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**TOWN OF GREENBURGH
PLANNING BOARD MINUTES
GREENBURGH – NEW YORK
Wednesday – February 5, 2025**

**TOWN OF GREENBURGH
DEPARTMENT OF COMMUNITY
DEVELOPMENT & CONSERVATION**

The Work Session of the Planning Board of the Town of Greenburgh began at 7:02 pm on Wednesday, February 5, 2024, and was held in-person at Town Hall, located at 177 Hillside Avenue, Greenburgh, New York, and online via Zoom-enabled videoconference. It was also simulcast over cable television and on the Town of Greenburgh website.

1. ROLL CALL & ANNOUNCEMENTS

Present: Acting Chairperson Leslie Davis, Michael Golden, Dylan Pyne, Michele Moir (Remote Participant), and Edwin Weinberg (Alternate Voting Member)

Absent: Kirit Desai and Johan Snaggs

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

2. APPROVAL OF MINUTES

Acting Chairperson Davis asked if there were any comments on the draft minutes of the January 15, 2025 Planning Board Work Session prepared by staff. There were no comments. On a motion made by Mr. Weinberg and seconded by Mr. Pyne, the Planning Board unanimously voted to approve the minutes of the January 15, 2025 Work Session, as written.

3. CORRESPONDENCE

4. NEW BUSINESS – WORK SESSION

a. Case No. PB 24-09 Chao, Clayton Road (P.O. Scarsdale, N.Y.) – Preliminary Subdivision, Wetland/Watercourse Permit, and Tree Removal Permit

A work session to discuss Preliminary Subdivision, Wetland/Watercourse Permit, and Tree Removal Permit application consisting of the subdivision of one (1) existing tax lots into three (3) lots to facilitate the construction of two (2) new single-family homes, and related improvements. The homes are proposed to have access on Clayton Road via a separate lot with a shared roadway, improved to meet NYS Fire Code standards. A watercourse runs across the property's frontage with Clayton Road and a Wetland/Watercourse Permit is required. The Applicant proposes approximately 1,000 cubic yards of excavation and no imported fill. The Applicant proposes the removal of 19 regulated trees, requiring a Tree Removal Permit, and has prepared a landscaping plan providing for the planting of nine (9) trees, as replacement. The Building Inspector has determined that the following area variances are required: (1) Lot 1 street frontage, from 25 feet (required) to 0 feet (proposed); (2) Lot 2 street frontage, from 25 feet (required) to 0 feet (proposed); (3) Lot 3 driveway setback from west property line, from 18 feet (required) to 15 feet (proposed); and (4) Lot 3 driveway setback to east property line, from 18 feet (required) to 15 feet (proposed). This property previously received Final Subdivision and Wetland/Watercourse Permit approval to combine three (3) lots into the one lot that now exists, as part of Case No. PB 22-10. That project was for a single-family home, for which a Building Permit was never applied for. The property consists of approximately 89,841 sq. ft. (2.06 acres) and is situated on the easterly side of Clayton, approximately 450 feet north of the intersection of Clayton Road and Sheridan Road. 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: 8.400-281-31.

Robert Bernstein, Esq., representing the Applicant, provided a detailed presentation of the project. He explained that this site was previously combined from three (3) tax lots into one (1) buildable lot

as part of Case No. PB 22-10, with the intention of selling the property to a developer. He stated that that deal fell through so now the Owners feel it is best to subdivide the property into three (3) total lots: two (2) lots for new single-family residences and one (1) lot for a roadway access strip. Mr. Bernstein noted that area variances are required for lack of frontage on a road improved to Town standards and side yard setbacks for the access road, for each of the two (2) buildable lots. He added that the concept of a subdivision in this style has been done before as part of Case No. PB 16-25, which was a three (3) lot subdivision on a private road requiring the same types of area variances. Mr. Bernstein stated that a zoning-compliant configuration of the subdivision could be made, with a 26-foot-wide road and cul-de-sac, though it would require a significant amount of additional impervious surfaces and disturbance, and would be inconsistent with the character of the neighborhood. Mr. Bernstein indicated that an existing watercourse along the property's frontage with Clayton Road would be piped, like the previous approval, and 19 regulated trees are proposed for removal. Mr. Golden asked why only nine (9) trees are proposed to replace the 19 trees to be removed. Mr. Schmidt responded that he has not yet confirmed that the proposal meets the requirements of Chapter 260, noting that some trees could be dead or invasive, and stated that he would have clarity ahead of any SEQRA determination.

