

COUNCIL OF GREENBURGH CIVIC ASSOCIATIONS

Minutes of Meeting – Monday, May 22, 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), Mike Burdi (Suburban Manor), Paul Colten (Hilltop Farms), Alicia Ford (Parkway Homes), Richard Grant (Hartsdale Park), Ella Preiser (Beaver Hill), and Ken Stahn (Sprain Road).

Minutes of the April 24, 2023 Meeting were accepted without corrections. Treasurer Livson stated the CGCA bank account balance as of April 30, 2023 was \$1,122.36. Membership dues have been collected and there are no outstanding bills.

QUESTIONS CONTINUE RE NOISE & LEAF BLOWER LAWS

Madelon O'Shea mentioned that the Town Board adopted revisions to the Town's "Noise" Ordinance regarding "leaf blowers" at a Special Meeting on May 16, 2023. She questioned how the law will be enforced. Paul Colten noted that the revisions liberalized the law by removing the prohibition of gasoline powered leaf blowers in excess of 55 dBA from May 1 to October 1 of each year, thus increasing the permitted decibel level from 55dBA to 75 dBA for all lawn and garden equipment. The revisions also allowed the use of no more than one leaf blower on a lot of 10,000 square feet or less in size and prohibited the simultaneous operation of four or more leaf blowers on any size property. It appears enforcement will continue to be a problem.

The agenda for the April 26 Town Board meeting at which the Public Hearing was held on these revisions to the Noise Ordinance stated that there was no need for a separate Leaf Blower law since "relevant issues are addressed" by the revisions to the Noise Ordinance. However, a Public Hearing was held at the very next Town Board meeting (5/10/23) regarding a new "Leaf Blower" law recommended by the Conservation Advisory Committee. Alicia Ford noted the CAC law emphasizes health issues and addresses the air borne particles kicked up by leaf blowers and damage to the soil, as well as noise. Exemptions are included for tree removals, within two feet of certain outdoor equipment, and for public safety concerns by the DPW, Parks and Recreation and the Hartsdale Parking District. At the Hearing, landscape providers opposed the proposed legislation. The Hearing was adjourned and will be continued at this Wednesday's (May 24) Town Board meeting.

Mike Burdi mentioned that the noise level of most electric leaf blowers is 70 dBA, while lawn movers have decibel levels of 84-90 dBA. Only the police can enforce the Noise law, and readings from a decibel meter must be taken from the complainant's property. Mrs. O'Shea said noisy lawn mowers and weed whackers also kick up dirt and pollutants from the soil. She said that golf courses, condominiums, co-ops, schools, camps, etc. also have a need for blowers to address public safety concerns. She noted that for health and safety reasons, she needs to have debris removed from her patio, deck and pool area. She suggested it will mainly be the small homeowner who will be impacted by this proposed law, and the Town will be using enforcement to make money by double dipping - seeking fines against both the landscaper and the homeowner.

Mr. Colten said he suggested to Supervisor Paul Feiner that "cluster zones" be considered for various communities, allowing the use of leaf blowers on certain days but providing at least three quiet days a week. Richard Grant mentioned a contingency plan would be necessary to deal with rainy days. The biggest problem is everyone has different landscapers, so the noise never seems to stop. Dorrine Livson said she would rather have the noise spread out over time rather than concentrated on a few days.

Ken Stahn said homes in his neighborhood are on lots of more than 10,000 square feet. He noted the law seems to impact homes on smaller lots. Ms. Ford and Ella Preiser noted they live in areas where lots are zoned much smaller (R-7.5 & R-5). Homeowners of many smaller sized properties also hire landscapers.

Mr. Stahn noted he hears more noise from cars, motorcycles, and emergency vehicles on the Sprain Brook Parkway than from leaf blowers and gardening equipment. Mr. Burdi agreed and noted that non-stop noise in his area comes from vehicles on the Saw Mill River Parkway and air horns from tractor trailers on the NYS Thruway. Mr. Burdi suggested an extra squad car could drive through neighborhoods on a “quality of life” patrol and ask to speak to the boss of the landscapers to see if they had the appropriate permits to operate. He noted if enforcement happens, landscapers might band together and perhaps boycott Greenburgh. Then fighting would be left to the customers or prices would go up. Mrs. Preiser stated there are not enough police officers to travel through the many miles in Town to enforce any leaf blower law fairly. Mr. Burdi suggested off duty or auxiliary police could be used.

All agreed that no one likes listening to the noise of landscaping equipment, which is annoying and intrusive. But as long as Greenburgh properties maintain a grass-scape, instead of a hard-scape, there appears no fair way to enforce a leaf blower law. Enforcement will depend on neighbors “ratting out” their neighbors! Those present at the meeting agreed not to weigh in on this matter at this time.

