

COUNCIL OF GREENBURGH CIVIC ASSOCIATIONS

Minutes of Meeting – October 18, 2022

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). In attendance were CGCA Treasurer Dorrine Livson (Worthington-Woodlands), Mike Burdi (Suburban Manor), Lorraine Cantori (Greenburgh Action Alliance - Hartsdale), Paul Colten (Hilltop Farms), Lloyd Cort (Parkway Gardens), Alan Fishman (Northern Greenville), Ellen Foley (East Irvington), Alicia Ford (Parkway Homes), Ella Preiser (Beaver Hill).

Treasurer Dorrine Livson stated the CGCA bank account balance as of July 29, 2022 was \$1,274.12.

DISCUSSIONS RE CORRECTIONS - 9/19/22 CGCA MINUTES

Madelon O'Shea mentioned that she received a call today about an item in the minutes of the August 15 and September 19 CGCA meetings. A person whose family member attended the Richard J. Bailey School when it was a high school said that there never was an all-black student population. The person agreed, however, that the school building should be considered for landmark designation. Ella Preiser said she also received word that the school was built in the 1920s and originally served as a high school.

Mrs. Preiser reported that she received an email from Blase Spinozzi, President of the Hilltop Farms Civic Association, asking that the CGCA September minutes be corrected and future minutes cease referencing "Paul Colten, Hilltop Farms Civic Association" as it falsely conveys that Mr. Colten is connected with and speaks for the Civic Association. She said a review of several months of CGCA minutes indicated that the civic association had never been mentioned and the only references to Hilltop Farms have been in the opening paragraph indicating the neighborhood where an attendee lives, e.g., "Paul Colten (Hilltop Farms)." A discussion took place about whether this paragraph should be eliminated from future minutes. Because more people receive the minutes than attend a given meeting, it was agreed it was important to identify that attendees come from different areas of the Town. It was noted that CGCA meetings have always been open to all, and a number of residents have attended and spoken, some who do not even have a civic association located in their neighborhood. If an individual wishes to speak on behalf of a specific civic group, that information is always referenced in the CGCA minutes. It was agreed that no correction was necessary and the September 19 Minutes were approved as written.

Mrs. O'Shea recalled a prior time when there was an issue between Mr. Spinozzi and Mrs. Preiser regarding minutes of a meeting. Mrs. Preiser said that did not involve the CGCA. Rather it concerned a Board of Ethics (BOE) meeting back in July of 2019. The published draft minutes of that meeting misspelled her name and devoted a whole paragraph to things she reportedly said. She noted she had not spoken at the meeting and informed the BOE that the minutes should be corrected. Tom Bock had also attended the meeting but for some unexplained reason, his name and comments were not included, and the names of two other attendees were misspelled. Lucas Cioffi had attended the meeting and recorded it on his laptop. A copy of this audio recording was obtained and provided to the BOE. The minutes of the July meeting presented for approval at the August BOE meeting corrected the spelling of her name and added comments made by Mr. Bock but still retained comments that she never made and the incorrect spelling of the names of Bill Greenawalt and Lorraine Cantori. The minutes of the August BOE meeting indicated the minutes from July were adopted without amendments but they included a copy of an email that Mrs. Preiser sent to the Town Board about this issue. These BOE minutes are archived on the Town's website.

RESIDENTS SHOULD BE KEPT INFORMED OF NECESSARY IMPROVEMENTS

Madelon O'Shea reported that she had been in email contact with DPW Commissioner Rich Fon about trouble navigating in her car on Central Avenue and Route 119. Mr. Fon explained that Con Edison is replacing gas lines along many of the streets off of Route 119 and has now begun work just north of Old Army Road on Central

Avenue. He said they will be finishing work before the winter and will do a temporary repaving of the streets. The final repaving will be done in the spring. Mrs. O'Shea said Mr. Fon hasn't addressed who will replace the curbing, nor what would happen if a snowplow lifted a plate on the road. She said there are two plates, one just outside of the Post Office on Central Avenue and one on Route 119 near Crossroads Shopping Center. She noted her little car hits these plates because its wheel base is not wide enough to go around them.

