

# COUNCIL OF GREENBURGH CIVIC ASSOCIATIONS

## Minutes of Meeting – Monday, December 11, 2023

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 Treasurer Dorrine Livson (Worthington-Woodlands). Also attending were Mike Burdi (Suburban Manor), Lloyd Cort (Parkway Gardens), Alan Fishman (Northern Greenville), Ella Preiser (Beaver Hill), Francis Sheehan (Greenburgh Town Councilman), Ken Stahn (Sprain Road), Carol Wielk (Secor Homes) and Eric Zinger (Hartsdale Neighbors).

Because of the holidays, no meeting was held in November. Minutes of the October 23, 2023 CGCA meeting were accepted with one correction - Dylan Pyne emailed that the fourth paragraph on page 3 incorrectly mentioned flooding on "Claredon Road." He noted that the flooding site mentioned was Clarendon Place.

Treasurer Livson stated the CGCA bank account balance as of November 30, 2023 was \$1,022.36. A year-end financial statement is being prepared. She mentioned there is a \$10 increase in the fee for the Zoom meetings and she is awaiting information on a possible increase in cost for the CGCA website. This will determine whether it's possible to keep the price of CGCA Membership dues at \$25.00 for two years. If an increase is necessary, it will be voted on at the January 2024 meeting. A statement for Membership dues for 2024 and 2025 will be emailed to all after the first of the year. Mrs. Livson said a listing of the dates for all of next year's CGCA Zoom meetings has been sent out. The links to attend the meetings will be sent prior to each meeting.

### **HARTSDALE GREENHOUSES - ZBA UPHOLDS BUILDING INSPECTOR'S DETERMINATION ANOTHER ADJOURNMENT SOUGHT REGARDING REVISED USE VARIANCE**

Carol Wielk provided an update on the Hartsdale Greenhouses application before the ZBA. She reminded that during the deliberation portion of the October 19<sup>th</sup> meeting, the ZBA members took a "straw vote" to uphold the Building Inspector's determination, agreeing that importing trees and poles from offsite and cutting them into firewood and/or grinding them into mulch for sale is not a permitted use in a single family zoning district. At the November 16<sup>th</sup> meeting, the ZBA members formally voted unanimously to uphold the Building Inspector's determination that the use was not permitted.

Ms. Wielk noted that at the October ZBA meeting the applicant sought and was granted a two-month adjournment - to the December 14<sup>th</sup> ZBA meeting - to approach the Town Board about amending the Zoning Ordinance to permit continuation of the firewood/mulch operation. She said agendas for Town Board meetings during the past two months included no mention of the applicant requesting a code change. The applicant now seeks another adjournment - to the January ZBA meeting - in order to revise the Use Variance request. The applicant wants to continue selling firewood and mulch, but indicates that those materials would be processed off-site.

Ms. Wielk said she has not objected to this latest request for an adjournment but wrote to the ZBA stating the applicant is abusing the "adjournment process," and this is unfair to the community. ZBA Rules permit only one adjournment as of right, and this is the third adjournment requested by this applicant. In January this application will appear on the agenda for the 8<sup>th</sup> month. Ms. Wielk noted the community has been dealing with this matter even longer - it was back in December 2022 when the Building Inspector issued a notice of violation.

Those present at the meeting agreed that the applicant has repeatedly failed to provide the information requested by the ZBA and what is required by NYS law in order to obtain a Use Variance. Instead the applicant keeps repeating the same untruthful statements that the firewood/mulch business has been ongoing for 68 years at this site even though community members and a ZBA member have stated that is not true. In fact, 68 years ago the applicant's family did not even own the parcel of land where this illegal operation has been taking place. Concern was expressed that if the ZBA were to grant a Use Variance to allow continuation of this commercial operation on residentially zoned property, every single family zoning district in Greenburgh would be in jeopardy.

