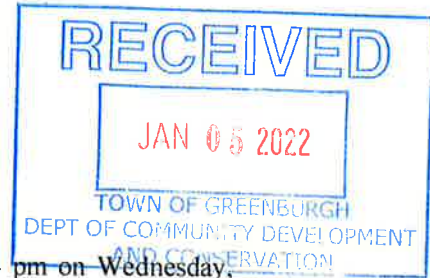




**TOWN OF GREENBURGH
PLANNING BOARD MINUTES
GREENBURGH – NEW YORK
Wednesday – December 7, 2022**



The Work Session of the Planning Board of the Town of Greenburgh began at 7:04 pm on Wednesday, December 7, 2022, and was held both in-person at Town Hall, located at 177 Hillside Avenue, Greenburgh, New York, and online via Zoom-enabled videoconference. It further was simulcast over cable television and the Town of Greenburgh website.

1. ROLL CALL & ANNOUNCEMENTS

Present: Chairperson Hugh Schwartz, Thomas Hay, Michael Golden, Johan Snaggs, Walter Simon (Videoconference Voting Member), and Kirit Desai (Videoconference Voting Member)

Absent: Mona Freitag and Leslie Davis (Alternate Member)

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

2. APPROVAL OF MINUTES

Chairperson Schwartz asked if there were any comments to the draft minutes of November 16, 2022. Mr. Simon asked if, in the discussion on the approval of the minutes, it should read that Mr. Schmidt *will* include the change, rather than that it had been included. Mr. Schmidt stated that Mr. Simon's comments already had been included in those draft minutes (November 2, 2022) and, therefore, a revision was not necessary. Chairperson Schwartz asked if there were any other comments. There were none. On a motion made by Mr. Hay and seconded by Mr. Snaggs, the Planning Board unanimously voted to approve the minutes of the November 16, 2022 work session, as written.

3. CORRESPONDENCE

a. Case No. PB 17-06 NRSF Subdivision, *Ardsley Road & Sprain Road (P.O. Scarsdale, N.Y.) – 2nd Preliminary Subdivision Extension Request*

Mr. Schmidt reported that the applicant has requested a 2nd extension of its preliminary subdivision approval, as it is working with the Westchester County Department of Health. He added that the applicant anticipates being finished with the County within the 180 day extension window.

On a motion made by Mr. Golden and seconded by Mr. Simon, the Planning Board unanimously voted to grant an additional 180 day extension of the preliminary subdivision approval, valid through June 16, 2023.

b. Case No. PB 21-03 Marron Subdivision, *710 Ardsley Road (P.O. Scarsdale, N.Y.) – 2nd Preliminary Subdivision Extension Request*

Mr. Schmidt reported that the applicant has requested a 2nd extension of the preliminary subdivision approval, as it is working with the Westchester County Department of Health. He added that the applicant anticipates being finished with the County within the 180 day extension window.

On a motion made by Mr. Golden and seconded by Mr. Snaggs, the Planning Board unanimously voted to grant a 180 day extension of the preliminary subdivision approval, valid through July 4, 2023.

- c. **Case No. PB 15-22** Baum Subdivision, 50 Mulligan Lane (P.O. Irvington, N.Y.) – Request related to utility services

Mr. Schmidt reported that the applicant is in the process of developing the site, and that Con-Edison identified that the existing overhead utility lines, servicing the two (2) existing homes in the area, are in need of repair. He stated that Con-Edison is willing to replace these utility poles and overhead lines, and that the applicant will install the service lines to each of the new homes within the subdivision, underground, as required pursuant to the final subdivision approval letter.

On a motion made by Mr. Hay and seconded by Mr. Snaggs, the Planning Board unanimously voted to confirm that the repairs proposed by Con-Edison to the existing utility lines are not in conflict with the final subdivision approval.

