

COUNCIL OF GREENBURGH CIVIC ASSOCIATIONS

Minutes of Meeting – Monday, September 23, 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), Mike Burdi (Suburban Manor), Lorraine Cantori (Greenburgh Action Alliance - Hartsdale), Paul Colten (Hilltop Farms), Lloyd Cort (Parkway Gardens), Alan Fishman (Northern Greenville), Ellen Foley (East Irvington), Alicia Ford (Parkway Homes), Maria Gomez (Fulton Park), Richard Grant (Hartsdale Park), Matt Jaffe (Edgemont Community), Ella Preiser (Beaver Hill), Carol Sarcinella (Hartsdale Park), Carol Wielk (Secor Homes), and Paul Wooten (Edgemont Community). Also attending at 8:00 PM was Greenburgh Commissioner of Community Development and Conservation Garrett Duquesne to address questions about the proposed ADU legislation.

Madelon O'Shea welcomed Matt Jaffe and Paul Wooten to their first CGCA meeting. Treasurer Livson reported that there has been no activity and the CGCA bank account as of August 31, 2024 remained at \$1,015.57. Mrs. O'Shea called for a vote on the Minutes of the August 26th meeting. A couple of minor typos were noted. The Minutes were approved. Corrections will be made before the Minutes are posted on the CGCA website.

IN MEMORY OF MILLIE SHEEHAN AND DIANA SHEEHAN

A moment of silence and silent prayers were held in memory of Millie Sheehan, the wife of Town Councilman Francis Sheehan, and his daughter-in-law Diana Sheehan, the wife of his son, Captain Francis Sheehan of the Scarsdale Fire Department. Both tragically died in a car crash on Monday, September 16, 2024. It was noted that Francis founded and led the Secor Homes Civic Association for many years and regularly attended CGCA meetings. Carol Wielk said his family remained members of the Secor Homes Civic Association. Francis also attended a number of recent CGCA meetings and provided responses to questions raised.

Those present expressed deepest sympathy to the members of the extended Sheehan family, especially Francis, his daughter Christine and her husband Brian Kane and their three children, son Francis, Jr. and his son, and Cruz Ortiz, the mother of Millie Sheehan. A vote was unanimously approved to send a donation of \$150.00 to the [FundtheFirst.com/Support the Youngest Sheehans campaign](https://FundtheFirst.com/Support%20the%20Youngest%20Sheehans%20campaign%20in%20memory%20of%20Millie%20and%20Diana) in memory of Millie and Diana.

MEDICAL INFORMATION CARDS AVAILABLE

Dorrine Livson reported that she spoke with Fairview Fire Chief Howard Reiss regarding the Medical Information Card that he discussed at the July 22, 2024 CGCA meeting. The cards were designed to contain necessary personal information about contacts, medical history, medications, allergies, advanced directives etc. The goal was to have a card filled out for each resident in a home and have the cards placed where they would be readily available to any emergency responders called to the home. The card was specifically designed for the Fairview Fire Department and Chief Reiss said it was decided that it would be upsetting to the person who designed the card to change it to a generic card. However, Chief Reiss advised that the cards will be made available to everyone, including those living in other Fire Districts. Mrs. Livson noted that the information on the card would be useful to whatever department's first responders arrived at a home in response to a 911 call.

Those wishing to request the cards should first call the non-emergency number of the Fairview Fire Department at (914) 949-2828 and then pick up the requested cards at the Department Headquarters, located at 19 Rosemont Boulevard, off of Tarrytown Road, or at Station 2, located at 290 Worthington Road at the intersection with Dobbs Ferry Road.

ESCO CONTINUES TO BE A COSTLY SUPPLIER OF ELECTRICITY

Ella Preiser reported that the ESCO contract in which the Town Board enrolled thousands of Unincorporated Greenburgh residents and small business owners for electricity supply has continued to be a costly experience. Those enrolled are paying 15.449¢ per kWh for electricity. For those who "opted out," the average default Con

Edison price for the month of August was 9.85¢ per kWh. She noted her price and that of the Livson family for the main month of August bill was only 9.34¢ per kWh. The price for Ken Stahn was even less - 9.27¢ per kWh. Thus, we saved more than 6¢ per kWh and paid 40% less for our electricity supply needs for the month.