**ELMWOOD PRESERVE - DOT SEEKS INTERSECTION IMPROVEMENT  
TOWN SEEKS STUDY OF 14.1-ACRE PARCEL  
CONTAMINATED SOIL MUST BE REMOVED & ENTIRE PROPERTY STUDIED**

Dorrine Livson reported that the New York State DOT has decided it wants to realign the entrances and exits of the Sprain Brook Parkway on Dobbs Ferry Road and provide traffic lights. This would involve “taking” the land currently providing entrance/exit to/from East Rumbrook Park. Mrs. Livson noted there is a resolution on the December 13 Town Board agenda about allocating funding for a study of what to do with the 14.1 acres of land that the Elmwood Preserve owner was required to give to the Town in exchange for approval to build 113 single family homes on the former golf course property. She stated she believes it is premature for the Town to spend money on a study until it has determined where the entrance/exit to the existing park will be located. Town Councilman Francis Sheehan agreed and noted the location of the entrance will determine how the Town can develop the 14.1 acres. He said the issue would be discussed at tomorrow’s Town Board work session.

Mr. Sheehan noted the owner illegally brought in contaminated fill to the Elmwood Preserve property and the Building Inspector shut down the operation. Mr. Sheehan said the clean-up was supposed to start last Wednesday, but nothing happened. After the fill is removed, “Brownfield Cleanup” studies will be undertaken. Mrs. Livson noted it would be necessary to study possible contamination on the 14.1-acre parcel since that property was used for a number of holes on the former golf course, and the land would have been treated with weed killers and pesticides over the years.

**FOUR CORNERS RECEIVES GRANT TO ADDRESS ZONING**

Eric Zinger reported the Town has been awarded a Smart Growth grant (as part of NYS Department of State Planning and Zoning Program). The \$135,000 grant is contingent upon a \$15,000 matching contribution from the Town and will be used to hire a consultant to assist in preparation of a zoning update for the Four Corners. He noted there are still ongoing studies regarding changes to traffic lights along East Hartsdale Avenue, the sidewalk along West Hartsdale Avenue, and flooding issues. Mike Burdi questioned the ultimate goal - was it to go from commercial to super commercial or residential. Mr. Zinger replied that different people have different opinions. He said the changing dynamics about how people want to live, work, park and shop would be considered. He noted there are currently no developers and no plans, but the hypothetical goal appears to be “mixed use” zoning, allowing commercial/retail development on the first floor and residential above.

Mr. Burdi questioned whether information gleaned from a \$250,000 study done years ago by two women would be of use. Mr. Zinger suggested Mr. Burdi was conflating various studies. The owners of one of the properties at the Four Corners intersection did pay to have a study done by the women. Mr. Zinger said he wasn’t sure since there have been so many studies, but he believes the \$250,000 was either for a traffic or flooding study. Ken Stahn inquired whether the information would be private since it was paid for by an owner. Mr. Zinger noted all of the findings were presented at public meetings so it is likely the information would be readily available or FOIL-able.

**SCARSDALE POLICE OFFICER FIRED OVER STEPHANIE KAVOURIAS’ DEATH**

Eric Zinger mentioned that the rookie Scarsdale Police Officer was fired who had interacted with a vehicle driver only minutes before that driver struck and killed Hartsdale resident Stephanie Kavourias, who was walking on East Hartsdale Avenue. The rookie officer had less than three weeks experience on his own. He had graduated police academy six weeks earlier and that was followed by on-the-road training. Body camera video footage indicated the officer spent about a half hour helping two drivers exchange information following a minor traffic accident that the driver had caused. During this time, the officer apparently didn’t discover that the driver was intoxicated and there was prescription medicine on his driver’s seat. Apparently there was no follow up on an outstanding warrant against the driver for drug possession. A short time after the fatal accident, the driver was found asleep in his vehicle in the County Center parking lot. Ken Stahn noted a story about this firing recently appeared on the front page of *The Journal News*.