4. **OLD BUSINESS**

- a. **Case No. PB 22-09** Metropolis Country Club, 289 Dobbs Ferry Road (P.O. White Plains, N.Y.) – Planning Board Steep Slope Permit

A work session to discuss the decision of a Planning Board steep slope permit application involving the proposed construction of two (2) new buildings, including: 1) an approximately 10,788 sq. ft. turf care facility; and 2) an approximately 2,777 sq. ft. sprayer storage building, together with 21 off-street parking spaces and one (1) loading space. The applicant proposes a new vehicular connection to access the proposed buildings. The applicant proposes approximately 52,108 sq. ft. of disturbance to 15-25% slopes (STEEP SLOPES), approximately 10,787 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES), and approximately 4,705 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The project requires approximately 19,000 cubic yards of excavation and approximately 1,000 cubic yards of imported fill, requiring a Fill Permit from the Bureau of Engineering. The applicant proposes the addition of 84 Stormtech SC-740 units to handle runoff from impervious surfaces. The applicant proposes the removal of 25 regulated trees and has prepared a landscaping plan providing for the planting of eleven (11) trees and eleven (11) shrubs, as replacement. The project requires amended site plan and tree removal permit approvals from the Town Board (TB 22-04). The subject property consists of approximately 125.4 acres (5,750,500 sq. ft.), 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: 8.141-94-18, 11, & 12.

Mr. Schmidt stated that a draft decision on the steep slope permit had been circulated, and reported that the Town Board granted amended site plan and tree removal permit approvals on November 29, 2022. He added that no comments were received during the written record period following closure of the Planning Board's public hearing. Mr. Simon expressed his appreciation that the Town Board took notice of the condition of Juniper Hill Road and that some significant improvements will be made to it. Mr. Schmidt stated that the draft decision includes conditions that the applicant and its successors must comply in full with the Town Board's decision, and that the Bureau of Engineering must confirm that the stormwater system is designed for a 100-year storm event, as represented by the applicant.

On a motion made by Mr. Hay and seconded by Mr. Snaggs, the Planning Board unanimously voted to approve the steep slope permit application.

- b. **Case No. PB 21-32** Midway Shopping Center, 913-999 Central Park Avenue South, (P.O. Scarsdale, N.Y.) – Amended Site Plan, Special Permit, Tree Removal Permit, Planning Board Shared Parking Reduction Request, and Planning Board Waivers Request

A work session to discuss the decision of a Planning Board amended site plan application, special permit (Tier 2 Battery Energy Storage System) application, tree removal permit application, Planning Board shared parking reduction request, and Planning Board waivers request involving the proposed installation of two (2) Tesla Megapacks of 16 units each, for a total system capacity of 5,798.4 kWh. The installation is proposed to occupy a footprint of approximately 766 sq. ft. and will be 97 feet from the nearest property line, where 100 feet is required and 50 feet is allowable via a waiver from

the Planning Board, and 56 feet from the nearest building, where 100 feet is required and 10 feet is allowable via a waiver from the Planning Board. The applicant proposes the removal of one (1) regulated tree from the subject property, requiring a tree removal permit from the Planning Board. The applicant has prepared a landscape restoration plan which calls for the planting of five (5) evergreen trees, as replacement. The project involves the removal of three (3) existing off-street parking spaces, necessitating a shared parking reduction from the Planning Board (1,150 previously approved; 1,147 proposed), pursuant to § 285-38D(5) of the zoning ordinance. The property consists of 14.1 acres (612,976 sq. ft.), 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 Schwartz stated that this project and Case No. PB 21-33 are very similar, and while the Board will be considering votes on each of them individually, some of the discussion this evening will apply to both projects. He stated that this project formally was submitted in September of 2021 and, even before that, while the Town was finalizing its battery energy storage system (BESS) law, the project team expressed an interest in building a BESS facility at this location. He stated that, throughout the process, the Greenville Fire District has been involved and feedback has been requested from its office. He reported that, approximately one (1) week after the close of the written record, the Greenville Fire District submitted a letter requesting an additional eight (8) weeks to hire a consultant and complete its review of the project. Chairperson Schwartz stated that, as the letter was submitted after the closure of the written record, the Board could not accept it, and the Board provided the Fire District with a written response to that effect. Chairperson Schwartz further reported that the Board received a second letter from the Greenville Fire District shortly before tonight's meeting, giving little time for staff and the Board to react to it. Nevertheless, staff had an opportunity to review it, as a courtesy to the Greenville Fire District, with the Planning Board's consultant for the project. No revisions were made to the draft decision following review. Chairperson Schwartz, on behalf of the Board, felt confident that a thorough review of the project was undertaken and that, with respect to compliance with certain technical standards as outlined in the Code, the Board has relied on the review of its professional consultant for the project. He believe that the Board is in position to make a decision that is safe and harmonious with the surrounding community.