Mr. Golden supported the narrower access road and asked how it would be maintained. Mr. Bernstein responded that it would be maintained by the residents and would not be dedicated to the Town. Mr. Golden asked if the Applicant would be building out any of the subdivision improvements, if approved. Mr. Bernstein responded that the Applicant would not be doing any work, as the intention is to obtain approval and then sell the properties to a developer. He noted that the Applicant will have to designate which property owns the access strip. Mr. Golden suggested speaking with Town Staff, as while it seems simple with only two (2) homeowners, people can disagree which may lead to issues. Mr. Bernstein stated that a homeowner's association (HOA) or other agreement would be included. Ms. Magana did not feel that an HOA was strictly necessary as a shared maintenance agreement could accomplish the same effect.

Mr. Pyne asked if the project would be back before the Board if the Applicant obtained approval and a developer purchased the property desiring to construct the homes. Mr. Schmidt responded that it would be unlikely because the Applicant will be designating limits of disturbance and if the homes are proposed to be built within the limits of disturbance, no further Board review is necessary. Mr. Pyne agreed with Mr. Golden's support of the 20-foot-wide access driveway and asked how parking would be restricted and enforced. Ms. Magana responded that signage would restrict parking, and violations could be issued by the Building Department. Mr. Schmidt added that the Applicant proposes a fire access easement to both lots and no parking would be permitted within the easement. Mr. Britton noted that he had spoken with the Greenville Fire Chief, who indicated that a new fire hydrant is not needed, though he stated that he did not want vehicles to park in the access strip. Ms. Davis opined that people will want to park in what they see as their driveway and asked how it would be enforced. Mr. Bernstein surmised that people will want to park as close to their house as possible. Mr. Schmidt noted that there will likely be garages and the Board could request to see if there is room for a few cars in the driveway, outside the easement. He added that, while not common, the Board does have the ability to condition that it reviews architectural elevations at the time of submission to the Building Department to confirm that there is a two (2) car garage and ample parking for guests. Mr. Bernstein suggested that this could be a condition of any approval of the subdivision, without the need to return to the Planning Board.

Ms. Moir asked if the location of the replacement trees and drywells is conceptual or finalized. Mr. Schmidt responded that Town Code requires the features to be shown on the plans, but they may shift when a Building Permit is applied for. He added that the Town Engineer would take any required separation of drywells to structures or vegetation into account when reviewing the Stormwater Permit. Mr. Weinberg asked if the Town had a requirement for fire access width. Mr. Schmidt responded that the Town relies on New York State Fire Code, which requires a 20-foot wide access in certain layouts, such as that proposed by the Applicant. Mr. Weinberg asked what would happen if one party did not want to plow or maintain the access road. Ms. Magana responded that that would

be a private action between the property owners, noting that some fire apparatus have plows and can charge the homeowners if an emergency arises and plowing is needed.

Following discussion, on a motion made by Mr. Golden and seconded by Mr. Pyne, the Planning Board unanimously declared its intent to serve as Lead Agency for purposes of SEQRA review of this project.

Mr. Schmidt stated that the notice of intent would be circulated to the Zoning Board of Appeals and any other interested agencies, with the intent to establish lead agency and a SEQRA determination at a future work session. He noted that the required area variances could be discussed as well. Mr. Golden opined that piping the watercourse will be an improvement, due to its poorly maintained state. He asked if the reduction in road width from 26 feet to 20 feet created the need for the area variances. Mr. Schmidt confirmed that it did. Mr. Golden stated that, to the extent the reasonably sized road creates the need for variances, he would favor a positive recommendation, as it reduces impervious coverage and disturbances. Mr. Pyne and Ms. Moir agreed. Mr. Schmidt stated that staff would prepare a draft recommendation to the Zoning Board of Appeals for future consideration.

