

COUNCIL OF GREENBURGH CIVIC ASSOCIATIONS

Minutes of Meeting – Monday, July 22, 2024

This Zoom-enabled meeting 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), Alex Anzer (Hunter Lane), Tom Bock (Fulton Park), Mike Burdi (Suburban Manor), Paul Colten (Hilltop Farms), Major Fareed (Juniper Hill), Ellen Foley (East Irvington), Alicia Ford (Parkway Homes), Shirley Franco (Worthington-Woodlands), Maria Gomez (Fulton Park), Maria Pecora & Bill Sullivan (Sprain Brook Parkway), Ella Preiser (Beaver Hill), Carol Sarcinella (Hartsdale Park), and Carol Wielk (Secor Homes). Also attending were Howard Reiss (Chief of the Fairview Fire Department) and Francis Sheehan (Greenburgh Town Councilman).

Treasurer Livson reported that there was no activity and the CGCA bank account as of June 30, 2024 remained at \$1,015.57. Madelon O'Shea called for a vote on the Minutes. Ella Preiser pointed out a necessary clarification in the June 17, 2024 Minutes. In the second paragraph on page 3 in the article about flooding, Carol Sarcinella mentioned possibly using the vacant "Riverso property" on Central Avenue as a holding area for flood waters. For the record, the property mentioned is located at the intersection of Healy Avenue and Central Avenue, across the road from Tanzillo's Nursery. The Minutes were approved with this clarification.

TOWN AGAIN PLANS TO ENROLL ELECTRIC USERS IN ESCO

Ella Preiser reported that the Town Board adopted a resolution (TB-2) at its July 10, 2024 meeting authorizing a Memorandum of Understanding to continue participation in the Community Choice Aggregation Program (CCA) with Sustainable Westchester. She noted she has not read the 45 page document that was attached to the agenda but it appears that the Town plans to again enroll all residents and small business owners (who have not previously "opted out") into an ESCO for their electric supply. At a special work session on June 26, Noam Bramson who heads Sustainable Westchester made a presentation to the Town Board of the advantages of joining the program again. He noted the length of any new contract may be for a shorter period of time and the cost per kWh will hopefully be less than the cost in the current contract which ends in October of this year. The Town Board agreed to join a 50% renewable clean power product provision, which means 50% of the electric power will come from a renewable source such as upstate hydropower, rather than fossil fuels.

Mrs. Preiser noted for the 20th month in a row, the cost of the current ESCO contract (15.449¢ per kWh) was considerably more expensive than that paid by Greenburgh users who "opted out." She noted the average default Con Edison cost for the month of June was 9.49¢ per kWh. The cost to her and Dorrine Livson was 10.45¢ per kWh and the cost to Ken Stahn was 10.64¢ per kWh. It was agreed that the CGCA should send out some information, including the cost per month of this current contract, to the community.

Alicia Ford noted she is paying 18.99¢ per kWh with Direct Energy LLC and will be investigating. Mrs. Preiser advised her to be careful. She noted a few years ago her brother-in-law signed up with an ESCO for five years for both electricity and gas, and there was a huge penalty cost per month to cancel the unexpired months of the contract for each item. It wasn't worth canceling.

CGCA WELCOMES FAIRVIEW FIRE DEPARTMENT CHIEF HOWARD REISS

Dorrine Livson thanked Fire Chief Howard Reiss for promptly replying to an invitation to attend tonight's CGCA meeting to discuss the Medical Card that the Fairview Fire Department is providing to residents. Those present at the meeting welcomed the Chief and introduced themselves, identifying their respective neighborhoods.

Chief Reiss stated he was happy to come and noted the idea for the Medical Card came from a newly promoted Captain and others in his department. He stressed time is extremely important when dealing with a medical emergency, and a completed card would provide necessary information to emergency responders about a person's contact information, medical history, medications, allergies, advanced directives, etc. The goal is to have separate

completed cards for each person in the household placed in a clear-coated tag, hung on the back of the front or rear door of the home or on the refrigerator or some convenient, easy to access space. Maria Pecora said another community suggested scotch taping the information inside the refrigerator. Paul Colten said in the city it was suggested the card be placed on the back of a closet door near the front door.

