

# **COUNCIL OF GREENBURGH CIVIC ASSOCIATIONS**

## **Minutes of Meeting – Monday, June 26, 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), Ellen Foley (East Irvington), Alicia Ford (Parkway Homes), Richard Grant (Hartsdale Park), Ella Preiser (Beaver Hill), and Ken Stahn (Sprain Road).

Minutes of the May 22, 2023 Meeting were accepted with minor typo corrections. Treasurer Livson stated the CGCA bank account balance as of May 31, 2023 remained the same at \$1,122.36. A vote was taken to make a donation to a charitable organization in memory of Ella Preiser's sister (Irene Wood) who passed away last month after the family decides on which organization to support.

### **SUPERVISOR OPPOSES CHANGE OF DATE FOR ELECTING LOCAL OFFICIALS**

Madelon O'Shea called attention to an email that Supervisor Paul Feiner sent out about a resolution recently adopted in Albany that would change the dates when voting takes place for local offices. Currently elections for County [Executive and Board Members] and Town [Supervisor, Town Council and Town Clerk] officials are held in odd-numbered years. The adopted resolution, which has not yet been signed by the Governor, would change the election date for these offices to even-numbered years, the same years as voting is held for Governor and President because there is usually a higher voter turnout. Mr. Feiner is encouraging people to sign a petition opposing this legislation since he feels it would result in limited news coverage about local issues. He indicated Town officials were not given advance notice regarding this law and it would not apply to elections for village, city, school district, or fire district officials. Mrs. O'Shea noted the state of Florida recently changed its law so that the Governor would not have to give up his position while also running for President of the United States.

### **STATE CHANGES LAW RE INCORPORATION OF NEW VILLAGES**

Ellen Foley mentioned one of the reasons she joined tonight's meeting was to better understand the email from Supervisor Paul Feiner about new requirements adopted in Albany regarding those seeking to incorporate as a new village. Alicia Ford responded that she is part of a group called "Saving Greenburgh Coalition." She noted this is the third time that Edgemont is preparing to file a petition to hold an election to incorporate as Greenburgh's seventh village. She said her chief concern is "voter suppression" since under the current law, only those living within Edgemont's boundaries would be allowed to vote, even though the remainder of the Town would be impacted financially if the vote was successful. She noted the Coalition will be holding a meeting on Thursday [June 29] at 10 o'clock at the Greenburgh Library, open to all on Zoom, to discuss the financial impacts.

Under the newly adopted legislation, a Commission would be formed to replace the Supervisor as arbiter of whether a petition was sufficient, and the Commission would require two studies - one study regarding the cost and tax impacts on the proposed new village and the second study on the financial impacts to the remainder of the Town. Dorrine Livson noted that under the adopted legislation, Edgemont would be exempt from any requirements since it had already started the process of collecting signatures. Paul Colten said unincorporated residents would have no leverage. After some discussion all agreed that the new legislation would not apply to Edgemont, unless its current efforts failed and it decided to seek incorporation at some later date. Mrs. Livson questioned why requiring a Commission was not done from day one, instead of allowing the Supervisor to hire private investigators to trick people into rescinding their signatures on an incorporation petition. Mrs. Foley said it would be nice to know what the tax impacts would be. Richard Grant noted according to released studies, \$18 million annually would be lost to Greenburgh, but Edgemont has committed to purchasing services from Greenburgh for a period of time for about \$12 million per year. It was noted the new legislation will not become effective until it has been signed by the Governor.

### **ARDSLEY ROAD/SPRAIN ROAD UPDATE - PONDS NEED CLEANING**

Ken Stahn reported there is a new pastor at his church and he set up a meeting with Supervisor Paul Feiner. At the meeting Mr. Feiner offered some backhanded compliments about how Mr. Stahn was right about the ESCO in which the Town enrolled Greenburgh electric users, and also right about the Ardsley Road bridge repairs. Mr. Stahn noted the work on the Ardsley Road Bridge is going very, very slowly. There has been some sandblasting to get the rust cleaned off, but little else.

Mr. Stahn mentioned that DPW Commissioner Rich Fon emailed him that an RFP was in the final stages and would soon be released about taking care of the detention ponds at the Ardsley Chase and Ardsley Preserve developments. Mr. Stahn said that was ten days ago and he has received no confirmation that the RFP was actually sent out. He noted he sent Mr. Feiner a copy of an email from former DPW Commissioner, Victor Carosi, written in 2018, about an RFP that was being prepared for dealing with the ponds. Nothing has happened during the last five years. Mr. Stahn stated the ponds are overgrown but are working and “doing the job.” However, in another five years they may not work to prevent flooding. He noted the pond at Ardsley Preserve (corner of Old Sprain Road and Underhill Road) is so overgrown you can’t even see it.

