

COUNCIL OF GREENBURGH CIVIC ASSOCIATIONS

Minutes of Meeting – August 15, 2022

A special thank you was extended to Carmela Greco-Acevedo who arranged this Zoom-enabled meeting which began at 7:30 PM. The meeting was chaired by CGCA Chair Madelon O'Shea (Old Edgemont). In attendance were CGCA Treasurer Dorrine Livson (Worthington-Woodlands), Tom Bock (Fulton Park), Lorraine Cantori (Greenburgh Action Alliance - Hartsdale), Paul Colten (Hilltop Farms), Lloyd Cort (Parkway Gardens), Ellen Foley (East Irvington), Ella Preiser (Beaver Hill), Dylan Pyne (Edgemont Community Council President) and Patricia Weems (Fairground).

Minutes of the July 18, 2022 regular CGCA meeting were approved with no corrections. Treasurer Dorrine Livson stated the CGCA bank account balance as of July 29, 2022 was \$1,374.12. She expects a few more checks for dues may arrive.

Ella Preiser reported that she heard from Nathan Oliver about an hour ago and he said the family suggested that the CGCA could make a contribution to the American Diabetes Association in memory of his mother Cleo Oliver. Ms. Livson noted that she would send the donation on Wednesday. She said she had sent the contributions that were authorized last month in memory of the mothers of Paul Colten and Lorraine Cantori. Mr. Colten said he read about it in the CGCA minutes today and thanked everyone.

SAM'S CLUB APPLICATION - CASE CLOSED!

Madelon O'Shea asked for an update on the Sam's Club proposal to allow 16 fueling stations at the Saw Mill River site. Ella Preiser reported that Sam's Club apparently abandoned its application when it learned the Town Board was not likely to approve the necessary zoning change. Mrs. O'Shea inquired whether Sam's Club did the same thing years ago. Mrs. Preiser responded that case was a bit different although many of the arguments raised, such as the need to remain competitive, were the same. In 2003 when Sam's Club filed an application to sell automotive fuel, the Building Inspector correctly denied the application and stated gasoline stations were not a permitted use in the Designed Shopping (DS) zoning district. The lawyer for Sam's Club then sought an interpretation from the ZBA and argued that the application was not for a gasoline station but just an "accessory use" since the outlet would sell fuel only to its members. The public presented convincing arguments against the application. In a well written decision (April 15, 2004), the ZBA denied the appeal from the Building Inspector's determination and stated the applicant's only remedy was to seek an amendment to the Zoning Ordinance.

WERE INCORRECT PROVISIONS CITED FOR SIGN VARIANCES?

Ella Preiser reported that last Thursday (8/11/2022), the ZBA heard two applications seeking variances for wall signs - one for the proposed ShopRite under construction on Saw Mill River Road and the other for the existing KFC/Taco Bell which is undergoing renovations on the same site. Mrs. Preiser noted since her property abuts the Masters site she received public notices of the ZBA hearings and immediately emailed the ZBA secretary her concerns that incorrect provisions of the sign law were cited in the public notices. She received no response, so during the deliberation portion of the meeting she emailed CD&C Commissioner Garrett Duquesne and ZBA Attorney Ed Lieberman about the error. Both briefly mentioned her correspondence during the meeting, but allowed the ZBA to approve the ShopRite requested variances. The KFC/Taco Bell application was adjourned until the September ZBA meeting. In a subsequent email Mr. Duquesne said that his office had been plagued by Covid during the past two weeks and he would look into the matter. Mrs. Preiser said she believes the variances granted ShopRite are invalid and she will pursue this issue.

Madelon OShea mentioned it will likely be necessary for ShopRite to request a huge yard sign because driving north on Route 9A you see nothing but that huge retaining wall. It was noted that driving south is not much better. You will not be able to see much of the ShopRite building, perhaps only the HVAC equipment on the roof.

ELMWOOD “FINDINGS” & CD ZONING APPROVED

Dorrine Livson reported that the Town Board approved (8/10/22) the 56-page SEQRA “Findings Statement” and the Conservation District (CD) overlay zoning for the former Elmwood Country Club property. (She emailed copies of the documents to all.) The applicant can now proceed with applications to the Planning Board for various approvals - subdivision, slopes, wetlands, landscaping - in order to construct the 113 single-family houses. A question still to be resolved is the request by the State DOT regarding aligning/re-aligning the southbound Sprain Brook Parkway entrance/exit ramps. While the Westchester County Planning Board, CAC, neighborhood civic groups, and members of the public all expressed a preference for the single-family housing proposal, it appears that concerns raised by the DOT about the number of vehicle trips was the most persuasive argument that convinced the Town Board to retain the single-family zoning on the property.

