

COUNCIL OF GREENBURGH CIVIC ASSOCIATIONS

Minutes of Meeting – Monday, March 25, 2024

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. In attendance were: CGCA Treasurer Dorrine Livson (Worthington-Woodlands), Alex Anzer (Hunter Lane), Mike Burdi (Suburban Manor), Ellen Foley (East Irvington), Maria Gomez (Fulton Park), Richard Grant (Hartsdale Park), and Ella Preiser (Beaver Hill).

RESPONSES - AWAITED

Maria Gomez said she informed the Town that the plans for a restaurant at 101 Realty (the former Deli Delicious) on Tarrytown Road did not contain an ADA compliant bathroom. She said she received an email from Commissioner Garrett Duquesne that the applicant is discussing the necessary addition. She sent another email to Mr. Duquesne today but has not received a response. Ms. Gomez said she also tried calling the office but no one answered the phone.

Madelon O’Shea said she sent an email today asking if Mr. Duquesne had any updates regarding the flooding and other issues the CGCA brought up at the special meeting on March 11. She has received no response.

Dorrine Livson said she filed a formal FOIL request for plans for Elmwood Preserve and has received no response.

MEETING WITH THE TOWN CLERK

Dorrine Livson provided information on a meeting that she and Mike Burdi had with new Town Clerk Lisa Marie Nero. They wanted to discuss three main issues.

1. **Street Signs.** Mrs. Livson asked why the street sign for Kevin Morgan didn’t include the word “honorary,” which appears on other signs for deceased residents, such as the one for André Talley, that former Town Clerk Judith Beville had installed a short distance away. Ms. Nero did some brief research and noted that the sign for Mr. Morgan should include the word “Honorable” since he was an elected official. She said she will bring this matter to the attention of the Town Board. Mrs. Livson also inquired about naming a street in memory of Cleo Oliver and mentioned various things that Ms. Oliver had been involved in over the years.
2. **Interns.** Mrs. Livson suggested that the interns be referred to all the department heads rather than just listening to lectures arranged by the Town Clerk. She indicated perhaps they could be used to help solve the problem of illegal parking, blocking fire hydrants and not leaving the vacant space required on each side by state law. Ms. Nero thought it was a wonderful idea but expressed concern about liability. She suggested contacting DPW Commissioner Rich Fon about the issue. Mike Burdi told representatives present at the CGCA meeting that Luis Beltran, the Deputy Town Clerk who also attended their meeting, suggested that perhaps the interns could create a video about the issue of vehicles illegally parking in front of fire hydrants. Mr. Burdi suggested that perhaps the Town Supervisor could make a robo-call informing residents of the problem.
3. **Boards & Committees List.** Mrs. Livson asked for an updated list of those serving on the Town’s various Boards and Committees. Ms. Nero said her office was working on it. Mrs. Livson said at the very least the names of deceased members should be deleted. She mentioned that Cleo Oliver is still listed as a member of the Police/Community Advisory Commission.

Ms. Nero noted there are many things that need attention. She said her office is working to include Minutes of all Town Board meetings, including work sessions. She said that the required Minutes have been non-existent for many years.

PARKING AT FIRE HYDRANTS & SPEEDING

Richard Grant asked if only the police can issue summonses to vehicles for parking in front of a fire hydrant. Mike Burdi said he thought the fire department could. Mrs. Livson said she would check with the fire chief. Mr. Burdi said he is aware that each jurisdiction has its own rules, but when he worked with the Sheriff's Office in New York City, he understood a sticker could be placed on a driver's side window as a warning and then vehicles could get tagged and towed.

Mr. Grant asked if the Town was proceeding with a plan to reduce the speed limit throughout the Town. He said it makes no sense to him but he knows that Supervisor Paul Feiner was in favor of it. There has been no discussion about this at any recent Town Board meetings or work sessions. Mr. Grant said he would like to see enforcement of the existing speed limit laws.

