

COUNCIL OF GREENBURGH CIVIC ASSOCIATIONS

Minutes of Meeting – Monday, October 23, 2023

A special thank you was extended to Carmela Greco-Acevedo who arranged this Zoom-enabled meeting which began at 7:00 PM. The meeting was chaired by CGCA Chair Madelon O'Shea (Old Edgemont). Also attending were CGCA Treasurer Dorrine Livson (Worthington-Woodlands), Judith Beville (Greenburgh Town Clerk), Mike Burdi (Suburban Manor), Paul Colten (Hilltop Farms), Ellen Foley (East Irvington), Alicia Ford (Parkway Homes), Ellen Hendrickx (Greenburgh Town Councilwoman), Gina Jackson (Greenburgh Town Councilwoman), Ella Preiser (Beaver Hill), Dylan Pyne (Edgemont Community Council President), Francis Sheehan (Greenburgh Town Councilman), Ken Stahn (Sprain Road), Carol Wielk (Secor Homes) and Eric Zinger (Hartsdale Neighbors).

Minutes of the September 18, 2023 CGCA meeting were accepted as written. Treasurer Livson stated the CGCA bank account balance as of September 30, 2023 was \$1,022.36. She noted that a contribution was made to the March of Dimes Foundation in memory of Guy Novo, the husband of Celia Novo, former president of the Hartsdale Park Civic Association.

Ms. Livson said that a year-end financial report is being prepared and will be circulated, along with reminders in January that it will be time to renew membership in the CGCA. A discussion will take place at the December meeting about whether yearly dues should remain at \$15.00, with two-year memberships at \$25.00.

ZBA GRANTS HARTSDALE GREENHOUSES ADJOURNMENTS

Carol Wielk, President of the Secor Homes Civic Association, provided an update on the Secor Road Hartsdale Greenhouses application before the ZBA seeking an interpretation of the Building Inspector's determination that importing trees and poles from offsite and cutting them into firewood and/or grinding them into mulch for sale is not a permitted use in a single family zoning district. Alternately, the applicant seeks a Use Variance to continue this operation. Ms. Wielk thanked the CGCA for its continued opposition to this application and CGCA Chair Madelon O'Shea for the very strong statement she made at the September 21 ZBA meeting. Following that meeting, the ZBA sent a letter to the applicant again seeking the financial information that is required by NYS law when a Use Variance is sought and also suggesting that the applicant could look into other horticultural areas, like raising vegetables and Christmas trees. The applicant's response was to seek a two-month adjournment to pursue a possible change in the Zoning Ordinance before the Town Board.

Ms. Wielk noted that at the October 19th ZBA meeting, her Secor Homes community objected to this request for another adjournment. The CGCA also strongly objected in a statement read by Dorrine Livson. During the deliberation portion of the October meeting, the ZBA members took a straw vote and surprisingly (based on contrary conversations at the September meeting) unanimously agreed with the Building Inspector that the firewood and mulch operation was not a pre-existing permitted use. The hearing was closed "for decision only" on this request for an interpretation and the actual vote will take place at the November 16th ZBA meeting. The request for an adjournment to the December 14th meeting was granted on the request for a Use Variance.

Ms. Wielk noted if the applicant proceeds along the political route and obtains a change to the Zoning Ordinance from the Town Board, it could be a very bad situation. She said it will be critical for the community to get involved as no residential district will be safe if a code change is adopted permitting such a heavy industrial, commercial operation in single family districts.

Ella Preiser added that at the October 19th meeting, the applicant presented a multi-page written submission to the ZBA at 6:30 PM, one half hour before the 7:00 PM start of the meeting. She noted that she was chastised by ZBA Attorney Ed Lieberman for correspondence she sent on June 14, a day before the June 15th meeting, and reminded that the ZBA rules require submissions ten days before a meeting. Mrs. Livson noted that at least two

ZBA members commented that there was nothing new in the applicant's last-minute submission, but merely a repackaging of former comments and none of the documentation required for a Use Variance. Mrs. Livson said she came away with the impression that ZBA members hopefully understood what the true issues are.

