

COUNCIL OF GREENBURGH CIVIC ASSOCIATIONS

Minutes of Meeting – Monday, May 20, 2024

This Zoom-enabled meeting began at 7:30 PM. The meeting was chaired by CGCA Treasurer Dorrine Livson (Worthington-Woodlands). In attendance were: Alex Anzer (Hunter Lane), Tom Bock (Fulton Park), Mike Burdi (Suburban Manor), Paul Colten (Hilltop Farms), Alan Fishman (Northern Greenville), Alicia Ford (Parkway Homes), Maria Gomez (Fulton Park), Richard Grant (Hartsdale Park), Maria Pecora & Bill Sullivan (Sprain Brook Parkway), Ella Preiser (Beaver Hill), Enrica Staeger (Downing Hill), and Carol Wielk (Secor Homes).

Because of a medical procedure today, CGCA Chair Madelon O'Shea was unable to attend tonight's meeting. Dorrine Livson said Mrs. O'Shea is okay, but just very tired. All present wished her a speedy recovery. Mrs. Livson reported that the CGCA bank account as of April 30, 2024 was \$990.00. She said she is still awaiting dues from two more organizations. Minutes of the April 29, 2024 meeting were approved as written. Ella Preiser noted that she sent copies of these Minutes seeking any comments/corrections to Deputy Building Inspector Liz Gerrity and Town Councilman Francis Sheehan who attended the April meeting.

THANK YOU - CARMELA, DORA AND SHELLY

Dorrine Livson said the CGCA is very lucky to have Carmela Greco-Acevedo and Dora Ashley for their behind-the-scenes efforts that make the CGCA run smoothly. Ms. Greco-Acevedo arranges the monthly Zoom meetings and the necessary recordings so that Minutes of the meetings can be prepared. Ms. Ashley maintains the CGCA website and posts the CGCA Minutes as well as other information and links to meetings of various boards and committees of the Town. The website provides people seeking information the ability to contact the CGCA. Ms. Livson also credited her Executive Administrative Assistant (Shelly Livson) for his help. Those present extended a huge thank you to these three important behind-the-scenes workers.

ZBA DENIES HARTSDALE GREENHOUSES A USE VARIANCE

Carol Wielk reported that at the May 16, 2024 meeting, the ZBA finally voted unanimously to deny the amended Hartsdale Greenhouses' request for a Use Variance to receive, store and sell firewood and mulch (processed at some unknown location) for ten years. At the March meeting, the ZBA took a "straw vote" to deny the request, but the application has been adjourned twice (once to April and then to May) to prepare the findings. These findings still have not been posted, but presumably will be posted shortly.

Ms. Wielk said this application was an arduous and unpleasant experience. The application was filed in April of 2023. At the October 2023 meeting, the ZBA took a "straw vote" unanimously supporting the Building Inspector's interpretation that cutting trees into firewood and/or grinding them into mulch was not a permitted use in a single family zoning district. In the alternative, the applicant sought a Use Variance. Ms. Wielk explained that a Use Variance would change the use of the land, and is very difficult to obtain. As the Secor Homes Civic Association and the CGCA had emphasized from day one, an applicant must meet all four requirements spelled out in NYS law to obtain a Use Variance, and the applicant failed to meet any of these four requirements. Ms. Wielk noted that some residents in her community are very happy with how things turned out. She noted one man, whose property directly abuts the Greenhouse property, thanks her every time he sees her that the stench and noise are finally gone.