HEARING ON SOLAR ENERGY LAW TO CONTINUE

Madelon O'Shea noted the proposed Solar Energy legislation is on the Town Board agenda Wednesday (3/27/24) for a continued Public Hearing. It was noted the proposed law is still 29 pages long and it appears no recommended changes have been made. She noted recently there was news in Florida or Georgia about a solar farm with panels sitting four to five feet off the ground that were damaged about 50% by a hail and wind storm. Nearby residents were very concerned about possible contamination because they are serviced by well water. She noted residents in Greenburgh should be assured that a similar storm in Town would not cause any contamination to water flowing into local reservoirs. Ella Preiser said she continues to believe the law was poorly worded and it should be a stand-alone Chapter in the Town Code because it requires that several definitions be added to Section 285-5 of the Zoning Ordinance which apply to more than just solar installations - such as the word "Setback." But no one listened. No one cares.

CONCERNS REMAIN ABOUT PROPOSED ADU LEGISLATION

Madelon O'Shea reported that at last week's meeting, the Planning Board continued to "tweak" the proposed ADU legislation. Dorrine Livson said she sent an email to Commissioner Garrett Duquesne reminding him to send us a copy of his presentation at least two weeks prior to a Public Hearing so that the CGCA could circulate it to our membership list. Ella Preiser noted that one Planning Board member at last week's meeting asked that the law include that any home granted a permit for an ADU continue to be assessed as a single family home, not as a condo or multifamily. She said today's issue of *The Journal News* contained a story that a bill has been introduced in Albany that would grant religious groups permission to develop 30 to 50 units per acre of multifamily housing regardless of what local zoning regulations require. Mike Burdi expressed concerns about squatters which he said have been a problem in Queens. He noted in New York City, if you have an ADU and you rent to someone with a lease and the tenant is in default, it is difficult to evict. The law supports the tenant, not the homeowner. The way the law is written, the police refer the matter to housing court and resolution can take 20 months. If the owner tries changing the locks, the owner gets arrested. Mrs. O'Shea noted there was a problem in Florida a few years ago with homes of "snow birds" being taken over when they were absent and people changing the locks and even trying to falsify the title. She said she is still ambivalent about the proposed law and continues to have concerns about the impact on school districts and the character of the neighborhood.

Ellen Foley mentioned there was an article in today's newspaper that in Palisades Park, across the bridge, they are knocking down single family homes and building town homes - because of a loophole in the law dating back to 1937. She said everyone quoted in the article thinks it is wonderful. She noted there is no mention about the impact on schools, taxes, water, sewer, parking, etc. She also noted that Greenburgh's current zoning law allows single family homeowners to rent to two roomers/boarders. She wondered whether assessments and taxes go up. Mrs. O'Shea noted one has to get a Special Permit for roomers/boarders. Richard Grant inquired if the rent was considered taxable income. Mrs. O'Shea said her accountant informed her she has to include any money she receives from renting a cottage on her property in Florida on her income tax return. Shelly Livson, an accountant,

said those receiving rents from a property must file Schedule E “Supplemental Income and Loss” [which includes “Rent & Royalties”] with their annual federal income tax return.

Mrs. O’Shea said she has heard estimates that it would cost \$200,000 to convert her high ranch to add an ADU, and the cost could be even more to convert a free-standing garage or to construct a small cottage. She questioned how much rent one would have to charge to make it worthwhile to “age in place.” She noted new two bedroom condos in the Palm Beach area are going for \$2,700 a month. Mike Burdi noted a new unit in Edgemont could command “a pretty price.” She questioned what rent she could ask if she moved into the ADU and rented her upstairs to a five-member family. She expressed concern about the impact of adding even one student to a school district. Mr. Burdi noted another thing one needs to be concerned about is not renting to someone on probation, or a possible sex offender who has not been required to register. He noted “Let the buyer beware!”

ZBA TO DENY HARTSDALE GREENHOUSES USE VARIANCE REQUEST

Ella Preiser reported on the rather surprising action taken by the ZBA at its March 21, 2024 meeting. During the previous meeting (2/15/24), most ZBA members expressed support for granting a revised Use Variance that would have permitted firewood logs and mulch (processed at some undisclosed site) to be delivered, stored and sold from the 450 Secor Road site for a ten-year period. Some unanswered questions remained so the Hearing was again adjourned, for the eighth time.