CHICK-FIL-A SEEKS PERMITS FOR FAST FOOD ESTABLISHMENT

Tom Bock reported on the Chick-fil-A application to operate a fast food restaurant at the Tarrytown Road and Old Kensico Road intersection site, formerly occupied by a CVS store. He noted the plan is for edge to edge use of the property, cutting down all of the trees with few replacements, demolishing the existing vacant building and creating a 5,000+ square foot building and parking spaces to include two lanes of drive-thru around the entire property. Old Kensico Road would be widened, entrances and exits would be changed and twelve (12) variances would be necessary in addition to a Special Permit for this fast food establishment.

Madelon O'Shea pointed out that Old Kensico Road is the main way in and out of the Fulton Park neighborhood. Mr. Bock said this would be a totally inappropriate use of the property because of the huge amount of traffic it would generate. He noted the site formerly was home to Comp USA, then Staples, then CVS, three retail outlets that did not generate huge traffic volumes. He said he is familiar with other Chick-fil-A sites such as the one near Darien, Connecticut where traffic blocks the main route. Mrs. O'Shea said she is familiar with two facilities in Florida that she frequents but agrees they generate horrendous traffic. She noted a left-hand turn out of the property is proposed to limit vehicles using the traffic circle and entering the residential area, but it makes little sense since the traffic light at the intersection currently is timed to allow only three cars to exit Old Kensico Road per cycle. The City of White Plains controls the traffic light and changes are planned, but it is likely the main goal will be to continue to allot the most time to moving traffic out of White Plains.

Alicia Ford said she would like a Chick-fil-A in the area and heard the only one is in Yonkers. It was noted there is one in Yonkers. But it was pointed out one is planned at the Midway Shopping Center in Greenburgh which will be a sit down restaurant and there is also one near the Thruway in Ardsley.

Mr. Bock said he is also concerned about talk of raising the property five feet for Chick-fil-A and the impact this would have on the existing flooding situation in the Fulton Park area. Mrs. O'Shea also questioned whether there was a 2,000 foot separation from the Smashburger restaurant which is also a fast food establishment.

Further complicating the issue is that Nesto's (formerly Deli Delicious), directly across Old Kensico Road from the Chick-fil-A site, is now asking for a Special Permit and more variances to open a sit-down restaurant. When the owner received previous multiple variances for this site, the community was informed it could only become a deli or a dry cleaners. It was known that patrons frequenting the deli used to park at the CVS lot and walk across the street.

TOWN-WIDE FLOODING ISSUES NOT ADDRESSED

Tom Bock said he experienced only six feet of water in his basement which cost him only \$3,000 following the recent heavy rain storm on September 29, 2023. He noted he had never seen water come down so fast and it flowed right down every driveway on the east side of Old Kensico Road. Numerous neighbors, including many new homeowners, saw their homes flooded. Mr. Bock said the neighbors invited Supervisor Paul Feiner to a meeting to discuss the problem. At the meeting Mr. Feiner deflected. He acknowledged the on-going flooding situation but failed to admit that over development in the area added to the problems. He actually called DPW Commissioner Rich Fon on the phone who could offer no suggestions. Mr. Bock noted that instead of relying on the skill sets of the Town's engineering department and others the Town could hire, Mr. Feiner suggested that the neighbors should come up with solutions.

Mr. Bock noted a person on the CGCA Zoom call owns property right next to the river and had eight feet of water. He is in the process of spending thousands of dollars to get some relief. But when the river is full, there is no

place for the water to go. Mr. Bock noted last year there was a big “walking tour” acknowledging flooding in the area, and it was made known there is money available. Madelon O’Shea noted that Mamaroneck received \$88 million. Mr. Bock said you have to apply for the funding and apparently the Town never did, so nothing has happened. He noted the “powers that be” know there are not enough voters in the Fulton Park area, so the area is “disposable.”

Dorrine Livson said during Ida in 2021, flooding occurred in homes on Bradley Avenue and in a home on Windom Street that took out two cars and all appliances in the kitchen and laundry room. She said during the recent storm, a neighbor on Westchester View Lane took pictures of the Fire Department rescuing a man stuck in his car. The Fire Department also had to rescue people on Windom Street from their flooded home. She said she wrote to Rich Fon and said the “unnamed” brooks in the area needed to be cleaned. She is planning to set up a meeting with him and the neighbors.