Those who “opted out” of this Sustainable Westchester ESCO contract have saved money every month for the past twenty-two months. Two more monthly readings remain on this current contract. Those who have not “opted out” will be automatically enrolled in the new contract with the ESCO Constellation, starting with meter-read dates in November 2024. The cost will be 12.178¢ per kWh, 21% less per kWh less than the current contract.

FULTON PARK AREA - FLOOD MITIGATION DISCUSSED

Madelon O’Shea reported that at its September 17, 2024 work session, the Town Board held a discussion about flooding in the Fulton Park area. In attendance were: NYS Assemblywoman MaryJane Shimsky, Westchester County Legislator Jewel Williams-Johnson, County Flood Mitigation & Resilience Director Dean Tarulli, Greenburgh DPW Commissioner Rich Fon, and Deputy Town Engineer C. J. Gelardo. Town Councilwoman Ellen Hendrickx said the Fulton Park neighbors were unable to attend so the Board scheduled another meeting for November 19th at 5:30 PM.

Dorrine Livson was the only person present who watched the entire meeting. She said concern was expressed about flooding, a broken fence and the constant illegal dumping into the pipeline and a culvert behind the residences on Old Kensico Road. Commissioner Fon noted that Ms. Johnson had been active in having the Town and County clean up the area. He showed a drone video of the area. Ms. Shimsky noted in 2024 the state allocated \$250,000 in funding for the Manhattan Brook area. Storm water infrastructure and sewers are inadequate to address flooding. Director Tarulli said he just got started and noted it would take four to five years working with the DOT and Army Corps of Engineers to design and build new necessary infrastructure.

Maria Gomez told those present that the reason why no one from the Fulton Park community attended the work session was because they received notice that the meeting was cancelled. She said she received a phone call that day inquiring whether she had telephone numbers of various area residents to tell them the meeting had been rescheduled. She did not. She noted that she has seen people dumping leaves over a wall that is only about 2 to 2 ½ feet high on the County Center side. She said she feels this wall represents a danger to children.

At the Town Board meeting, Commissioner Fon also noted the Town has worked to remove debris from the Saw Mill River in the area off Route 9A near the Little League fields. He said development in the area was responsible for some flooding. Councilwoman Hendrickx asked if Greenburgh’s laws are outdated and need to be beefed up.

ROAD REPAVING TO BEGIN ON CENTRAL AVENUE

Alan Fishman inquired when repair work would be done on Central Park Avenue. He noted the craters left by Con Edison are teeth-chattering and hazardous to one’s vehicle. Richard Grant said that NYS Assemblywoman MaryJane Shimsky noted in a recent mailing that \$17 million has been set aside for milling and repaving Central Park Avenue. The northbound side from the White Plains border to Underhill Avenue in Yonkers will be repaired this fall. Milling and repaving on the southbound side of the road is to take place in the fall of 2025.

Ella Preiser noted it is not just Central Park Avenue. Other state roads, including Knollwood Road, Dobbs Ferry Road, and Route 9A (Saw Mill River Road) are also in need of repaving. She noted earlier this year Con Edison did some gas main changes on Route 9A in the area north of Elmsford, from Payne Street to Beaver Hill Road. The plates have been removed and patch work was done. However, there are numerous potholes both visible and felt when driving over this patch work. Once it rains and water freezes in these holes, they will turn into huge craters endangering pedestrians, drivers and vehicles. Ironically this section of Route 9A was milled and repaved a couple of years ago after many years in deplorable condition.

ADU PROPOSED LEGISLATION DISCUSSED

Commissioner Garrett Duquesne was welcomed to the meeting. Madelon O'Shea inquired whether he expected the proposed legislation regarding Accessory Dwelling Units (ADUs) to be adopted following the Public Hearing before the Town Board on Wednesday (9/24/24). Mr. Duquesne responded that he thought it will be an introductory meeting, and likely to be adjourned to another date for possible amendments. Mrs. O'Shea said she would like to see any subsequent meeting run like a scoping session with various department heads - Assessor, Building, DPW - as well as a licensed realtor present to respond to residents' questions. Mr. Duquesne said he thought it would be more effective for the CGCA to work with him to develop a list of written questions that department heads can use to develop the answers before any future meeting.

