

# COUNCIL OF GREENBURGH CIVIC ASSOCIATIONS

## Minutes of Meeting – July 18, 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), who welcomed the newly elected President of the Edgemont Community Council (ECC), Dylan Pyne, to the meeting. Also in attendance were CGCA Treasurer Dorrine Livson (Worthington-Woodlands), Tom Bock (Fulton Park), Mike Burdi (Suburban Manor), Lorraine Cantori (Greenburgh Action Alliance - Hartsdale), Paul Colten (Hilltop Farms), Alan Fishman (Northern Greenville - Edgemont), Alicia Ford (Parkway Homes), Richard Grant (Hartsdale Park), Carmela Greco-Acevedo (East Irvington), Ella Preiser (Beaver Hill), and Ken Stahn (Ardsley Road/Sprain Road).

Minutes of both the May 9, 2022 regular CGCA meeting and the May 16, 2022 special CGCA meeting regarding town-wide flooding issues were unanimously approved with no corrections. Treasurer Dorrine Livson stated the CGCA bank account balance as of June 30, 2022 was \$1,374.12. She noted she has one check which has not been deposited and expects a few more checks may arrive.

### CONDOLENCES OFFERED

Madelon O'Shea mentioned the untimely death of CGCA Vice Chair, Cleo Oliver, on June 10, 2022. Cleo was very involved in Greenburgh as a long time President of the Hillside-Wyndover Civic Association, a member of the Police/Community Advisory Committee in addition to being Vice Chair of the CGCA. The CGCA agreed to make a donation of \$100 in Cleo's name and is awaiting word from the family to determine where the donation will be made.

The CGCA also offered condolences and agreed to make nominal donations in memory of two other individuals.

- Paul Colten's mother died last month at age 101. The family was able to keep her at home in an apartment in Manhattan with 24-hour care. A donation will be made to the Alzheimer's Association to help fight a disease that is different for everyone.
- Lorraine Cantori lost her mom, who passed away in her sleep at age 79, two weeks ago. A donation will be made to a "go fund me" page to help pay for weekly travel costs to a hospital to treat her great nephew (brother's first grandchild) who was delivered with cerebral palsy.

### SAM'S CLUB - REZONING NOT ALLOWED - GENEROUS TAX CERT SETTLED

Madelon O'Shea inquired about the status of the application for 16 automotive fueling stations at the Sam's Club outlet on Route 9A. Ella Preiser replied that the Public Hearing on this application was closed on February 9, 2022 and the record was kept open for ten days at the request of Councilman Ken Jones so the Town Board could discuss the issue at a work session. However, no discussion took place and there has been total silence regarding this application for the past five months. Mrs. Preiser said she spoke with CD&C Commissioner Garrett Duquesne today and he said that the Town Board indicated to Sam's Club representatives that the Town was not planning to approve the application so Sam's Club appears to have walked away. Mr. Duquesne said the Board was concerned it might be sued if a formal denial was issued. Mrs. Preiser noted that a rezoning is a discretionary act and a board cannot be sued for denying a rezoning request.

Mike Burdi reminded that Sam's Club representatives indicated if the Club didn't get the gas pumps, it could not remain competitive and might have to close. Mrs. Preiser said if you take a look at the parking lot,

especially on weekends, you'll know the store is not going away anytime soon. She also reminded everyone of the rather substantial revenue Walmart received following the July 13, 2022 meeting when the Town Board approved a resolution authorizing a tax cert settlement totaling \$317,473+ for the past six years. Mrs. O'Shea said Sam's Club may be back in another ten or fifteen years seeking a rezoning to sell fuel. The ZBA denied a Sam's Club request for an interpretation in 2004 that the store was entitled to sell automotive fuel at the Route 9A site.