### **THOSE WHO “OPTED OUT” OF THE ESCO ARE SAVING MONEY**

It was noted that the thousands of electric users that the Town Board automatically enrolled in a two-year contract with an ESCO for their electric supply are not saving any money. For the first seven months of this current contract, the rate per kilowatt hour charged by the ESCO has been considerably more expensive than the default rate charged by Con Edison. The ESCO rate one month was more than double in price. Ella Preiser said she will again be preparing a table showing the rate that some users pay who have “opted out.” She noted the rate varies depending on the user’s meter-read date, and it is very seldom that a property owner’s bill shows exactly the same rate that Supervisor Paul Feiner posts on the Town’s web site as the average rate for the previous month.

It does appear that even those of us who opted out of the ESCO may soon get hit “big time” with a rate increase. Madelon O’Shea mentioned an article in yesterday’s (June 25) edition of *The Journal News*. The article noted that Con Edison is asking the Public Service Commission to approve delivery rate increases of 12.5% for electric and 20.2% for gas. The purpose is to pay for clean energy initiatives such as upgrading our aging electric grid and addressing other “climate change” issues. If approved, the increases will be for three years and retroactive to January 2023. Ken Stahn pointed out the news article noted that the rate increase for electricity sought by Con Edison is considerably lower than the 22.1% increase sought by NYSEG (6.1% increase for gas) and the 16% increase sought by Rochester Gas and Electric (10.9% increase for gas). The increased utility costs are already having a negative impact. The news article mentioned that statewide “more than 1 million customers are 60 days behind on their energy bills, with more than \$1.1 billion owed to utilities.”

### **FLOODING REMAINS A CONCERN**

Richard Grant noted the Hartsdale Park area still has flooding issues. One person has been particularly hard hit, and the town is investigating it. Dorrine Livson reminded that she, Ella Preiser, Dylan Pyne, and DPW Commissioner Rich Fon attended a meeting with County Legislator Jewel Williams Johnson last November on Town-wide flooding issues. Supervisor Paul Feiner and County Legislator MaryJane Shimsky also attended the meeting on Zoom. Mrs. Livson said that a follow-up meeting was scheduled for June but was cancelled last week. Mrs. Preiser noted that hurricane season has again started and area property owners can only hope and pray there will be no floodwaters in Greenburgh to deal with. Madelon O’Shea noted every time there is heavy rain a friend checks out her house because of the flooding that occurred during Hurricane Ida, the first time in 50 years.

### **PUBLIC OR PRIVATE ROAD CONTROVERSY CONTINUES**

Richard Grant reported that the Town is stalling on presenting any definitive proof that a portion of Healy Avenue is a private road. He has received no cooperation from the Town Attorney. In a recent conversation with Supervisor Paul Feiner, he was told it will get done. Mr. Grant said until the community receives a final

determination that the street is private, the community will not move ahead with other recommendations such as petitioning the Town or putting in notices of claim, which will easily be denied.

Madelon O'Shea asked if any of the owners' deeds mention they owned to the middle of the road. Mr. Grant noted that some do and some don't. He said half of the road abuts Hartsdale Park and Preserve which is owned by the State, County and Town. Mrs. O'Shea noted the Town maintains Old Army Road although she is aware that some of the deeds of properties on either side of Old Army Road, between Ardsley Road and Mt. Joy Avenue, show ownership to the middle of the road. She suggested that Mr. Grant check out the deed for 190 Old Army Road. She recalled that years ago when former Supervisor Anthony Veteran wanted to put in a walkway for school children to use, local residents were asked to sign papers and the owners of 190 Old Army Road refused to sign. Nevertheless, a walkway was installed. No one objected because it was for the children. The property later changed hands.

#### **TOWN DOES ADDRESS COMPLAINTS OF FAILURE TO MAINTAIN PROPERTY**

Alicia Ford mentioned concern about a property in her Parkway Homes neighborhood. She noted the property was always maintained until it was sold. Since then there has been no upkeep of the yard. She said three weeks ago she called the Building Department about the grass that was waist high. She noted today there was a surveyor in her yard and he told her there were plans to build a new single family home. She knew about that but noted he just shrugged his shoulders when she inquired about the overgrown grass. She said she wrote to the Town today about the problem and received a response that the owner was issued a violation notice.