Dorrine Livson said this proposed legislation could have a major impact and inquired why there was no advanced notification to all residents in "R" one-family districts. Mr. Duquesne noted that Supervisor Paul Feiner sent out an eblast today about the meeting. Mrs. Livson noted that very few people receive these eblasts and this is very late. Ellen Foley, Lorraine Cantori and Paul Colten said they received no advanced notice until Mrs. Livson forwarded the emails that Mr. Duquesne sent to the CGCA. Mrs. Foley said there was no opportunity for her civic group to discuss the issue. Mr. Colten said he understood there may be political pressure from Albany but as a homeowner, he doesn't want to see his neighborhood turned into a two-family zone.

Alicia Ford said she would opt out as this would not be cheap. Mr. Colten agreed that necessary plumbing and electrical work would be expensive to convert even an existing home. Mrs. Foley asked about specifics. Mr. Duquesne responded that a homeowner must own a lot of at least 10,000 square feet to have an ADU located in the existing home or garage, or a lot of 20,000 square feet if the ADU is to be located in a separate cottage. The property must be owner-occupied. In response to a question about change to the assessed value, Mr. Duquesne said a single family house would have no change in assessment. Mrs. O'Shea asked why no change. Mr. Duquesne said he meant there would be no impact on the neighborhood homes, but acknowledged there would be an increase in assessed value and taxes on the property with the ADU.

Carol Sarcinella asked about parking. Mr. Duquesne responded that single family homes require two parking spaces, which can be located in a garage, carport or a driveway. The driveway can be between 8 feet and 30 feet wide and must comply with setbacks for the zoning district. A one-bedroom ADU would need one extra parking space, and two bedroom ADUs would require two extra parking spaces. He said parking cannot be in the street.

Carol Wielk asked what type of impact Mr. Duquesne expected ADUs to have. He responded that if done right, there will be harmony. He said one would not notice visually an ADU located within a house or existing garage. He said he is aware of stand-alone cottages that blended in well visually where he lives. Mrs. Foley inquired about criteria for an extension. Mr. Duquesne responded that an extension can be between 400 and 800 square feet. There will definitely be a bathroom and kitchen. Living quarters would depend on whether the ADU was a studio, one bedroom or two bedrooms unit. Occupancy would be no more than two persons in a studio or one bedroom unit, and no more than four persons in a two bedroom ADU. Mrs. Foley questioned whether one could buy a lot and build a house and also build an ADU. Mr. Duquesne said "yes" providing the applicant met all the lot and bulk requirements and obtained a Special Permit for the ADU. He noted there are seventeen (17) criteria an applicant must meet for the Special Permit.

Mrs. Livson asked about the notification process and Ms. Wielk asked who has final authority. Mr. Duquesne responded that notification will follow the same process as for other Special Permits. All neighbors within 500 feet will be notified by mail of the Public Hearing, and the Planning Board would have Special Permit approval authority. Ms. Sarcinella asked what if a neighbor objects. Mr. Duquesne replied that at the required Public Hearing, neighbors could raise objections. However, they would have to show that some criteria was not met. He noted lot and bulk requirements are cut and dry but other criteria are more discretionary for Special Permits.

Mrs. Livson mentioned that people seek variances from the ZBA for any number of things. She inquired whether variances could be granted from the ADU law. Mr. Duquesne said that an applicant would have to present what was unique about their property. It was noted that Article 78 lawsuits could be filed by those challenging decisions of the Planning Board for a Special Permit or of the ZBA for Variances.