Mrs. O'Shea said Mr. Fon indicated sometime next week the gas lines are to be connected. She noted the last time new gas lines were installed in her neighborhood those doing the repairs had to enter each of the homes to make sure everything was properly connected. Dorrine Livson said when new gas lines were connected in her area, people had to take off from work to let in those doing the repairs. Mike Burdi mentioned that it was a private contractor who installed the new gas lines in his neighborhood.

Ms. Livson noted that DPW is also involved in putting a water filtration system on the corner of Worthington Road and Dobbs Ferry Road on the Fairview Fire Station property. This job was mandated by the state. She said this is the third day that a lane has been closed and no one has been told how long it will take. Mrs. O'Shea said when we get a free moment we will craft a letter and suggest that "a good neighbor policy" should be implemented by the Town that lets civic groups and residents know when work is planned in their areas. She said it should not be necessary to spend two days emailing DPW to find out which is going on.

MEETING WITH COUNTY REGARDING FLOODING

Madelon O'Shea reported that she received an email today from Westchester County Legislator Jewel Williams Johnson regarding a meeting scheduled for Wednesday, November 9 at noon in the Board of Legislators Conference Room in White Plains to discuss flooding. She noted Greenburgh's DPW and the Town Board members were invited to the meeting. Dorrine Livson mentioned that the CGCA had recommended that Town officials be invited to any meeting or walking tour regarding flooding. Ms. Livson noted County Legislator Johnson does not have all the email addresses so the CGCA will forward the email to all on its mailing list. It was agreed that it makes sense to sit down and discuss and map out all of the areas that flood rather than first try to visit all areas on a walking tour. Mrs. O'Shea said that DPW Commissioner Rich Fon told her the Town has been doing a good deal of digging out and removing debris from Troublesome Brook. He also mentioned work on Manhattan Brook. Mrs. O'Shea noted no mention was made about the Bronx River or Saw Mill River. Until those rivers are dredged, water will continue to back up into Greenburgh neighborhoods.

Alicia Ford said she read in the September CGCA minutes that County Legislators Johnson and MaryJane Shimsky visited the Fulton Park neighborhood regarding flooding. Ms. Ford noted she never received an email or any notice about a scheduled meeting or walking tour regarding flooding. Ms. Livson commented that no one in the civic groups received an advanced notice about this tour, and it is unknown which other neighborhoods were visited. Fortunately Tom Bock happened to be home that day when they stopped by his house. Ms. Ford expressed concerns about flooding along the Bronx River Parkway that impacts properties in Parkway Homes. She was urged to attend the November 9th meeting at the County or send someone from her neighborhood.

APPEAL TO ZBA TO CHALLENGE FERNCLIFF CEMETERY WALL

Dorrine Livson provided an update regarding the huge retaining wall erected by Ferncliff Cemetery which negatively impacts two property owners on Forest Boulevard whose homes directly adjoin the cemetery property. The recently deceased Building Inspector Robert Dam refused to answer any of the property owners' letters or speak to them, so they hired a lawyer (Bob Bernstein) who finally was able to make contact with Planning Commissioner Garrett Duquesne and Interim Town Attorney Joe Danko. In response to Mr. Bernstein's letter, Mr. Danko said Town staff stands by the original interpretation of the Building Department regarding the wall, so the property owners can now file an appeal of that decision with the ZBA.

Ms. Livson said the Zoning Ordinance limits walls in the rear yards of single family neighborhoods to eight feet. Originally there was only a slight grade change between the neighbors' properties and the cemetery property, but truckloads of dirt were brought in and then a retaining wall about twenty (20) feet high was built with another four foot high safety railing to be placed on top. She said she has now obtained a recording of a Zoom meeting held on March 10, 2021 at which James Caris, the JMC engineer working for the cemetery, said the wall would be between 7 and 11 feet high. The recording is proof the cemetery has not been truthful. The cemetery is now planning to provide arborvitae and privacy plants for the homeowners but it is unclear how these plantings will survive next to a wall that blocks out sunlight.

