

**TOWN OF GREENBURGH
PLANNING BOARD MINUTES
GREENBURGH – NEW YORK
Wednesday – July 7, 2021**



The Work Session of the Planning Board of the Town of Greenburgh began at 7:00 pm on Wednesday, July 7, 2021, and was held in the auditorium of the Greenburgh Town Hall, 177 Hillside Avenue, Greenburgh, New York.

1. ROLL CALL & ANNOUNCEMENTS

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

Absent: Johan Snaggs

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

Chairperson Simon reported that Mr. Schmidt had re-circulated the results of a start-time survey conducted prior to the Covid-19 pandemic which, based on the responses received, indicated that a 7:00 pm meeting start time was preferable for applicants, applicant representatives, and civic association leaders. Chairperson Simon stated that Planning Board meetings for now would start at 7:00 pm, and added that, if virtual meetings access becomes available, the Board would review the start time of its meetings.

2. APPROVAL OF MINUTES

Chairperson Simon asked if there were any comments to the draft minutes. Mr. Hay pointed out a typographical error on page three. There were no other comments.

On a motion made by Mr. Schwartz and seconded by Mr. Hay, the Planning Board unanimously voted to approve the minutes of the June 16, 2021 work session, as amended.

3. CORRESPONDENCE

a. Case No. PB 16-25 Teverbaugh Subdivision, Woodlands Avenue North (P.O. White Plains, N.Y.) – Preliminary Subdivision 2nd Extension Request

Chairperson Simon stated that the applicant has requested a 2nd 90-day extension of its preliminary subdivision approval. He reported that the applicant actively is working with the Westchester County Department of Health to resolve certain documentation issues, and opined that he saw no reason not to grant a second, 90-day extension.

On a motion made by Chairperson Simon and seconded by Mr. Schwartz, the Planning Board unanimously voted to grant a second, 90-day extension of the preliminary subdivision approval, valid through October 18, 2021.

4. 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 21-05 Ferncliff Cemetery, 280 Secor Road (P.O. Hartsdale, N.Y.) – Planning Board Steep Slope Permit

A continuation of a public hearing to discuss a 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 project also requires amended site plan approval from the Town Board (TB 21-07). The applicant is proposing the removal of 48 regulated trees, requiring a tree removal permit from the Town Board, and has prepared a landscaping plan providing for the planting of 15 trees, 1,362 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. Hay, the Planning Board unanimously voted to adjourn the public hearing to August 4, 2021.

b. Case No. PB 19-32 Van Ness, 250 Fort Hill Road (P.O. Scarsdale, N.Y.) – Preliminary Subdivision and Tree Removal Permit

A public hearing to discuss a preliminary subdivision application and tree removal permit application involving the proposed subdivision of one (1) existing lot, approximately 67,075 sq. ft. in size, into two (2) buildable lots, for the purpose of constructing one (1) new single-family residence. Proposed Lot 7A would total approximately 33,186 sq. ft. and would be improved with one (1) new single-family residence. Proposed Lot 7B would total approximately 33,889 sq. ft. and an existing on-site residence would remain. Thirteen (13) regulated trees are proposed for removal as part of the project, requiring a tree removal permit from the Planning Board. The applicant has prepared a landscaping plan which provides for the planting of 27 new trees, as replacement. The property consists of approximately 67,075 sq. ft. and is situated on the west side of Fort Hill Road, across from the intersection of Fort Hill Road and Penny 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: 8.520-356-7.

Prior to the start of 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 the start of 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 project, under SEQRA.

On a motion made by Ms. Freitag and seconded by Mr. Schwartz, the Planning Board unanimously voted to close the public hearing and to keep the written record open through July 14, 2021.

5. OLD BUSINESS

a. Case No. TB 21-06 Regeneron, 777 Old Saw Mill River Road (P.O. Tarrytown, N.Y.) – Amended Site Plan (Town Board Referral) and Town Board Tree Removal Permit

A continuation of a work session (June 2, 2021 and June 16, 2021) to discuss a recommendation to the Town Board on an amended site plan (Town Board approval – referral to Planning Board) 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 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 project also requires area variances from the Zoning Board of Appeals. 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.

