) year retroactive extension, *nunc pro tunc*, of the steep slope permit, valid through July 19, 2022.

4. **NEW BUSINESS**

- a. **Case No. PB 21-06** Essential Jiu Jitsu, 10 County Center Road (P.O. White Plains, N.Y.) – Special Permit (Fully Enclosed Commercial Recreation Facility) and Planning Board Shared Parking Reduction Request

A work session to discuss a special permit (fully enclosed commercial recreation facility) application and Planning Board shared parking reduction request involving the proposed conversion of approximately 7,975 sq. ft. of vacant office space to a Jiu Jitsu martial arts studio. There would be no site work as part of this project. The building consists of approximately 168,000 sq. ft. of office space (much of which is currently vacant), requiring 560 off-street parking spaces, where 265 spaces exist on-site. The proposed conversion of 7,975 sq. ft. of office space to fully enclosed commercial recreation space requires an additional 13 off-street parking spaces, for which the applicant is requesting a shared parking reduction. The building previously was granted a shared parking reduction of 41 spaces as part of Case No. PB 14-05 (Victory Tabernacle) associated with the conversion of 3,475 sq. ft. office space to a religious use. The applicant noted that the majority of its business would occur in the evening, after the offices in the building have closed. The property consists of approximately 158,558 sq. ft. (3.64 acres) and is situated at the intersection of County Center Road and Old Kensico Road. The property is located in the LOB Limited Office Building District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.500-309-17.

Following Mr. Schmidt's introduction of the project, Ms. Jolanda Scotto, co-applicant, informed the Board that the applicant seeks to relocate into a larger studio space from its current location in Hartsdale. Mr. Schmidt noted that the office building where the applicant seeks to relocate, has a large amount of vacant space and the parking lot is, at times, underutilized.

Following a question by Mr. Schwartz, Mr. Hay identified where the emergency exits are located on the plan. Mr. Schwartz asked if sprinklers are being installed in the space. Ms. Scotto replied that the landlord would be installing sprinklers. Chairperson Simon noted that the installation of sprinklers could be a condition of project approval. Mr. Schmidt concurred. Mr. Schwartz asked what floor the studio would be located on. Mr. Jonathan Torres, co-applicant for the project, responded it would be on the ground floor. Ms. Freitag asked if the applicant planned on installing signage, noting that there is none along the roadway to indicate which businesses operate in the building. Ms. Scotto responded that she and Mr. Torres were looking into whether or not they could take their sign from their Hartsdale location and position it over the door of the new space, but added that they do most of their advertising online. Mr. Schwartz asked what the studio hours are proposed to be and how many attendees they envision, per class. Ms. Scotto replied that they intend to operate from 6:00am to 1:00pm, have a short break, and then have classes from 4:00pm to 9:00pm. She added that classes typically consisted of 25-30 students, pre-COVID. Ms. Scotto stated that there would be approximately 25-30 people per hour in the evenings in the studio, and stated that the children's classes are from 4:00pm to 6:00pm. Parents drop off their kids for these classes. Mr. Torres added that there would be a 15 minute gap between classes.

Mr. Schwartz expressed concern about accessibility to and from the site, stating most traffic comes from one direction past Nesto's Pizza and Deli. He opined that it may make sense for the Town's traffic consultant to look at the project. Mr. Hay asked if the site is located off of a traffic circle. Mr. Schwartz confirmed it is, though it could also be accessed through residential roadways. Chairperson Simon noted that drivers could utilize County Center Road, next to the building, to travel west on Route 119, or utilize the traffic circle, where they could travel either west or east. Mr. Schwartz opined that many people will likely end up utilizing the traffic signal adjacent to Nesto's and CVS. He recalled that the issue of traffic was raised when the nearby apartment building (Westhab) was proposed to be built, though there appear to be no traffic issues resulting from that project.

Mr. Schwartz expressed concern with a constant level of people coming and going from the studio during the day, versus an office use where typically there are only the morning and evening busy periods. He noted, however, that the area is only somewhat busy if Nesto's Pizza and Deli is busy, otherwise traffic in the area seems light. Mr. Torres stated that the business is non-operative between about 1:00pm and 4:00pm, a good portion of the day. Mr. Schwartz questioned if traffic would be an issue when people left the site from the evening classes, and asked if review by the Town's traffic consultant was needed. He noted that he had no issues with the parking reduction request. Chairperson Simon stated that the Board may consider requesting a review by the Town's traffic consultant. Mr. Hay stated that he did not see traffic being an issue. Mr. Desai agreed with Mr. Hay. Mr. Golden stated he had no particular concerns with this project. Ms. Freitag asked if sufficient lighting exists or would be provided, for evening classes. Mr. Snaggs noted that the only time he sees traffic backed up in this area is during rush hour, and further noted that only Nesto's would be inconvenienced by a traffic back up. He felt a traffic study was not necessary.