Chief Reiss noted he will remove the Fairview Fire Department information and reprint the cards to give to other Greenburgh Fire Districts and Fire Protection Districts. He said he will be happy to go to meetings, civic events, etc. to distribute the cards or go to people's homes to help people fill them out. Mrs. Livson suggested asking the Town to put information out on its gblast. Ellen Foley suggested leaving some cards in the Town Clerk's office. Mike Burdi suggested working with school officials and perhaps doing a cable TV show. Councilman Francis Sheehan said the Town could do a video on how to fill out the cards out and put the video on the Town's server.

Chief Reiss provided information on other services offered by the Fairview Fire Department.

- CPR Classes. He noted he has been teaching this important life-saving skill for the past 15 years and will gladly hold classes at various places. There is no cost. He also mentioned the Heimlich maneuver, and noted he had successfully performed this method of clearing blocked air passages twice recently.
- Car Seat Installation. By appointment, 7 days a week, at the fire station, certified fire personnel will check to see that car seats are properly installed.
- Smoke Detectors. By appointment generally the same day, fire district personnel will provide and install free 10-year smoke detectors (donated by the Red Cross) in important areas of homes - near sleeping quarters and near gas-fired equipment. It only takes two screws to install one. Owners will be asked to sign a waiver. Chief Reiss noted smoke detectors are a safety priority and urged everyone to check the dates on any existing smoke detectors. He noted detectors may not be necessary if the home already has a commercial alarm system.

Ms. Pecora inquired about fire extinguishers. Mrs. Livson said she was clueless about how to use one at her house. Chief Reiss emphasized the word **PASS** - **P**ull the trigger, **A**im the nozzle at the fire's base, **S**queeze the top lever, and **S**weep from side to side. He noted most contain baking soda. He urged everyone to check the dates on fire extinguishers. Maria Gomez asked how to dispose of them. Chief Reiss said to put them in recycle bins or bring them to the fire station.

Mr. Burdi questioned how practical fire blankets were. Chief Reiss said he did not want to opine on them. He said if there is fire in a pot on the stove, put the lid on it to extinguish the fire. But the most important advice if there is a fire, is to get out of the house. Human safety is most important. The house and belongings can be replaced. Human beings and pets cannot.

Alicia Ford pointed out that the Greenburgh Police Department also installs car seats. Madelon O'Shea noted a few years ago she needed a car seat installed in Florida and went to the local fire station. No one there knew how to do it. Chief Reiss noted he recently had a somewhat similar experience with Florida. He said local fire personnel know how to help if someone locks themselves out of a car or home. When he learned his dad locked himself out of his house in Florida, the Chief called the local Florida fire department, explained the problem and asked for help. They were unable to assist. He finally called a locksmith who responded.

Carol Wielk noted the Secor Homes Civic Association is located in both the Fairview and the Hartsdale Fire Departments and raised questions about notifying her community about these issues. Mrs. Foley also raised questions regarding her fire protection district in East Irvington. Chief Reiss noted the Fire Chiefs in Greenburgh meet every month and there are no secrets. He said he would be happy to work with other departments to get a program off the ground if help is needed. He provided the non-emergency number of the Fairview Fire Department (914) 949-2828 which is answered by a human being 24 hours a day, seven days a week. Chief Reiss also provided his personal cell phone number (914) 494-5243. All present thanked him for attending the meeting.

After the Chief left the meeting, a brief discussion took place. Carol Wielk described the Chief's presentation as very informative. Mrs. O'Shea mentioned what an effective spokesperson the Chief was. All present expressed gratitude that Chief Reiss attended the meeting and praised his friendly attitude and willingness to provide generic Medical Cards, respond to all the questions that were raised, and work with everyone, whether or not they lived within the geographical boundaries of the Fairview Fire Department.