At the March 21 meeting, Dorrine Livson read a rather strongly worded letter from the CGCA (signed by Chair Madelon K. O’Shea), noting the eight adjournments and that the applicant still had not complied with the ZBA’s multiple requests to provide **the dollars and cents proof for each and every permitted use**, that is required under State law for a Use Variance. The CGCA letter also again questioned the accuracy of the applicant’s claim that the firewood/mulch business began 68 years ago (in 1955) since the applicant’s family didn’t even own one of the properties until 1984, and the 1932 Zoning Ordinance would not have permitted a farm on less than ten acres in 1955. The letter questioned whether a Use Variance can be limited to ten years. The letter also pointed out that the requested “Use” would not be allowed in most commercial districts in Greenburgh and asked the ZBA not to undermine our residential neighborhoods and to deny the requested variance. Dylan Pyne then went to the podium and noted it was his first time before the ZBA and that he was from Edgemont and president of the ECC. He totally agreed with the CGCA letter that Mrs. Livson read. Mrs. Preiser said she believes that Mr. Pyne’s comments were like “icing on the cake.”

She noted during the deliberation session, after a rather brief discussion during which one ZBA member strongly argued that she felt the applicant met the requirements for a Use Variance, ZBA Chair Eve Bunting-Smith called for a “straw” vote. Each member said “no” and the member who moments earlier argued in favor of granting the variance, changed her mind and made the “no” vote unanimous. The application was adjourned “For decision only” to the April 18 meeting so that the ZBA’s attorney could draft the decision of denial. Adjournment # 9 favors the residential community!

Mrs. Livson commented on the difference in requirements between area variances and use variances. She noted the applicants knew back in December they couldn’t comply with the “dollars and cents” proof required and sought an adjournment to go to the Town Board to get the law changed. There never was a public discussion about changing the law. It is unknown whether anything was requested behind the scene.

ESCO COSTING THE COMMUNITY MONEY

Madelon O’Shea mentioned the high cost of electricity and noted last month one of her neighbors received a Con Edison bill for over \$1,000. Dorrine Livson commented that credit for bringing attention to the ESCO situation goes to Ken Stahn, who from the beginning was vocal about the deal the Town Board made with Sustainable Westchester (a.k.a. Westchester Power) that enrolled all users (homeowners, renters, and small businesses) who did not “Opt Out” into a contract with an ESCO for electric supply. The current 2-year contract runs from one’s

meter-read date in November 2022 through October 2024. Ella Preiser noted that for the first 16 months of this contract, the average monthly default Con Edison rate has been much lower than the 15.128 cents per kWh that the ESCO Constellation is charging. During one of the most expensive average monthly periods - in January 2024 - the Con Edison rate was 12.15 cents, but that is still almost 3 cents per kWh cheaper than the ESCO rate.

Mrs. Preiser noted that the CGCA has challenged Supervisor Paul Feiner multiple times over the years, and he finally began posting the average Con Ed rate each month. She reminded that the word "average" is what we learned in grade school - add all the numbers and divide by that number - and it really has no meaning for the one paying the Con Edison bill. The rate charged depends upon one's meter-read date. For example, the average for the month of April 2023 was 8.07 cents for Con Edison, but 7.9 cents for the Livsons, 8.4 cents for Ken Stahn, and 5.8 cents for Hal Samis. Maria Gomez said she was told electricity is a commodity and the market rate for electricity, like the stock market, fluctuates and may be different each day. Alex Anzer said back in October they charged him 25 cents and he was informed you can't tell a rate ahead of time.

MINOR FLOODING STILL CAUSES PROBLEMS

Ella Preiser reported that the heavy rainfall on Saturday, March 23, 2024, resulted in two lanes of Route 9A southbound being closed to traffic for hours in the area north of the Village of Elmsford. In addition, Warehouse Lane, North Payne Street, Lamont Street, Nepperhan Avenue were all impassable. She noted her son's businesses and others in the area fortunately were spared, but nonetheless a number of hours were spent in advance moving vehicles, lifting equipment, etc. When flood water finally subsided, time was again spent moving vehicles and equipment. Time was also spent cleaning the mud and filth left behind. But FEMA never counts these costs.