Ms. Livson noted the CD overlay zone requires at least 25% of the site must be maintained as natural features. The applicant claims approximately 37% of the site would be preserved as open space. That is an exaggeration since the 14.2 acre site to the east of the Con Edison high tension wires will be transferred to the Town and likely be developed as parkland. However, approximately 25.2 acres (or 27.3%) of the remaining site will remain undeveloped and be maintained as open space. Madelon O’Shea asked who will maintain the open space on the site. Ms. Livson responded a homeowners’ association (HOA) will be required.

FERNCLIFF BUILDS HUGE STONE WALL - NOT ALLOWED BY ZONING

Dorrine Livson provided an update on the plans for 70 graves on a portion of the Ferncliff Cemetery property which abuts single family homes on Forest Boulevard. She said two of the families whose property will be most impacted never received notice when this project was heard by the Planning Board. The first notice they received was when CD&C Commissioner Garrett Duquesne called Ms. Livson and asked her to arrange a Zoom meeting with those affected. At that meeting, Ferncliff’s representative James Caris (from JMC Engineers) explained there would be a wall but never mentioned the height. Mr. Duquesne kept saying it would be beautiful.

Ms. Livson noted that the Interim Building Inspector approved Ferncliff’s application for a 12-foot wall but obviously overlooked the provision in the Zoning Ordinance that limits fences or walls in one-family residence districts to “eight feet in height in any rear yard.” She noted the wall being constructed is now about 24 feet tall. And, a four-foot high fence will be placed on top of this 24-foot high structure. The wall was not placed on the existing grade, but instead on a mountain of soil piled up at the site. Ms. Livson had photos showing machines and workers on top of the pile of dirt but was unable to share her screen. [She will email the photos to all.]

The Forest Boulevard neighborhood is zoned R-7.5 so back yards are relatively small. Previously there was a clear view straight across the properties with only a small stone wall separating the Ferncliff property. The two neighbors most impacted have hired a lawyer to represent them. The lawyer will challenge the Building Inspector’s determination. Madelon O’Shea inquired about the plan for the neighbors’ side of the wall. Ms. Livson responded that the plans called for plantings but it is unclear how anything can grow since there is only about three feet and the wall will block sun light.

PROPOSED SMOKE SHOP LAW NOT SUFFICIENT

Dylan Pyne reported that he attended the July 19, 2022 Town Board work session along with some representatives of the American Lung Association (ALA) to address the Edgemont Community Council’s (ECC) concerns about stores selling tobacco, smoking paraphernalia and weapons (knives) within 1,500 feet of Edgemont’s schools. Mr. Pyne said initially the ECC asked the Town Board to do something before the start of the school year. Two laws were written, but it was recognized that amendments to the Zoning Ordinance must be referred to the Planning Board for its recommendations so the school opening deadline could not be met. Then Interim Town Attorney Joe Danko wrote a law that would create a new Chapter in the Town’s Code. A Public Hearing on this law was held at last week’s Town Board meeting (8/10/22). Both Mr. Pyne and members of the ALA spoke at the hearing. Mr. Pyne expressed concern that the proposed law only covered the display and advertising of

tobacco and smoking paraphernalia, not the sale. It was not comprehensive and had some definitions that were unclear. The hearing was adjourned until the September 14 meeting. Mr. Pyne said it is unknown what the next step will be and whether a law should be included in the Zoning Ordinance. However, he said he wants the strongest law possible - one that protects children, is clear and enforceable and will not create a legal problem.

Madelon O'Shea noted that Supervisor Paul Feiner mentioned putting together a town-wide committee since there will be an impact town-wide. It was noted there may be some impacts unique to certain areas - for example, Edgemont has no busing, but other areas have more parks. Dorrine Livson said when she heard Mr. Feiner's comments about forming a committee, she immediately thought the CGCA should have a representative. She said she reached out to Mike Burdi (he couldn't be here tonight) and asked him if he would be willing to serve. He agreed. She noted Mr. Burdi is a retired parole officer with a lot of experience, who knows about telecommunications and how things are done in the state. Mrs. O'Shea suggested that anyone else with a name of someone interested in serving should send the information to Mr. Pyne.