TARRYTOWN ROAD CHICK-FIL-A PROJECT NEEDS MORE VARIANCES

Ella Preiser commented that in the wee hours of the morning on the day of the May 16 ZBA meeting, she suddenly recognized that the Zoning Ordinance requires Fast-Food establishments to be "fully enclosed." She noted that the Chick-fil-A (CFA) application for the Tarrytown Road site formerly occupied by a CVS store did not comply and included outdoor seating for 20 patrons. After some discussions, Executive Committee CGCA members decided this issue should be brought to the attention of the ZBA. A letter was prepared about this fact, as well as maybe five or six more variances that may be required in addition to the 13 or 14 already requested. The letter

was read by CGCA Chair Madelon O'Shea who attended the meeting via Zoom. Mrs. Preiser said during the "deliberations" session, ZBA members completely ignored the CGCA letter and were eager to take a "straw vote" to grant the requested variances. She noted that during the meeting she had emailed a copy of the CGCA letter to various people, including CD&C Commissioner Garrett Duquesne and Deputy Building Inspector Liz Gerrity who attended the ZBA meeting. It was only because Ms. Gerrity said she needed time to investigate some of the issues raised in the CGCA letter that the ZBA members agreed to adjourn the application. Mrs. Preiser said at the very least, she believes two more variances are needed.

Marie Gomez noted that she also attended the ZBA meeting via Zoom and had planned to make a multiple page presentation, but based on the fact that additional variances may be required, she merely asked that the application be adjourned for a month. Ms. Gomez agreed that the ZBA members don't seem to care and just want to approve this CFA application. In fact, one ZBA member actually said it doesn't matter how many variances are needed as long as it doesn't affect the community. Ms. Gomez noted traffic is going to be a nightmare and very definitely will affect the Fulton Park community. Tom Bock said increasing the timing of the traffic signal by a few seconds will do little to avoid the traffic nightmare.

Carol Wielk said she was surprised the ZBA was ready to reach a conclusion so quickly. She said it was a shame that people from the community weren't in attendance. She asked if this was the first meeting on this application. Ms. Gomez noted the application actually was adjourned from the April meeting because she had pointed out that an additional variance was needed to place a shed and garbage dumpster in the front yard. She noted the original plans submitted had the shed/dumpster located on the portion of the property located in the City of White Plains. During a preliminary review, White Plains official said they didn't want the dumpster on their property, even though that is where the loading dock and dumpsters were located for decades. White Plains would only approve use of its property for parking of employee vehicles. The front yard on Old Kensico Road is apparently the only place on the Greenburgh property where the dumpster could be located. The Building Inspector agreed, according to §285-36J of the Zoning Ordinance, that accessory uses are only permitted in a side or rear yard. He required the applicant to seek the additional variance for this shed/dumpster. Ms. Gomez said she feels bad for the Westhab residents who will look out their windows at the garbage dumpster. Tom Bock noted that it is interesting that Westhab is allowed to put bags of garbage out at the curb at night. If the garbage isn't picked up, it just sits there. Fulton Park residents are required to place garbage in the cans picked up by the one-arm bandit trucks, and the adjacent apartment dwellers place their garbage in dumpsters. Ms. Gomez noted the Town permitted Westhab to place garbage at the curb because there was no room on the site for a dumpster.

Dorrine Livson mentioned that CFA plans to bring in "experts" from other areas to train the staff to address any traffic problems. This means training teenagers to direct traffic. Paul Colten mentioned that CFA is an established business with experience in operating "drive through" facilities. They have employees who are stationed outside to facilitate ordering, paying and delivering the meals to expedite the vehicles in line. However, he agreed this is already a congested intersection during rush hours. He said he was surprised that the Westchester County Planning Department opinion was so negative. The County's opinion carried no weight with the Greenburgh Planning Board, which is the Lead Agency. Mr. Colten said he thinks this plan would be less detrimental if there wasn't a drive through. Mike Burdi agreed.

Mrs. Wielk noted that "bodies" mean something to the ZBA members and urged that neighbors attend the next meeting and speak out about the potential problems. Ms. Gomez said that ZBA Chair Eve Bunting-Smith did mention that she was surprised there were not community members in attendance. Ms. Gomez said that Fulton Park neighbors are more interested in the flooding that impacts their homes. She noted the CFA plans contain tiny letters informing that fill will be brought into the property and a retaining wall, up to six feet high will be erected. She questioned whether this would add to the neighborhood flooding problems.