Following Mr. Schmidt's introduction of the project, Chairperson Simon stated that staff has prepared draft recommendations to the Town Board (amended site plan) and Zoning Board of Appeals (area variances). He noted that the applicant's representative is present this evening to answer any questions or provide additional input. Mr. Mark Weingarten, Esq., of DelBello Donnellan Weingarten Wise and Wiederkehr, LLP, representing the applicant, stated that there was no further presentation at this time, though he is present to answer any questions.

Chairperson Simon recalled that the applicant had indicated that five percent (5%) of the proposed parking spaces would be equipped with electric vehicle (EV) charging stations. Acknowledging the changing technology and the growing interest in electric vehicles, Chairperson Simon opined that the 5% figure may not be enough in the future, and there should be a mechanism to allow for easy increases to the number of EV charging stations without needing to go through a long process. Mr. Weingarten stated that the applicant has no objection to this, adding that the applicant may have specifics in terms of how many EV charging stations would be adequate, by the time it appears before the Town Board. Mr. Schwartz stated that the Town has to look at EV charging stations as a whole, and reiterated his request for input from the applicant regarding such a local law.

On a motion made by Mr. Hay and seconded by Mr. Desai, the Planning Board unanimously voted to issue a positive recommendation to the Town Board on the amended site plan referral, as amended, for Case No. TB 21-06.

Chairperson Simon stated that, because the overall campus site consists of multiple lots, and the applicant is proposing an enclosed bridge to connect an existing building on its campus to a future building on the campus expansion (on a separate lot), an area variance is required to reduce the setback down to zero feet. Noting that, in this instance, the applicant owns both lots, and the proposed bridge is distant from any other adjacent properties, he opined that this justifies a positive recommendation to the Zoning Board of Appeals. Mr. Hay agreed, adding that the recommendation should be revised to clearly indicate that the pedestrian bridge will cross the property line in order to connect buildings on two separate properties. Mr. Golden supported this clarification. Mr. Schwartz suggested specifying that the addition of solar panels on the rooftop of the proposed parking structure results in the requirement for certain area variances. Mr. Schmidt stated that he would make these changes.

On a motion made by Mr. Golden and seconded by Mr. Schwartz, the Planning Board unanimously voted to issue a positive recommendation to the Zoning Board of Appeals, as amended, in connection with all area variances required in connection with the project, as outlined in a memorandum issued by the Town of Greenburgh Building Inspector, Mr. Steven Fraietta, dated May 27, 2021.

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

A continuation of a work session (June 2, 2021 and June 16, 2021) to discuss a recommendation to the Town Board on an amended site plan (Town Board approval – referral to Planning Board) 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 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 project also requires an area variance from the Zoning Board of Appeals. 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.

Chairperson Simon stated that staff has prepared draft recommendations to the Town Board (amended site plan) and Zoning Board of Appeals (area variance). He added that the Planning Board would be considering a recommendation to the Town Board concerning a waiver of the requirement to install a landscaped island every 15 parking spaces within a parking lot. He opined that, requiring a landscaped island every 15 parking spaces does not make sense for a temporary parking area, and that he sees no reason why this requirement should not be waived by the Town Board. He stated that, with respect to the recommendation to the Town Board on the amended site plan application referral, it is noted that the applicant will be required to restore the temporary parking area to a wooded area after 5 years, or the applicant would be required to appear back before the Town to explain why it could not restore the parking area in this time frame.

During the discussion of the related application (item 5a above), Ms. Freitag asked who at the Town would be responsible for ensuring the temporary parking was decommissioned at the appropriate time. Mr. Schmidt responded that it would be a collection of Town staff from various departments. Ms. Freitag requested that the recommendation include a specified period of time for decommissioning and state who would be responsible for ensuring the temporary parking is decommissioned appropriately. Mr. Schmidt stated that he would include this revision.

On a motion made by Mr. Golden and seconded by Ms. Freitag, the Planning Board unanimously voted to issue a positive recommendation to the Town Board on the amended site plan referral, as amended, for Case No. TB 21-10.

On a motion made by Mr. Schwartz and seconded by Mr. Hay, the Planning Board unanimously voted to recommend the Town Board waive the requirement in the zoning ordinance that a landscaped island be installed every 15 parking spaces within the temporary parking area associated with this project.