### **LAWS NOT ENFORCED - INSUFFICIENT POLICE OFFICERS**

Concerns were expressed about dangers to the community caused by Greenburgh's insufficient number of police personnel and the lack of enforcement. The December 13, 2023 agenda lists that the Town Board will be appointing four new entry level police officers. Dorrine Livson said that is a step in the right direction, but police academy and on-the-road training means these officers will not be ready to enforce laws for at least nine months. Mike Burdi noted an infusion of new recruits may not make up for losses at the other end because every month there are officers out sick, or some filing for retirement or transfer. Mrs. Livson suggested that the CGCA should invite Police Chief Kobie Powell to another meeting and impress upon him that the safety of residents is most important because of the increase in speeding, other traffic problems, and robberies. He should be told we need and want enforcement now. And we don't care if it is local residents who receive summonses.

Lloyd Cort said the Police Community Advisory Board has discussed the staff shortage and lack of enforcement. He mentioned speeding and some serious issues that have happened in the Parkway Gardens neighborhood. He said vehicles are parking at night, even an 18-wheel truck, despite the rules prohibiting parking on the street between 1:00 AM and 6:00 AM. He said one early morning he looked out his window and saw two cars parked on the street, so he decided to get in his car. During his drive through the neighborhood, he discovered cars were parked on most of the streets during these prohibited hours. He said he has asked the Chief to station a police vehicle for only a few minutes once a month at the intersections of Jackson Avenue and North Road and/or South Road so that people might be made aware there could be a police car in the neighborhood. He noted two weeks ago a parked car was rammed and totaled at the Jackson Avenue/North Road intersection. Mrs. Livson said one recent night there were six vehicles parked overnight on streets in her neighborhood. She went out early in the morning to check and found there were no "warnings" or tickets on any of them. She noted people are parking on both sides of the street so trucks would have difficulty sanding or plowing the street.

Councilman Sheehan said the Chief has told the Town Board that police have been doing some selective enforcement and have been giving warnings to local residents. Mrs. Livson said she understands giving a warning for a first time event, but after that, tickets should be issued. All present agreed it makes no sense to have a law if it is not enforced, and tickets should be issued to local residents if they are violating the law.

### **IS EDUCATION THE ANSWER?**

Mike Burdi noted the discussion about lack of enforcement involved "quality of life" issues. He suggested new neighbors may not be aware of some Town laws and educational efforts may be needed, such as putting up signs, mailing notices or even doing robo-calls, in addition to discussing the issues at Town Board meetings or posting information in houses of worship, at school board meetings, or via local media. Regarding prohibited overnight parking, Mr. Burdi noted if stickers were placed on driver side car windows of those violating the law, drivers would be angry if they had to scrape the stickers off and it might work wonders.

Dorrine Livson said in past years signs were placed along roads regarding the prohibited parking from 1 AM to 6 AM starting in December. Few signs have been noticed this year.

Carol Wielk said her neighborhood (Jean, Jennifer and Barbara Lanes) was able to get the area speed limit reduced to 25 mph. She personally delivered flyers to all homes in her area to educate residents about the new law. She noted that most people comply with the new speed limit. But a few do not.

Alan Fishman mentioned an incident that happened a few years ago with cars parking at Marion Avenue. He called the police and expressed concern there could be a head-on collision at the site. The police traffic sergeant said the parked cars also presented an impediment to emergency vehicles needing to rush to the area. "No Parking" signs were posted. But the sergeant informed Mr. Fishman that would not be sufficient and that he needed to go out and check the area periodically, and if any vehicles were parked there, he needed to call the

police and insist that they come and issue tickets. Mr. Fishman noted after a few tickets were issued, the drivers got the message and the problem went away.

Lloyd Cort agreed that education is necessary. He mentioned a mattress that was left at the curb for three weeks in his area. He finally located the new owner and explained the law requires that mattresses need to be wrapped in plastic. The owner said he was not informed of this requirement when he scheduled a pick-up date. Mr. Cort suggested it would be helpful if sanitation trucks carried stickers providing information about the Town's law that could be left on an item or in the owner's mailbox.