Mr. Schmidt provided an overview of the application and stated that the Board has several votes up for its consideration this evening, the first of which is a SEQRA determination.

On a motion made by Mr. Simon and seconded by Mr. Desai, the Planning Board unanimously voted to classify the proposed action as an Unlisted action, under SEQRA.

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.

Mr. Schmidt stated that the draft Planning Board decision details the comprehensive review conducted by the Board for this project. It includes findings and conditions which follow the standards and requirements as outlined in Section 285-37.1 of the Zoning Ordinance, related to the special permit component of the project, Section 285-57, related to the amended site plan, Chapter 260 related to the tree removal permit, and 285-38D(5), related to the shared parking reduction request. Should the project be approved, the Board's decision includes a comprehensive list of requirements that the Applicant must comply with, before the system is operational, including, but not limited to a: (1) Commissioning Plan; (2) Fire Safety Compliance Plan; (3) Operation, Maintenance, and Monitoring Manual; (4) Emergency Operations Plan; (5) Decommissioning Plan; (6) One- or Three-line Electrical Diagram; (7) Preliminary Equipment Specification Sheet; (8) Hazard Mitigation Analysis; and (9) Traffic Safety Circulation Plan in accordance with Section 285-37.1D of the Zoning Ordinance. The decision also requires that the Applicant provide two (2) sets of the complete building permit application to the Greenville Fire District, prior to the issuance of a building permit, allowing for further coordination with the Fire District as the project progresses.

Mr. Schmidt stated that the draft decision requires the applicant to provide training to first responders, a schedule of which shall be provided to the Building Inspector. Chairperson Schwartz clarified that the training also would be provided for mutual aid fire districts. Mr. Schmidt stated that the draft decision requires a \$5,000 up-front cash payment from the applicant, to be placed in an escrow account and drawn down as needed to refund the Greenville Fire District for appropriate personal protective equipment (PPE). He added that staff contacted the Greenville Fire District Chief in an attempt to obtain an appropriate figure for PPE, however, he did not receive a response. Chairperson Schwartz noted that staff did reach out to the Town's consultant and other fire district professionals who advised that \$5,000 was a reasonable up-front fee for any additional PPE required.

Mr. Golden asked what PPE would be purchased with the funds. Chairperson Schwartz responded that it would likely be an air tank and breathing apparatus. Mr. Golden stated that fire districts already have that equipment, and asked what new and specific equipment is needed to respond to a BESS fire. He stated that he was against the \$5,000 escrow unless the Fire District specifies what different equipment it needs, that it does not already have. Mr. Schmidt stated that the draft decision can be amended to provide for this language, if the Board is in agreement. Mr. Simon felt that Mr. Golden raised a good point, and noted that the Fire District has consistently not responded to requests for information. He opined that the decision should outline that the Board has repeatedly reached out to the Fire District for input. Mr. Golden thanked Mr. Simon and clarified that he did not think the applicant should pay any money unless the Fire District can identify equipment it does not have, but needs, to respond to a BESS fire. Chairperson Schwartz suggested a 45-day time limit for the Fire District to respond with specifics. Mr. Snaggs opined that the escrow is a buffer, and expressed concern about possibly neglecting the opportunity to provide necessary safety equipment. Chairperson Schwartz noted that the decision is proposed to be modified to provide the Fire District with 45 days to come up with a list of equipment it needs to fight BESS fires that it does not currently have in its possession, and at that point the applicant would provide the funding for any additional equipment, up to \$5,000. Mr. Snaggs asked if the applicant had previously agreed to the escrow. Mr. Schmidt responded that the draft decision was provided to the applicant, and no comments or objections to the escrow were provided. Mr. Golden, in response to Mr. Snaggs' concern, stated that if the Fire District needs equipment, it will buy the equipment, and felt the question was about reimbursement.

On a motion made by Mr. Golden and seconded by Mr. Snaggs, the Planning Board unanimously voted to grant a shared parking reduction of three (3) parking spaces, from 1,150 spaces (required) to 1,147 spaces (approved).

On a motion made by Mr. Golden and seconded by Mr. Snaggs, the Planning Board unanimously voted to approve the amended site plan application, as amended.