Mr. Gani Bajraktari, owner of the property, stated that he would like to address some of the issues raised by Board members. He stated that as the building has been getting new tenants, the fire suppression and alarm systems have been getting updated. He stated that, currently, tenants are not permitted to install signage on the building, though he is in discussions with the applicants about possible signage for its use. Mr. Bajraktari advised that the applicants would have its own entrance and operate at its own hours. He stated that lighting has been upgraded and automatically turns on in the evening hours.

Mr. Schwartz asked if signage could be placed indicating that people leaving the site seeking to travel west on Route 119 have an alternate route than the traffic circle. Mr. Bajraktari replied that he would be happy to accommodate this request.

Mr. Desai suggested that, for future applications involving parking modifications, the Planning Board require some Electric Vehicle (EV) charging stations to be provided, as electric vehicles are becoming more popular. Mr. Schwartz opined that the Town needs a comprehensive plan for charging stations, and a committee should be formed.

Chairperson Simon scheduled the matter for a public hearing on May 19, 2021. Mr. Schmidt stated that staff would prepare the notice and provide instructions to the applicant.

5. PUBLIC HEARING 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 17-06 NRSF, Ardsley Road & Old Sprain Road (P.O. Scarsdale, N.Y.) – Preliminary Subdivision, Planning Board Steep Slope Permit, Wetland/Watercourse Permit, and Tree Removal Permit

A public hearing to discuss a preliminary subdivision, Planning Board steep slope permit, wetland/watercourse permit, and tree removal permit application involving the subdivision of one (1) existing lot into four (4) lots: three (3) new residential lots and one (1) lot associated with a new, private, cul-de-sac roadway, built to Town standards. Access to each of the three (3) residential lots would be provided via a newly proposed cul-de-sac roadway that would be constructed off of Ardsley Road. Lot 1, to be developed with a single-family residence, is proposed to consist of 106,042 sq. ft., Lot 2, to be developed with a single-family residence, is proposed to consist of 37,900 sq. ft., and Lot 3, to be developed with a single-family residence, is proposed to consist of 59,017 sq. ft. Lot 4, to be developed with a private cul-de-sac roadway built to Town standards and serve each of the three (3) newly proposed residential lots, would consist of 30,125 sq. ft. The applicant proposes approximately 27,104 sq. ft. of disturbance to 15-25% slopes (STEEP SLOPES), 21,419 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES), and 13,988 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The project requires approximately 5,500 cubic yards of excavation. The applicant is proposing the disturbance of approximately 39,345 sq. ft. of wetland, watercourse and adjacent buffer area within the approximately 55,774 sq. ft. of wetland, watercourse and adjacent buffer area on-site. The applicant is proposing the removal of 220 regulated trees, requiring a tree removal permit from the Planning Board, and proposes the planting of 139 trees, as replacement. The property consists of approximately 227,325 sq. ft. (5.2 acres) and is situated on the east side of the intersection of Ardsley Road and Old Sprain Road. The property is located in the R-20 One-Family Residential District, and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.390-275-1.

Prior to conducting the public hearing, on a motion made by Mr. Golden and seconded by Mr. Schwartz, the Planning Board unanimously voted to classify the proposed action an Unlisted action, under SEQRA.

Prior to conducting the public hearing, on a motion made by Mr. Golden and seconded by Mr. Hay, the Planning Board unanimously voted to issue a negative declaration for the proposed action, under SEQRA.

On a motion made by Mr. Golden and seconded by Mr. Snaggs, the Planning Board unanimously voted to close the public hearing and to keep the written record open through May 26, 2021.

b. Case No. PB 21-03 Marron, 710 Ardsley Road (P.O. Scarsdale, N.Y.) – Preliminary Subdivision and Wetland/Watercourse Permit