CFA APPLICATION REQUIRES MORE HEARINGS IN WHITE PLAINS & GREENBURGH

Tom Bock reported that he attended the Public Hearing (7/16/24) before the White Plains Planning Board concerning the proposed Chick-fil-A (CFA) fast food establishment at 20 Tarrytown Road (Route 119). CFA is seeking a Special Permit for a Commercial Parking Lot on the 19,153 square foot portion of the property located in White Plains which currently provides space for the dumpsters and loading dock for the now vacant CVS store. Mr. Bock said he presented the CGCA's letter to the Planning Board as well as a copy of the Westchester County Planning Board's five page letter concerning this application. He said the White Plains Planning Board is expected to make its decision on the CFA application at its August 27, 2024 meeting. Alicia Ford inquired about the traffic light at the Old Kensico Road intersection which only allows three cars to access Tarrytown Road. Mr. Bock said he brought that issue up at the Public Hearing but was informed that the hearing was only about the parking lot, not the traffic light.

Maria Gomez reported that the Greenburgh ZBA intended to issue its decision approving the fourteen (14) variances requested by CFA on July 18, but the matter was put over because CFA needed to present new information. Previously papers submitted to Greenburgh said that overflow customer parking for CFA would be directed to the employee parking lot in White Plains. Mrs. Gomez noted that ZBA Secretary Kyra Jones sent out a copy of the July 18 letter today from the White Plains Planning Board that states the 30-space parking lot can only be used for employee parking because fast food is not a permitted use in the B-3 zoning district on the lot. Mrs. Gomez said this means the variance request from parking requirements of 142 to 112 should now be changed from 142 to 82 parking spaces. Mrs. Gomez also noted it may be necessary to seek a variance for a wall sign. Plans submitted show wall signs on three sides of the proposed building but the Greenburgh Sign and Illumination Law only allows wall signs on two sides. She also noted that plans show a yard sign in the City of White Plains which probably would not be permitted.

Ella Preiser mentioned there are other questions about this CFA application. She noted that the SEQRA process requires all "Involved Agencies" with approval authority to be identified during the environmental review. She said the SEQRA findings do not include the Town Board or the Town DPW as agencies with approval authority, even though plans indicate moving the sidewalk on the Town right-of-way and adding a separate travel lane from Old Kensico Road (a Town road) on to Route 119. These two actions would require approvals from the Town. Mrs. Gomez said that DOT letters note that CFA would be responsible for paying for these improvements and the installation of a new traffic light at the intersection.

In the CGCA's statement to the ZBA at the June 20th Public Hearing, it was noted that a Use Variance was required to provide 20 outdoor dining seats since the Zoning Ordinance specifically states that fast food establishments must be totally enclosed. CFA applied for an area variance. Mrs. Gomez noted that a member of the ZBA asked Deputy Town Attorney Ed Lieberman about the CGCA's comment during the "deliberation" session. Mr. Lieberman replied that there are legal differences of opinion regarding Use Variances and Area Variances. He mentioned that he lost a lawsuit, but provided no further information. He said it was an issue that he wouldn't discuss during the deliberations session, but he urged them to first consider all the other issues and then they could go into Executive Session for his response. ZBA members decided to grant the variances without addressing the question of whether a Use Variance was required. The Hearing was closed "for decision only" to the July 18th ZBA meeting. As noted above, the ZBA at that meeting voted to re-open the case and it is now scheduled for the August 15th ZBA meeting.

ZBA DENIES PATIO.COM VARIANCE

Madelon O'Shea reported that at the July 18th meeting, the ZBA approved (6-1) the variance to reduce the required number of parking spaces from 25 required to 9 for Patio.com at the property at 600 Central Park Avenue. However, in a separate vote, the ZBA denied the request for a variance to store and display merchandise for sale outdoors on the property - with five members voting to deny and two members abstaining. Mrs. O'Shea said as a resident who has to travel past this location to and from her home, she was very happy about the ZBA decision not to allow the unsightliness to continue. She thanked the CGCA for agreeing to enter comments into the record at both the June and July ZBA Hearings. She noted also helpful was the strong support of Dylan Pyne, both as a neighbor and as President of the Edgemont Community Council, urging the ZBA to deny the application. Tom Bock said he didn't understand how the lawyer could argue that the store had remained in business. Mr. Bock said he went to the store, knocked on the door and was told by a person who answered the door that the place was only used for storage. He said he then traveled to Greenwich, Connecticut to get a part and the employee there reiterated that the Central Avenue store in Edgemont was only being used for storage.