On a motion made by Mr. Golden and seconded by Mr. Hay, the Planning Board unanimously voted to approve the special permit application, as amended.

On a motion made by Mr. Hay and seconded by Mr. Snaggs, the Planning Board unanimously voted to approve the tree removal permit application, as amended.

On a motion made by Mr. Golden and seconded by Mr. Snaggs, the Planning Board unanimously voted to approve the Planning Board waivers request, as amended.

- c. **Case No. PB 21-33** Greenville Shopping Center, 799-855 Central Park Avenue South, (P.O. Scarsdale, N.Y.) – Amended Site Plan, Special Permit, Tree Removal Permit, Planning Board Shared Parking Reduction Request, and Planning Board Waivers Request

A work session to discuss the decision of a Planning Board amended site plan application, special permit (Tier 2 Battery Energy Storage System) application, tree removal permit application, Planning Board shared parking reduction request, and Planning Board waivers request involving the proposed

installation of two (2) Tesla Megapacks of 16 units each, for a total system capacity of 5,798.4 kWh. The installation is proposed to occupy a footprint of approximately 766 sq. ft. and will be 70 feet from the nearest property line, where 100 feet is required and 50 feet is allowable via a waiver from the Planning Board, and 72 feet from the nearest building, where 100 feet is required and 10 feet is allowable via a waiver from the Planning Board. The applicant proposes the removal of one (1) regulated tree from the subject property, requiring a tree removal permit from the Planning Board. The applicant has prepared a landscape restoration plan which calls for the planting of five (5) evergreen trees, as replacement. The project involves the removal of six (6) existing off-street parking spaces, necessitating a shared parking reduction of three (3) spaces from the Planning Board (486 required; 489 existing; 483 proposed), pursuant to § 285-38D(5) of the zoning ordinance. The property consists of 7.05 acres (306,967 sq. ft.), 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: 8.460-328-1.

Chairperson Schwartz stated that this application is virtually identical to Case No. PB 21-32 and, therefore, the modifications that Mr. Golden requested to the escrow language would be made to the decision on this project, as well. Mr. Hay noted that the one (1) primary difference relates to the Planning Board waivers request for distance from the facility to the nearest building and property line. Mr. Schmidt provided an overview of the project and information regarding the necessary votes for the application.

On a motion made by Mr. Golden and seconded by Mr. Hay, the Planning Board unanimously voted to classify the proposed action as an Unlisted action, under SEQRA.

On a motion made by Mr. Golden and seconded by Mr. Snaggs, 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 approve the amended site plan application, as amended.

On a motion made by Mr. Hay and seconded by Mr. Snaggs, the Planning Board unanimously voted to approve the special permit application, as amended.

On a motion made by Mr. Snaggs and seconded by Mr. Golden, the Planning Board unanimously voted to approve the tree removal permit application, as amended.

On a motion made by Mr. Golden and seconded by Mr. Snaggs, the Planning Board unanimously voted to approve the Planning Board waivers request, as amended.

On a motion made by Mr. Snaggs and seconded by Mr. Golden, the Planning Board unanimously voted to grant a shared parking reduction of three (3) spaces, from 486 spaces (required) to 483 spaces (approved).

d. **Case No. PB 22-05** Secor Woods, *Vacant Lots – Secor Road (P.O. Hartsdale, N.Y.) – Preliminary Subdivision and Tree Removal Permit*

A continuation of a work session (July 20, 2022, November 2, 2022, and November 16, 2022) to discuss a preliminary subdivision application involving the proposed resubdivision of four (4) existing lots into four (4) building lots and one (1) lot for a proposed roadway, built to Town standards. One of the existing lots currently is occupied by a commercial building, proposed to be removed. The remaining three (3) lots are vacant. The applicant proposes the construction of four (4) new single-family homes, with related improvements. The applicant proposes a total of 20 Cultec 330 XLHD stormwater detention units, spread across the four (4) lots proposed to be improved with one-family residences, to handle stormwater runoff created by new impervious surfaces. The applicant proposes three (3) drywells to handle stormwater runoff created from the newly proposed