Ms. Livson said the Worthington-Woodlands Civic Association will help the neighbors file the appeal to the ZBA, and she asked if the CGCA would also help with the appeal. Ella Preiser noted because this decision by an interim Building Inspector is so contrary to various provisions of the Zoning Ordinance, it should be challenged. She said participation by the civic groups would help defray legal costs since ZBA rules state no fee shall be required for any appeal made by a bona fide civic association of the Town. Concerns were expressed about the decreased value of a property overshadowed by such a huge wall with no sunlight in the back yard. It was agreed that what happens in this neighborhood, can eventually negatively impact neighborhoods in other areas of the Town. Following the discussion, a resolution was unanimously passed by those present for the CGCA to join the appeal to the ZBA for an interpretation of various Zoning Ordinance provisions.

SHOPRITE - ELMSFORD - WORK CONTINUES

Ella Preiser was asked to provide an update on construction of the ShopRite store on Route 9A. Alan Fishman interjected that "the Great Wall of Elmsford" is one of the most disgusting things he has seen. Everyone agreed there is nothing aesthetically pleasing about this 20+ foot high retaining wall, and the Town Board and Planning Board must live with the fact they are responsible for this ugly visual impact on the Route 9A corridor. Mrs. Preiser noted paving of the parking lot and entrance/egress on both 9A and Old Country Road is being done. However, digging out of dirt and stone near the Old Country Road side of the store continues. She noted she heard from a resident of the Westchester Hill Condominium that they were promised another wall and "are looking forward to a tall wall that is soundproof, and completely covered with tall foliage to mark a very strong demarcation between our residential property and the Shoprite."

SHOPRITE - ELMSFORD - QUESTIONS REMAIN RE SIGN VARIANCES

As previously reported, Ella Preiser said she pointed out to the ZBA secretary that the provisions of the Zoning Ordinance cited regarding variances for the wall signs at the ShopRite and KFC/Taco Bell buildings were incorrect. She said when she received no response, she also emailed CD&C Commissioner Garrett Duquesne and Deputy Town Attorney Ed Lieberman. Nevertheless, the ZBA approved the variance request at its August 11 meeting. She then contacted Councilman Francis Sheehan and FOILED a copy of the final decision which was supposed to be filed in the Town Clerk's office within ten days. She finally received a copy of the decision on October 7 - more than six weeks later. The filed decision correctly cites the provisions of the Zoning Ordinance for which variances were granted, however, it contains other erroneous information. The decision is also date-stamped received by the Town Clerk's office in October 2021, more than a year in advance of when the decision was rendered. She believes it is necessary to follow up regarding the erroneous information as well as the fact that the process was not properly followed.

Madelon O'Shea recalled that a Supreme Court Judge threw out a lawsuit filed by the CGCA regarding the Shelbourne application for not being filed "timely." Mrs. Preiser noted in that case the CGCA did not file papers until the actual complete decision was rendered so the CGCA understood what it was opposing. However, the Court determined the issue of timeliness began on the date a decision was rendered to approve, even though the reasoning was not stated at that time. She noted in the ShopRite case, she did not oppose the larger signs, only that incorrect provisions were cited. She commented that no one will see the signs until they enter the parking lot, as the enormous retaining wall blocks sight of the store from Route 9A.

**MIDWAY SEEKS APPROVAL FOR TWO RESTAURANTS FROM THE TOWN BOARD
& A WAIVER FOR SHARED PARKING SPACES FROM THE PLANNING BOARD**

Madelon O’Shea recalled that the neighbors of the Midway Shopping Center have had a love/hate relationship since the beginning. Sometime back in 1956-1957, Cotswold filed an injunction on a Friday to stop construction but a judge threw out the request because footings had been constructed on Friday night and Saturday.