Paul Colten asked if there wasn't already a state law prohibiting tobacco products within a certain distance of a school. Mr. Pyne responded that the NY state law bans the advertising of tobacco and e-cigarettes within 1,500 feet of a school and the County Board of Health is the enforcing agency. He noted the ECC contacted the County and they have been out at least once issuing violations. However, the ECC does not think the state law goes far enough and wants a ban on the sale of these products in areas where children congregate and legislation giving the building department and police the ability to enforce the law.

A lengthy discussion took place about the changing attitudes and decisions about smoking and tobacco. It was noted that smoking declined nationwide with the release of studies and information about health risks and school educational programs like DARE. With the decrease in the numbers of smokers, some school educational programs ceased. However, subsequent changes have occurred with the introduction of e-cigarettes. Cartoon characters advertising assorted flavors of e-cigarettes directly target children today. Mr. Pyne noted that fifteen to twenty years ago the average age of new smokers was eighteen. Today it is age thirteen.

Lorraine Cantori said as an educator she is concerned that manufacturers are so anxious to reach their audience that things on the market today are manipulated and you don't really know what you are getting. Patricia Weems suggested that all the money raised through taxes on tobacco products should go toward education. All present agreed the Town should adopt legislation banning not only the advertising, but also the sale of tobacco and vaping items in the vicinity of schools, parks, daycare facilities, houses of worship and other areas frequented by children.

ZBA CASE ADJOURNED ON FORMER GAISMAN ESTATE PROPERTY

Madelon O'Shea reported that the ZBA has adjourned until its October 20, 2022 meeting, the requested variances that would permit the nuns living on the 11-acre Marion Woods property (located totally within the Harts Brook Park & Preserve) to subdivide their property and sell a one-acre parcel including the 110-year old former Gaisman mansion as a single family home. The nuns intend to maintain a retirement home on the remaining ten-acre property. Mrs. O'Shea mentioned that a grass-roots group has contacted the state which is a 50% owner of the surrounding parkland (along with Westchester County [25%] and the Town of Greenburgh [25%]). The grass-roots group believes there is information in the archives that if and when the church group no longer needs the land, it should become parkland. The group believes such a transfer would not be for free and is contacting land use groups that would potentially provide funding.

LANDMARKING OUR HISTORY NOT AN EASY TASK

Madelon O'Shea, as Chair of the Historic & Landmarks Preservation Board (H&LPB), said effort is underway to landmark Parkway Homes and Parkway Garden as historic districts. She thanked Lloyd Cort for providing paper work. Mr. Cort mentioned that he has visited a couple of homes in Parkway Gardens worthy of land-marking. But he noted there has been a revolutionary change in the number of houses sold in the area recently and the new

residents know nothing about the historic nature of the Parkway Homes and Parkway Gardens areas. He said the new owners want no part of being a historic district because they have concerns that the H&LPB would impose dimensions on what changes can be made to their houses. Mrs. O'Shea said if they haven't asked, how do they know? Mr. Cort said he agreed with her but that is the current idea flooding the area. Mrs. O'Shea expressed concerns that a similar attitude may be all over Town. Borrowing from Busch Gardens which says "extinction is forever," she noted "demolition is forever."

Patricia Weems asked if the Richard J. Bailey School on Hillside Avenue, which she thinks is the only all black school in Westchester County, is being considered for landmark status. Mrs. O'Shea explained that school districts and fire districts are considered quasi-municipal or special purpose units of government by New York State and a Town government has no control over them. She said H&LPB would like to landmark the Warburg mansion and is currently working with the state and Greenburgh's legal department to find out what can be done. She said she knows the Bailey School is an old building as her god-children attended the school years ago, and she would appreciate receiving more history about the building.