Ms. Gomez noted that members of the Fulton Park neighborhood will be attending a meeting tomorrow at the Mohawk Day Camp regarding area flooding. Dorrine Livson said she will be attending that meeting and will put her two cents in to plead with the community to attend the ZBA meeting on June 20. She noted because her community came out in force, they were able to defeat the plan Game On had to erect an 83 foot bubble on Dobbs Ferry Road a few years ago. Alex Anser agreed that it is important to get the neighbors involved. He noted that he won his case in opposition to the United Refrigeration proposal to build a 73 foot high building in his back yard because, with the help of Mrs. Preiser, he reached out to the neighboring areas and encouraged them to speak out. Ms. Gomez noted that she does understand the importance of community involvement. She noted her neighbors filled the auditorium when the Westhab building was proposed a few years ago. The neighbors didn't win but the review process was extended for a couple of years and they got the height of the building reduced.

FORMER DELI DELICIOUS VARIANCE APPLICATION WITHDRAWN

Maria Gomez reported that the owner of the property at 24 Tarrytown Road (former Deli Delicious, former Nesto's) had filed an application seeking a variance for a parking reduction and a Special Permit to operate a restaurant. The application was scheduled for a Public Hearing at the April ZBA meeting but was never heard and a request was made by the applicant to adjourn the case to the May meeting. The agenda for the May ZBA meeting contained the statement the applicant wished to withdraw the application. No discussion took place at the May meeting, and the ZBA voted to allow the application to be withdrawn. No explanation has been given about plans for this long vacant site.

CHICK-FIL-A SIGN VARIANCE DENIED

Ella Preiser reported that Chick-fil-A also plans to open a fast food facility in the Midway Shopping Center on Central Avenue. The facility is planned for the site formerly occupied by Dress Barn. No drive through is planned at this site. The applicant applied for a variance to increase the size of the principal letter "C" on its wall sign from 4 feet permitted to 5.54 feet. A Public Hearing was held on the variance request at the May 16 ZBA meeting. Surprisingly, the ZBA voted unanimously to deny the requested variance.

PATIO.COM VARIANCE REQUEST ADJOURNED

Ella Preiser reported that at the May 16 ZBA meeting, the owner of the Patio.com property at 600 S. Central Avenue (at the intersection of Old Army Road) sought a variance to reduce the required number of parking spaces and also appealed the Building Inspector's determination that the permitted outdoor storage and display of furniture had expired because the facility was closed for more than six months. Even the Town's water department said there has been no water used at the site. The lawyer for the applicant (David Steinmetz) argued that the business had not ceased operation, but in the Alternative sought a variance to allow continued outdoor storage and display at the site. During the Public Hearing, Madelon O'Shea addressed the ZBA via Zoom. She said the original occupant was a nursery selling produce and gardening products where she frequently shopped. She noted she regularly drove by that site daily to reach her home and the business had been closed for at least 18 months. She said the site is not an asset and urged the ZBA to deny the requested variances. ZBA members had a number of questions and agreed to adjourn the application to the June meeting.

Tom Bock told CGCA representatives that he went to the Greenwich Avenue, Connecticut Patio.com store looking for a particular part for a table. He mentioned to a store employee that he would have preferred to shop at the Central Avenue, Scarsdale store. The employee told him that store was not an active store and was only used for storage. Mr. Bock was urged to make this fact part of the record at the June ZBA meeting.