#### **NEW SHOPRITE STORE HIDING BEHIND HUGE WALL**

Ella Preiser reported that behind that new "Great Wall of China" at the intersection of Route 9A and Old Country Road some activity continues each workday. Little is visible from Route 9A but if you drive up the hill on Old Country Road you can see a building is taking shape. The framework and the outer walls have been erected and the other day a roof was attached. Excavating machines continue to dig dirt each day and move dirt from one pile to another on the site. The entrance/exit on to Old Country Road has not been opened, but gravel is in place. In addition to the work on the proposed ShopRite store, the original KFC store, nearer to Route 9A, on the site is being updated. Madelon O'Shea asked why they were allowed to have such a high wall. The fact is, there is little that can be done. The owners claimed they needed to level the parking lot to prevent shopping carts from rolling down on to Route 9A and the Building Department approved the regrading. Mrs. Preiser suggested it is likely a major sign variance will be requested (and granted by the ZBA) since the walls prevent anyone from knowing what kind of a facility is located on the site.

#### **ELMWOOD PRESERVE NOW SEEKS CD ZONING**

Dorrine Livson provided an update on the latest proposal to develop the former Elmwood Country Club property on Dobbs Ferry Road. She noted after Town Supervisor Paul Feiner announced at the April 14, 2022 meeting that the Town Board would not downzone the property or permit townhouses on the site, the owners had no choice but to accept the existing R-20 and R-30 zoning for single family homes. A Public Hearing was held at the July 13, 2022 Town Board meeting regarding the latest proposal to place a Conservation District (CD) overlay on the property which would allow the clustering of 113 single family homes and a transfer of 14.2 acres to the Town for recreational purposes. Ms. Livson noted the owners could have saved a great deal of time, money and aggravation if they had accepted the community's initial suggestion to develop the property with single family homes under the existing R-20 and R-30 zoning with a PUD overlay allowing clustering and the transfer of parkland. She said she had a number of questions she wanted answers to, but only had five minutes to speak at the Hearing. She noted once the Town Board approves the CD overlay and issues SEQRA "Findings," the applicant must seek subdivision and other approvals from the Planning Board.

#### **FERNCLIFF CEMETERY ERECTS HUGE RETAINING WALL**

Dorrine Livson reported that Ferncliff Cemetery is planning to put in new gravesites on a northern portion of its property that abuts single family homes on Forest Boulevard. Ferncliff's representative James Caris held a Zoom meeting with neighbors and explained these would be memorial graves with benches and shrubbery, but he never explained what it would look like or the proposed walls. Ferncliff removed all the trees and shrubs that were there. Ms. Livson shared photographs showing the impact these walls have on three backyards. The wall starts at four (4) feet and increases to what Ferncliff claims is twelve (12) feet, but actually is about twenty (20) feet high. On top of this wall will be a three to four foot high safety fence. Ferncliff claims the wall starts at grade, but that is not true. Soil was excavated from elsewhere and deposited where the wall was to be erected. Ferncliff claims the wall will be beautiful with a stone veneer and that six to eight feet high trees will be planted along with a walkway so the trees can be maintained. A meeting with Robert Dam, Interim Building Inspector, and CD&C Commissioner Garrett Duquesne offered no relief, and the neighbors have now hired an attorney.

Madelon O'Shea mentioned that Ferncliff does not have a reputation of being a good neighbor. Recent controversies include plans to erect a caretaker's cottage which was really a huge vehicle repair garage, the continued flooding of a neighbor's backyard which has never been addressed, and a lawsuit when the ZBA denied a request to permit graves on property owned across Secor Road from the cemetery. Ms. Livson mentioned that more recently a tree on the cemetery property fell into a neighbor's yard on Forest Boulevard. Ferncliff claimed it was the homeowner's tree and they would not pay to have it removed. Ferncliff's newest survey indicated the tree actually was on Ferncliff's property and the homeowner filed a lawsuit in civil court. The case was settled out of court when Ferncliff agreed to reimburse half of the cost to remove the tree.