roadway. The project requires approximately 500 cubic yards of excavation and 0 cubic yards of imported fill. The applicant proposes the removal of approximately 30 regulated trees, requiring tree removal permit approval from the Planning Board, and has prepared a landscaping plan which provides for the planting of twenty-six (26) new trees, as replacement. The project as proposed requires one (1) area variance from the Zoning Board of Appeals: Driveway side yard setback from 10 feet (required) to 2.5 feet (proposed). The subject properties consist of approximately 46,600 sq. ft. and are situated on the southerly side of Secor Road, midway between the intersection of Secor Road and Ivy Place and the intersection of Secor Road and Eastway. The properties are situated in the R-7.5 One-Family Residence District, and are designated on the tax map of the Town as Parcel ID: 8.170-103-6, 7, 8, 9.

Chairperson Schwartz reported that the Zoning Board of Appeals (ZBA) issued no objection to the Planning Board's declaration of intent to serve as lead agency, for purposes of SEQRA review. On a motion made by Mr. Snaggs and seconded by Mr. Desai, the Planning Board unanimously voted to declare itself lead agency for purposes of SEQRA review.

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

On a motion made by Mr. Snaggs and seconded by Mr. Hay, the Planning Board unanimously voted to issue a negative declaration for the proposed action, under SEQRA.

Mr. Schmidt stated that the project is scheduled to be discussed with the ZBA next week (12/15) and one (1) area variance is required, due to the turning radius involved with the roadway termination, in order to meet NYS Fire Code, resulting in the driveway encroaching into the side yard setback for Lot 1. He recalled that the Planning Board issued a positive recommendation to the ZBA on a similar area variance for the Teverbaugh subdivision on Van Cott Avenue. He explained that, if the applicant receives the requested area variance, it would appear back before the Board for a public hearing on the subdivision and tree removal permit applications, and that questions on snow storage and landscaping would be addressed as part of the public hearing. Mr. Golden asked if the driveway encroachment area could be surfaced with permeable pavers. Mr. Schmidt stated that there are pavers proposed within portions of each of the driveways already, so it likely could be accommodated, though it would need to be determined if the pavers would be able to support the weight of a fire engine. Mr. Emilio Escaladas, P.E., R.A., representing the applicant, stated that the subsoil would be compacted and the pavers could support the vehicle. Mr. Schmidt noted that pavers are proposed at the ends of the driveways and asked if there was any objection to converting from pervious pavers to grasscrete pavers. Mr. Escaladas issued no objection.

Mr. Golden opined that the Board should issue a positive recommendation on the area variance, noting that the turning area is not needed from a practical standpoint, as a fire truck will back out from the new roadway to Secor Road when exiting the site, but is required as part of the NYS Fire Code, and the applicant would be making that area permeable. Mr. Desai agreed.

On a motion made by Mr. Golden and seconded by Mr. Simon, the Planning Board unanimously voted to issue a positive recommendation to the Zoning Board of Appeals on the one (1) required area variance, recommending that the applicant use grasscrete in the area of the variance.

Mr. Schmidt stated that he would transmit the recommendation and negative declaration to the ZBA, ahead of its meeting.

5. **PUBLIC HEARINGS 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 22-11** Vulpone, 63 Donald Drive (P.O. Hastings-on-Hudson, N.Y.) – Planning Board Steep Slope Permit

A public hearing to discuss a Planning Board steep slope permit application involving the proposed construction of a retaining wall and related improvements, on an existing one-family residential property. The applicant previously constructed a retaining wall without proper permits, which has since collapsed and is in need of replacement. In connection with the project, the applicant proposes approximately 510 sq. ft. of disturbance to 15-25% slopes (STEEP SLOPES), approximately 826 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES), and approximately 383 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The project requires approximately 60 cubic yards of excavation and approximately 372 cubic yards of imported fill, requiring a Fill Permit from the Bureau of Engineering. The property consists of approximately 20,379 sq. ft. (0.47 acres) and is situated on the northerly side of Donald Drive, approximately 200 feet from the intersection of Donald Drive and Hastings Close. 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: 8.610-422-11.

