

**TOWN OF GREENBURGH
PLANNING BOARD MINUTES
GREENBURGH – NEW YORK
Wednesday – May 19, 2021**



The Work Session of the Planning Board of the Town of Greenburgh began at 5:02 pm on Wednesday, May 19, 2021, online via Zoom-enabled Video Conference.

1. ROLL CALL & ANNOUNCEMENTS

Present: Chairperson Walter Simon, Hugh Schwartz, Michael Golden, Kirit Desai (5:04 pm arrival, 7:43 pm departure), 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

2. APPROVAL OF MINUTES

Chairperson Simon asked if there were any comments to the draft minutes of May 5, 2021. Mr. Hay stated that he had a minor comment at the end of the discussion on Case No. TB 21-04 BES. He recalled that Ms. Freitag had suggested a special meeting of the Planning Board to further discuss this matter. Mr. Schmidt stated that this addition would be made.

On a motion made by Chairperson Simon and seconded by Mr. Schwartz, the Planning Board unanimously vote to approve the minutes of the May 5, 2021 meeting, as amended.

3. CORRESPONDENCE

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

Chairperson Simon stated that the Planning Board would not be taking a vote on this matter this evening. He reported that Commissioner Duquesne had sent out a summary of ideas intended to capture the positions of the Board. He stated that he would like Board members to review and make note of any items that are not included, so that a finalized document may be voted upon at the June 2, 2021 meeting. He asked if Commissioner Duquesne was present at the meeting. Mr. Fried replied that Commissioner Duquesne had stated that he would be available at the end of the meeting. Chairperson Simon stated that the Board would discuss this matter further, at the end of the meeting, if there was time.

Discussion on this item continued at approximately 7:30 p.m.

Chairperson Simon asked if there were any comments or concerns Board members wished to raise at this time, noting that his chief concern – for an applicant to coordinate with the fire departments for training – had been captured. Mr. Schwartz suggested that an applicant-proposed plan should include what is required of the fire district to fight a potential fire, and have a consultant review the plan to see if the fire district can meet the identified needs. Mr. Schwartz commented that an issue facing fire districts is a lack of volunteers. Ms. Freitag concurred, stating that one of her primary concerns is that volunteer fire departments may not have the funding or information to get the personal protective equipment (PPE) to fight BESS fires.

Mr. Schwartz stated that, just as a recreation fee is collected for subdivisions, he suggested asking the Town Board to consider a similar fee for BESS facilities, to ensure proper PPE and training are made available. Mr. Fried advised that the recreation fee is mandated by New York State, and a

similar fee first may need to be implemented by the State. Mr. Schwartz additionally suggested having training centralized if a fund were created, to invite members of the various fire districts for annual certification. He added that identifying the number of personnel needed to be trained to fight a BESS fire be addressed in the recommendation. Mr. Desai stated that he had sent the Board two documents from New York City related to BESS, and suggested that Board members consider the protocols and standards in the documents circulated. He noted that the two main points that he gathered from the documents are: (1) that a fuel cell category should be included as part of the proposed local law; and (2) that consideration should be given to the placement of BESS facilities on rooftops, with proper fire separation.

Mr. Schwartz asked if a biannual review was included the draft recommendation. Commissioner Duquesne responded that it was, and noted that he would work with staff to emphasize the points that are most important to the Planning Board. Chairperson Simon stated that a draft recommendation would be prepared for consideration at the June 2, 2021 Planning Board meeting.

4. **OLD BUSINESS**

a. **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 work session to discuss the decision of 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.

Mr. Schmidt introduced the project and noted that a draft decision had been prepared and distributed to the Board members.

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

Mr. Schwartz asked if there were any unique conditions in this decision. Mr. Schmidt responded that the only site specific condition is for the applicant to provide an as-built survey after construction is complete. Mr. Schwartz asked if this condition should be included in all future decisions. Mr. Schmidt confirmed that it could be. Chairperson Simon noted that this came up because the previous owner had not filed an as-built survey with the Building Department, so the new owner did not have one.

