

# COUNCIL OF GREENBURGH CIVIC ASSOCIATIONS

## Minutes of Meeting – September 19, 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), Mike Burdi (Suburban Manor), Paul Colten (Hilltop Farms), Alan Fishman (Northern Greenville), Ellen Foley (East Irvington).

Minutes of the August 15, 2022 regular CGCA meeting were not approved. [Note: Minutes of the August meeting included a suggestion to landmark the Richard J. Bailey School on Hillside Avenue as the only all black school in Westchester County. The CGCA received notice of concerns about this suggestion. Published demographic documents indicate the Bailey school, which serves students in grades four through six in the Greenburgh Central School District, currently has a racially diverse student population.]

Treasurer Dorrine Livson stated the CGCA bank account balance as of August 31, 2022 was \$1,274.12. She noted the Checking Account would now be part of M&T Bank, or known as People's United Bank. She was not aware of whether the bank's current location in the Edgemont area will remain open, but noted there is also a branch on Route 9A near Sam's Club. Paul Colten mentioned there is also a branch on Mamaroneck Avenue in White Plains. Ms. Livson said the bank wanted to charge for new deposit slips but she said she will continue to use the current ones.

### **OFFICIALS VISIT FLOODING ISSUES ON OLD KENSICO ROAD**

Tom Bock reported that last Friday (9/16/22), Westchester County Legislators Jewel Johnson and MaryJane Shimsky, Ms. Shimsky's assistant, DPW Commissioner Rich Fon and another Town official visited his home to discuss flooding issues. Mr. Bock said they all came in their own cars and parked on the street which slowed traffic. They spent about a half hour in his backyard while he explained how much water comes to his side of the street and how it comes so quickly there is little time to react. He pointed out the height water reaches on a six-foot high fence and also the 52-inch high shelf in his shed which is where he places his lawnmower, snow blower, power washer and other equipment anytime there is any threat of flooding. He suspects they thought he was exaggerating. Flooding affects a dozen homes on his side of Old Kensico Road as well as a dozen homes on the other side. He noted the house next to the Brook, which sold to a new family a month ago, has two sump pumps in the driveway and two more in the house.

Mr. Bock said he took the group up to a point behind his house where you could look down and see that the Town hired a company to clear debris from Manhattan Brook. The cleaning stopped when it reached Mr. Bock's property. Commissioner Fon said the county stopped the work because it didn't have permits to remove the debris. Mr. Bock said the hired company also cleaned out debris in the Crossroads Shopping Center where much of Manhattan Brook is paved over. The owners of the shopping center were told it was their responsibility to keep the area cleared of debris.

All of the officials asked Mr. Bock if he had any paperwork indicating that the Army Corps of Engineers installed infrastructure in the Manhattan Brook and turned over everything to the Town, which thereafter would be responsible for maintaining it. Mr. Bock said he used to have paperwork but unfortunately lost it all in previous floods. Annette Purdy who lives across the street, also endures flooding and has been reaching out to DPW. She also lost paperwork about the ACOE work during flooding events which wiped out her office.

Mr. Bock told everyone it is good that efforts were finally made to clear out some debris in Manhattan Brook, however, if efforts are not made to clean out [or dredge] the Bronx River, it will happen again since water has no place to go and the next storm event will simply deposit debris again. Mr. Bock said former DPW Commissioner

Victor Carosi understood the issues and used to send a crew to clean out debris on a regular basis. Following Hurricane Irene in 2011, Mr. Carosi and former County Legislator Alfreda Williams actually served as co-chairs of a Westchester County Committee to address Greenburgh flooding.

Madelon O'Shea told Mr. Bock that she, Dorrine Livson and Ella Preiser were supposed to be part of the meeting in his backyard, but they lack the stamina to visit all of the flood sites and Ms. Livson can't meet on a Friday. Mrs. O'Shea said she suggested to County Legislator Johnson that they arrange a meeting in the H&LPB room in the Greenburgh Library and review maps to understand the magnitude of the problem. Ms. Livson agreed with this suggestion and noted there is no way we can walk or even drive to all of the places in Greenburgh that flood in one trip. She suggested asking Garrett Duquesne about using the GIS to pinpoint all areas in the Town subject to flooding and then asking residents from those areas to attend a meeting. Alan Fishman said that at a recent ECC meeting, Greenville Fire Commissioner Walter Groden mentioned problems dealing with Troublesome Brook behind the fire house. It was agreed he should be invited to any meetings.