TB-1 - A RESOLUTION WITH MUCH CONTROVERSY

Madelon O'Shea asked for an explanation about the resolution TB-1. Ella Preiser reported this is a rather lengthy story about a resolution that first appeared on the June 26, 2024 Town Board agenda but was held over by Supervisor Paul Feiner. The resolution then appeared on the July 10 agenda and was adopted 4-1, with the Supervisor voting against it. TB-1 addresses potential conflicts of interest and the appearance of impropriety if members of the Town's land use boards (Planning Board and ZBA) also serve in important positions on other organizations regarding land uses that would subsequently need Town approvals.

The issue began earlier this year when some members serving on the Greenburgh Planning Board formed a 501(c)(3) nonprofit organization, Viable Living Incorporated (VLI), with the intention of securing grant money to help developers build affordable housing. Four members of the Town's Planning Board - Hugh Schwartz (Chair), Johan Snaggs, Walter Simon and Alternate Member Aisha Sparks are involved with VLI. Town Council members had concerns about conflicts of interest of VLI members working with developers by providing funding to create affordable housing and then having these developers come before the Planning Board for the approval of these developments.

Planning Board members Hugh Schwartz and Johan Snaggs asked the Town's Board of Ethics (BoE) for an opinion and the matter was placed on the May 16th BoE agenda. CD&C Commissioner Garrett Duquesne wrote a three-page letter to the BoE on May 15th raising some concerns, and Supervisor Feiner sent an email on May 16th which stated he saw no problems since the members of the Planning Board are not compensated. Mr. Duquesne briefly attended the meeting but had to leave to attend the ZBA meeting also scheduled that night. Town Attorney Joe Danko attended and asked the BoE to adjourn this matter so that Mr. Duquesne and members of the Town Council could participate since Mr. Feiner had sent in an email. The BoE ignored Mr. Danko's request and allowed Mr. Schwartz and his wife Janet Linn and Mr. Snaggs to present their case. The BoE then went into Executive Session and decided there would be no conflict of interest because the Planning Board members would recuse themselves if there was a conflict. The BoE Opinion was published well in advance of the July 18th BoE meeting when the vote was to take place.

Councilman Francis Sheehan said it defies logic to say there is no conflict of interest. He noted there are four members of the Planning Board sitting on the VLI. Four votes represent a quorum - the number necessary for any positive vote at the Planning Board. He said if it were only one or two members, there would still be an appearance of impropriety because they could be perceived as asking their colleagues to not vote against them. Mr. Sheehan said when Town Attorney Danko saw the Minutes of that May 16 meeting, they did not mention that he had asked that the matter be adjourned. He informed the BoE the Minutes were not accurate, and there was a dispute about whose recollection was correct since the BoE chair said Mr. Danko never asked. Mr. Sheehan said it was only after the BoE Chair spoke to Hugh Schwartz, who recalled that Mr. Danko had requested an

adjournment, that it was agreed a correction should be made to the Minutes acknowledging it did happen. But Mr. Schwartz said the request was made so late, after the BoE had decided the issue. Mr. Sheehan said unfortunately there is no recording of the meeting, but Ella Preiser can tell you what happened years ago when she attended a BoE meeting and how the minutes inaccurately recorded what she said. Mrs. Preiser noted that she provided an audio tape of that meeting, recorded by Lucas Cioffi who also attended the meeting in July 2019, but the BoE refused to correct the Minutes and told her to go to the Town Board.