A public hearing to discuss a preliminary subdivision and wetland/watercourse permit application involving the proposed resubdivision of 3 existing lots, for the purposes of: (1) connecting the driveway of the existing residence on Parcel ID 8.390-275-9.1 to a proposed private, cul-de-sac roadway, associated with an adjacent subdivision currently under consideration by the Town (Case No. PB 17-06 NRSF, Ardsley Road & Sprain Road Subdivision); (2) providing potential future driveway access for Parcel 8.390-275-9.2 to the above referenced private, cul-de-sac roadway; and (3) to straighten the easterly property line associated with Parcel 8.390-275-9.3. Parcel ID 8.390-275-9.1 currently consists of 25,172 sq. ft. and is proposed to consist of 27,806 sq. ft. Parcel ID 8.390-275-9.2 currently consists of 23,217 sq. ft. and is proposed to consist of 20,171 sq. ft. Parcel ID 8.390-275-9.3 currently consists of 20,012 sq. ft. and is proposed to consist of 20,423 sq. ft. The existing driveway to the Marron residence on Parcel ID 8.390-275-9.1 is proposed to be removed and planted with trees and shrubs. An off-site wetland exists, with the 100-foot regulated buffer extending onto the applicant's site. The applicant is proposing the disturbance of approximately 4,655 sq. ft. of wetland/watercourse buffer area, within the approximately 10,160 sq. ft. of wetland/watercourse buffer area on-site. It is noted that the Parcel ID 8.390-275-9.2 and 8.390-275-9.3 are part of a previously approved subdivision, where Parcel ID 8.390-275-9.2 contains a portion of an existing pool and Parcel ID 8.390-275-9.3 is undeveloped. The properties consist of approximately 68,400 sq. ft. (1.67 acres) and are situated on the east side of the intersection of Ardsley Road and Old Sprain Road. The properties are located in the R-20 One-Family Residence District, and are designated on the tax map of the Town of Greenburgh as Parcel ID: 8.390-275-9.1, 8.390-275-9.2, and 8.390-275-9.3.

Prior to conducting the public hearing, on a motion made by Mr. Schwartz and seconded by Mr. Hay, the Planning Board unanimously voted to classify the proposed action an Unlisted action, under SEQRA.

Prior to conducting the public hearing, on a motion made by Mr. Golden and seconded by Mr. Schwartz, the Planning Board unanimously voted to issue a negative declaration for the proposed action, under SEQRA.

On a motion made by Mr. Schwartz and seconded by Mr. Desai, the Planning Board unanimously voted to close the public hearing and to keep the written record open through May 26, 2021.

c. Case No. PB 21-01 Chung & Wong, 18 Mount Pleasant Lane (P.O. Irvington, N.Y.) – Planning Board Steep Slope Permit and Tree Removal Permit

A public hearing to discuss a Planning Board steep slope permit and tree removal permit application involving the proposed construction of a new in-ground pool and spa, with related improvements. The applicant is proposing the construction of a new in-ground pool, with a spa contained within the pool structure, as well as decking and a pathway leading to the house. The applicant is proposing the addition of two (2) Cultec 150XLHD units to handle stormwater runoff created by new impervious surfaces. The applicant proposes approximately 1,586 sq. ft. of disturbance to 15- 25% slopes (STEEP SLOPES), approximately 0 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES), and approximately 130 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The project requires approximately 275-300 cubic yards of excavation. 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 6 trees and various shrubs, as replacements. The property consists of approximately 20,051 sq. ft. (0.46 acres) and is situated along the east side of Mount Pleasant Lane, approximately 600 feet from the intersection of Mount Pleasant Lane and Pine Lane. The property is located in the R-10 One-Family Residence District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.360-185-10.

On a motion made by Chairperson Simon and seconded by Mr. Hay, the Planning Board unanimously voted to close the public hearing and to keep the written record open through May 12, 2021.

6. NEW BUSINESS (continued)

a. Case No. TB 21-07/PB 21-05 Ferncliff Cemetery, 280 Secor Road (P.O. Hartsdale, N.Y.) – Amended Site Plan (Town Board Referral), Town Board Tree Removal Permit, and Planning Board Steep Slope Permit

A work session to discuss an amended site plan (Town Board approval – referral to Planning Board), Town Board tree removal permit, and Planning Board steep slope permit application involving the proposed development of a portion of the Ferncliff Cemetery to install underground concrete vaults, with related improvements. The applicant is proposing the construction of various crypts and burial vaults on previously undeveloped cemetery land, with related retaining walls and landscaping. The applicant proposes approximately 12,928 sq. ft. of disturbance to 15- 25% slopes (STEEP SLOPES), approximately 2,255 sq. ft of disturbance to 25-35% slopes (VERY STEEP SLOPES), and approximately 1,118 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The applicant is proposing the removal of 50 regulated trees, requiring a tree removal permit from the Town Board, and has prepared a landscaping plan providing for the planting of 15 trees, 1,341 shrubs, and various groundcovers, as replacement. The property consists of approximately 2,765,189 sq. ft. (63.48 acres) and is situated along the north side of Secor Road. It was most recently the subject of an amended site plan as part of Case No. TB 19-22, that was approved by the Town Board February 12, 2020. The property is located in the R-30 One-Family Residence District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.171-123-1.