### **ECC SEEKS LEGISLATION RE SMOKE SHOPS**

Madelon O'Shea mentioned recent issues with a smoke shop on East Hartsdale Avenue. Dorrine Livson noted on two separate occasions this smoke shop was issued summons for selling both tobacco and marijuana to an underage person working with the police. Dylan Pyne, the newly elected President of the Edgemont Community Council (ECC), stated about two weeks ago, residents were up in arms upon learning the Cloud House Smoke Shop on the corner of Mt. Joy and Central Avenue had a window display of bongos, a rack of knives and tobacco advertising. Mr. Pyne said the ECC began work to come up with legislation to deal with both smoke shops and selling weapons. Research discovered a state law already exists that bans the advertisement of tobacco and vaping products within 1,500 feet of a school. The Cloud House Smoke Shop is about 430 feet from Seeley Place School. Also discovered were vaping advertisements in the window of the BP station at the corner of Underhill Road and Central Avenue which is about 265 feet from Edgemont High School, and tobacco pop up ads were found at the Scarsdale Convenience store, a little down from the Candlelight Restaurant on Central Avenue, which is about 610 feet from the High School. The ECC contacted Westchester County which cited these three places for the advertisements. Mr. Pyne said residents were concerned about not only advertisements but the actual selling of tobacco and vaping products so close to a school. Particularly concerning was the advertisements of knives, given the current problems with violence in this country. Interim Building Inspector Robert Dam cited the Cloud House for displaying merchandise and operating without a certificate of occupancy.

Mr. Pyne said the Town has been helpful and is working cooperatively with the community which wants a total ban on advertising and the sale of tobacco and vaping product, marijuana, and weapons within 1,500 feet - not only of a school, but any place where children congregate. He understands the Town will discuss this matter at its work session tomorrow. Mrs. O'Shea asked him to keep the CGCA informed when the legislation is more solid and we will vote on it. Ms. Livson suggested that Mr. Pyne write a summary of what takes place at the Town Board work session and the CGCA will post it to our membership.

### **TODAY'S HEAVY RAIN CAUSES SOME FLOODING**

Madelon O'Shea stated when the heavy rain started today, she was too scared to look downstairs, considering the damage she sustained from Ida last September. She encouraged everyone on the call to speak about any concerns they have regarding flooding.

Tom Bock stated that his backyard was flooded today, but fortunately the water did not come into his home. He noted the river is 12-foot deep and comes up to the road. He said the Town said it would be working on something and it put sandbags on pallets. He did not know what was planned. He shared a picture of his house taken during Hurricane Ida last September and pointed out the nine foot water mark in his back yard. His

basement took water right up to the kitchen level. Fortunately, because it was a flash storm today most of the water drained away quickly and didn't soak in.

Mr. Bock discussed a letter from County Legislator Jewel Williams Johnson that asked residents living in District 8 who previously were flooded if they wanted to participate in a walking tour. He said he doesn't need this, but signed up for it because he is concerned that everyone spends time regarding flooding along the Saw Mill River but ignores the Bronx River. In response to an email, he sent pictures of flooding at his home and yard. The tour is supposed to take place on August 15 when Hurricane season has already started. He knows what the water does and where it backs up. He said no one wants to dredge the Bronx River because some are more concerned about a toad instead of the residents and businesses along the river. He noted he ran into State Assemblyman Tom Abinanti in Elmsford on Memorial Day who bragged he got money to clean out the Saw Mill River. Mr. Bock responded he did nothing for the Bronx River and Mr. Abinanti replied that the County is responsible and the state has no control. Mr. Abinanti claimed when he was a Westchester County Legislator he wrote legislation making the County responsible for maintaining the Bronx River, but Mr. Bock noted he provided no money to accomplish anything. Mr. Bock said he will hold his breath and remain hopeful that the walking tour will get something done. However, he mentioned someone said the river has to be dredged from the sound north. If it isn't done that way, water has no place to go. But everyone that builds routes the storm water runoff. He noted Mr. Stahn has talked about the retention ponds working at Ardsley Preserve but when they fill up, the water needs someplace to go. You can't just have remedial water retention.