Hugh Schwartz claims TB-1 is changing the Ethics Code. The VLI is claiming the Town Board opposes affordable housing. That is not true. The VLI claims no realtor, architect or engineer could ever serve on the Planning Board. But that simply is not true. TB-1 means one can't work with a developer and also sit on a land use Board which must grant approval to that developer. The VLI members claim they are volunteers and not being paid. But it doesn't matter whether money is involved. Mr. Sheehan noted the Ethics Code can't tell the Town Board who to appoint to boards and commissions. Mr. Schwartz wants the Town to suspend the implementation of resolution TB-1 until the next Town meeting on August 14, 2024. At that meeting, Mr. Feiner is planning to ask that the implementation be suspended, but Mr. Sheehan noted the four Town Council members are not going to allow that. The BoE is also saying it wants the opportunity to comment on TB-1, but interestingly, the BoE never gave the Town Council members the opportunity to comment before it issued its Opinion.

Mrs. O'Shea said when she was appointed to the Historic & Landmarks Preservation Board she was required to sign a statement that said she had no conflict. Everyone appeared to agree this controversy is about serving two masters and there certainly is a conflict of interest. Tom Bock said he was glad the Town Board stepped up to address the issue. Ellen Foley said "it's beyond the pale" and could spread to other boards and all kinds of nefarious thing could happen. Carol Sarcinella questioned why the Supervisor was involved. She noted she used to sit on the Ethics Board and she found the Board's Opinion very disturbing.

Carol Wielk noted this is a political problem. Mrs. Foley disagreed and suggested it was a legal and ethical problem. She noted if it was a political problem there could be a compromise. She questioned what is the legal position? Mr. Sheehan said the Town Attorney supports TB-1 and has said he will not support suspending the resolution. The CGCA agreed to write a letter supporting TB-1.

STILL AWAITING LIST OF MEMBERSHIP ON BOARDS & COMMITTEES

Carol Wielk questioned the status of the CGCA's request for the list of members on Town boards and committees. Dorrine Livson replied that Ella Preiser emailed a FOIL request for the document to the Town Clerk some time ago but has received no response. Mrs. Livson said she and Mike Burdi met with the Town Clerk and asked for this information and have never received it. Councilman Francis Sheehan noted the list the Town Clerk found had not been updated in about ten years. He said the Town now knows the membership on committees, but information about terms of office is still being sought by reviewing past Town Board meeting Minutes. He said they are getting close to completing the task, and don't want to put out a list that is inaccurate.

Ms. Wielk reminded that civic groups could help the Town Board search for good people to fill vacancies if they were made aware of positions available. She urged people to start thinking about possible recommendations.

NORTH WASHINGTON AVENUE SIDEWALK MISSING SECTION

Madelon O'Shea inquired about the issue regarding the North Washington Avenue sidewalk recently built. Councilman Francis Sheehan responded that Hal Samis has focused attention on the fact that there was a contract to construct a new sidewalk along the **entire** length of North Washington Avenue from West Hartsdale Avenue to Central Avenue. A portion was not constructed because there is a huge outcrop - a mountain of stone. Mr. Sheehan noted there were a number of other things underground that were unforeseen but had to be dealt with that ate up some of the funds in the contract. He noted the contractor did take some money off and that money went into a fund for other sidewalks. Mr. Samis argues that one cannot safely walk to Four Corners or Trader

Joe's, but the Town Engineer disagrees. Mr. Sheehan said the Town is not saying the sidewalk won't be completed, but it is an engineering problem that needs further review. Mike Burdi said he finds it hard to understand why a contractor bidding on a project didn't do some sampling to see if the project was doable or what it would entail.

TROUBLE CONTACTING DPW FOR TREE LIMB PICKUP

Maria Gomez questioned whether there was a shortage of DPW employees. She noted she received no reply to several phone calls about a major limb that fell into the intersection of Old Kensico Road and County Center Road during a recent storm. She said her husband and son dragged the limb off of the street and cut it up. The pieces are lying in the right-of-way and she would like them removed. Councilman Francis Sheehan noted if the tree was on private property the Town is not responsible. Alicia Ford suggested she call DPW at (914) 993-1574. Ms. Ford and Mr. Sheehan suggested emailing DPW Commissioner Rich Fon at rfon@greenburghny.com.