### **QUESTIONS REMAIN RE ROUTE 9A SHOPRITE SIGN VARIANCES**

Madelon O'Shea said Ella Preiser was ill and couldn't attend tonight's meeting but made it known she informed Town officials and the ZBA about errors on the variance applications for signage at the new ShopRite and renovated KFC/Taco Bell stores on Route 9A. She has received no response. Mrs. O'Shea said in addition to the wall signs, a huge yard sign variance was also sought for the ShopRite, since the store is not visible to those driving on Route 9A because of the more than 20 foot high retaining wall. For some unexplained reason, the application was withdrawn on the September 15 ZBA agenda. Tom Bock noted area residents are calling the wall the "Great Wall of China." He noted at a meeting held at the Westchester Hills Condominium prior to approvals, the applicants never mentioned the proposed height of this wall.

### **FERNCLIFF RETAINING WALL STILL A CONTROVERSY**

Dorrine Livson reported that controversy still continues about another retaining wall - a wall built on a portion of the Ferncliff Cemetery property that directly abuts single family homes on Forest Boulevard. The need for a retaining wall was necessary because Ferncliff trucked in mountains of dirt to the site. Unfortunately the interim Building Inspector passed away this summer so questions remain unanswered why approval was given for this structure about 24 feet high, when the Zoning Ordinance clearly states that walls in one-family resident districts are limited to "eight feet in height in any rear yard." Neighbors have hired a lawyer. Ms. Livson has forwarded pictures of the walls to civic leaders.

### **TOWN VACANCIES ABOUND**

Madelon O'Shea mentioned that the Town desperately needs a real business person to run this multi-million dollar entity known as the Town of Greenburgh. In addition, she noted there are a number of Town vacancies.

- A Town Attorney is needed - hopefully someone who has majored in municipal law.
- A Deputy Town Attorney is needed for the Planning Board - hopefully someone with planning experience.
- A Building Inspector is needed - hopefully someone with knowledge of both the New York State and the Greenburgh building codes.
- A Town Engineer is needed - hopefully someone with required expertise.

### **SIDEWALKS CAN BE COSTLY**

Madelon O'Shea reported that the Town appears to be giving out violation notices to homeowners for broken or cracked sidewalks and footpaths adjacent to their properties. She noted five Edgemont neighbors received such notices because the macadam was crumbling along walkways built by the Town 20 to 25 years ago. These residents have no idea how to fix, or what it will cost to fix, the problems because the repairs will have to be done to Town standards. It was noted while it might be convenient to have a sidewalk, everyone should think twice about the responsibilities when a sidewalk abuts one's property. The Town code [§ 430-15] requires abutting

property owners to keep such sidewalks free of snow, ice, dirt or other obstructions within twenty-four hours. Failure to comply can result in a bill from the Town or a lien against the property.

### **MEETING TO BE SOUGHT WITH NEW POLICE CHIEF KOBIE POWELL**

Madelon O’Shea reiterated the plan discussed at the August 15, 2022 CGCA meeting to invite Kobie Powell, Greenburgh’s newly installed Police Chief, to the October CGCA meeting. [If this date is not convenient, the CGCA will set another date.] It was noted the CGCA held meetings previously when new police chiefs Brian Ryan and Chris McNerney were appointed and the meetings were very helpful. The meeting will provide civic leaders the opportunity to meet the new Chief, to hear his plans for the future, as well as to raise community concerns and seek answers. As was done in the past, CGCA representatives will be asked to provide notice of concerns they would like addressed. The CGCA will compile a list of concerns and send it to Chief Powell well in advance of the meeting. For example, Dorrine Livson noted some of her neighbors had a problem with break-ins in the area and she suggested to interim Police Chief George Longworth the need for a car to patrol the area from midnight to six o’clock a.m. He agreed to assign such a vehicle.