Dorrine Livson stated that tonight she received an email from one of the property owners who is impacted by the wall Ferncliff has erected. The email said that her backyard was under water from today's rain. Ms. Livson told her to take pictures. Whatever mitigation system was planned obviously didn't work.

Madelon O'Shea said she can recall no mitigation for flooding regarding Troublesome Brook. She noted when the offices were built at the intersection of Central Avenue and Underhill Road, a storm drain was installed. The drain doesn't really work during a heavy rain and the covers bounce up and down. She said the pipes for Edgemont Circle and part of old Army Road go down and under Central Avenue to Troublesome Brook, which is one reason why the street and some of the lower part of old Army Road flooded. The firehouse and residences on Clarendon Place get flooded. She said she would go on the walking tour because she doesn't believe anyone looked at Troublesome Brook.

Alan Fishman said he is very fortunate and his property is on a slight incline so he incurs no flooding. The people who get clobbered are the ones halfway down the street and down on Marion Avenue where they were wiped out in last year's major storm. Mr. Fishman reported that this evening he had to go toward the Scarsdale area to pick up a car from his mechanic. He said when he turned right to head south on Central Avenue, he noted the road going north was backed up with hundreds of cars. The cars were no longer there when he returned about 30 minutes later.

Richard Grant said he was at Four Corners today and it was the usual mess. He noted nothing will change until they do something about all the water running down toward the Bronx River by widening the pipes or installing another pipe. What they're talking about is going to take a long time. He noted the situation was as bad as he has seen in a long time and it wasn't that much rain today. He said at the Lazy Boy furniture store, there is a storm drain that couldn't accept any more water so it became a geyser about six feet in the air. He said he lives a little downstream from Mr. Fishman and what the Town did helped them so there was no flooding in any of

the houses. But there was a lot of water running in that stream behind them down to Central Avenue so the emphasis has to be about the Central Avenue area.

Mr. Grant noted most of Central Avenue is a valley. West Hartsdale Avenue is all downhill as are all of the eastbound street entering Central Avenue all the way down to Jackson Avenue. He noted because of all of the highlands to the west, a tremendous amount of water will head down no matter what you do. He encouraged everyone to watch the presentation made by Garrett Duquesne regarding the Four Corners flooding situation. The presentation is archived on the Town's website. Mr. Grant noted it was very comprehensive. Mitigation will cost millions of dollars and lots of time. Hopefully it will help.

Lorraine Cantori said she has been living along West Hartsdale Avenue for 29 years and knows that considerable rain fell today as a barrel outside was full to the top. She said for an hour and half fire trucks, police vehicles and traffic was backed up all the way to Ridge Road. She knows the Town wants to put a sidewalk on West Hartsdale Avenue and expressed concern about which side of the street it will be on and what mitigation will be done for drainage. Will they mitigate for drainage? She noted there is so much rock at the firehouse, and flooding occurs at both Secor Road and the Four Corners.

Ken Stahn said the rain gauge in his front yard shows just shy of four inches of rain fell since 7 AM this morning. He noted he still has major issues with the Town which is not cleaning out the retention ponds at Ardsley Green, but the ponds do work. They gather up the water and release it slowly and there has been no flooding in his area which used to occur regularly. He expressed concern that the ponds may not work much longer because there is so much overgrowth.

Alicia Ford, who lives in Parkway Homes, said she used to get some water all the time but now has a sump pump. She noted she lives a full street in from Edgepark Road, which was a river during the storms last September. Unfortunately, one owner just bought a house two weeks before Ida hit. Her fully furnished basement with two bedroom was flooded and more flooding occurred the following week and was up to the first floor again. Ms. Ford noted some mitigation work has been done re drainage. She said shrubbery was put in along the river from the County Center up to the Kensico Dam and it did alleviate some of the flooding. She said she spoke with County Legislator MaryJane Shimsky last April who said she had come to Parkway Gardens. Ms. Ford pointed out Parkway Homes is not Parkway Gardens. She said she would be gladly participate in the walking tour.