TOWN APPOINTS KOBIE POWELL AS NEW POLICE CHIEF

Madelon O'Shea stated that it would be right and proper to invite the new Greenburgh Police Chief to the October CGCA meeting. She would prefer to invite him to an in-person meeting. However, it is unknown whether the Theodore D. Young Community Center will be open to civic groups at that time. Patricia Weems said the new Chief is Kobie Powell, a Greenburgh native who attended Greenburgh schools and worked at the Greenburgh Library when younger. He graduated Summa Cum Laude from Mercy College and has served on the Greenburgh Police force in various ranks for almost 25 years. Ms. Weems said she served on the Accountability and Oversight Committee for Police Reform. Dorrine Livson said that Chief Powell will be introduced to the public at the September 14 Town Board meeting.

Lloyd Cort said he also was privileged to serve on the selection committee for the new chief. He said all three finalists were knowledgeable, with impeccable credentials and each had about 25 years of service. He noted studies from all over the country have shown that it is productive to have police who live in the area and are cognizant of what's going on in the neighborhoods. Mr. Cort also mentioned that he had the privilege of attending the police "Night Out" event which was well attended. He noted parents were impressed that police officers gave presents to children in attendance.

TOWN SILENT ON NEW POLICE HEADQUARTERS

Madelon O'Shea inquired about the status of the Town's plans to purchase the "Game On" property off Dobbs Ferry Road and construct a new police and emergency medical services headquarters. Dorrine Livson replied that right now everything is on hold. She said there will be a lawsuit filed by the villages if the Town Board proceeds with the plans it outlined in that seven-page document released last month because according to New York State Town Law §150, villages are not required to pay anything if they have their own police departments with more than four police officers. All six Greenburgh villages have their own police departments. She said none of the information about construction costs or potential tax costs in the document were accurate. She also questioned the accuracy of information provided about traffic along this single lane in each direction road with a fire station on the corner. The state DOT already said that construction of 113 single family homes on the Elmwood Preserve would degrade the service, and there are another 35 homes to be constructed in the immediate area. In a flyer Congressman Mondaire Jones said the road already serves 10,000 vehicles each day.

Mrs. O'Shea raised concerns about the 39 other locations that supposedly were not as well-suited for the headquarters building. Ms. Livson said Ella Preiser had filed a FOIL request seeking information about these 39 other sites and also the names of those who served on the committee that studied this issue. She was notified she would not receive a response until August 22. Ms. Livson said she filed four FOIL requests seeking the contract, the police report, the police traffic study and information on the number of requests for police or emergency

service to this area. She said a response for one of her FOIL requests was mistakenly sent to Ella and indicated it would take 15 days. Ms. Livson noted it took the Town 13 days to respond that it had received a FOIL request when the law says a response should be within five days. She commented how frustrating it has been to obtain any information on this seven-page document.

Patricia Weems expressed gratitude that the Villages have refused to pay and questioned the ability of the police department to adequately cover the unincorporated area from a station located on Dobbs Ferry Road. Paul Colten replied that the police department operates on “sectors” so cars wouldn’t be dispatched from the Dobbs Ferry Road site. However, he noted he is totally opposed to locating the police headquarters at this site.

BLACK BEARS JOIN NEIGHBORHOOD WILDLIFE

Ellen Foley mentioned there have been sightings of a black bear in the East Irvington neighborhood and in Dobbs Ferry. A Taxter Road resident posted a picture on Facebook of a bear with a cub. Everyone has been warned to securely cover garbage and keep babies and small pets inside. The DEC is supposed to give a talk. Some residents would like the bear(s) to be transported to a healthier environment where there wouldn’t be interaction with people. It appears bears are now joining the deer and coyote already in the neighborhood. Dorrine Livson noted her neighborhood also has wild turkeys and red fox.

SOME DEBRIS REMOVED FROM MANHATTAN BROOK

Tom Bock reported that when Victor Carosi was in charge of the Town’s DPW, crews came and regularly cleaned out the debris in the Manhattan Brook. Recently Town officials claimed they knew nothing about the Army Corps of Engineers involvement or the need to clear debris from the Brook. Emails and documentation were found, so the Town recently hired a company to come in and clean out the Brook in the area between Old Kensico Road and the Bronx River Parkway. Mr. Bock noted a lot of debris was removed and it was a step in the right direction, but the Town still hasn’t addressed the river and what is needed to make water flow through the river, so that it doesn’t back up in the Fulton Park area during heavy storms.