Ellen Foley noted recently there was an incident in her neighborhood where the grass was growing extremely high and trees and shrubs were not pruned. She noted the property looked like it was abandoned but there was a car parked there and there were lights on. She questioned whether there is an ordinance requirement about cutting grass and maintaining a property. Ms. Ford said "yes," you do have to maintain your property. She noted the Building Department will send someone out to check the property and, if necessary, contact the owner. If no response is received, the Town will send an employee out to cut the grass and bill the owner and fine the owner.

Ken Stahn mentioned an overgrown lawn in the Sprain Road area. Paul Colten mentioned a property at 237 Dobbs Ferry Road that for years has been overgrown. He noted it was cleaned up a couple of times but when he looked at it the other day it was in such horrendous condition you almost cannot see the house anymore. He said he can't tell from Town records whether it's in tax arrears but it apparently hasn't been resold since 2008, so it still looks like the current owners are there or they may be deceased. Ms. Ford mentioned there have been a number of foreclosures in the area and people stopped maintaining the property. She noted that in one instance a neighbor called the bank that was holding the mortgage and they sent someone to do the necessary work.

Dorrine Livson mentioned a similar problem with the Elmwood Country Club property. Overgrowth at the corner of Dobbs Ferry Road and Worthington Road created a traffic safety hazard because one couldn't see around the corner to make a left hand turn. She notified the Town and someone was sent out immediately to address the issue. She suggested sending similar complaints to as many officials as possible - the Town Board, Police, DPW, Building, CD&C and deputy commissioners as well.

Mrs. Foley mentioned a problem with a neighbor who had a shed on the side of the house. Under the Zoning Ordinance, sheds are only permitted in the rear yard. So the Building Department issued a notice of violation and the owner took the shed down, but left everything in the side yard that had been contained in the shed. Paul Colten said he installed a shed ten years ago and agreed there are very clear requirements in the Ordinance regarding where a shed can be located, its size, distance from property lines, etc.

### **CGCA OPPOSES HARTSDALE GREENHOUSES ZBA APPLICATION**

Ella Preiser noted she spoke today with Carol Wielk, President of the Secor Homes Civic Association, and said that the CGCA would discuss the Hartsdale Greenhouses application at its meeting tonight. The owners of the property at 450 Secor Road are seeking an “Interpretation” or, in the alternative, a “Use Variance” to continue the processing and sale of firewood and mulch on the site. The owners were forced to make the application to the ZBA because the Building Inspector issued a “Stop Work Order” following an inspection in December 2022 after receiving a number of complaints from adjacent residents about the smoke and foul smelling odors coming from the outdoor wood boilers on the site. The ZBA initially heard the application at its meeting on June 15, at which Ms. Wielk and a number of Secor Homes’ neighbors testified in opposition to the application. The ZBA requested more information and the Hearing was adjourned to the July 20, 2023 meeting.

Mrs. Preiser said she personally wrote to the ZBA last month because most of the information the lawyer representing the applicant stated in her letter accompanying the application was false. The lawyer’s letter claimed numerous times that the owners had been bringing in logs and cutting and processing them to sell as firewood and mulch for 68 years, since the owner’s grandfather bought the property in 1955. No documentation was presented verifying these statements other than signed statements from people who would have been very young children 68 years ago. In fact, records show the property consisted of only a house surrounded by vacant land when it was purchased in December of 1955. The letter claimed the log processing business is pre-existing, legal non-conforming because it began before there was a Zoning Ordinance. In fact, Greenburgh has had a Zoning Ordinance since 1924, and processing logs obtained from offsite was never a permitted use in a residential zoning district. The letter also claimed the business was operating before any adjacent residences were developed. However, Town records clearly indicate that homes on the adjacent streets - Jennifer Lane, Barbara Lane and Jean Lane - were built in 1953 or 1954, before the current owner’s grandfather, Joseph Chiochi, purchased the property in December 1955.

Madelon O’Shea mentioned the environmental and health issues involved. News reports about the recent Canadian wildfires have emphasized how harmful burning wood is to the lungs of children and seniors. She questioned why the Conservation Advisory Council was not involved since it has been so vocal about the health impacts caused by particulates raised by leaf blowers. It was noted under the Town’s Code, the CAC lacks authority to review ZBA applications. This former nursery site continues to be assessed as “agricultural,” resulting in very low property taxes. However, today few plants are grown and the site functions primarily as a heavy commercial operation. Trees and logs are brought in from offsite and cut into firewood or ground into mulch. The greenhouses are used mainly for “seasoning” the firewood.