STATE ASSEMBLYWOMAN SEEKS INPUT RE ROAD REPAIRS

Madelon O’Shea inquired if anyone had heard any follow-up regarding area roads in need of repair. Paul Colten mentioned that the issue was discussed in a Zoom meeting that Eric Zinger arranged on behalf of the Hartsdale Neighbors Association with NYS Assemblywoman MaryJane Shimsky. Ms. Shimsky said the state was talking about one hundred million plus dollars for road repair. She asked residents to provide her with information as she plans a trip and will tour suggested local roads with a state Section 8 DOT Director. It was agreed billions, not millions, of dollars would be needed. Mr. Colten said he sent her a list including Knollwood Road from the Greenburgh Health Center to Grasslands Road, the Sprain Brook Parkway northbound, and Dobbs Ferry Road from Worthington Road to Route 9A. Ms. Shimsky responded to his email.

Dorrine Livson said she forwarded the link to the Zoom video along with Ms. Shimsky’s email address to all on the CGCA email list as well as to everyone in her local civic group. Richard Grant mentioned the problems along Central Avenue and questioned whether there would be repaving or just filling of pot holes. He noted the street is like a war zone. Mrs. O’Shea noted at last month’s CGCA meeting, Central Avenue from the Yonkers border through Hartsdale was mentioned as well as Route 119 near the Crossroads Shopping Center (BJs, et al). She said one of the first things she will need to do when she returns home is get her car re-aligned because of damage from metal plates that Con Edison put down on these roads when installing new gas mains. She understood Con Edison was to make the repairs but asphalt plants closed for the winter.

Ms. Shimsky mentioned there could be money for repair of Town roads as well as State roads. Mrs. Livson said she hopes people will watch the video and respond with a list of local roads in disrepair. Mr. Colten suggested the area of Secor Road near Route 9A needs repaving. He said most of the rest of Secor Road has been patched. Mrs. O’Shea noted Old Army Road was repaired last year but a berm next to her driveway was knocked down which makes it impossible for the water to go into the storm drain. Mrs. Livson mentioned a couple of years ago Worthington Road from Route 9A to Dobbs Ferry Road was repaired and it has held up well.

PUBLIC OR PRIVATE ROAD CONTROVERSY

Richard Grant reported a dispute regarding whether a portion of Healy Avenue (sometimes North Healy Avenue) near Sunset Lane is a public or private road. He said half of the road abuts the Harts Brook Preserve and is in horrible condition with pot holes up to a foot deep caused by runoff from the Preserve (owned by the State, County and Town). There are ten houses at the top of the road that have no other way in or out. The Town insists it is a private road. Mr. Grant noted it would cost the neighbors an exorbitant amount of money to repair it before the Town would take ownership. They have been advised by an attorney not to do anything while the matter is researched. Some maps show a dotted line indicating a private road. Others do not. Madelon O’Shea inquired whether there is an unpaved section. Mr. Grant said “yes” off of Marion Avenue at the driveway of a former

restaurant. Mr. Grant noted the Town has occasionally thrown some unused asphalt into potholes that became mosquito beds. He said a house at the top of the hill is for sale and not a single car stopped to look at the house, but instead immediately drove back down the hill, obviously because of the road condition.

Madelon O'Shea noted that the Town paves Old Army Road, and some surveys show that property lines go to the curb not the middle of the road. However, she has seen deeds that show some properties on either side of Old Army Road have property lines that go to the middle of the road. These properties are located between Ardsley Road and Mount Joy Avenue.

NO RESPONSE TO TIF DISTRICT CONCERNS

Madelon O'Shea asked for an update regarding the Tax Increment Financing (TIF) District. Ella Preiser said she had received no response to her April 10 email to the Town Board, Town Attorney and Tax Assessor except a comment from Supervisor Paul Feiner that he wanted the subject put on a work session agenda to change the law. She said she realizes it will take time to review building department records going back to 1987 to determine which, and how many, properties were developed or redeveloped over the years. She said assessment records (2012 - 2022) available on the Town's website indicate taxes on at least five properties within the TIF district boundaries were not deposited in the TIF account. She noted she sent another email today stating if corrections are not made she will reach out to authorities. Dorrine Livson reminded everyone that businesses in the area expected the TIF funds to be used to address problems such as area flooding caused by the Saw Mill River. Mike Burdi suggested, if necessary, reaching out to the Attorney General's office. It is unknown whether Mr. Feiner's wife still works for the Attorney General.

CONCERNS RE UNITED REFRIGERATION HEIGHT VARIANCE

Ella Preiser noted that the United Refrigeration building sits on a "flag" lot. The entrance to the property is off of Route 9A, just north of the former Sportstime building (now a planned Jeep dealership). A long driveway leads to the building near the rear of the lot, located less than twenty-five feet from the back yards of homes and businesses on Hunter Lane/Executive Boulevard. At its April 20 meeting, the ZBA sought more information and adjourned the hearing to its May 18 meeting. The Applicant then sought an adjournment to the June 15 ZBA meeting. Mrs. Preiser said a balloon test was carried out on May 5. She has not seen the pictures but understands it was a windy day. She questioned whether floating a small balloon to a 73 foot height truly provides the impact of what a building almost one square acre in size would look like. The CGCA voted to oppose the height variance at its April meeting. The CGCA letter has not yet been written but will be presented at the June ZBA meeting.