### **PROPOSED 2024 BUDGET DISCUSSION**

Carol Wielk noted there are not just staff shortages at the Police Department. She said during a recent Town Board work session regarding the proposed budget, both DPW and the Building Department expressed concerns about staff shortages. She said it appears that Greenburgh is not paying competitive salaries and other communities are "poaching" our employees. Hiring new employees is not a simple answer. Communities need to hire many employees from the civil service list, and candidates naturally go where higher salaries and other perks are offered.

Eric Zinger noted Wednesday (12/13/23) will be the second Public Hearing regarding the 2024 proposed budget. He said it is likely there will be some updates. He noted the current budget is under the 2% tax cap by about \$1,000, and the average homeowner in unincorporated Greenburgh will see about a 6% increase in taxes and the average homeowner in the villages will see about a 4% increase. The plan is to close the hearing on Wednesday and vote to approve the budget on December 18. He noted the Supervisor has published a "tax rate" increase of 1.7% for unincorporated and 0% town wide. Mr. Zinger said that would be great if your assessment was not raised, but the assessment on most people's homes went up. He said his went up about 10% - or over \$50,000. He urged everyone to not rely on the "tax rate" but rather the "tax levy." He said the actual levy could be in the 9% to 10% range.

Mr. Zinger commented the budget relies upon anticipated revenues, like sales tax which is fairly consistent and Building Department revenues which includes a significant increase. He said the reason the increase in the levy may only be 6% is because we continue to kick certain things down the road. He noted last year there was a significant amount set aside for a police station/court house, which did not occur. This year's budget does not include that item, and the budget draws down from the fund balance of \$12 million. Mr. Zinger said he thinks we should not only expect a 6% increase this year, but another 6% next year unless we cut services.

Mike Burdi mentioned the retail vacancies along Central Avenue. He indicated while these may not totally address the budget problem, they are a "cancer" that adds to it. He noted a person was supposed to be hired last year to address the problem, but that did not occur. This year the Supervisor is proposing hiring a Director of Operations for \$150,000 (plus benefits) who would report directly to him and oversee large scale projects, provide fiscal information to the Town Board and work to determine areas of savings and efficiencies. The hope is the cost would be balanced by revenue and savings. Mr. Zinger noted the Town Supervisor is supposed to be the CEO of a \$160 million corporation, not outsourcing his responsibility so he can be in charge of changing light bulbs for constituents.

Councilman Francis Sheehan said it would be helpful if more residents participated in the process. He noted the law provides the Supervisor a year to come up with a budget but the Town Council has only four or five weeks to review the proposed budget. Mr. Sheehan said the Council has been unable to determine if the \$5.18 million the Supervisor has added in Building Department revenues is accurate. The Supervisor claims it is "proprietary" information. Mr. Sheehan noted if the revenue is not accurate, the increase in taxes will be a lot more than 6%. Dorrine Livson said that one reason people don't come out is because they don't know about the hearing. Carol Wielk suggested we don't want people coming out and saying "cut services." Mr. Zinger recalled that a few years

ago recycling pickups occurred every other week. The DPW obtained vehicles that made it possible to work with fewer employees. Rather than using this opportunity to cut costs, weekly pickups of recyclables were scheduled, and the Town is now planning on picking up food scraps. Mr. Zinger said if TIF district funding had been moved into the “B” fund, there would have been \$300,000 more in revenue. He said hopefully the TIF revenue will be moved for the 2025 budget. Ella Preiser said she recalled that years ago department heads attended work sessions and told the Town Board what they wanted/needed well before the end of October when the Supervisor is required to present the budget to the Town Clerk.

Mr. Sheehan mentioned that Town Board work sessions are often tied up with other things and some department heads are satisfied with their budgets and don’t want to attend a work session. He said DPW is particularly concerned about losing engineers and the Building Department is concerned about the loss of assistant inspectors. The legal department also needs an additional attorney. Mike Burdi questioned how does the Town stop “poaching” if other communities offer higher wages. Mr. Sheehan said zero percent tax increases are not sustainable with employees receiving 2.4% increases. He noted the Town has very professional department heads and deputies and part of the problem is not just salaries, but that people in many fields just don’t want to work.

