

COUNCIL OF GREENBURGH CIVIC ASSOCIATIONS

Minutes of Meeting – Monday, April 24, 2023

A special thank you was extended to Carmela Greco-Acevedo who arranged this Zoom-enabled meeting which began at 7:30 PM. The meeting was chaired by CGCA Chair Madelon O'Shea (Old Edgemont). Also in attendance were CGCA Treasurer Dorrine Livson (Worthington-Woodlands), Alex Anzer (Hunter Lane), Mike Burdi (Suburban Manor), Paul Colten (Hilltop Farms), Lloyd Cort (Parkway Gardens), Alan Fishman (Northern Greenville), Ella Preiser (Beaver Hill), Ken Stahn (Sprain Road), Maria and Bill Sullivan (Sprain Brook Parkway Drive).

Paul Colten inquired about the special “guests” attending the meeting - chirping birds. CGCA Chair O'Shea said they were baby chickens being raised by her granddaughter, along with goats, turtles and calves. Mrs. O'Shea is operating a farm in Florida!!

Treasurer Livson stated the CGCA bank account balance as of March 31, 2023 was \$1,122.36. Membership dues have been collected and the renewal fees for the CGCA website and Zoom meetings have been paid so there are no bills outstanding at the present time. Minutes of the March 27, 2023 meeting were approved as written.

ROAD REPAIR UPDATE

Madelon O'Shea mentioned the letters that were sent to numerous officials about the poor state of both Town and State highways. To date no response has been received to the letters. Paul Colten questioned whether the “FixIt! Greenburgh” App works for state roadways. He noted when he has posted notice of potholes on local Greenburgh roads, DPW responds and fills them. It is suspected the App only works for Greenburgh problems. Mrs. O'Shea said Central Avenue from Hartsdale all the way to the Yonkers line is in very bad need of repaving. She was told that Con Edison bears responsibility for the necessary repaving but couldn't do it because asphalt plants were closed over the winter months.

TIF DISTRICT UPDATE - QUESTIONABLE ACCOUNTING???

Madelon O'Shea asked for an update regarding the Tax Increment Financing (TIF) district. Ella Preiser explained that the TIF district was created in 1987 to provide funding to address problems in the Route 9A area north of the Village of Elmsford, especially flooding caused by the Saw Mill River. The TIF district boundaries extend from Route 119 in Elmsford up to, but not including, the Regeneron (former Union Carbide) property on the west side of Route 9A and mainly one lot deep on the eastern side of the road. She said when she looked at the document sent with her Town tax bill something seemed amiss so she reviewed the 2022 Assessment Roll regarding taxes collected for the TIF district. She was shocked to discover at least five properties definitely within TIF district boundaries - the Skating Academy, the current M&T Bank (former TD), a Flooring store at Warehouse Lane intersection, the new Fed Ex site and the Coca Cola plant in the Fairview Industrial Park - that were not included on the Assessment Roll as having property taxes levied for the TIF district. The earlier 2012 Assessment Roll on the Town's website also indicated taxes were not levied for the TIF district for these properties. She said on April 10, 2023 she sent an email to Town officials seeking an explanation. To date she has not received a response.

Dorrine Livson inquired where the tax money was going and for how long. Mrs. Preiser said she presumes collected taxes for these five properties were deposited as regular taxes into the Greenburgh “A” and “B” budget funds. The dates vary when construction or re-construction occurred on these properties. The Skating Academy was built in 1996. The most recently developed of the five sites was the new Fed Ex building constructed in 2016. She noted there may be even more than five properties involved. Assessment Rolls on the Town's website only go back to 2012, so it is unknown how long inaccurate levies were imposed. Under the enabling legislation permitting a TIF district, the Town Board was supposed to hold a Public Hearing every two years to provide an update or make any changes. She said to the best of her memory there has been no Public Hearing during the past thirty years and there has never been a change in the TIF district boundaries.