### **WESTCHESTER YOUTH CONGRESS GUEST EXPLAINS MISSION**

CGCA representatives welcomed Jake Epple, a junior at Irvington High School who is one of the co-presidents of the Westchester Youth Congress (WYC). The WYC is a student led civic organization whose purpose is to create and execute community projects which members are passionate about. Those wishing to join fill out an application form that asks what projects they might be interested in. Three recent projects which were proposed and executed over an 8-9 month period were helping children with special needs, creating a map of locations to obtain Covid-19 vaccines, and organizing a tech drive to obtain computers, cell phones, etc. to donate to Afghan refugees. Mr. Epple said a most recent project involved sustainability. In April, eight government officials and fourteen non-profits got together via a ZOOM meeting hosted by the WYC.

Dorrine Livson inquired about the number of students involved. Mr. Epple responded 41 students have “graduated” from the program and there are now 17 active members, mostly from Irvington, but there are efforts to expand to other Westchester schools by reaching out through friends and connections. Madelon O’Shea suggested the WYC might reach out to area private schools for new members. Tom Bock asked about the criteria for new members. Mr. Epple responded the application form seeks the rationale for wanting to join the WYC as well as ideas for a community project to gauge those who really want to make a difference. He noted last night it was agreed to reach out to the CGCA for the opportunity to work with civic groups. Ken Stahn asked how the CGCA could help. Mr. Epple responded it would be helpful if the CGCA could get the message out about the WYC to help foster collaborative relationships and learn about initiatives to involve the WYC membership.

Ms. Livson inquired whether the WYC would actually get physically involved, e.g., helping to clean out brooks, if the CGCA proceeds with addressing flooding issues. Mr. Epple responded “100%,” and said he would propose the idea to new members. He noted the WYC has executed both in person and virtual projects. [Later in the meeting during the discussion regarding the Marian Woods application, Ms. Livson suggested that the WYC be asked to consider a project of getting a message out to the public on this issue. CGCA representatives agreed with this suggestion. Ms. Livson will reach out to Mr. Epple.]

Mrs. O’Shea inquired whether activities count as community service for college credit. Mr. Epple said they only get credit for projects working with official non-profit organizations, but learn leadership and teamwork skills working on all projects.

Mr. Epple was thanked for attending the meeting.

### **MARIAN WOODS APPLICATION SEEKING SUBDIVISION RAISES CONCERNS**

Madelon O'Shea expressed concern about the future of Greenburgh's parkland. She said that she just learned today that the convent property owned by the Sisters of the Blessed Sacrament on Dromore Road, near the Greenburgh Nature Center, is for sale. The asking price is \$9.5 million. This 6.77-acre property is zoned R-20 and the advertisement notes that it could be subdivided into 13 housing lots. The four nuns currently living at the Dromore Road convent would move to Marian Woods.

As reported in the August CGCA meetings, Marian Woods is seeking variances from the ZBA that would permit a subdivision allowing the nuns to sell as a single family home, a one-acre parcel including the 110-year old former Gaisman mansion which they claim is not needed, is too expensive to maintain and is in need of repair.

Mrs. O'Shea asked guest Erin Hart to speak about the Marian Woods application before the ZBA and the impact it could have on Greenburgh parkland. Ms. Hart explained that on July 23, 1999, the Roman Catholic Archdiocese of New York, in exchange for \$8 million, deeded approximately 123 acres of land off of Ridge Road to New York State (50% ownership), Westchester County (25% ownership) and Greenburgh (25% ownership). This land, which was the major portion of the former Gaisman Estate, was subsequently named the Hart's Brook Park & Preserve and has been maintained solely by the Town of Greenburgh. On July 29, 1999, the Archdiocese also deeded 11+ acres of land, including the former Gaisman mansion to Marian Woods, for use as a retirement home for nuns. This parcel deeded to Marian Woods is located totally within the boundaries of Hart's Brook Park and Preserve. Ms. Hart described this parcel as a "concrete island surrounded on all sides by a wildlife preserve."