On a motion made by Mr. Schwartz and seconded by Mr. Hay, the Planning Board unanimously voted to issue a positive recommendation to the Zoning Board of Appeals, as amended, in connection with the one (1) area variance required in connection with the project, as outlined in a memorandum issued by the Town of Greenburgh Building Inspector, Mr. Steven Fraietta, dated June 18, 2021.

Mr. Mark Weingarten, Esq., of DelBello Donnellan Weingarten Wise and Wiederkehr, LLP, representing the applicant, requested that the Planning Board consider scheduling this matter and the related project (PB 21-04 Regeneron, 777 Old Saw Mill River Road) for public hearings on the Planning Board related applications (Steep Slope Permit, Wetland/Watercourse Permit) in August, knowing that the Planning Board would be unable to close the public hearings until the Town Board completes SEQRA for each project. Mr. Schmidt stated that he anticipates the Conservation Advisory Council will have issued its recommendations to the Planning Board, by that time. Chairperson Simon stated that these projects would be discussed as part of the public hearing session of the August 4, 2021 Planning Board meeting.

c. **Case No. TB 20-11/PB 20-28** Hackley School, 293 Benedict Avenue (P.O. Tarrytown, N.Y.) – Amended Site Plan (Town Board Referral), Town Board Tree Removal Permit, and Planning Board Steep Slope Permit

A continuation of a work session (June 16, 2021) 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 construction of a new arts center building with related parking and infrastructure. The applicant is proposing to demolish the existing building and Zetkov Gymnasium and construct the new arts center building and parking area in those locations, respectfully. The new arts center building falls within the Town of Greenburgh, while the proposed parking areas are located within the Village of Tarrytown. The applicant is proposing the net addition of 64 parking spaces; 31 spaces to be built on the location of the existing Zetkov Gymnasium, 3 parallel parking spaces along the existing roadway north of the proposed parking lot, and potential future expansion to the southwest of the proposed parking area, adding a total of 29 parking spaces to existing parking lots. The applicant proposes approximately 2,330 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES) and 14,803 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The project requires approximately 28,100 cubic yards of excavation and approximately 16,900 cubic yards of imported fill, requiring a fill permit. The applicant is proposing the removal of 34 regulated trees within the Town and 35 trees within the Village, and has prepared a landscaping plan calling for the planting of 70 trees in both the Town and Village, as replacement. The project area is approximately 205,377 sq. ft. (4.72 acres), with approximately 48,800 sq. ft. (1.12 acres) located within the Town of Greenburgh. The subject property is situated on the north side of Benedict Avenue, approximately 500 feet east of the intersection of Benedict Avenue and Midland Avenue. It is located in the R-40 One-Family Residence District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.171-49-1 and 7.51-1-4 & 7.51-1-..ST.

Following Mr. Schmidt's introduction of the project, Mr. Mark Weingarten, Esq., of DelBello Donnellan Weingarten Wise and Wiederkehr, LLP, representing the applicant, stated that, as the application spans a municipal boundary, the applicant has site plan approvals required from the Village of Tarrytown and the Town of Greenburgh. Mr. Schwartz asked what the Village has jurisdiction over. Mr. Weingarten responded that the applicant is seeking to demolish the Zetkov Gymnasium and to construct a parking lot in its place, which the Village has jurisdiction over. He stated that the Village has been sharing its comments with the Town and at its last meeting, the Village had a representative who had some questions with regards to visual impacts.

Mr. Peter McAndrew, of Hackley School, provided a detailed presentation in response to comments issued at the last work session of the Planning Board, stating that the existing hillside restricts the view of areas of the proposed building with the most glass and potential for light bleed. He explained that, on the side of the proposed building facing west, a portion of the glass windows will be for classrooms, which will be shut off at night, and the other portion is for a black box theater that, while having night activities, will be blacked out. He added that the new arts center would be built into the hillside to the rear and that the applicant has had to increase the areas of proposed disturbance slightly from the original submission, as the design plans have been further detailed. Chairperson Simon

asked for further clarification as to why the area of disturbance had to be increased. Mr. Michael Junghans, P.E., of Kimley-Horn, P.C, responded that the applicant now has a better understanding of what is needed and the relation of the building to the steep slope areas. Mr. Schmidt asked the applicant to submit updated steep slope forms to the Town. Mr. Junghans confirmed that his office would.