After a lengthy discussion it was agreed that this illegal operation should not be allowed to continue because it is not benefiting the community. Dorrine Livson presented a resolution which was unanimously adopted by those present at the meeting to support the Building Inspector’s interpretation that this use is not legal nonconforming and, therefore, cannot be “grandfathered.” A second CGCA resolution was also unanimously adopted that will be presented at the July 20 meeting urging the ZBA to not grant a Use Variance.

### **CGCA OPPOSES UNITED REFRIGERATION ZBA APPLICATION**

Alex Anzer reported on the United Refrigeration application before the ZBA. The application seeks an almost 200% variance to permit a two-story addition to the existing building off of Route 9A which would result in a 73-foot high structure. The permitted height in the Intermediate Business district is 25-feet. This application was originally heard in April, adjourned to the May meeting, and adjourned again to the June 15 ZBA meeting. Mr. Anzer said the applicant’s report on the May balloon test requested by the ZBA was rather ridiculous. He noted that in one of the pictures, which indicated the balloon was not visible, one can actually see the existing building. He said he hired a drone to fly 73 feet above the building and take pictures. The pictures were presented at the June 15 Hearing and definitely gave the impression of the true height of a 73-foot tall structure.

Mr. Anzer said that United Refrigeration wants to turn this local “Mom and Pop” area sales office into a warehouse distribution center serving numerous other local sales offices in the tri-state area from Albany, Long Island, Connecticut and New Jersey. A regional manager questioned whether the two additional stories would even be sufficient. Ella Preiser noted Murray Boudin spoke at the Hearing and stated that you could make the proposed building’s height disappear if you painted it pretty colors. Dorrine Livson suggested that sounds like putting lipstick on a pig. During the deliberations session, a “straw vote” taken indicated that four ZBA members were opposed to granting the variance but ZBA member Louis Crichlow offered suggestions redesigning the building and lowering the proposed height of each story. The ZBA members then voted to adjourn the application again to the July 20 meeting.

It was noted that at the CGCA meeting on May 22, a vote was taken to send a letter opposing the granting of the height variance. A letter was emailed to the ZBA prior to the June 15 meeting. Further discussion took place. Madelon O’Shea said granting the requested variance would set a precedent that would have a ripple effect throughout Greenburgh, further eroding the Town’s Zoning Ordinance. All present agreed that another CGCA letter should be submitted at the July 20 meeting, supporting the residents and businesses on Hunter Lane/Executive Boulevard and asking the ZBA to deny the requested height variance.

### **BAD PUBLICITY IS A QUICK PROBLEM SOLVER SHOPRITE FINDS WAY TO DEAL WITH NOISE**

Ella Preiser reported that the day after last month’s [5/22/23] CGCA meeting, her next door neighbor Bill Andersen was interviewed at his home by Channel 12 News about the noise problems he was enduring with trucks making deliveries in the wee hours of the morning to the new ShopRite store on Route 9A. The interview began appearing on the television station later that afternoon and magically the noise problem ceased! ShopRite apparently did not like the bad publicity. At the Town Board work session the following Tuesday [May 30], Building Inspector Frank Morabito informed the Board members that the store received three more summons the previous week but had taken action to correct the problem, with staff vehicles blocking both entrances to the parking lot until 7:30 AM each morning. Mr. Morabito noted trucks waiting to make deliveries temporarily park in the Home Depot parking lot further north on Route 9A in the Town of Mt. Pleasant.

Madelon O’Shea said she plans to visit the new ShopRite at some point. Mrs. Preiser suggested that she wear her hiking shoes. Paul Colten agreed it is a very big store with aisles much longer than usual. He mentioned that he and his wife place an on-line order and he generally runs into the store to pick up fresh fruit, vegetables or certain other things and then picks up the on-line order at the far end of the store. Ellen Foley said she will eventually take a ride to visit the store but prefers not to deal with Route 9A traffic so shops at the nearby Stop & Shop store.