Mr. Colten said this conversation may be about a done deal. He noted Gov. Hochul wants this and it may happen. Mr. Duquesne said at present, it is voluntary, and New York municipalities are under no obligation to have ADUs. He said some communities, like Bedford, have had the legislation for some time but others like several Greenburgh villages only adopted legislation in 2022. Today he heard from Ardsley, Irvington and Tarrytown. Since 2022, they have only received 0 to 2 applications a year. He noted it is very expensive, costing an average \$200,000, so it is not very profitable. One might do it for family members. He agreed the state could mandate it, but he said he personally would be shocked if there were more than five applications a year.

Mrs. Foley said she heard the state is considering a \$125,000 grant to those constructing an ADU. Mr. Duquesne acknowledged such a grant could definitely motivate more people to consider adding an ADU. Mike Burdi noted that is until the money runs out. Ms. Ford suggested such a grant might depend upon one's income. Ms. Sarcinella asked if funding is included in the state's budget. Mr. Duquesne noted it would be state-wide funding. He promised to look into the matter and get back to the CGCA with information.

Alan Fishman asked who is looking to pass this law and noted once the law is adopted, there is no control of where things go in the future. He noted the arbitrary 25 units per year could change and there could be ADUs on every other parcel. Mrs. O'Shea said she understands additional housing may be necessary but questioned why the Planning Board members jumped on this proposal. She noted where she lives in Florida, there are a lot of guest cottages on properties that used to be stables, barns, etc. but these are located on several acres of land. She said if a guest cottage is built at Greystone on a parcel of several acres in Greenburgh, it will not be visible. However, if it is located on a 20,000 square foot lot, it likely will be visible to neighbors and those passing by.

Mrs. Foley mentioned the changing concept. She noted people purchased their single family homes in single family neighborhoods because that is how it has been for decades and they assumed that is the way it will continue. Now we are being told that may not be true. Mrs. O'Shea said the more questions raised, the more she believes we need to hear from realtors about the impact an ADU would have on the value of our home, especially if we want to sell our homes. She noted we all have enormous investments in our homes and they are part of the inheritance we plan to leave our heirs. She also questioned the impact on a next door neighbor's home if an ADU is constructed. She noted she didn't see ADUs listed in some of Westchester's more affluent municipalities, such as Scarsdale, Bronxville, and Larchmont.

Mr. Colten mentioned there are places for people to live and noted there has been a lot of development in lower Westchester in the last few years, including a number of huge rental apartment complexes along the Westchester Avenue corridor. He noted probably most of these units are market rate, not affordable, but he questioned the need for creating ADUs. Mr. Duquesne agreed there has been a fair amount of development that gives diversity to housing stock. He noted ADUs are potentially different - possibly for a family member to fit in. He said the same type of housing may not be right for every community.

Ms. Sarcinella inquired whether the proposed law was in conflict with the Greenburgh Comprehensive Plan that people spent years developing. She noted the Plan calls for preserving the density of one-family neighborhoods and did not envision the Bronx or Queens in Hartsdale. Mr. Duquesne responded that the question about providing ADUs did come up during the planning process for the Comprehensive Plan and it was decided not to include them as a policy. However, he does not think ADUs as proposed would be in conflict with the Comprehensive Plan. He doubts many ADUs would be requested in any given year. He thinks requiring a Special Permit, and

the limitations on such things as size, parking, occupancy, etc. indicate there would not be an over saturation of ADUs, so there would not be a negative impact on single family areas.

Matt Jaffe inquired what happens after unit number 25 is approved. Will there be a lawsuit for unit number 26? There was no answer. Mr. Colten said he understands former Planning Board Chairman Hugh Schwartz chose the number 25 because he felt that was the maximum number of applications the Planning Board could process in a given year. Mr. Duquesne said his department must receive the applications and send out copies to the Building Department, Fire Department, Planning Board, etc. He noted more than 25 per year would make his department the “ADU Department.” He said he would be totally happy with a limit of ten applications a year and thinks it will be unlikely they’ll receive more than five applications a year.

Mr. Fishman inquired whether there was any way to force this issue on to a Town-wide referendum so we don’t have to be concerned about 25 units becoming 30, or the appointment of more people to the Planning Board to handle more applications, etc. Good Bye Suburban Living!!! Mr. Duquesne said it was an interesting question that he did not have an answer for, and he would have to speak with the Legal Department.