On a motion made by Mr. Schwartz and seconded by Mr. Golden, the Planning Board unanimously voted to approve the Steep Slope Permit application.

On a motion made by Chairperson Simon and seconded by Mr. Golden, the Planning Board unanimously voted to approve the Tree Removal Permit application.

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 20-16** Captain Lawrence, 444 Saw Mill River Road (P.O. Elmsford, N.Y.) – Amended Site Plan, Planning Board Steep Slope Permit, and Tree Removal Permit

A public hearing to discuss an amended site plan, Planning Board steep slope permit, and tree removal permit application involving the proposed construction of an approximately 15,166 sq. ft., 36 space parking lot area. The applicant's proposal would increase the total number of off-street parking spaces on the site, from 180 to 215, as one existing space will be eliminated in order to provide an additional, on-site handicap space. The applicant is proposing a new curb cut on Clearbrook Road to access the proposed parking area, along with a stairwell leading from the proposed parking lot to an existing parking area. The applicant proposes approximately 16,836.6 sq. ft. of disturbance to 15-25% slopes (STEEP SLOPES), approximately 5,209.6 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES), and approximately 322.6 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The project requires approximately 2,272 cubic yards of excavation and approximately 949 cubic yards of imported fill, requiring a fill permit from the Town Engineer. The applicant proposes the removal of 53 regulated trees, requiring a tree removal permit, and has prepared a preliminary landscaping plan calling for the planting of 23 trees and 22 shrubs, as replacement. The proposal would increase impervious surface coverage from 55.5% to 59.2%. The applicant is proposing the installation of 44 Cultec 330 XLHD chambers to handle the additional runoff from new impervious surfaces. The property consists of approximately 393,153 sq. ft. (9.03 acres) and is situated along the east side of Saw Mill River Road (Route 9A), at the intersection of Saw Mill River Road and Hunter Lane. The property is located in the PD Nonresidential Planned Development District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.120-17-1.

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

b. **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 public hearing and public discussion 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.

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

On a motion made by Mr. Golden and seconded by Ms. Freitag, the Planning Board unanimously voted to adjourn the public hearing on the Planning Board Steep Slope Permit application, to July 7, 2021.

c. **Case No. PB 20-15** Gjonbalaj, 14 Rock Hill Lane (P.O. Scarsdale, N.Y.) – Planning Board Steep Slope Permit and Tree Removal Permit

A public hearing to discuss a Planning Board steep slope permit application involving the proposed demolition of an existing guest house and stairway, and the proposed construction of a pool, pool patio with a cabana, a basement addition with a terrace above, a deck, and related improvements. The applicant is proposing the addition of three (3) rain gardens to handle the additional runoff created by impervious surfaces. The applicant proposes approximately 2,122 sq. ft. of disturbance to 15- 25% slopes (STEEP SLOPES), approximately 1,617 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES), and approximately 3,247 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The project requires approximately 218 cubic yards of excavation. The project requires the removal of six (6) regulated trees, requiring a tree removal permit, and the applicant has prepared a landscaping plan calling for the planting of 20 trees and various shrubs, as replacements. It is noted that the Planning Board issued a steep slope permit on March 29, 2018 (Case No. PB 17-23) involving a similar proposal at the site. The property consists of approximately 42,644 sq. ft. (0.98 acres) and is situated along the east side of Rock Hill Lane. 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: 8.350-252-54.

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

d. **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 public hearing 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.

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

6. **ESTABLISH DATE FOR NEXT MEETING**

The next regularly scheduled meeting of the Greenburgh Planning Board will be held on Wednesday, June 2, 2021, and will begin at 5:00 pm via Zoom-enabled Video Conference.

7. **ADJOURNMENT**

The May 19, 2021 work session of the Town of Greenburgh Planning Board was adjourned at 7:48 pm.

Respectfully submitted,



Aaron Schmidt
Deputy Commissioner,
Department of Community Development and Conservation