Midway was before the Town Board (10/12/22) seeking site plan approval for two restaurant uses for the vacant space formerly occupied by Dress Barn. One facility will be fast food which requires a greater number of parking spaces. Outdoor dining is also requested, taking away area that could be used for parking spaces. Once the Town Board grants site plan approval, the Planning Board will be asked to grant a waiver to reduce the number of required parking spaces in the lot by 197. On September 21, the Planning Board issued a positive recommendation to the Town Board for the two restaurant uses.

Alan Fishman noted at busy times it is almost impossible to find a parking space now as most of the businesses are open until 9 PM. He said when he recently went to the store, he finally found a parking space on the northeastern corner, behind the Sunoco gas station, almost at the intersection of Central Avenue and Ardsley Road. He noted that is a long distance to walk through traffic and parked cars pushing a grocery cart from ShopRite. Mr. Fishman said that ECC President Dylan Pyne made a good common sense presentation on what one experiences on a daily basis in the shopping center and why it doesn’t make sense to grant the requested approval for the two restaurant uses.

The lawyer for the applicant would not reveal which restaurants/fast food facilities were proposed. Mike Burdi mentioned that outdoor dining would only be feasible for about five months of the year unless some shelter structures and portable propane tanks were used. Mr. Fishman noted if a business pays enough money, it can hire a good lawyer and traffic engineers to make everything sound wonderful so it is likely the Town Board will grant approval. He questioned whether drivers will pay attention to the newly devised one-way traffic system or whether there will be more accidents in the parking lot. It was noted Mr. Pyne mentioned there were a lot of accidents in the Midway Shopping Center plus more that were not recorded. The Hearing was held over to the next meeting on October 26.

Lloyd Cort questioned what the CGCA was going to do about the issue. He suggested that the CGCA contact the ECC and determine whether our help was needed. Mrs. O’Shea thanked Mr. Cort for this simple idea. She noted she would contact Mr. Pyne and then, if deemed necessary, follow up with a letter supporting the ECC position.

TWO EDGEMONT SHOPPING CENTERS SEEK BESS APPROVALS

Madelon O’Shea noted that next week both the Midway Shopping Center and Greenville Shopping Center on Central Avenue in Edgemont will be before the Town Board seeking permission for a Battery Energy Storage System (BESS). Both applications need area variances because the areas where the BESS will be placed are too close to the property lines. They also need to decrease the number of required parking spaces. The ECC position on these two applications is not known but Mrs. O’Shea said she suspects the ECC may express some opposition. Lloyd Cort suggested again that the CGCA contact and support the ECC position. Mrs. O’Shea thanked Mr. Cort and will follow his advice.

Mrs. O’Shea said her main concern is fire, because numerous media reports have indicated that it is a difficult process to extinguish a battery fire. She recalled a recent story on Channel 12 news about a fire in an apartment house caused by a battery in a skate board. Alan Fishman mentioned that batteries in electric vehicles in Florida are exploding and causing fires because of flooding from Hurricane Ian. Mike Burdi noted because of “mutual aid” all fire departments, not just the Greenville Fire Department, need hands-on training to understand how to address battery fires - what chemicals to use, how much water to use and how long to keep watch to prevent

explosions. Mrs. O'Shea mentioned the nearness of homes behind the two shopping centers and the toxic fumes battery fires release. Mr. Burdi said he sent a message to Supervisor Paul Feiner mentioning the nearby Ardsley fault line and inquiring how earthquake proof a BESS unit is. It is doubtful anything is earthquake proof. Mr. Burdi also inquired about the financial benefit to the Town. It is likely there is little tax revenue, but the shopping center owners will benefit from the electricity supplied by the BESS.

OF CONCERN - SAFETY IN SHOPPING CENTERS

Mrs. O'Shea commented that in 2018 she served on a committee the Town formed with Councilwoman Diana Juettner as the head, along with Dorrine Livson, Ella Preiser, and various Town staff, including Police Traffic Sgt. Nick Reckson to address pedestrian safety in shopping centers. Mrs. O'Shea's late husband Rod served in his wheel chair and using his walker to demonstrate how difficult movement was for handicapped persons. The committee visited various shopping centers. Few improvements were made until the community enlisted the aid of Westchester Disabled on the Move which filed a lawsuit along with Mr. O'Shea regarding the Greenburgh Shopping Center's (Knollwood Road) failure to comply with ADA requirements. The shopping center agreed to address the laundry list of items in the lawsuit, but ignored requests that were not ADA requirements. No improvements were made in the other shopping centers and the committee has not met in years.