Mrs. Livson said we need to attend a work session and explain to the Board the Town-wide flooding issues. Mr. Bock replied that the Town Board knows about the issues. He said the Town was asked to clean the river near him. He noted there are papers that state the Army Corps of Engineers turned over the area to the Town in the 1960s. He said he lost all his paper work during floods, but noted when Victor Carosi was DPW Commissioner, he came by after the first storm on his watch and recognized the problem and thereafter cleaned/maintained the brook. When Rich Fon was asked to clean it, he said you have to prove it is the Town’s responsibility.

Alicia Ford said she had flooding in the Parkway Homes area too, near Edgepark Road. She said every time it rains she has water in her basement from the area of the Bronx River Parkway. Mrs. Livson said all these areas are why it is important to get to the Town and, if necessary, to the County and the State. Mrs. O’Shea said paperwork is necessary and it has to be filled out by the Town. Mrs. Livson noted that Rich Fon was listed on the October 10th Town Board work session agenda to discuss “Grant Writers for Flood Mitigation Efforts.” No discussion took place and no follow up has occurred. Mrs. Livson noted she received an email about providing information directly to the state about damage from the September 29th storm for potential disaster relief which she will forward to all. She encouraged every homeowner who experienced any damage to submit the form.

Dylan Pyne noted there was some flooding in Edgemont, mostly on Claredon Road, which has historical problems. He said the Greenville Fire District basement was also flooded again, and there were some basements that needed to be pumped out. Mrs. O’Shea said she thought Troublesome Brook had been widened and cleaned. Mr. Pyne replied that work had been done, but the volume of rain that fell on September 29 came down so fast and in such a short time that no mitigation could handle it.

Mrs. O’Shea said she heard that Central Avenue at the Four Corners flooded again and that sewer caps at Fort Hill Road and Old Army Road were flying into the air. She also noted that homes on Babbitt Court that were not elevated experienced flooding. Route 9A was closed from the off ramps of I-287 north to Hunter Lane so there was only limited access to the hundreds of residents and businesses and thousands of workers in this area. Mr. Bock noted that area’s problems will likely get worse from all the construction at the old Union Carbide site (Regeneron). As more impervious surface is created, more water will flow down the Saw Mill River flooding the area even more. He noted at least the Town does periodically clean debris from the Saw Mill River. He said the Bronx River gets no attention because the Town claims it is the responsibility of the County.

Ellen Foley said there was some flooding in East Irvington from the September 29th storm, but she was not prepared to discuss the issue at this time. Mrs. Livson said she saw pictures of flooding along Manhattan Avenue during this storm.

Ken Stahn said that Ardsley still needs help regarding flooding. He noted for the second time in four years, water came down the embankment from the Con Edison property and over Old Sprain Road and flooded out the back of the OLPH Church. He noted the church had to use the Methodist church for its youth education program.

Mr. Stahn noted he documented the recent storm with pictures, which he sent to Brian Simmons in the Engineering Department. He said for three days after the storm, water continued coming out of the ground on Ardsley Road near the entrances for a new development. Earlier three sink holes near the entrance were filled with black top, but water keeps seeping up from the road at the site. Once winter gets here with freezing and thawing, it is likely there will be major sink holes again. The Town tried to blame it on the private water district's water main pipes. But Mr. Stahn said it is drainage coming off the properties of homeowners on that side of the hill. Water runs along the fissures in the solid rock ledges and seeps into the ground and comes out right across from the emergency entrance to Ardsley Chase, where a new entrance is being put in for four new homes. Four more homes are planned at the bottom of the hill across from the Ardsley Middle School. Mr. Stahn said Toll Brothers did a great job with flood detention when Ardsley Chase and Ardsley Preserve were developed and it lasted for ten years, but in the last 12 months, major flooding problems are emerging again.

Mr. Burdi noted the entire Town has been attacked by storms with probably more to come this winter. He suggested that it may be time for the members of the public to reach out to the media since we have not gotten results from our elected officials regarding flooding issues.