Mrs. O’Shea noted there are very good schools in Greenburgh and that could foster more interest. She noted while in Florida, she received a phone call from a person who asked if she would be interested in constructing an ADU in the lower portion of her house for her to occupy and renting the upper level so the person’s family could move in and put their three children in the Edgemont School District. Mrs. O’Shea said she doesn’t plan to do it, but her house easily lends itself to adding an ADU on the lower level. Mr. Fishman reminded Matt Jaffe and Paul Wooten that additional students entering the school could have impacts on the Edgemont School District budget, and taxpayers are already up to their eyeballs, including a big bond issue which will require funding.

Mrs. O’Shea noted some of the rationale given for this proposed law is to provide living quarters for aging parents or to allow one to “age in place.” Numerous questions were raised about why one would need an extra kitchen if one was providing for a family member - parents or children. They’re family and you could cook and eat together. Ms. Ford questioned whether you would charge rent to family members. Mrs. O’Shea noted New York rents are pretty steep and wondered what one would have to charge to cover the \$200,000 to \$300,000 debt incurred to construct an ADU to allow “aging in place.” Mr. Burdi pointed out that if seniors were to move into an Assisted Living facility and just rent their house, there are no restrictions.

Ella Preiser asked if Mr. Duquesne could provide information on the number of Special Permits issued for roomers and boarders. Mr. Duquesne said he didn’t think there were that many Special Permits issued by the ZBA, but would find out. Mrs. Foley expressed surprise that a Special Permit was necessary. She knew that one can have up to two roomers/boarders but can’t have a separate kitchen. Mrs. Preiser noted the Building Inspector is required to make periodic inspections of the premises and that can include unannounced inspections.

Mr. Duquesne noted the Accessible Viable Living Committee proposed the ADU legislation and referred it to the Town Board. Some changes were made and the Town Board referred it to the Planning Board for review and recommendation as part of the process. He emphasized nothing has been approved and it is important that the public express its opinion. He said he will forward to the CGCA a document that shows in different colors the Planning Board’s recommendations versus the Town Board’s proposed law.

Ms. Wielk noted it is important to inform civic group membership about this proposed law and encourage homeowners to speak out. She noted some in her neighborhood already put in comments to the Planning Board that they oppose the legislation because they know this will be the end of single family zoning.

IMPROVEMENTS TO POLICE STATION PLANNED

Mike Burdi inquired about the status of the Greenburgh Police Station and whether the Town is still looking for another site. Commissioner Garrett Duquesne replied that the Town Board issued an RFQ for architects to come up with ideas to renovate the Police Headquarters/Court House to bring it into better compliance with ADA standards and address other deficiencies. Responses have been received and the Town Board is looking forward to interviewing firms to develop a master plan for various improvements.

Dorrine Livson noted there is a resolution on the Town Board agenda this Wednesday (9/25/24) to issue \$2,000,000 in bonds to pay for improvements to the Police Station. Mr. Duquesne said that may be for a retaining wall near the pond. He said he will reach out to obtain an explanation.

Lloyd Cort mentioned that word is out that the Town is looking at purchasing the vacant land next to the Police Station - the former Michael & Sons Nursery.

UPDATE RE ELMWOOD PRESERVE

Mike Burdi inquired about the status of the former Elmwood Country Club. Commissioner Garrett Duquesne responded that the developer is finalizing plans with the State Department of Environmental Conservation (DEC) to clean up and remove the pesticides and other toxins on the site. Mr. Duquesne noted that plans call for bringing the entire site, including the 14-acre parcel to be transferred to the Town for parkland, to gold standards of clean up. The goal is to break ground early next year.

Mr. Duquesne said the Town is also working with the State DOT (1) to align the exit/entrance ramps for the Sprain Brook Parkway on Dobbs Ferry Road and (2) to coordinate a new entrance to East Rumbrook Park through the 14-acre site. He noted it is anticipated that the ramps will be finished in the first quarter of 2027.

CGCA TO PRESENT STATEMENT ON ADU LEGISLATION

THANK YOU GARRETT. Everyone present thanked Commissioner Duquesne for agreeing to attend tonight's meeting on such short notice and providing answers to some of the many questions raised.