Mrs. Livson questioned how much money was in the TIF fund and what, if anything, had been accomplished with the funds. Mrs. Preiser said there was close to \$7 million in the fund now. In the past, the fund supported several improvements, all within the Village of Elmsford. Bonds were issued to purchase the “Flatiron” building property at the Route 9A/119 intersection. Tenants’ leases were bought out, the building was demolished, and the intersection was expanded to allow turning lanes. Also a sewer line was constructed along Haven Street (near the BP gas station). Bonds for these projects were retired in 2009 and 2010. Recent Town Board approvals provided relatively small sums from the funds for curbing and sidewalks within the Village of Elmsford. Mrs. Preiser noted that “A” budget incremental taxes paid for new and improved construction on properties within Elmsford Village limits also go into the TIF district fund. In the past, TIF fund balances were placed in interest bearing accounts so there was an additional accumulation of money.

Maria Sullivan expressed surprise that the Town’s auditors have signed off on the Town’s financials for decades and never questioned whether all taxes were deposited in the proper funds. She suggested there might be a big lawsuit there. Mrs. Livson mentioned if the properties were not listed properly on the Assessment Rolls, the auditors would have no knowledge that some taxes should be deposited in the TIF fund. Ms. Sullivan also reminded that Tyler Technologies has done two reviews and were given access to all properties.

Ken Stahn suggested getting in touch with Dave McKay Wilson of Lohud who frequently writes news articles regarding taxes. A discussion took place about whether the CGCA should weigh in on this matter at this time. Mrs. Preiser wants the Town to carefully review all construction permits issued from 1987 to the present to determine which properties definitely should have had taxes levied for the TIF district. Those present at the meeting agreed to give the Town another month to perform a necessary review of documents.

Mrs. Preiser said she has found this whole matter so shocking and wonders what else may be amiss in this Town.

TAXATION OF “NEW” CO-OPS AND CONDOS INCREASED

Madelon O’Shea asked if anyone heard anything about the proposed law regarding taxation of cooperative and condominium units. Ken Stahn noted it has only been a month since the law which would tax these units at 100% of market value was announced. A Public Hearing was held on April 12, 2023 and the Town Board adopted the legislation at a Special Meeting on April 18, 2023. Paul Colten mentioned that Hugh Schwartz appeared to be confused about whether the law applied to only new units or also to conversions. Mr. Colten noted the law does apply if rental units are converted; however, it does not apply to existing cooperative and condominium units.

HEARING SCHEDULED ON LEAF BLOWERS LAW

Madelon O’Shea noted Supervisor Paul Feiner has sent out a copy of a newly proposed law regarding leaf blowers. She noted in the past the CGCA has urged that the law apply to everyone, not just home owners. Ken Stahn said he was pretty sure the new proposal was all inclusive. Dorrine Livson asked if specific days were included, like the last time. Mr. Stahn said it only included certain hours of operation and the number of blowers that could be used on properties of a certain size. Alan Fishman asked if it only applied to gas powered blowers and noted he has owned a battery-operated leaf blower for the past two years which has three settings - low, medium and high - for both speed and sound. Mrs. O’Shea inquired about the life span of the batteries. Mr. Fishman noted the batteries last a couple of years and operate for about 45 minutes before needing to be plugged in to be recharged. Mrs. Livson said this law had received so many iterations and she would not be surprised if the wording of the proposed law is changed again before the scheduled Public Hearing.

CON EDISON RATES CONTINUE LOWER THAN ESCO

Madelon O’Shea noted that the heat is on only minimally at her home in Edgemont and she is sure the woman minding her house is not using huge amounts of electricity, but her Con Edison bill for last month was close to \$700 and a neighbor’s bill came in over \$1,000. She considered these bills unconscionable and noted not everyone has that much disposable income, even in Westchester County. Ken Stahn asked what kind of heat she has. She

noted it is gas. He said he has oil heat and his electric bill for his 2,700 square foot house has run about \$150 to \$175 a month. Mr. Stahn noted that Hal Samis sent out two emails last week that make some good points. The emails suggested that instead of sending out a notice every month about how great green energy is and the difference between the Sustainable Westchester cost for electric supply and the Con Edison default cost, Supervisor Feiner should be telling people they can “opt out” of this contract, and if the price goes back up in the future, they can “opt in” again. Mr. Stahn said most of us are paying a supply charge of around 9¢ per kWh this month from Con Edison versus the Sustainable Westchester price of 15¢ (green) and 13¢ (standard). That 4 to 6 cents difference per kWh is 30 to 40% lower and that does represent a lot of money, even in Westchester.