Mrs. O'Shea expressed amusement at a recent article in *The Scarsdale Inquirer*. She recalled that decades ago, as a member of a Scarsdale High School class, her classmates took a boat and rowed across the parking lot between the Library and the bridge over Brewster Road. The paper noted the parking lot still floods today.

EDGEMONT FOCUSED ON TRAFFIC, SIDEWALKS & SAFETY ISSUES

Madelon O'Shea inquired about any news from Edgemont. Dylan Pyne responded that the Edgemont Community Council has spent the last several months working on traffic and safety issues, including the need for sidewalks on various streets. He said the ECC is finalizing a report which will be presented soon at a Town Board work session. The plan is to seek funding for necessary improvements. He noted the Ardsley Road section between Scarsdale and Central Avenue is a Westchester County road and the ECC has made a request to the County. Mr. Pyne invited everyone to follow what's happening in Edgemont on the ECC website (edgemontecc.org).

Madelon O'Shea questioned whether Ardsley Road was a Town road. Councilman Francis Sheehan said he was not sure but noted that years ago, before he was elected to the Town Board, the Town accepted a \$400,000 donation from Westchester County to buy parkland and in exchange agreed to maintain certain County roads in perpetuity. He said it turned out to be a terrible investment because repaving even a small portion of a road can cost a million dollars.

[The following comment is from Ella Preiser who was muted and could not speak at the meeting: Mr. Sheehan is correct, the County's funding was used to help purchase Glenville Woods Park Preserve. The County roads that the Town must now plow and maintain in perpetuity are Old Saw Mill River Road, Benedict Avenue and Ardsley Road, but not that portion between Central Avenue and the Town/Village of Scarsdale.]

TOWN'S ESCO CONTRACT REMAINS COSTLY TO THOSE ENROLLED

Ken Stahn reported that Supervisor Paul Feiner has been posting each month the cost per kilowatt hour for electricity supply that Con Edison charges versus what residents and small businesses are paying who did not "opt out" of the two-year contract with the ESCO Constellation in which the Town Board had enrolled them. Mr. Stahn questioned how this contract is benefiting those enrolled. He noted all months so far this year have been costly to those enrolled, with the default Con Edison rate during most months approximately five (5) or more cents per kWh less. He said the ESCO contract may be eliminating some carbon, which is good, but many people

are having trouble paying their other expenses. He noted while the cost of a barrel of oil has come down in recent months, there is concern about energy costs if there is an expanded war in the Middle East.

Madelon O'Shea mentioned that at the last Town Board meeting, Mr. Feiner said he would only consider a new contract in 2024 if there was an "opt in" provision. Mr. Stahn said Westchester Power could not survive if participants were required to "opt in" unless a very low cost per kWh was achieved for any new contract.

Councilman Francis Sheehan offered to clarify what he said was "his less than artful response" at the October 11, 2023 Town Board meeting when Board members were asked whether or not they remained enrolled in the current two-year ESCO contract. Mr. Sheehan told CGCA representatives that he has a large family that uses a lot of electricity and it has been costly to them. He said because he supports the idea of the "sustainable green" option, he remains enrolled in the ESCO plan. He noted the Town Board would be considered heroes if the costs had gone the other way.

WATER DEPARTMENT - NEW BILLING PROCESS

Dorrine Livson noted that the Water Department recently put out notice you couldn't pay on line because it was setting up a new program. She said word now has been received that you can pay on line using the link provided, but it will cost a dollar (\$1.00) per quarter. She said Supervisor Paul Feiner tried to get this cost rescinded but he couldn't because it was built into the signed contract. Mrs. Livson said she subsequently heard that you could avoid this cost by using a box at Town Hall or by having your bank pay directly. She said she knows nothing about this new contract.

Mike Burdi said he mailed his check on October 11 for his water bill. When it had not been processed, he called the Water Department and was informed there have been problems with the new program. It was hoped the issues could be corrected shortly. He was assured there will be no late fees charged for this month's bills.