FULTON PARK TO DISCUSS FLOODING

Tom Bock said the Fulton Park community will discuss the Chick-fil-A proposal at its meeting tomorrow night at the Mohawk Day Camp. However, he noted flooding is the major concern of neighbors who have experienced several feet of flood waters in their homes during heavy rains. He said people in the neighborhood are buying trash pumps to pump the water from their backyards into the woods behind their homes. He noted he has had a

new heating system installed, so he has one thing less to worry about in his basement. He said when he suggested that the Town install chain link fences at various openings of the river where it would be easier to remove trapped debris, the Town's engineer said that would create choke points. Mr. Bock said his reasoning was it would be easier to clean other areas than the overpass at Old Kensico Road where they have to take down the chain link fence and bring in a heavy wrecker to lower equipment down to clean the debris and then retrieve the equipment and reinstall the fence. He said the extra labor is one of the reasons why this area doesn't get cleaned very often.

Mr. Bock said that Deputy County Executive Ken Jenkins is coming to the Fulton Park meeting. He said he met with Mr. Jenkins and told him that Supervisor Paul Feiner was talking about another study. Mr. Jenkins agreed we don't need another study, we need to do something. Mr. Bock said he hopes Mr. Jenkins will be able to schedule something so we can start mapping out a process. Paul Colten mentioned that Mamaroneck received money and has been doing quite a bit of work. Mr. Bock noted that Mamaroneck has a different mix of politicians who were busy actively applying for grants and other assistance. Mr. Bock noted that during every flooding event, Mamaroneck requests County help. He said during the last major flooding event, Mamaroneck had the County Tech Rescue Team stationed there with boats and also brought in New York State resources as well. Mr. Colten noted dredging was done. Mr. Bock said everyone knows the Bronx River needs to be dredged.

BABBITT COURT TO RECEIVE GRANT TO ELEVATE HOMES

Marie Gomez asked if it was true that Babbitt Court residents will be getting funds to elevate their homes. Tom Bock questioned whether this a real solution. He said he knows Karl Pfeiffer raised his home at Babbitt Court years ago but he understands the house is taking water again. Ella Preiser said Supervisor Paul Feiner put out an email earlier this month and there was an article in today's *The Journal News* that FEMA is granting \$1.31 million to elevate six homes at Babbitt Court two feet above the base flood elevation. There is a 10% local matching share of \$145,000.

Mrs. Preiser noted that following the Father's Day flood in 2001, Mr. Pfeiffer paid to elevate his own home. The Town then hired a consultant and she served on a committee (representing the CGCA) and a plan was prepared which was used to secure FEMA funding to elevate some Babbitt Court homes. The matching amount at that time was 25% and not everyone could afford the cost of elevating their homes and the inconvenience it created. Mike Burdi commented there will probably be a bidding process to elevate the six homes, which likely will take two years or more and the residents will have to deal with more rain events. Mrs. Preiser agreed and noted the earlier funding was secured in 2002 but no homes were elevated before 2004. She noted elevating the homes does not totally solve all the flooding problems. The owners still will have to deal with moving their vehicles and lawn equipment and other belongings stored at ground level every time heavy rain is predicted.

UPDATE ON FATAL ACCIDENT ON CENTRAL AVENUE

Alan Fishman reported that he still hasn't seen the police report regarding the 57-year old pedestrian who was killed on April 14, 2024 while walking her dog and crossing the intersection on Central Avenue not far from Marion Avenue. He noted at a recent ECC meeting he spoke with a person who was a close neighbor of the woman. It appears the woman pressed the button and had the traffic signal in her favor to cross the street. The driver of a vehicle coming from the apartments on the east side was in a hurry and crossed two lanes to turn south on to Central Avenue and struck the woman with the right front fender of the SUV, tossing the woman into the air. The dog ran home. Mr. Fishman noted the woman driver did remain at the scene of the accident. Although she caused the accident that resulted in a death, it is likely nothing will happen to her. He noted people are frequently in a hurry and he often sees cars racing down Marion Avenue. Mr. Fishman said he thought the addition of a sidewalk would make this area safer for pedestrians, but that obviously is not true. Although he did not know the woman, he said he is very saddened by this fatal accident.