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 23-11 Collins, 19 Pine Lane (P.O. Irvington, 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 pergola, retaining walls, and an expanded driveway. The Applicant's proposal also includes stormwater management systems for the new impervious surfaces and landscaping along a steep slope to aid in runoff reduction. The Applicant proposes approximately 343 sq. ft. of disturbance to 15-25% slopes (STEEP SLOPES), approximately 356 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES), and approximately 50 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The Applicant proposes approximately 5 cubic yards of excavation, and 0 cubic yards of imported fill. On December 14, 2023, the Zoning Board of Appeals granted the following two (2) area variances: (1) Minimum distance from patio to side property line, from 10 feet (required) to 7.7 feet (approved); and (2) Minimum setback from driveway to side yard, from 10 feet (required) to 0 feet (approved). The property consists of approximately 12,465 sq. ft. (0.29 acres) and is situated on the westerly side of Pine Lane, approximately 70 feet from the intersection of Pine Lane and Mount Pleasant Lane. The property is located in the R-7.5 One-Family Residence District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.360-184-9.

On a motion made by Mr. Golden and seconded by Mr. Weinberg, the Planning Board, with four (4) in favor and one (1) abstention, voted to close the public hearing and to keep the written record open through February 12, 2025. Ms. Moir abstained.

b. Case No. PB 24-23 Indy Lab, 1053 Saw Mill River Road (P.O. Ardsley, N.Y.) – Amended Site Plan

A public hearing to discuss an Amended Site Plan application to construct an outdoor play area associated with a new child daycare use. The Applicant proposes to construct an approximately 1,900 sq. ft. outdoor play area, to be fenced by a six-foot-high chain link fence, associated with a proposed 5,400 sq. ft. child daycare center. The daycare use is proposed to accommodate up to 64 children. As part of the outdoor play area construction, 18 off-street parking spaces are proposed to be removed and 7 are proposed to be added, resulting in a net loss of 11 off-street parking spaces. The site requires 145 off-street parking spaces and, with the proposed reduction, would provide 154 off-street parking spaces, meeting Town Zoning Ordinance requirements. The proposed work would reduce the impervious surface coverage from 52.6% to 51.5%, where 65% is permitted. The Applicant has indicated that ten (10) off-street parking spaces will be reserved for parent drop-off from 7:00 am to

9:00 am. The subject property consists of approximately 174,980 sq. ft. (4.02 acres) and is situated on the easterly side of Saw Mill River Road, on the border of the Village of Ardsley. The property is located in the OB-1 Office Business District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.160-101-49.

On a motion made by Mr. Pyne and seconded by Mr. Weinberg, the Planning Board unanimously voted to close the public hearing and written record.

6. OLD BUSINESS – WORK SESSION

- a. **Case No. PB 24-23** Indy Lab, 1053 Saw Mill River Road (P.O. Ardsley, N.Y.) – Amended Site Plan
A work session to consider the decision of an Amended Site Plan application to construct an outdoor play area associated with a new child daycare use. The Applicant proposes to construct an approximately 1,900 sq. ft. outdoor play area, to be fenced by a six-foot-high chain link fence, associated with a proposed 5,400 sq. ft. child daycare center. The daycare use is proposed to accommodate up to 64 children. As part of the outdoor play area construction, 18 off-street parking spaces are proposed to be removed and 7 are proposed to be added, resulting in a net loss of 11 off-street parking spaces. The site requires 145 off-street parking spaces and, with the proposed reduction, would provide 154 off-street parking spaces, meeting Town Zoning Ordinance requirements. The proposed work would reduce the impervious surface coverage from 52.6% to 51.5%, where 65% is permitted. The Applicant has indicated that ten (10) off-street parking spaces will be reserved for parent drop-off from 7:00 am to 9:00 am. The subject property consists of approximately 174,980 sq. ft. (4.02 acres) and is situated on the easterly side of Saw Mill River Road, on the border of the Village of Ardsley. The property is located in the OB-1 Office Business District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.160-101-49.

Mr. Schmidt reported that there were no comments received at the public hearing and staff have circulated a draft decision for the Board's consideration. He noted that there are no conditions that are out of the ordinary for an Amended Site Plan application.

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

On a motion made by Ms. Davis and seconded by Mr. Pyne, the Planning Board unanimously voted to approve the Landscaped Parking Island Waiver Request.