Ms. Hart explained that prior to the transfer of properties, in 1996 a committee of local civic leaders was formed to address community concerns about the lack of any future control over this proposed embedded 11-acre parcel. She noted the committee worked really hard to address the concerns. In exchange for a letter of public support requested by the church, assurances were sought that there would be no future uncertainty about any subdivision, sale or development on this property other than for the current use by the nuns.

Ms. Hart noted that 20+ years later, the community found out via the grapevine, that there was an application to the ZBA seeking variances in order to sell part of the property for residential development. She noted she lives on Maple Avenue and her property directly abuts the Preserve, but she received no notice. In violation of ZBA rules, New York State and Westchester County, which have 75% ownership of the abutting Preserve property, also received no notice until Ms. Hart informed them. Fortunately, one neighbor who did receive notice from the Town was a member of the original committee, so word got out. A number of residents spoke at the July ZBA meeting and the application was adjourned to the October 20 ZBA meeting. Ms. Hart noted she has started an online petition to save the Gaisman Estate mansion but needs help getting the message out. Her goal is to obtain funding to acquire the entire parcel so the community never has to go through this again. Dorrine Livson suggested contacting the Westchester Youth Congress for its help in getting the message out.

Ms. Hart noted a meeting is scheduled with the lawyer representing the nuns. Westchester County Legislators MaryJane Shimsky and Jewel Johnson have agreed to attend the meeting. Ms. Hart said she is trying to secure a funding stream and needs contact with NYS legislators and State Senator Andrea Stewart-Cousins. Ms. Livson said a friend and former coworker serves in Albany and she will reach out to him. Mrs. O'Shea inquired whether Ms. Hart had a lawyer. She noted she was referred to Pace Environmental Law Center and she met with them but they cannot represent her because she is a private citizen with no legal standing.

The application to the ZBA mentions the mansion is "historically significant" and the only way to save it is to subdivide the property and sell it. Interestingly no effort has been made to landmark the mansion. It is also very unusual that the Planning Board decided there were no environmental concerns so a full SEQR review and archeological review were unnecessary.

### **TOWN SIGNS UP RESIDENTS/BUSINESS OWNERS FOR ELECTRICITY**

Ken Stahn reported on the new Sustainable Westchester contract with an ESCO for electric supply in which the Town Board recently enrolled all residents and small business owners who have not “opted out” of previous contracts. The new two-year contract will begin with meter read dates starting November 1, 2022 and extend until October 31, 2023. The cost will be 15.3¢ per kWh for the renewable (green) supply and 13.5¢ per kWh for those who choose the standard supply. Mr. Stahn noted the cost is more than double the 7.4¢ per kWh cost for the 18-month contract that ended with meter read dates in June and also is considerably higher than the 11.7¢ per kWh that he paid for electricity in the month of August. He noted the locked-in contract may turn out to be a good deal given the volatility in the world, the Russian war in Ukraine, and the fact that we have no nuclear-generated and insufficient wind and solar supply to offset demand. Mr. Stahn said his main concern is he doesn’t believe that Supervisor Paul Feiner should be championing this cause for Sustainable Westchester.

Paul Colten noted the press is talking about increased cost, especially this winter, with what is going on in Europe. Mike Burdi agreed and noted that Con Edison recently announced a rate hike of 32% for natural gas. Natural gas is the major fuel source used to generate electricity in this area since Indian Point closed. Mr. Burdi said *The Farmer’s Almanac*, which has an 80% accuracy rate, indicates we may be in for a rough winter.

Dorrine Livson pointed out that those wishing to “opt out” of this ESCO contract can do so with no penalty. It is also possible to “opt in” for those previously not enrolled. Alan Fishman mentioned that this afternoon he tried calling the phone number provided to make sure he was not enrolled. He gave up after an endless wait to speak to a person.