Mike Burdi said his bill for this last month was \$100 less than last year for the March-April billing period. This billing period was for 28 days while last year’s period was 31 days. This year’s supply charge was nine cents per kWh for 372 kWh or \$34.00 with the sales tax reinstated. Mr. Burdi said he would not be surprised if the May-June charge for electricity increases.

Paul Colten mentioned that a post today on “Next Door” said members of BJ’s could take advantage of an offering of a flat rate of \$74.99 per month for electric supply from a firm called Inspire Energy Holdings LLC. He noted he knows nothing about the company and whether this was a trial rate. It was too late in the day to check it out. He said for him that supply charge would be a very good one, especially with summer coming and the cost of operating a pool pump for six or seven hours a day. He noted he will get “killed” on the delivery charge, no matter the supply charge. He said his current supply charge for 1600 kWh was \$149.

Mr. Stahn agreed that any electric supply would have to come over Con Edison wires but asked Mr. Colten to let us know when he finds out more information about this BJ’s offer. Dorrine Livson said she will send out the information to everyone on the CGCA email list.

CGCA OPPOSES UNITED REFRIGERATION ZONING REQUEST

Madelon O’Shea asked Alex Anzer to explain the United Refrigeration application request for zoning variances. Mr. Anzer noted he lives on Hunter Lane and the property is directly behind his back yard. The request is to increase the permitted height of the building from 25 feet to 73 feet. He mentioned there does not appear to be any buildings that tall in the area except the Volvo building, next to the Bed, Bath and Beyond store in the Village of Elmsford. Dorrine Livson asked how high the Marriott Hotel was. Ella Preiser said the Marriott is ten stories, about 110 feet high, but noted the hotel is a Special Permit use in the Office Building (OB) zoning district and requires at least 15 acres and a setback of 250 feet from the front property line and 150 feet from side and rear property lines. She said the United Refrigeration building is in the Intermediate Business (IB) district which requires no minimum lot size and only 20 feet required setbacks from property lines. The building sits on 2.5 acres but is located less than 25 feet from the back yards of neighboring properties on Hunter Lane.

Ken Stahn mentioned when he was working he did business with United Refrigeration and they need tractor trailers to bring in the equipment. Mr. Anzer noted they will not be serving Mom and Pop businesses for HVAC equipment and supplies and plan to locate that part of their business elsewhere. The present Route 9A site would be used to warehouse huge HVAC units, like those put on the roofs of hospitals, hotels, etc. Some units can be broken down but others would require cranes to place them on roof tops. Ms. Livson suggested that will mean huge trucks will have to use Route 9A. Mr. Anzer noted these trucks will either have to travel south to turn into the property or use the other side of Route 9A for turns. Mike Burdi said at the ZBA meeting the applicant claimed they wouldn’t create that much traffic volume. Mr. Stahn noted the business he ran required parts and supplies, such as Freon. This meant much of the pre-prep business deliveries could be done at night with actual work done in the morning. Mrs. Livson noted that would be even worse for Mr. Anzer and his neighbors, as school buses must pick up students not only on Hunter Lane, but also at the Pocantico Park scatter site housing, and the Westchester Hills Condominiums. She said an owner of the adjacent business property on Executive Boulevard spoke in opposition to the variance request. Mrs. Preiser said the IB zone on Hunter Lane ends at the

homes and then becomes the Planned Development (PD) zoning district of the Cross Westchester Industrial Park. All of the businesses located in the PD zone are limited to 40 feet in height. Hunter Lane becomes Executive Boulevard and travels through the PD zone until it becomes Old Country Road and passes by the Westchester Hills Condominiums.