Mrs. O'Shea said in other states, such as Florida and California, if a pedestrian puts a foot off of a curb, traffic must stop. Greenburgh does not even require signs indicating the need for vehicles to stop for pedestrians in a crosswalk in a shopping center. She noted about two weeks ago she was pushing a shopping cart in the crosswalk at Midway and a car didn't even slow down. Mike Burdi suggested this issue should be brought to the attention of the Police Chief. If signs were posted, an unmarked police car could start issuing summons, and the problem could become a revenue generator or self-correct.

MARIAN WOODS - ZBA CASE DELAYED 4 MONTHS

Madelon O'Shea said she is working with a committee of residents who are trying to preserve the former Gaisman mansion as well as the parkland it occupies within the Harts Brook Park and Preserve off of Ridge Road. The nuns occupying the retirement home on the Marian Woods property want to sell the mansion along with one acre of land because the mansion needs repair and they no longer need it. Variances from the ZBA are needed. The Town and Westchester County each own 25% of the park property and the state owns 50%. Mrs. O'Shea said there is no cooperation from the Town at present. The lawyer representing the nuns has asked the ZBA for a four-month adjournment of the ZBA case. Mrs. O'Shea said she hopes that will give community members an opportunity to come up with ideas for funding to purchase the property or something else.

POLICE CHIEF KOBIE POWELL TO ATTEND CGCA MEETING

Madelon O'Shea noted that new Police Chief Kobie Powell has agreed to attend the November 28 CGCA meeting. The meeting will start at 7:30 and we will quickly cover any necessary business. The CGCA will welcome Chief Powell at 8 PM and first ask him to share any plans he might have. So he is not blindsided with questions, CGCA representatives are asked to send questions/topics they would like covered to CGCA Secretary Ella Preiser by November 18. She will gather the information and forward it to the Chief well in advance of the meeting. It was noted this process has worked well in the past when Chief Chris McNerney and Chief Brian Ryan were invited to attend a CGCA meeting. It was noted Chief Powell is a career cop so he knows what is going on in Town. Those attending the meeting said they have heard nice things about him.

Lloyd Cort expressed concern about the usage of time. He suggested the questions should be sorted so that concise answers can be given. He noted it is not necessary to give personal information about your aunt or uncle and go into great detail. Mike Burdi suggested that if some questions take a great deal of time, the Chief could introduce his entourage of experts and they can get back to us at a later time. Alan Fishman agreed and noted the Chief might turn over questions about traffic to Sgt. Nick Reckson and he could speak with the CGCA separately.

SMOKE SHOP - NEW LEGISLATION DISCUSSED

Alan Fishman reported that attorney Bob Bernstein and ECC Chairman Dylan Pyne worked collaboratively with interim Town Attorney Joe Danko to craft a law regarding smoke shops that included distance separation from schools, churches and parks; placed enforcement in the hands of the police rather than the building department; and provided that a shop with a number of violations could be closed. Mr. Fishman noted a lot of kids are at risk. One smoke shop on Central Avenue with bright LED lights advertising products is about 470 feet from Seely Place School. Mr. Fishman reminded that Mr. Bernstein helped write a massage parlor law and the Town was able to close a number of those facilities. Mike Burdi noted if smoke shops become a part of life like they are in New York City, an undercover joint task force from the police department, fire department, building department and department of health may be needed for enforcement.