### **ONE POSITIVE CHANGE NOTED TO TIF DISTRICT TAX ASSESSMENT**

Madelon O’Shea inquired about the status of TIF district tax money. Ella Preiser responded that lately the issue hasn’t been high on her “to do” list so there is little to report. She noted a quick review of the Tentative 2023 Tax Assessment Roll revealed that the Westchester Skating Academy on Route 9A, built in 1996, has been added to the properties for which TIF district taxes will be collected. No mention was included of whether or not the taxes collected over the past 26 years for this property have been transferred to TIF district funds. The 2023 assessment roll includes no changes to any of the other four properties she identified within TIF district boundaries. Mrs. O’Shea suggested contacting David McKay Wilson who writes front page stories about taxes in *The Journal News* if there are no responses from the Town about the TIF district.

### **TOWN P&R RECOMMENDS INDOOR & OUTDOOR TENNIS & PICKLEBALL FACILITIES**

Dorrine Livson reported that at Wednesday’s (June 28) Town Board meeting there will be a Public Discussion about the new tennis and pickleball facility that will be built at Anthony F. Veteran Park. She noted she has served on a subcommittee of the Parks & Recreation (P&R) Advisory Board about this. She said Eric Zinger has been dealing with the finances and she went on site visits with Commissioner Gerry Byrne to check out Lake Isle

and another place. She noted Sportime seemed to be the best deal and right now work is underway to finalize the contracts for separate indoor and outdoor seasons. One of the things she has pushed for is that any money received not go into general Town coffers, but instead be used for things in any park and recreation facility at any place in the Town. Sportime will be responsible for all utilities and maintenance. She noted there will be hourly fees but discounts for Town residents and seniors, and scholarships will be offered. She noted the amount Sportime pays will increase every year over the life of the contract and if Sportime earns more than a certain amount in any year, the Town will get a bonus. Paul Colten mentioned he has a friend who has been very involved in the pickleball renaissance in New York City and has been involved with promotional companies, sponsoring tournaments and giving out free equipment. Mrs. Livson suggested he give Gerry Byrne the friend's name and contact information.

Mrs. Livson noted one of the reasons the Town is recommending this outside contract is because it has become so expensive to maintain the Town's nineteen (19) tennis courts. It costs about \$20,000 to maintain each tennis court and the surface only lasts a couple of years. Mrs. Livson urged everyone to review the contracts available on the Town's website and watch Wednesday's meeting and participate during the Public Discussion portion.

### **MUMS THE WORD RE LEAF BLOWER LAW**

Dorrine Livson questioned the status of the Leaf Blower law. She knows the Noise Ordinance was amended regarding Leaf Blowers, but questioned whether the separate law about prohibiting Leaf Blowers for two months during the summer was adopted. Ella Preiser said she knows CAC Chair Terri Tori held up the law at the May 24 meeting because she felt the landscapers made a reasonable suggestion that blowers are necessary when you trim bushes. The Town Board closed that Hearing and held the record open for 14 days. Mike Burdi noted at the last work session, Supervisor Paul Feiner was on a campaign to put up electronic billboards to educate people about the proposed leaf blower ban. The Police Chief and members of the Board opposed this idea as dangerous. June 15 was supposed to be the kick off date for this new law, but as Mr. Burdi noted, "Mums the word." Here we are at the end of June, with no law in place. Paul Colten noted that he has to blow his deck weekly to remove seed pods. Madelon O'Shea mentioned her southern magnolia tree in Florida has flowers about 13 inches in diameter and is shedding now. In August her neighbor's tulip tree hurls huge leaves toward her swimming pool, and she can't walk on the pool deck because they are slippery. She noted she is not of an age to broom sweep these leaves. Mr. Burdi noted there is probably some truth to the comment that leaf blowers contribute to air quality pollution, but as one person said, "you have to adjust" - don't go out then. Mrs. O'Shea noted lawnmowers also kick up pollutants.

### **MISCELLANEOUS**

**Easy Access to Route 9 Again Available to East Irvington Residents.** Ellen Foley reported that Sunnyside Lane has finally reopened so that East Irvington residents in the Taxter Road area no longer have to go ten miles out of their way to reach Broadway (Route 9). Sunnyside Lane had been closed while Con Edison installed new gas mains. She noted the road has been paved over and the Village of Irvington is looking for money to pay for a total repaving and new curbing.

**Unknown Whether Road Tour Took Place.** Madelon O'Shea noted that State Assemblywoman MaryJane Shimsky said that she was going to tour local roads in need of repair with a state DOT person. Mrs. O'Shea questioned whether the tour ever happened, because she noted Central Avenue is still a disaster. No one could provide an answer to the question. It was suggested that it is unlikely any repair would happen immediately.

**Thank you Carmela and Dora for making this meeting possible and getting the word out to all.**