Mrs. O'Shea noted if the height variance is allowed, it can go anywhere. All agreed there is a real concern that granting the requested height variance will set a dangerous precedent, not just for other IB zones in Greenburgh but also for the many buildings in the PD district which directly abuts Westchester Hills. It was noted when the ZBA granted huge sign variances for the stores in the Crossroads Shopping Center, it became impossible not to grant sign variances for other stores throughout the Town.

The ZBA requested additional information and adjourned the hearing on this application to its meeting on May 18. All present at the CGCA meeting were polled and agreed unanimously that the CGCA should voice its opposition to the granting of this height variance at the May ZBA meeting. Lloyd Cort suggested this should either be "nipped in the bud" or we should ask questions and demand answers to our concerns. A statement from the CGCA will be prepared to be presented at the May ZBA meeting.

PARKWAY GARDENS - SOME PROBLEMS EXIST, BUT FLOODING ADDRESSED

Lloyd Cort was asked about the parking and speeding problems that have been plaguing his neighborhood. He responded that neighbors report the problems are cyclical. Some days are good, other days not so good. He said he will be speaking more about this when he next meets with Police Chief Kobie Powell.

Mr. Cort reported his community was very happy to learn the Town had identified the problem about flooding that has taken place in his area during recent major storm events. The problems seemed to stem from a 50-year old catch basin on Tomahawk Lane, not far from Councilman Ken Jones' home. Mr. Cort noted heavy equipment is up on Tomahawk now working to address the problem.

BEN'S DELI - NEW FUNERAL HOME PLANNED

Alan Fishman expressed concerns that the Central Avenue site formerly occupied by Ben's Kosher Deli is now proposed as a funeral home. He said he is not opposed to the proposed use but is concerned about traffic if there are long funeral processions leaving the site. He noted a procession making a left turn to head south on Central Avenue could create negative impacts blocking intersections at Mt. Joy, Henry Street, etc. He said he would prefer that all processions make a right turn out of the property and then access West Hartsdale Avenue to the Sprain Brook Parkway or continue north to the Bronx River Parkway. He said he mentioned this to ECC President Dylan Pyne but hasn't heard back from him. Madelon O'Shea said she also has expressed concerns to Mr. Pyne about this proposed use. She noted when the site was home to Spiga's, the Planning Board required a 50-foot setback from the homes on Edgemont Circle, but when Ben's Deli was approved, a different Planning Board required only a 25-foot setback to allow more parking and this had very negative impacts on the adjacent homeowners. Mike Burdi questioned whether vegetation was required to block headlights.

Ken Stahn expressed concerns if the funeral procession reached Ardsley Road. Paul Colten said he would not be happy with a procession coming up West Hartsdale Avenue. Mrs. O'Shea mentioned that when her former neighbor, a revered detective in New York City died, the procession closed Central Avenue, Fort Hill Road, part of the Sprain Brook Parkway and Secor Road to get to Ferncliff Cemetery. Police from various jurisdictions were kept very busy dealing with the traffic. Mr. Burdi suggested it will be necessary for the approving boards to seek traffic experts to determine how to address this issue and keep Greenburgh streets operating during such events.

ANOTHER SMOKE SHOP COMING

Mike Burdi expressed concerns about another smoke shop that plans to open on Route 119 [where Batteries Plus used to operate], down a few doors from Planet Pizza. He said signs are up already. He said smoke shops seem

to be meccas for crime and noted just the other day there was a shooting and a killing in Forest Hills and another one in Harlem at a smoke shop. To date the state has not granted a permit for the sale of recreational cannabis at a dispensary in Greenburgh, but existing smoke shops frequently serve as fronts for the illegal sale of cannabis. Mr. Burdi said he clocked the mileage and is concerned that this new shop will be a short distance from the Bailey School on Hillside Avenue. After school kids might decide to get a slice of pizza and then be tempted to walk a few doors down the street for a “joint.” Paul Colten checked on Google and noted the site is 3/10 of a mile or a little more than 1,500 feet from the school.