Following its discussion, the Planning Board adjourned this public hearing to its January 4, 2023 meeting.

b. **Case No. PB 22-17** Stevanovic, 5 Chalford Lane (P.O. Scarsdale, N.Y.) – Planning Board Steep Slope Permit

A public hearing to discuss a Planning Board steep slope permit application involving the proposed construction of a pool, patio, and related improvements, on an existing one-family residential property. The applicant additionally proposes drainage improvements to the rear yard in the form of twelve (12) Cultec 330 XLHD units. The applicant proposes approximately 1,144 sq. ft. of disturbance to 15-25% slopes (STEEP SLOPES), approximately 66 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES), and approximately 175 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The project requires approximately 322 cubic yards of excavation and approximately 0 cubic yards of imported fill. The property consists of approximately 24,729 sq. ft. (0.57 acres) and is situated on the easterly side of Chalford Lane, approximately 120 feet from the intersection of Chalford Lane and Inverness Road. 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: 8.590-409-9.

On a motion made by Mr. Golden and seconded by Mr. Hay, the Planning Board unanimously voted to close the public hearing and to leave the written record open through December 19, 2022.

6. **NEW BUSINESS**

a. **Case No. PB 22-22** Saunders, 1 St. Mary's Place (P.O. White Plains, N.Y.) – Preliminary Subdivision and Tree Removal Permit

A work session to discuss a preliminary subdivision and tree removal permit application involving the proposed subdivision of one (1) lot containing an existing one-family residence into two (2) lots, for the purpose of constructing a single-family home on the newly created lot. The existing on-site residence is to remain on proposed Lot 1. The applicant proposes a new curb cut on Salem Road for access to proposed Lot 2. The applicant proposes a total of 22 Cultec chambers to handle stormwater runoff created by new impervious surfaces on proposed Lot 2. The applicant proposes the removal of three (3) regulated trees, requiring a tree removal permit, and is in the process of preparing a landscaping plan in conformance with Chapter 260 of the Town Code. The property consists of approximately 33,558 sq. ft. (0.77 acres) and is situated on the northwest side of the intersection of

St. Mary's Place and Salem Road. The property is located in an R-15 One-Family Residence District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.130-28-1.

Following Chairperson Schwartz's brief introduction of the project, Mr. Thomas Kohany, P.E., of Hudson Engineering, representing the applicant, provided a detailed presentation on the proposed subdivision. Mr. Schmidt stated that the applicant is working on a landscaping plan with staff. Mr. Kohany added that the presented plan is a conceptual plan, showing a maximum buildout of the proposed lot. Mr. Golden observed that the proposed driveway appears lengthy, and asked if the house could be rotated so the garage door faces the street. Chairperson Schwartz asked if the front of the house is facing the street. Mr. Kohany responded that it is. Chairperson Schwartz asked if, from a design perspective, it would be difficult to move the garage to the front of the house. Mr. Kohany confirmed this as accurate. Mr. Golden asked if the applicant planned on constructing the new home on the lot to be created. Mr. Kohany responded that the applicant did not plan to build, just to sell the land. Mr. Schmidt added that the project would have an approved limit of disturbance within which any developer of the property must build.

Chairperson Schwartz asked if the Board could require a future developer of the land to appear back before the Planning Board, to review the final design. Ms. Magana responded that this would be acceptable. Chairperson Schwartz stated that most of the time, although not always, the Board discusses a project with a developer that plans to develop the site immediately, and that is why he would request that, as a condition of any subdivision approval, the developer of the newly created lot be required to appear back before the Planning Board, to review the final design. He noted that, in this scenario, the subdivision would be approved, however, it would include a condition that the Board review the final improvement plan prior to it moving forward.

Mr. Simon observed that the stormwater report indicates the system is designed for a 50-year storm event, and asked for clarification on the provided chart, as the figures for the 60-minute and 1-hour storm events are different, which he did not understand. Mr. Kohany explained that the different columns are different ways to analyze the data, which in Westchester is a 24-hr extreme storm event. Mr. Simon requested that additional clarification be provided ahead of the next meeting where this project is discussed. Mr. Kohany agreed to provide such clarification.