### **STILL AWAITING USEFUL SMOKE SHOP LEGISLATION**

Madelon O’Shea reported that despite Town Supervisor Paul Feiner’s comments that there should be a Town-wide committee to address legislation regarding smoke shops, and that the CGCA suggested Mike Burdi was willing to help, no meeting was held and nothing has happened. Last week (9/14/22) a second Public Hearing was held on a poorly written law drafted by interim Town Attorney Joe Danko, which merely replicates a state law about advertising smoking/vaping products within 1,500 feet of a school, but puts the Town’s Building Inspector rather than the County Board of Health as the enforcing agent. At Mr. Danko’s suggestion, the hearing was adjourned to the October 12 Town Board meeting. Mrs. O’Shea noted the Edgemont Community Council (ECC) started the ball rolling on this issue when it discovered three smoke shops advertising tobacco and vaping products (and knives) within a short distance of Seeley Place School and Edgemont High School. The ECC wants a more comprehensive law to protect students, including banning the sale of these products. CGCA representatives agreed that proposed distance separations in the law should include not only schools, but other areas where youth congregate, such as parks, day care centers, churches, etc.

### **STRANGE SILENCE CONTINUES ON NEW POLICE STATION SITE**

The silence from the Town continues regarding purchasing some “Game On” property on Dobbs Ferry Road to construct a police and emergency medical services headquarters. Dorrine Livson mentioned that she filed four FOIL requests seeking information on this issue. All of them were denied, but she was advised she could appeal the denials within 30 days. She noted on behalf of the CGCA, Ella Preiser filed a FOIL request (7/25/22) seeking to know who served on the committee mentioned in the Town’s seven-page letter and also the 39 other sites studied. More than a month later (8/30/22), she received notice from the Town Attorney that no document regarding the committee membership was in their possession and the 39 sites were privileged information not subject to FOIL. She too was advised of the 30-day period to appeal the denial. Ms. Livson noted it is useless to appeal these denials since the Town Board would deny the appeals. The only way to force release of information is to file a lawsuit - a lengthy and costly project.

It was agreed that almost 100% of the information provided in the Town’s seven-page letter was inaccurate. Alan Fishman questioned the information relating to the outside bond counsel. In addition to the inaccuracies about

the village property owners being responsible for taxes, he noted with inflation currently at 8.5%, there is no way to predict a 30-year bond interest rate of 4.25%. Madelon O'Shea again said the Town needs a real business person. She suggested it would be less expensive to retrofit an existing building. She noted the Dannon building was being considered but was sold earlier this year. Ms. Livson noted the Dannon building could have accommodated the Court as well as the Police Station.

Mike Burdi said he has spoken to Supervisor Paul Feiner about various options. For example, Michael's Nursery which directly abuts the existing Police Station site is for sale. Mr. Burdi noted a building could be constructed on the site with a pedestrian bridge connecting the two buildings. He said he also suggested moving the Court to the Pier 1 building in the Crossroads Shopping Center, as well as various existing sites on Central Avenue. Each time, Mr. Feiner says "Great idea, I'll discuss it with the Board." That appears to be - end of story.

#### **ARDSLEY ROAD BRIDGE WORK DELAYED**

Ken Stahn reported that the Ardsley Road Bridge over the Sprain Brook Parkway hasn't been worked on for three weeks - since the Thursday before Labor Day. He noted Con Edison needs to replace gas mains and stopped work at least 300 yards before the bridge. Work needs to continue over the bridge and down to Central Avenue and eventually to Scarsdale. He questioned the information provided on the gblist by Supervisor Paul Feiner and a DOT person. Mr. Stahn noted the project was supposed to be finished in November and is a year and a half behind schedule. Work still needs to be completed on the north side and hasn't even started on the south side.

#### **TOWN GREEN/AVALON, TAXTER ROAD PROJECT SOLD**

Ellen Foley reported that the Town Green/Avalon development off of Taxter Road has been sold to the Harbor Group International and Azure Partners real estate groups for \$306 million. The 617-unit development sitting on 94.6 acres will now be known as Vista at Town Green. The new owners plan to spend \$9.2 million to update common areas and some of the units which were developed in three stages over the two decades between 1995 and 2015. The rental development contains 167 affordable units with some available to lower income tenants.

Ms. Foley mentioned that earlier this year there was a discussion about abandoning the site plan requirement of a shuttle service to take Avalon residents to the Tarrytown train station. It was noted that 99% of the residents owned cars and only ten residents used the service and were charged \$100 a month. Avalon Green paid \$68,000 a year for the service.