Dorrine Livson said she was surprised that the owner of an adjacent commercial building spoke in opposition to the variance request. She noted granting this almost 200% height variance would establish a dangerous precedent that other businesses might use since it is cheaper to build up than to build out. The Westchester Hills Condominiums are located immediately adjacent to the many commercial buildings in the nearby Planned Development (PD) zoning district and could potentially seek height variances if the United Refrigeration variance is granted. It was noted Greenburgh has a reputation as a "developer friendly" Town. Only the small individual homeowner has to jump through hoops to obtain variances.

TRUCKS KEEP NEIGHBORS AWAKE

Ella Preiser reported that her neighbors on Orchard Lane, whose homes back up to Old Country Road, continue to suffer noise with delivery trucks arriving and unloading merchandise in the wee hours of the morning at the new ShopRite store. Recently one truck missed the entrance and came too far up the hill and then backed down several hundred feet with the constant "beep, beep, beep" awakening neighbors. The Police have been called, the Building Department has been notified, and violation notices have been given but the problem continues. Mrs. Preiser noted her next door neighbor has had enough and contacted Channel 12 News which is coming to his house tomorrow. She noted the new windows she had installed last year has saved her from much of the noise. However, while sitting at the computer at 1:00 AM, she did hear a faint strange sound and when opening a window

realized a fire alarm going off at the store that she reported to the Police. Dorrine Livson said if the problem with trucks doesn't stop, the neighbors should come out to a Town Board meeting and embarrass the board members for not demanding enforcement of the provisions they approved.

Madelon O'Shea said even with her windows closed and being a considerable distance away, she used to be disturbed by the delivery trucks when the A&P store was located on Central Avenue. Neighbors were told to call the Police, have a certain form filled out and give it to the Building Inspector. But the store regularly paid the fines and considered it the cost of doing business. She said when the fitness center took over the building, the neighbors made certain deliveries could not be made at night to the rear of the store. She recalled that in the past, residents in The Colony experienced a similar problem with deliveries to the Trader Joe's store. Mike Burdi noted all the heavy trucks are causing Town roads to deteriorate.

RABID RACCOONS & OTHER WILDLIFE

Alicia Ford reported that two neighbors around the corner from her house were recently bitten by rabid raccoons and have had to get the series of rabies shots. A rabid raccoon was recently caught at Valimar. Ms. Ford noted that Animal Control so far this year has had to put down 100 rabid animals. She said she put out an alert to her neighbors to be careful outside during both the day and night. She noted she hasn't seen very many cats in the neighborhood recently. Madelon O'Shea noted coyotes find cats delicious. Ms. Ford said she did see a coyote with a raccoon in its mouth. She noted that a fox was also reported coming into the Parkway Homes area around Thanksgiving time. Dorrine Livson noted her area has wild turkeys, red fox and raccoons. Mrs. O'Shea said in Florida there are current reports of a young male brown bear roaming neighborhoods. She remind that a few years ago a bear was sighted in Greenburgh near Venetian Delight. Mike Burdi suggested that Animal Control could prepare flyers about local wildlife that could be distributed at the Library, schools and churches. Mrs. Livson asked for a copy of Ms. Ford's alert so she could send it out to everyone. Ms. Ford promptly responded.

ZOOM MEETINGS TO CONTINUE FOR NOW

Madelon O'Shea questioned whether those present would rather meet in person or continue meeting on Zoom. Most preferred meeting on Zoom for the time being and over the winter months. Dorrine Livson said she will check out whether there are any rooms available so the CGCA could meet at the Theodore D. Young Community Center again, perhaps in the fall. Mrs. O'Shea said she preferred meeting at the TDYCC rather than at some other Town buildings, since the Center was always convenient, warm and friendly. Only once was it necessary to cancel a CGCA meeting because the TDYCC was holding an outdoor event and no parking was available.

MISCELLANEOUS

No Follow-up re Flooding. Dorrine Livson mentioned that many problems continue to exist regarding Town-wide flooding and no one has gotten back to us after the meeting that she, Ella Preiser and Dylan Pyne attended in November 2022.

Don't Fall for Trial Discount Rates. At last month's CGCA meeting, Paul Colten mentioned an article posted on "Next Door" about an inexpensive flat rate offer for electric supply for BJ's members. He said he called the firm directly and learned it offers all sorts of super cheap trial discount rates. He trusted none of these ESCOs. He said he is also not a member of BJs.

Thank You. Thank You. GCCA representatives again expressed gratitude to Carmela Greco-Acevedo for arranging monthly meetings and Dora Ashley for maintaining the CGCA website. Without their efforts, the CGCA would be at a real disadvantage.

Next Meeting: Monday, June 26, 2023 at 7:30 PM via Zoom.