Chairperson Schwartz scheduled the project for a public hearing on January 4, 2023. Mr. Schmidt stated that staff would be in contact regarding the required public hearing signage and notices.

b. Case No. PB 22-25 X-Golf, 870 Central Park Avenue South (P.O. Scarsdale, N.Y.) – Planning Board Special Permit (Fully Enclosed Commercial Recreation Facility)

A work session to discuss a Planning Board special permit (fully enclosed commercial recreation facility) application involving the proposed re-use of a vacant, approximately 8,840 sq. ft. single-story commercial building as an indoor golf simulator facility, with accessory eating and drinking. No changes are proposed to the footprint of the building or to the site. The proposed use requires 45 parking spaces, where 45 parking spaces exist on-site. Existing stormwater management systems will continue to handle stormwater runoff from impervious surfaces. The property consists of approximately 64,469 sq. ft. (1.49 acres) and is situated on the easterly side of Central Park Avenue, approximately 300 feet from the intersection of Central Park Avenue 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: 8.530-362-4.

Mr. Keith Betensky, Esq., of Betensky Law, representing the applicant, provided a detailed presentation of the project, involving the proposed re-use of a vacant single-story commercial building as an indoor golf simulator facility, requiring a special permit from the Planning Board. Mr. Hay asked how customers would check in. Mr. Peter Gilmore, project applicant, stated that there is no central check-in, so customers likely would check in at the bar area. He added that reservations are made ahead of time and, if the facility is busy, a central check-in location could be set up.

Chairperson Schwartz asked if the facility would be members-only or open to the public. Mr. Gilmore responded that it would be open to the public. Chairperson Schwartz asked what the proposed hours of operation are. Mr. Gilmore responded that hours are not yet set, however, he envisions them being from roughly 8:00 am to 10:00 pm. Chairperson Schwartz asked the status of the applicant's liquor license. Mr. Gilmore responded that he has recently re-filed the 30-day notice.

Chairperson Schwartz stated that the Board recently approved a very similar facility nearby, and asked if the applicant felt there is enough demand for both facilities. Mr. Gilmore responded that he felt there would be enough demand, after researching the demographics of the area. Mr. Golden asked how much noise escapes the facility. Mr. Gilmore responded that no noise would escape the facility. Chairperson Schwartz asked how many of these franchises exist. Mr. Gilmore responded that there are about 70 existing, with another 45 in process. Mr. Schmidt asked if the applicant anticipated making improvements to the building for insulation or noise attenuation, among other things. Mr. Gilmore responded that the screens that golf balls are hit into are baffled, and no changes to the building are proposed. Mr. Hay noted that there are no residences behind the property.

Chairperson Schwartz stated that he is concerned about noise outside the building from people congregating and talking, and asked what is proposed to be done to address that issue. Mr. Gilmore responded that he plans to have a full security system inside and outside, and would move along problem customers if it was an issue. Mr. Schmidt noted that the similar application, which the Chairperson mentioned, was approved with a condition that security cameras with a microphone be installed, to encourage patrons to vacate the premises. Chairperson Schwartz asked if there are any changes proposed to the lighting. Mr. Gilmore responded that there are no changes proposed to the lighting, and that it is up to Code. Chairperson Schwartz asked for more information concerning deliveries of food. Mr. Gilmore responded that there will be occasional deliveries of food, but there will be no on-site grilling or fresh preparation of food.

Mr. Desai observed that the plan shows a bike rack and asked if the applicant is going to keep it. Mr. Schmidt clarified that it is an existing bike rack, and the provided plan is a markup of the plan that was prepared for Walgreens. He requested that the applicant provide a plan specifically designed for the proposed use, ahead of the next meeting. He asked if the applicant planned on keeping the bike rack. Mr. Gilmore responded that the bike rack could be kept. Chairperson Schwartz asked if the applicant could submit a revised and updated plan by December 16th. Mr. Betensky replied that the applicant will do its best to meet this timeline. Mr. Schmidt stated that staff can assist with what is needed. Chairperson Schwartz scheduled the project for a public hearing on January 4, 2023. Mr. Schmidt stated that staff would coordinate with the applicant on the required public hearing signage and noticing.

7. **ESTABLISH DATE FOR NEXT MEETING**

The next regularly scheduled meeting of the Greenburgh Planning Board will be held on Wednesday, January 4, 2023, and will begin at 7:00 pm.

8. **ADJOURNMENT**

The December 7, 2022 work session of the Town of Greenburgh Planning Board was adjourned at 9:32 pm.

Respectfully submitted,



Aaron Schmidt
Deputy Commissioner,
Department of Community Development and Conservation