NO TRAFFIC ENFORCEMENT

A rather lengthy discussion took place about the lack of enforcement of traffic laws. Dorrine Livson said she drives the Sprain Brook Parkway once a week and cars are passing her doing 80 mph and there is never a State Trooper in sight to issue a ticket. Tom Bock noted we no longer have enforcement anywhere in Greenburgh. Drivers get away with all sorts of things. Mrs. Livson suggested we should reach out to the Police Chief and the Town Board and state we want something done to enforce existing laws. Mr. Bock noted the Police Chief works for the Supervisor and we were plainly told they don't want tickets issued to the offenders who are most likely Greenburgh residents, and the Town wants to keep crime statistics down. Richard Grant said he doesn't believe traffic violations are crime statistics. He noted recently it was pointed out the Town would have to hire more police officers and that was not in the budget. Mr. Grant noted after Stephanie Kavourias was killed, the Town talked about lowering the speed limit to 20 mph. He said that was laughable since the Town is not enforcing the current 30 mph speed limit. Mrs. Livson noted even if tickets are issued, the Town Court plays "Let's Make a Deal" with offenders so they walk away without huge fines or points on their licenses. Ella Preiser said it is true that the Court offers deals, but she noted an offender does not get away scot free. First, they have to take time to appear in Court. Second, although the offense may be reduced, there usually is a fine of several hundred dollars imposed. She noted the real problem was not enough officers to issue tickets. Some people know that and ignore the law because they know it is unlikely they will be stopped.

Mrs. Preiser said a number of years ago former Police Chief Chris McNerney told her he was not going to hire officers that he would have to fire if Edgemont became a village. She noted every year a number of police officers retire. Lately, finding replacements has been extremely difficult. Unless transfers from other departments are available, it is necessary to get people to sign up for the County test. Those passing the test must also pass agility, psychological and other tests and then spend six months in Academy and three months riding with a supervisor. She noted the Town has increased the authorized strength and if you've watched Town Board meetings, there have been a number of transfers and new recruits hired in the last six months. Alicia Ford noted Police Chief Kobie Powell said there were three new transfers hired last week.

Mrs. Preiser said there may be some hope for enforcement. She noted her son who was in "traffic" for a number of years used to write about a thousand tickets a year. Last week he was told that starting in June he will be going back into a traffic position.

CAMERAS SOUGHT TO CATCH OFFENDERS

Maria Gomez mentioned that Supervisor Paul Feiner is now seeking authority for cameras with noise detectors along public roads. Paul Colten noted a number of communities are seeking these cameras. State approval is required. He said it is not a bad initiative since so many owners have modified the exhaust systems of their vehicles to create loud noises that are offensive to residents. Alan Fishman noted that the Town Board has also passed a resolution seeking state approval to install two "red light" cameras in Town. It was noted these cameras could capture photos of the license plates of vehicles not in compliance with the law, and the offenders could be issued summonses and fines.

H&LPB BROCHURE AVAILABLE

Ella Preiser commented that Historic Districts and Landmarks legislation was created in 2003 along with a Historic & Landmarks Preservation Board (H&LPB). The purpose was to aid in preserving the important history of the Town. She noted Greenburgh has a rich history that predates the Revolutionary War. Madelon O'Shea chairs the H&LPB. In 2006 a Reconnaissance-level Historic Resource Survey was created and recently a grant was obtained to update the document. One of the H&LPB members has compiled a brochure containing information about the board and brief comments about several historical sites in Greenburgh. The brochure has been placed on the Town's website. The CGCA will be forwarding a link to the brochure to its membership. All were encouraged to read it.

OPEN DISCUSSION OF CAPITAL BUDGET NEEDS

Dorrine Livson mentioned that the Town Board has been inviting Department Heads to the Town Board work sessions to discuss items they would like included in the Capital Budget. She noted Parks & Recreation and the Library have appeared. It is unknown which department will be invited to tomorrow's meeting since the agenda for the meeting is never posted until minutes before the meeting starts. Mike Burdi said the Comptroller is present at these meetings but no definite decisions are made. Mrs. Livson noted that years ago department heads always attended work sessions to discuss their budget items before both the regular annual budgets and Capital Budgets were adopted. It appears someone brought pressure on the Board to reinstate this practice.