After Mr. Duquesne left the meeting, those present continued to discuss the issues regarding ADUs. It was decided that the CGCA should go on record at Wednesday's (9/25/24) Town Board Public Hearing regarding some of the issues discussed tonight. A statement will be prepared. Dorrine Livson agreed to attend the meeting and read the statement into the record. The CGCA wants the Town Board to be made aware that the average Greenburgh homeowner received no notice about this proposed legislation or the fact that a Public Hearing on the proposal had been scheduled. It was agreed this legislation could have dramatic ramifications concerning our single family neighborhoods and the public must be better informed. If the value of area homes go up, so will the taxes. If potential buyers do not like the idea that there are two-family houses nearby, property values may go down. Future Town Board meetings must be held and Town staff and outside officials should be present to answer questions the public may raise. It was also agreed to ask the Town to consider holding a referendum before passing this proposed legislation.

CFA APPLICATION ADJOURNED AGAIN

At the August 15th ZBA meeting, the attorney for Chick-fil-A (CFA) said he understood the ZBA couldn't render a decision until the City of White Plains renders its decision, so the ZBA adjourned the Public Hearing to await the White Plains decision. Ella Preiser reported that at the September 19th ZBA meeting, the CGCA presented a statement asking that the Hearing be adjourned until the November ZBA meeting because two days earlier (on September 17) the City of White Plains Planning Board stated on the record that it was adjourning its Public Hearing until October 15, because city staff "are researching the nuances of this application." Mrs. Preiser said the CGCA presumed the October Greenburgh ZBA meeting would be held on October 17 and two days would not be sufficient time for the public to prepare a response.

What happened? The ZBA totally ignored the CGCA's request. The ZBA did adjourn the hearing, but to an October 10th meeting date. This meeting was moved ahead from the usual third Thursday of the month to the second Thursday because of a religious holiday. Mrs. Preiser said the ZBA decision makes no sense. She thinks it is extremely unlikely that the White Plains Planning Board will ignore its scheduled Public Hearing on October 15th and render a decision before this October 10th Greenburgh ZBA meeting.

Mrs. Preiser noted the CGCA wrote a letter to the White Plains Planning Board Secretary on August 26 and pointed out some of the misleading information that CFA representatives have been feeding both municipalities. She noted some of the "nuances" that White Plains officials are currently researching may, in fact, be issues that were documented in the CGCA's letter.

Maria Gomez commented that she spoke with the White Plains Planning Board Secretary and sent a letter that included copies of documents that the CFA engineering firm presented to the Greenburgh Planning Board. These documents misrepresented the White Plains Zoning Ordinance and said "quick serve restaurants" were a permitted use on the parcels located in White Plains. It is not true. She questioned whether Robert Dam, the former Greenburgh Building Inspector, was duped into believing it was a permitted use in White Plains when he responded to a letter inquiring about whether a provision of the Zoning Ordinance would permit a fast food establishment on less than 80,000 square feet of property. It was noted if the White Plains Planning Board upholds its Zoning Ordinance, Chick-fil-A will have to go back to the Greenburgh Planning Board which is the Lead Agency under SEQRA to have the Negative Declaration that was issued amended. Additional variances will also be required because the White Plains Zoning Ordinance states that other municipalities cannot use White Plains properties to comply with requirements of another municipality's Zoning Ordinance if a use is not permitted in White Plains.

MISCELLANEOUS

Update re Incorporation of Edgemont. Lloyd Cort inquired if there was any new information regarding the incorporation of Edgemont. He said he was aware there was one meeting. It was noted one Public Hearing was held on August 30, 2025. A second Hearing was held on September 18, 2024 at which a number of Greenburgh residents raised objections to the petitions submitted. The Supervisor has not issued a response.

"Thank you" Carmela and Dora. Those present expressed thanks for the efforts of Carmela Greco-Acevedo for arranging the Zoom meetings and Dora Ashley for maintaining the CGCA website (cgca.info).

Next Meeting. The next meeting of the CGCA is scheduled for Monday, October 21, 2024.