On a motion made by Ms. Davis and seconded by Mr. Weinberg, the Planning Board unanimously voted to approve the Amended Site Plan application.

- b. **Case No. PB 23-26** White Plains 450 Realty LLC, 450-460 Tarrytown Road (P.O. White Plains, N.Y.) – Preliminary Subdivision

A work session to consider a decision on a Preliminary Subdivision application to subdivide one (1) existing lot into two (2) separate lots. The existing lot contains two (2) buildings, both of which are proposed to remain, with one (1) building on each proposed lot. The proposed lots would have an easement between the buildings to allow for access to the rear, and both lots would utilize the same, existing curb cut on Tarrytown Road. No site work is proposed as part of this application. On August 15, 2024, the Zoning Board of Appeals granted the following area variances required in connection with the project: (1) Maximum coverage of all buildings (Lot 1), 30% permitted, 32.13% proposed; (2) Maximum coverage of all buildings (Lot 2), 30% permitted, 31% proposed; (3) Maximum impervious surface coverage (Lot 1), 80% permitted, 90% proposed; (4) Maximum impervious surface coverage (Lot 2), 80% permitted, 90% proposed; (5) Minimum side yard west (Lot 1), 20 feet required, 9.3 feet proposed; (6) Minimum side yard east (Lot 1), 20 feet required, 10 feet proposed; (7) Minimum side yard west (Lot 2), 20 feet required, 9.8 feet proposed; (8) Total of two side yards (Lot 1), 40 feet required, 19.1 feet proposed; (9) Total of two side yards (Lot 2), 40 feet required, 29.8 feet proposed; (10) Subdivision of a lot with an existing structure to create a non-conformity (Lot 1); and (11) Subdivision of a lot with an existing structure to create a non-conformity

(Lot 2). On January 16, 2025, the Zoning Board of Appeals granted amendments to the following previously approved area variances required in connection with the project: (1) Reduce the minimum westerly side yard on Lot 1 from 20 ft (required), 9.3 ft (previously granted), to 9.2 ft (newly approved); (2) Reduce the minimum westerly side yard on Lot 2 from 20 ft (required), 9.8 ft (previously granted), to 9.7 ft (newly approved); and (3) Reduce the total of two side yards on Lot 1 from 40 ft (required), 19.1 ft (previously granted), to 18.9 ft (newly approved). The subject property consists of approximately 76,327 sq. ft. (1.75 acres) and is situated on the northerly side of Tarrytown Road, approximately 375 feet east of the intersection of Tarrytown Road and Yellowstone Avenue. The property is located in the IB Intermediate Business District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.480-296-7.

Diego Villareale, P.E., of JMC PLLC, representing the Applicant, provided a detailed presentation of the project. He explained that the Applicant obtained a number of area variances from the Zoning Board of Appeals associated with this project but, due to façade improvements which increased the thickness of one of the buildings by a little over an inch, the Applicant had to obtain amended area variance approvals, which were recently approved by the Zoning Board.

Mr. Schmidt stated that the draft decision prepared by staff in connection with the Preliminary Subdivision application requires an easement between the buildings to allow for access to the rear, and landscaping to be installed pursuant to the landscaping approved as part of Case No. PB 13-25 and as agreed to by the Applicant. He noted that some landscaping is subject to a NYSDOT work permit. Ms. Davis asked when the landscaping would be installed on the lot with the vacant building. After discussion, the Board agreed to modify the decision to require landscaping to be installed the first planting season following the NYSDOT decision on the work permit.

On a motion made by Mr. Golden and seconded by Mr. Pyne, the Planning Board unanimously voted to approve the Preliminary Subdivision application, as amended.

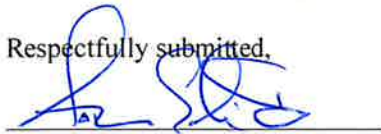
7. ESTABLISH DATE FOR NEXT MEETING

The next regularly scheduled meeting of the Greenburgh Planning Board will be held on Wednesday, February 19, 2025, and is scheduled to begin at 7:00 pm.

8. ADJOURNMENT

The February 5, 2024 Work Session of the Town of Greenburgh Planning Board was adjourned at 9:15 pm.

Respectfully submitted,



Aaron Schmidt
Deputy Commissioner,
Department of Community Development and Conservation