EMPLOYEE SHORTAGES EXIST

Councilman Francis Sheehan noted that the Town has been very short on Engineers for a long time and hopefully that will be corrected soon. He said the Deputy DPW Commissioner who was handling FEMA for Babbitt Court recently resigned and went to another municipality. He noted the Building Department has also been short staffed and mainly consists of only Building Inspector Frank Morabito and Deputy Inspector Liz Gerrity. However, Mr. Sheehan said there has been a great synergy between the Building Department and DPW to get needed jobs done. He noted it is necessary to hire people off of the County list who score in the top three on the test. Thus, people are hesitant to give up existing positions and come to Greenburgh as provisional employees.

FIRE IN HARTSDALE - A GOOD DEED - WATER PROBLEMS

Councilman Francis Sheehan said the other night Building Inspector Frank Morabito was called out on an emergency so Deputy Inspector Liz Gerrity responded to a house fire. After the fire she had to walk up a dark hill to get to her car and a very nice firefighter escorted her and provided a flashlight. That firefighter was Captain Francis Sheehan of the Scarsdale Fire Department, Councilman Sheehan's son. Councilman Sheehan said he understands that it was an electrical fire, and the person who bought the house was making repairs without permits. It appears the person also brought in fill without obtaining a permit. The Town requires that fill be inspected. Carol Sarcinella asked if the fire was on Sunset Lane off of Healy Avenue. Mr. Sheehan wasn't sure but said it may have been. She said she heard the fire department couldn't get water out of the hydrants up there and were forced to drag hoses uphill that were connected to fire hydrants on Marion Avenue.

UPDATE ON THALLE APPLICATION TO ZBA

Mike Burdi inquired about the Thalle application. Councilman Francis Sheehan replied that the application is still before the ZBA which did not want to take the word of the Town Engineer and staff and sought information from an outside expert. They are still awaiting the report. A special meeting will then be held with the ZBA.

Mr. Sheehan said this application has been on the agenda for well over a year. Town staff have attended meeting after meeting with Thalle representatives and are rather frustrated. Since 2002, every December Thalle submitted letters to the previous Building Inspector stating that they complied with their permit which stated piles could be no higher than 30 feet, no more than 10,000 cubic yards of material could be stored on site and none of it could contain asphalt or other contaminants. The Building Inspector merely filed the letter. In 2019 a notice of violation was issued and when the present Building Inspector took one look, he learned there had been no enforcement. Thalle did not comply with any of the permit restrictions. In addition, structures had been built without building permits, and electrical and plumbing devices and tanks were installed without permits. Mike Burdi noted that Thalle cites it has been inspected by and is under the control of other agencies such as Westchester County, the DEC and the MSHA. Mr. Sheehan noted that does not make them exempt from Greenburgh code requirements. For instance, Greenburgh requires fill to be tested before it is brought in or removed. Thalle accepts material excavated from the roads and maintains it is not fill because it is going up in piles and not into the ground.

MISCELLANEOUS

Members Still Awaiting Re-appointment to Boards/Commissions. Dorrine Livson said she has taken the sexual harassment class but is still waiting to be re-appointed to the Parks & Recreation Advisory Board. Alicia Ford said she is waiting re-appointment to the Police/Community Advisory Commission. Councilman Francis Sheehan asked if either had been interviewed. Both said no. Mr. Sheehan said re-appointments are no longer automatic. Everyone must submit to an interview.

Juniper Hill Construction Going Well. Major Fareed said things are going well in his area. He noted construction along Juniper Hill will be finished before the end of the summer. He said the contractors are doing a really great job, they are every efficient and clean up after themselves.

Demolition Timing Questioned. Alicia Ford said her neighbors are asking when demolition will take place of the structures at 55 Cummings Avenue that the Town Board approved last November. Councilman Francis Sheehan replied that demolition can't take place without a clean asbestos report. He said he will raise the issue at the "land use" meeting this Friday and get back to her.

"Thank You" Councilman Sheehan. Those present thanked Councilman Francis Sheehan for attending tonight's meeting and providing information on a number of issues.

"Thank You" Carmela and Dora. Each month Carmela Greco-Acevedo arranges the Zoom meetings. Dora Ashley maintains the CGCA website (cgca.info). Their efforts are greatly appreciated.