Mr. Fried informed the applicant that, following the conclusion of the last Planning Board meeting on Zoom, the Village Engineer issued some comments, and he wanted to make sure the applicant was aware of said comments. He requested that the applicant notify the Town the next time they are scheduled to appear before the Village of Tarrytown Planning Board, so that a Greenburgh Planning Board member could attend if desired. Mr. Weingarten stated that the applicant is aware of the comments issued by the Village Engineer, and is happy to share the Village's schedule with the Town.

Mr. Schwartz opined that the applicant's presentation answered the primary concern previously raised associated with lighting, and recalled that the other question was with respect to water and sewer. Mr. Weingarten stated that those discussions were on hold with the Village until the Town Board proceeds with the SEQRA review process. He stated that the applicant is studying the effects and feasibility of switching water and sewer from the Village to the Town, at the request of the Village.

Mr. Desai asked the distance a handicapped person would have to travel from the proposed parking lot to the building, noting that s/he would have to travel up a ramp and cross two active roadways. Mr. Junghans acknowledged that it was a long distance to travel, and indicated that there is a proposed drop-off zone in front of the building to mitigate this. Ms. Freitag suggested the applicant look into adding handicap parking at the front of the building. Mr. Junghans confirmed that this would be further looked into.

Chairperson Simon, noting that the applicant has made sidewalk improvements adjacent to its site in the past, requested that the applicant consider extending a sidewalk along its frontage with Benedict Avenue, from the Castle down to the next intersection (Midland Avenue). Mr. Weingarten responded that it would discuss this with the Village. Mr. Desai asked the applicant to consider installing electric vehicle charging stations in the proposed parking lots. Mr. Weingarten responded that it would look into this. Chairperson Simon directed staff to prepare a draft recommendation to the Town Board, to be discussed at the July 21, 2021 meeting.

6. NEW BUSINESS

- a. **Case No. PB 21-12** *Liken, 85 & 89 Hillcrest Road (P.O. Hartsdale, N.Y.) – Preliminary Subdivision*
A work session to discuss a preliminary subdivision application for a proposal consisting of the resubdivision of two (2) lots into one (1) lot for the purpose of consolidating the parcels. Tax parcel 8.250-182-16, known as 89 Hillcrest Road, contains a one-family residence with related improvements, and consists of approximately 63,193 sq. ft. (1.45 acres). Tax parcel 8.250-182-17, known as 85 Hillcrest Road, contains minor improvements and landscaping, such as a pergola and a fountain, and consists of approximately 25,997 sq. ft. (0.6 acres). No site work is proposed as part of this application. The properties consist of approximately 89,190 sq. ft. (2.05 acres) and are situated on the north side of Hillcrest Road, approximately 200 feet west of the intersection of Hillcrest Road and Maple Avenue. 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: 8.250-182-16 & 8.250-182-17.

Following Mr. Schmidt's introduction of the project, Mr. Steven Accinelli, Esq., of Veneruso, Curto, Schwartz & Curto, LLP, representing the applicant, stated that the applicant is not proposing any changes to the physical characteristics of the site and just seeks to consolidate the properties as a matter of convenience. Mr. Schwartz asked if the properties are two tax lots or two parcels, noting

that it is possible to have two tax lots on the same property. He asked if the property was ever subdivided. Mr. Accinelli responded that it was two parcels under two lot numbers, and he could check with Westchester County to find out if the property had been subdivided. Mr. Schmidt stated that he would check with the Town Assessor's office to see if they have information related to a subdivision, and suggested scheduling this matter for a public hearing in the event a subdivision still is necessary to combine the lots. Chairperson Simon stated that this matter would be discussed at a public hearing on July 21, 2021, if required.

7. **ESTABLISH DATE FOR NEXT MEETING**

The next regularly scheduled meeting of the Greenburgh Planning Board will be held on Wednesday, July 21, 2021, and will begin at 7:00 pm located in Town Hall.

8. **ADJOURNMENT**

The July 7, 2021 work session of the Town of Greenburgh Planning Board was adjourned at 8:54 pm.

Respectfully submitted,



Aaron Schmidt
Deputy Commissioner,
Department of Community Development and Conservation