Maria Gomez said there was a small amount of water on the streets and in some yards in the Fulton Park area but she did not know of anyone who had flooding in their homes. She noted the apartment buildings across the street did not have a lake on its property that happens with many flooding events. Richard Grant noted some water flowed into his and his neighbor's back yards in Hartsdale Park but nothing came into houses. Ellen Foley said she had not heard from anyone about flooding in the East Irvington area. Alex Anzer noted he has a large hole in his back yard that was filled with water that his neighbor told him used to be a swimming pool. Mrs. Preiser mentioned that the Town has spent a considerable amount of money repairing the foundation to Mr. Anzer's neighbor's house on Hunter Lane. That problem was caused by the fact that the entire adjacent industrial park was built without proper drainage. Mr. Anzer said he has videos taken from his window during heavy rains and it looks like a river running down the street. Madelon O'Shea said that the DEC is supposed to do something. Mrs. Preiser said they're going to do another study and then tell us a cost/benefit analysis indicates it's not worth doing the expensive mitigation that would be required to fix the problem. Mike Burdi said it is horrible our quality of life deteriorates like this.

Mrs. Preiser said the Saw Mill River (and other rivers and streams) need to be dredged. She said it hasn't been done in the 60 years she has been living here. Because of the eutrophication process - leaves dropping and decaying in the bottom and silt washing down - the River is no longer as wide or as deep as it used to be, and therefore, it cannot contain as much water. In addition, numerous developments have occurred over the years in the Route 9A corridor, resulting in the loss of hundreds of acres of permeable land containing hundreds of trees drinking thousands of gallons of water each day. She said she doesn't believe the claims that a few Cultec buried under the blacktop replace the natural environment that was lost. She also questioned whether storm drains are cleaned as frequently as they should be, both before and after flooding events.

SOME ROADS BADLY IN NEED OF REPAIR

Dorrine Livson expressed concerns about the condition of roads throughout the Town. She noted if a road is not on a list for repairs, forget about it. Ella Preiser said yesterday she was going to her son's home in the Knollwood Manor area for dinner. Her other son, who was driving, said he was going to take the long way because he wanted her to see the condition of Knollwood Road near the intersection of Buena Vista Drive. She noted that portion of

the northbound lane on Knollwood was covered with water, and it was impossible to see how deep the water was or what the underlying problem was. The only safe way to head north was to wait for any southbound vehicles to clear and then cross the center line and drive on the wrong side of this two-lane state road. She noted there is a potential for a serious accident if someone unfamiliar with the road or if someone driving at night did not see this problem in time to stop, swerved to avoid this obstruction. The problem has existed for some time and the state has been informed. Mrs. Livson reminded that we provided the Town with a list of roads needing repair. It appears that neither the Town nor the state have the resources or personnel to address all known problems. It was noted if the Town has been informed in writing of a problem on a Town road and then some damage happens at that site, the Town is responsible. It is unknown whether there is a similar rule regarding state roads.

Madelon O'Shea said years ago there used to be a Secretary in DPW who you could call and report a problem on a state road and the problem was addressed quickly. No one seems to have the same clout today. Mike Burdi suggested the solution may be to start ringing the bell of Westchester County and the State.

MISCELLANEOUS

Deer Remediation. Ellen Foley mentioned that the Village of Irvington is considering legislation regarding "deer remediation." She noted no vote has been taken yet. Her chief concern is safety, including if bow and arrow remediation is being considered.

Next CGCA Meeting. Madelon O'Shea noted the next CGCA meeting is scheduled for April 29, 2024. A brief discussion took place about possibly inviting a Town official to attend the meeting. No final decision was made but it was agreed that anyone invited would be provided with a list of the items for discussion ahead of time so they would not be blindsided at the meeting.

All were reminded to sign off.