Mike Burdi said he previously lived in a co-op at Pinewood Gardens in Hartsdale and now lives on Valley View Road in Elmsford and has never experienced flooding except when using the Four Corners. However, he knows water runs downhill and he recalled the frustration of the nurse living in Babbitt Court who rightfully "lost it" at a Town Board meeting following no action from Town officials following the Hurricane Ida event. He said he doesn't understand why it is necessary to beat drums to have the rivers dredged.

Dorrine Livson agreed and said she didn't understand. She noted we have all these studies and year after year people speak about the flooding and all they are told is we need more studies. She thinks they know exactly what needs to be done but keep passing the buck to the county or state as an excuse.

#### **ELECTRIC SUPPLY CHARGES HIGHER**

Ken Stahn reported that the supply cost for electricity was 3 to 4 cents higher per kWh on his last two Con Edison bills than that previously charged by the ESCO Constellation (7.41 cents per kWh) in which Westchester

Power had enrolled 24 municipalities. However, that ESCO contract expired on June 30 and all property owners previously enrolled are now paying the default rate charged by Con Edison. He noted we need to watch the natural gas market as that is how most of our electricity is generated. Mr. Stahn also noted that Con Edison is between a rock and a hard place. They want to go “green” but it will cost money to upgrade the system to bring in more energy from upstate New York or Canada windmills and solar farms. He noted his distribution charges have increased from 12 cents to 15 cents over the last two months.

Ella Preiser said that the Town Board is expected to authorize a Memorandum of Understanding at a Special Meeting tomorrow that will permit Westchester Power to seek a bid for a new contract with an ESCO on Wednesday. It appears that all of the 24 municipalities that were previously enrolled have already issued MOUs. It is unknown whether a long term or a shorter interim contract with an ESCO will be sought. Mr. Stahn said it is unlikely a long term contract will be obtained given the current market volatility. Dorrine Livson mentioned that if there is a new contract with an ESCO, everyone who is not “opted out” will automatically be “opted in.” Madelon O’Shea said that her home in Florida is totally electric and her bill doubled in the last month.

Mr. Stahn suggested that the wave of the future is smaller nuclear power plants - it’s clean energy - if we expect to see a supply charge around 10 cents per kWh. Tom Bock agreed that we need nuclear generated energy, even though that might not be popular. He said if we had stayed with nuclear (instead of closing Indian Point), we would be much farther along, like France, which has a recycling program for the spent nuclear rods.

Tom Bock said he just signed up to put solar panels on his roof. He said he’ll be happy to share information he discovered doing research on solar panels and the name of the firm he has signed up with.

Mike Burdi noted we have an emergency crisis coming. Con Edison just sent out notice tonight about a massive heat wave for the next six to seven days. Where will the additional power needed come from? Users are urged to cut back on power usage. Mr. Burdi noted no one mentioned the plan to supplement the power supply when Indian Point closed.

### **CONCERNS ABOUT HISTORIC BUILDINGS**

Madelon O’Shea said it appears the Roman Catholic Archdiocese of New York may be looking to divest itself of some of its major properties. She noted the Gaisman Estate, which is part of Harts Brook Park & Preserve, has a mansion which is quite a treasure. The property contains a noteworthy stable that was never used as a stable and has doors of mahogany. Nuns are living in a house on the site in an assisted living facility and it appears there is a move by the church to consolidate assisted living facilities. An application has been filed for variances to split off the main house and sell the 11½ acre property. Mrs. O’Shea said there also may be concerns regarding the religious housing at the church-owned Dromore Road site and the Clarewood site.