ESCO RATE FOR ELECTRICITY STILL COSTLY

For all eighteen (18) months of the current two year (24 months) ESCO contract in which the Town Board enrolled homeowners and small business owners, someone has been profiting. But it certainly hasn't been those enrolled. For the month of April, the average default cost for electricity supply charged by Con Edison was 10.53¢ per kWh. Ella Preiser said the cost, mainly for the month of April, for her and Dorrine Livson was 10.75¢ and the cost for Ken Stahn was 10.81¢. While these 10+ cent costs per kWh were relatively high this month for those of us who "opted out" of the ESCO, they were still much cheaper than the 15.449¢ per kWh cost that those enrolled in the ESCO had to pay. Mrs. Preiser noted while the Town can claim these ESCO users are buying "clean" or "green" energy, the fact is the electricity delivered to their homes is the same energy that comes to the home of the neighbor next door who "opted out" of this ESCO. As noted above, someone has profited. Unfortunately it is not the people who may be having trouble trying to make ends meet.

DESIGNATION FOR SOLAR DISTRICT ADDED TO MAP "AGRIVOLTAICS"

Ella Preiser reported that at its May 6, 2024 meeting, the Town Board adopted legislation which added a "Solar District Overlay" designation to the Town's Zoning Map. On March 27, 2024 the Board approved an addition to the Zoning Ordinance regarding "Solar Energy Systems" which permits anyone in Greenburgh with at least four acres who is desiring to create a solar farm to apply to the Town Board for a formal zoning change. If approved, this new Solar District Overlay designation will be placed on this property on the Town's Zoning Map.

Mrs. Preiser also called attention to an article in the latest issue of the *Nature Conservancy* magazine entitled "Farming the Sun." The article addresses "agrivoltaics" - combining the production of produce and clean energy. A five-acre solar farm in Colorado with 3,276 solar panels is generating enough megawatts of electricity to power about 300 homes while also producing "about 25,000 pounds of veggies, herbs and berries since 2021." Greenburgh's new law does not address even the possibility of agrivoltaics.

CGCA TO FILE FOIL REQUEST

Carol Wielk questioned whether the CGCA had received any response to the request for a list regarding membership and terms of office for the numerous boards and committees in the Town. At a meeting that Dorrine Livson and Mike Burdi had with Town Clerk Lisa Marie Nero in March 2024, they were told the Clerk's office was working on the list. No further response has been received. After a brief discussion, it was determined that this list is needed. A motion was adopted for the CGCA to file a formal FOIL request for such a list.

MISCELLANEOUS

No Update on Thalle. Dorrine Livson noted that there has been no mention of any continued Public Hearing before the ZBA on the Thalle application for a Special Permit. Supposedly there are still meetings taking place between the applicant and Town officials.

Knollwood Road Repaving in 2025. Dorrine Livson noted that Supervisor Paul Feiner has put out information that repaving Knollwood Road near Westchester Community College will not take place until 2025 although some prep work and filling pot holes is supposed to begin in the fall.

Ardsley Road Bridge Work Ongoing. Dorrine Livson noted that Supervisor Paul Feiner has put out information that Con Edison has been working on gas lines under the Ardsley Road Bridge and work is proceeding on the bridge.

Metropolis Senior Development to Proceed in 2025. Enrica Staeger inquired whether there was any new information about potential development of an Independent Living Facility (Bright View) on some of the Metropolis Country Club property on Dobbs Ferry Road. Dorrine Livson replied that she understands the issue will be addressed in 2025.

No Update re Public/Private Road Controversy. Richard Grant noted there has been no update regarding whether or not a portion of Healy Avenue in the Hartsdale Park neighborhood is a private road or a “Town” road that must be maintained by the Town.