### **“ADU” LEGISLATION PROPOSED**

A brief discussion took place about proposed legislation for ADUs “accessory dwelling units.” Carol Wielk noted a committee including several Planning Board members studied the issue and have drafted legislation that would allow 400 to 800 square foot additions to single family homes that could be rented. Dorrine Livson noted that there is a claim this would allow residents to “age in place,” but she questions whether it considers all the possible consequences. Councilman Francis Sheehan said the proposed legislation allows the ADUs to be located (1) in the existing residence, (2) in a converted existing separate garage, or (3) in a new separate cottage. He expressed concern about locating the additional required parking in the front yard. Lloyd Cort noted there are people in his neighborhood who have a driveway and a garage for two cars but they currently have eight cars. Concerns were expressed that this proposed legislation has the potential to undermine single family zoning districts.

### **CENTRAL AVENUE TO BE PAVED - DROMORE ROAD TO BE IMPROVED**

Alan Fishman noted ECC President Dylan Pyne is working well with the Town Board. Mr. Fishman said it is wonderful news to learn the state will finally be repaving Central Avenue next year. He said he recently visited Dromore Road and forgot how narrow that road is - two cars can barely pass. He said this could create a problem for emergency vehicles, when “seconds” can save lives. Councilman Francis Sheehan said the developer is responsible for certain improvements including putting in a swale to deal with drainage. He noted the Legal Department is exploring the possibility for obtaining funding to further improve the road.

### **MISCELLANEOUS**

**Maplewood Property Sold.** Dorrine Livson mentioned that she received an email today that the Maplewood property on West Hartsdale Avenue has been sold. She noted previously announced plans for an assisted living facility at the site and later plans for developing single family housing were never presented to the Town. Mike Burdi said he drove by the site on Saturday evening and there was a large truck blocking the entrance with a sign that said the property was sold.

**Parks Commissioner Byrne Retiring.** Dorrine Livson mentioned that Parks and Recreation Commissioner Gerry Byrne will be retiring at the end of the year. She said she is a member of the Parks and Recreation Advisory Board and all board members are hopeful that Deputy Commissioner Joe Lucasey will be appointed to the post of Commissioner. She noted he is extremely well qualified.

**Town Board to Appoint New Alternate Planning Board Member.** Eric Zinger noted that Aisha Sparks will be appointed as a new Alternate Planning Board member at the Town Board meeting on December 13, 2023. Current Alternate member Mona Fraitag has moved out of Greenburgh.

**Limited Rain - But Flooding Issues Still Need Addressing.** Dorrine Livson noted that fortunately the Town did not receive as much rain as was predicted yesterday (12/10/23). She reminded that the CGCA will be following up on the flooding issues in 2024 and will seek money from our County, State and Federal legislators to address needed improvements.

**Progress Slow on Ardsley Road Bridge.** Ken Stahn reported there have been five to seven vehicles visible between 7 AM and 2 PM, except on bad weather days, at the site of the Ardsley Road Bridge over the Sprain Brook Parkway. He said if you stop on the Parkway and look up, there appears to be some metal work taking place, but there are no large piles of beams around. He noted there is not a lot of progress taking place.

**“Meet & Greet” Sessions Suggested.** Dorrine Livson mentioned that since newly elected Town Councilwoman Joy Haber and newly elected Town Clerk Lisa Maria Nero could not attend the October CGCA meeting, the CGCA should consider inviting them to a future meeting so we can get to know each other. Mrs. Livson also suggested inviting some of the newer Town Department heads to future CGCA meetings. A discussion about when to begin extending these invitations will take place at the January meeting.

**Vacancies Exist on Boards/Committees.** Dorrine Livson noted there are currently three vacancies on the Parks and Recreation Advisory Board. It is suspected there are vacancies on various other boards and committees. Mrs. Livson said it is important to find out what vacancies exist and then reach out to residents who may have an interest in a particular field. Carol Wielk said civic groups could help find qualified candidates. It was suggested that this issue be addressed after the first of the year.