Madelon O’Shea noted traffic accidents are horrendous in Florida because of marijuana. Mr. Burdi mentioned that during the recent heat wave in Greenburgh, if one had the windows down in the car and were stopped at a red light, one could get “high” from the fumes drifting from other stopped vehicles. It was noted under Greenburgh’s law it is illegal to smoke cannabis in a vehicle. Alan Fishman noted there have been fatalities reported because of those driving “high.” Mr. Colten said he has watched videos taken in Michigan where recreational cannabis is legal and he is astounded at the number of people, on foot and in vehicles, frequenting these dispensaries. He said he thinks people who think this is a non-impact issue are vastly mistaken. He said he is glad the Town Board decided to only allow recreational cannabis dispensaries to exist in the PD industrial zoning districts in Greenburgh if any are approved by the State.

Mrs. O’Shea asked Lloyd Cort if he has the opportunity to do so, to question Police Chief Kobie Powell about any existing problems involving smoke shops in Greenburgh during his next planned meeting. He promised to do so.

THANK YOU - CARMELA GRECO-ACEVEDO, DORA ASHLEY & EAA

Dorrine Livson said the CGCA is lucky to have Carmela Greco-Acevedo and Dora Ashley, who do the overwhelming background work that is necessary to run the organization. Ms. Greco-Acevedo arranges the monthly Zoom meetings for the CGCA and the necessary recording so that Minutes can be prepared. Ms. Ashley is responsible for running the CGCA website. She posts the Minutes of CGCA meetings, links to all meetings of the various boards and committees in the Town that provide agendas, and other information about the CGCA and projects it undertakes. In addition, the website provides the ability for people to contact the CGCA for information on civic groups in their area or answers to other questions they may have. Recently someone inquired about the vacant land a developer gave the Hillside-Wyndover Civic Association. The Town wanted the civic group to pay taxes on the land but Cleo Oliver and others persuaded the Town to take the land. Ms. Livson directed the inquirer to the appropriate Town official to obtain information. Ms. Livson also credited her Executive Administrative Assistant (Sheldon Livson) for his invaluable assistance regarding CGCA matters. Those present at the meeting extended a huge “thank you” to these three truly important, behind-the-scenes workers.

SHOP AT HOME CONVENIENCES

Paul Colten suggested to Ella Preiser that if she did not want to wander the aisles looking for products at the new Greenburgh ShopRite, she could use the Shop at Home on-line feature, either for home delivery or store pickup. She noted she liked to “squeeze her own tomatoes.” Mr. Colten responded that it would be possible to run into the store and quickly leave using the self-checkout for a few items and then pick up the larger order. He noted separate parking facilities are available at the north end of the store for those picking up orders. Dorrine Livson inquired about the timing for picking up an order. Mr. Colten said he believes there is a one-hour time slot but there is a sign giving directions and a number to text. Lloyd Cort stated: “Paul, you’re hired!”

MISCELLANEOUS

ZBA Denies Massive Variance Request. Madelon O’Shea expressed concern about the application on the ZBA April agenda seeking a variance of almost 1,400 square feet to create a substandard lot in an R-7.5 zone. She noted if the Town allows building on every square foot of land, flooding is more than likely to get worse. Fortunately, the ZBA denied this application at its April meeting.

ZBA Adjourns Marion Woods Application Again. At its April meeting, the ZBA granted another adjournment - to its July 20, 2023 meeting - for variances that would allow the nuns living on the 11-acre Marion Woods property (located totally within the Harts Brook Park & Preserve) to sell a one-acre parcel including the 110-year old former Gaisman mansion as a single family home.

Catalytic Converter Thefts Continue. Dorrine Livson pointed out that thieves continue to steal catalytic converters from parked cars in driveways and parking lots, including recent thefts from the Westchester Hills Condominium parking lots. Ella Preiser said all it takes is a jack and a saws-all and a thief can make two simple cuts within minutes that leave the car owner with repairs costing thousands. Unfortunately, there is no protection unless the car is within a locked garage.