Lorraine Cantori mentioned that all those things that are bad for kids that smoke shops and gas stations are selling are even worse for adults. She said you don't need to smoke pot to get that behavior, there are edibles. As a teacher for 35 years, she thinks it is unfortunate that some people haven't grown up and need to feel altered to feel alive. She has noticed an uptick in erratic and insane driving. She noted car insurance is likely to increase to pay for reckless behavior and accidents. Ms. Cantori noted that posting 30 MPH speed limit signs on West Hartsdale Avenue doesn't help where everyone is driving 40 MPH and tailgating.

HEARING HELD ON WHERE TO LOCATE CANNABIS BUSINESSES

Mike Burdi reported that at last week's (10/12/22) Town Board meeting, five partners who are starting a medical cannabis retail business spoke at the Public Hearing regarding proposed Cannabis legislation. He noted one was a military veteran who uses cannabis to treat his PTSD. He said the five seemed learned and emphasized the training necessary and how security is checked over and over at the door before letting anyone in to purchase the product. Mr. Burdi noted they hit the ball out of the park when they pointed out that no one is enforcing the laws regarding the liquor stores and gas stations selling beer to minors.

The proposed law limits growing and processing cannabis to the Light Industrial (LI) and General Industrial (GI) zoning districts in the Town and retail dispensaries to the Planned Development (PD) district - all three of these districts mainly located off Route 9A, north of Elmsford. The Planning Board recommended dispensaries be located in the existing retail districts in the Town which are more accessible to the public. Residents speaking at the meeting agreed. The Public Hearing on the proposed legislation was closed and the record was kept open for seven days for written comment.

ARDSLEY ROAD BRIDGE WORK - NEW OPTIMISTIC SCHEDULE

Ken Stahn did not attend the meeting but forwarded an update regarding construction of the Ardsley Road Bridge over the Sprain Brook Parkway. A State DOT engineer responded to Mr. Stahn's several inquiries and said that "extensive (unforeseen) concrete repairs on the piers and abutments below and the extensive steel repairs to the superstructure above" delayed replacing the Con Edison gas main across the span and placement of the new deck. It is anticipated that the steel repairs and gas main work will be completed this fall/winter. Pouring the new bridge deck must wait until warmer weather (April/May of 2023). That will complete Stage 1. About six weeks later, all traffic will switch to the new half of the bridge and Stage 2 (a repeat of Stage 1) will begin on the other half of the bridge. Work is anticipated to be completed by October 2023.

Given past schedule delays, Mr. Stahn is quite skeptical about this new optimistic schedule. He noted the whole project was supposed to be completed by November 2022, and "only time will tell" about the accuracy of the new projected completion date.

MISCELLANEOUS

Controversy re Mural on Manhattan Avenue Noted. Lorraine Cantori mentioned the current hot-button issue of the mural that was painted on the sides of the Route 287 Bridge over Manhattan Avenue. She noted quite a

few residents and people who belong to various committees are furious. She said as an artist and a taxpayer, she is disappointed that we were kept in the dark about this whole issue and doesn't understand how \$100,000 could be spent on something that is so divisive.

BJ's Opening Raises Traffic Concerns. Paul Colten mentioned the opening of BJ's on October 27, 2022 at the Crossroads Shopping Center on Route 119 has the potential to bring a significant increase in traffic and chaos. He noted the entrances/exits at the rear of the shopping center on Dobbs Ferry Road with no signals present a tricky blind 90° driveway.

Meetings Must Now be Held on Site. The impact of a new law out of Albany regarding "Meetings" was discussed. The law adopted by the Town (7/13/22) requires a quorum of all official boards and committees to be present on site before any individual member or a member of the public can participate via Zoom. Madelon O'Shea noted for more than two years, all meetings have been held via Zoom. She questioned whether this new law will deter some from volunteering. [A copy of the law will be sent with the CGCA Minutes.]

Next CGCA Meeting Dates. Madelon O'Shea reminded that the next CGCA meeting is scheduled for Monday, November 28. Because of the holidays, no meeting is scheduled for the month of December. January 23 is the scheduled date for the first meeting of the year 2023.

Everyone was reminded to VOTE on Tuesday, November 8th or on an earlier scheduled voting date.