MEET THE CANDIDATES RUNNING FOR TOWN OFFICES

Madelon O'Shea thanked Dorrine Livson for sending out information regarding tonight's opportunity to hear from the two candidates running for Greenburgh Town Clerk and the three candidates running for the two Greenburgh Town Council seats. Mrs. Livson reported that per the decision made at the September 18th CGCA meeting, she sent messages inviting the candidates to attend tonight's CGCA meeting and make a five (5) minute presentation. Those unable to attend were invited to send a statement which would be read aloud. The CGCA received a response that current Councilwoman Gina Jackson would attend, but received notices that candidate for Town Clerk Lisa Nero and candidate for Town Council Joy Haber had conflicts and would be unable to attend. No response was received from the other candidates.

Mrs. Livson read aloud the statement sent by Ms. Nero. Ms. Jackson then made her own presentation. Mrs. Livson next read the statement sent by Ms. Haber. Current Town Clerk Judith Beville then joined the meeting and said she had been at another meeting. She presented her comments. No response was received from Town Council candidate Mani Areces.

It was agreed the actual statements would not be documented in the CGCA Minutes, but the CGCA would forward to its membership copies of any statements and necessary contact information received from the candidates. Everyone was reminded to vote in the General Election on Tuesday, November 7th or at an earlier voting date, starting October 28, 2023.

Councilwoman Ellen Hendrickx noted that today was the last day for the Board of Elections to receive a request for an absentee ballot for the General Election, but you can still pick one up at the Board of Elections site at 25 Quarropas Street in White Plains. While there you can fill out the ballot request and/or actually vote.

MORE POLICE OFFICERS NEEDED

Dorrine Livson commented that she has heard more and more stories of speeding, car break-ins, and lately house break-ins, and has concerns that our neighborhoods are not safe. She said we need more police officers for enforcement and neighborhood patrol. She noted a while ago she spoke to the interim police chief who promised her a night patrol, but it never happened. She said the community needs to request that the Town Board hire more officers and be willing to pay any increase in taxes. Alicia Ford mentioned that Police Chief Kobie Powell said it is necessary to go to the County civil service test list. Mrs. Livson asked Councilman Francis Sheehan to weigh in. Mr. Sheehan replied that the Town Board recently approved increasing the Department's authorized strength to 120 officers. He noted sworn strength had been only 112 for years. He said there are plans now to have some new recruits attend police academy. It was noted it takes months for academy and on-the-road training before new officers are on their own. Mr. Sheehan said that even if the Town obtains transfers from another department, it takes time for these officers to get to know Greenburgh.

Mike Burdi suggested maybe the CGCA needs to sit down with the Chief and discuss starting a "Neighborhood Watch" program. He noted it's a "Band-Aid" approach but can serve as a deterrent. Madelon O'Shea said about 40 years ago, Edgemont had a very active Neighborhood Watch program.

MISCELLANEOUS

Update on School/Fire District Votes. Eric Zinger noted that the Greenburgh Central School District passed the bond for about \$10 million to replace roofs on school buildings. He also noted that Fire District elections are scheduled for December 14 and anyone interested in running should apply now. Those interested in absentee ballots should also request them.

Inaction Continues on Ardsley Road Bridge. Ken Stahn stated there are still major issues with the Ardsley Road Bridge over the Sprain Brook Parkway. He noted there has been no work on it for the last ten days.

Unfinished Sidewalk to Remain. Eric Zinger reported that the Building Department advised today that the sidewalk on North Washington Avenue will not be connected because of some infrastructure problems with the rock wall.

More Car Dealerships Coming to Central Avenue. Mike Burdi reported Pepe will open a Porsche auto dealership on Central Avenue where the Pepe Infiniti dealership was (now Pepe Genesis). A new structure is planned. Madelon O'Shea noted a new Hyundai dealership is also coming to Central Avenue, near Dromore Road, behind the Greenburgh Nature Center.

New Liquor Store Planned. Paul Colten mentioned that he was at the ShopRite store north of Elmsford today and noted a sign in the window of the vacant space at the south end of the building. The sign indicated that a liquor store had been approved for the site. It was noted that years ago there was a liquor store at the site when the building contained a Masters Department Store and Grand Union grocery store.

Thank You, Dora. CGCA representatives again expressed our thanks to Dora Tomulic, who maintains and each week updates the CGCA website. Dora's efforts help the CGCA extend its message to a wider audience.