NO NEWS FROM COUNTY ABOUT WALKING TOUR OF FLOODED AREAS

Madelon O’Shea said there was supposed to be a walking tour of areas that flood, but she has heard nothing about it. Tom Bock said he signed up to take part in the walking tour but has received no response back from County Legislator Jewel Williams Johnson. He said frankly he was tempted to respond that August is too late to do a walking tour as there is no time to prepare for hurricane season. Mrs. O’Shea said she has delayed repairing the damage caused by Ida to her house last year as she feared a repeat of the damage. She said she is willing to be part of any tour since many of her neighbors are too new to the area and wouldn’t know where the pipes for the drainage district are located.

NOISE FROM EMERGENCY VEHICLES

Paul Colten noted that one of the big problems with traffic near Hartsdale Road and Knollwood Road is vehicles backing up at the two traffic lights on Dobbs Ferry Road, on the crest of a hill with limited sight distance when approaching from either directions. He said he regularly hears the air horns and sirens of fire trucks as they approach the traffic lights and try to seek safe access through the intersections. He noted the firehouse on Central Avenue in Hartsdale has control of traffic lights at the Four Corners so they can be turned green when needed. He questioned whether this was a way to solve the noise issue in his area. Tom Bock responded that each firehouse can control the lights immediately near a firehouse, but he wouldn’t speculate how far that control could extend. He noted it was likely a firetruck would still be required to sound an air horn and siren when approaching an intersection for liability purposes, to avoid charges of improperly proceeding in the event of an accident. Mr. Bock suggested that Mr. Colten contact the Fire Chiefs of both the Hartsdale and Fairview fire departments.

Dorrine Livson commented that one can possibly address the issue of fire sirens, but the real problem is the lack of sufficient infrastructure in the area. She noted there are no shoulders on Dobbs Ferry Road which has a single

lane in each direction. She said once when she was travelling on Dobbs Ferry Road and a fire truck approached, she wound up in the ditch as did the vehicle traveling in the opposite direction.

MISCELLANEOUS

No Information on West Hartsdale Avenue Sidewalk. Madelon O’Shea inquired about the sidewalk planned for West Hartsdale Avenue. Lorraine Cantori stated she is still waiting to receive the plans. She said she does not know on which side of the road the sidewalk is planned. Mrs. O’Shea wondered who would take care of the sidewalk. No answer was provided. Usually it is the owner whose property abuts the sidewalk who is responsible for shoveling snow, removing debris, etc.

Audio at Town Meetings a Disgrace. Paul Colten said he sent an email to the Town Board about the horrendous quality of the audio at a recent Town Board meeting. He provided a detailed critique and noted some parts of the meeting were barely intelligible. He said that the community watching at home is not being served very well. He has received no response to his email. Dorrine Livson mentioned that Mr. Colten is a sound engineer and knows what he is talking about.

In-fill Housing Causes Concerns. Madelon O’Shea expressed concern about the impact on established single-family neighborhoods that some “in-fill” housing is causing. “In-fill” housing is construction of a new building on a previously empty parcel in an established neighborhood. She noted Edgemont has been impacted by three large modular houses built on previously vacant lots. The new houses are not compatible with the existing and long established Victorian or Tudor Revival homes in the neighborhood.

Concern About Redlining. Patricia Weems expressed concerns about redlining in her community. She said people are buying up property in the Prospect Avenue, Juniper Hill, Parkway Gardens, Parkway Homes, and Knollwood Road areas and building multi-story apartments and condominiums. She said the area is losing the power of the vote as to what residents would like to see in the community because a number of immigrants who can’t vote are moving into these housing units.

Technology Exists to Stop Vehicles with Loud Exhausts. Paul Colten said he learned today of a new technology that measures noise as well as obtains pictures of vehicles with loud exhaust systems. He said the County is not issuing tickets but running a pilot program on the Bronx River Parkway. He understands Yonkers has the equipment too. He plans to mention it to Greenburgh officials as a means to stop some of the loud exhaust residents endure.

Cars Parked Illegally. Paul Colten mentioned that Benjamin’s Steak House has been valet parking cars on Hartsdale Road even though a sign states parking is prohibited. He noted recently there were about 15 cars parked there and he almost ran into one. He called police but has heard nothing. Madelon O’Shea mentioned she understood that the restaurant was previously parking cars at the Union lot across the street.