Following Mr. Schmidt’s introduction of the project, Mr. James Caris, AICP, of JMC, PLLC, representing the applicant, provided a brief overview of the applicant’s proposal. He stated that the project consists of three main components: 1) installation of retaining walls; 2) installation of crypts, and; 3) installation of extensive landscaping. Mr. Caris stated that the upper and lower ground burial areas would be separated by a retaining wall, and along the interior of the walls would be crypt and cremation estates, as well as family plots. He stated that 50 trees, many of which were planted for screening purposes but which no longer serve that purpose, are proposed for removal, and the applicant has proposed an extensive landscaping plan, as replacement, which includes new screening trees, flowering trees, and numerous shrubs. He added that overhead electric lines running parallel to the shared property line with neighbors to the north would be buried, and that old chain link fencing would be removed, with some new fencing, for additional screening purposes, to be added adjacent to the northerly retaining wall to be built.

Chairperson Simon noted that, east of where the new plantings would terminate, some trees appear to be in poor condition. He suggested extending the landscaping to screen the homes in that location. Mr. Caris stated that he would discuss this with the applicant, adding that the applicant has been receptive to these types of suggestions in the past. Mr. Desai asked how the applicant will maintain the plantings between the proposed retaining wall and the neighboring properties, as this appears to be a narrow area that is not easily accessed by the Cemetery. Mr. Caris replied that, while he cannot speak for the applicant on this specific issue, he believes its grounds crew would maintain the area. Mr. Schmidt suggested that the plans provide an access point to this landscaped area. Mr. Caris affirmed that he would add this. Chairperson Simon requested that the applicant provide a more detailed explanation of how the area is to be maintained, when the project advances to a public hearing.

Ms. Freitag asked how far the new fencing would extend along the northerly property line, as much of the fencing along that property line is in poor condition. Mr. Caris responded that, based on conversations with those neighbors willing to engage, fencing will be removed along the length of the wall, and continue to 191 and 185 Forest Boulevard, after which the grade drops significantly and

visual impacts are not anticipated. Mr. Desai asked if there would be lighting along the retaining wall. Mr. Caris responded that there is no lighting associated with this project. Ms. Freitag asked when the visiting hours are. Mr. Fried reported that the hours are from 9:00am to 4:00pm, per the Ferncliff Cemetery website.

Chairperson Simon stated that this matter would be on the Planning Board's May 19, 2021 agenda for a public hearing and public discussion.

7. OLD BUSINESS

a. Case No. TB 21-04 Chapter 285 – Battery Energy Storage System Facilities – *Zoning Text [Local Law] Amendment (Referral from Town Board)*

A continuation of a work session (April 21, 2021) to discuss a zoning text [Local Law] amendment referral from the Town Board related to Battery Energy Storage System (BESS) facilities. The local law would create a special permit and related processes for BESS facilities, as a newly defined use, applicable in various Zoning Districts of the Town, using a Tier-based system for differently scaled systems. The proposed amendments would also make modifications to clarify aspects of § 285-10A(4)(b) Public Utility Structures. The Town-initiated local law was prepared with guidance from a Town Board-appointed BESS Committee, and was referred on April 14, 2021.

Due to time constraints, this item was not discussed. Mr. Schmidt reminded Board members that, should they have any questions pertaining to the proposed law, to please send them in to Commissioner Duquesne. He noted that, at the next meeting, Commissioner Duquesne plans to provide additional comments received from various agencies, to the Board.

Ms. Freitag asked is a special meeting could be arranged to discuss this matter. Mr. Fried advised that, if the Board wished to conduct a special meeting, it could, with proper notice being provided. Chairperson Simon stated that further discussion concerning a special meeting would be conducted offline.

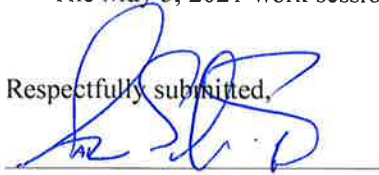
8. ESTABLISH DATE FOR NEXT MEETING

The next regularly scheduled meeting of the Greenburgh Planning Board will be held on Wednesday, May 19, 2021, and will begin at 5:00 pm via Zoom-enabled Video Conference.

9. ADJOURNMENT

The May 5, 2021 work session of the Town of Greenburgh Planning Board was adjourned at 8:20pm.

Respectfully submitted,



Aaron Schmidt
Deputy Commissioner,
Department of Community Development and Conservation