Mrs. O’Shea also mentioned the mansion on the Warburg Estate which housed the main office of the Greenburgh Central School District. She understand that the mansion is deteriorating - demolition by neglect. She said she understands that the mansion is a treasure trove inside. She fails to understand why all of a sudden people want to divest themselves of properties that are important to an area for their historic value. Or why the Town is ready to go along with what developers want.

Lorraine Cantori said she was heavily involved with the school district under the previous superintendent, who dropped the ball when the very expensive roof on the mansion required repair. The day before school was to begin a couple years ago, she said the school cannot be occupied by staff or students. Everyone knew well ahead it was a catastrophe waiting to happen. She noted the magnificent architecture continues to deteriorate. Mrs. O'Shea encouraged civic leaders to look around their neighborhoods to see what is happening and find ways to preserve structures or at least remove what is worth preserving.

### **KEEP DOORS LOCKED AND NOTHING OF VALUE IN CARS**

Dorrine Livson reported that two weeks ago there were seven or eight reports in her neighborhood of cars being broken into and trespassers seen on properties. In one instance when a daughter responded to a knock on the door, a guy just walked in. Ms. Livson put out a notice to her neighbors to keep all doors locked and not to leave anything of value in cars. She said she spoke with Interim Police Chief George Longworth last Wednesday and informed him about the incidents which had been documented with the police. He said he would look into the matter and the next day he phoned her and said patrol cars would be traveling through the neighborhood. It appears there are gangs going around neighborhoods. Ms. Livson urged all civic groups to be on alert.

### **BE CAREFUL - ROAD RAGE IS OUT THERE**

Alicia Ford reported on April 30, her daughter who lives in New Rochelle was coming to visit her. She stopped for gas and noted thereafter someone was following her on the Bronx River Parkway. When she came to the Fisher Lane exit, one exit before Ms. Ford's home, she cut across three lanes of traffic and went up the hill. The vehicle followed her, chased her through the neighborhood, and right to the door. The man came to the edge of the property, radio blaring and waited there as she got out of the car and went into the house. The incident was reported to the Police Chief and Supervisor Paul Feiner. Ms. Ford noted two days later a similar incident was reported in Ardsley of a car chasing two girls on the way to Ardsley Middle School. Ms. Ford's daughter provided a description of the vehicle and with the help of the White Plains and Greenburgh Police Departments, the person was identified, subsequently arrested and charged with harassment, stalking and road rage.

Paul Colten said the incident sounded like road rage and he had it happen to him. In that situation, he drove directly to the Greenburgh Police Station. He never had anything like that happen before in all the years he has lived here. He noted these times are not like anything before and he's afraid things are going to get a lot worse, considering the amount of violence in New York City and throughout the country.

### **MISCELLANEOUS**

**Family Fun Day Planned.** Alicia Ford stated that the Fairview Empowerment Group is planning a series of family fun days for Greenburgh residents. An event is planned for this Saturday, July 23, at Massaro Park in Elmsford from 2 PM to 7 PM. Five food trucks and ten vendors will be present. There will be swimming, basketball and other fun activities for the family.

**Shelbourne Lawsuit Dismissed.** Dorrine Livson noted that the court dismissed the CGCA lawsuit regarding Shelbourne and no further action can be taken. She said she spoke to Bob Bernstein who informed her Shelbourne has done nothing so far toward building an assisted living facility.

**Brightview Puts Building Plans on Hold.** Dorrine Livson reported that Brightview, which received approval to construct an independent living facility on a portion of the Metropolis Country Club property has said they

are not planning to build right now. It is unknown whether Brightview is planning to move forward with the approved plans to build an independent living facility on Grasslands Road (across from the entrance to Westchester Community College) in the Town of Mount Pleasant.

**Thank You Dora.** A special thank you was extended to Dora Ashley who maintains the CGCA website (cgca.info). She regularly posts notices of Town meetings and CGCA meetings, minutes of those CGCA meetings and other information that the CGCA deems important.