

# **COUNCIL OF GREENBURGH CIVIC ASSOCIATIONS**

## **Minutes of Meeting – Monday, September 18, 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), Lorraine Cantori (Greenburgh Action Alliance - Hartsdale), Paul Colten (Hilltop Farms), Lloyd Cort (Parkway Gardens), Ellen Foley (East Irvington), Alicia Ford (Parkway Homes), Richard Grant (Hartdale Park), Ella Preiser (Beaver Hill), and Carol Wielk (Secor Homes).

Minutes of the August 14 CGCA meeting were accepted as written. Treasurer Livson stated the CGCA bank account balance as of August 31, 2023 was \$1,072.36.

### **CGCA SENDS CONDOLENCES TO THE NOVO FAMILY**

Those present at the meeting offered condolences to Celia Novo and members of her family on the death (9/7/23) of Celia's husband Guy. Dorrine Livson reported that the obituary mentioned Mr. Novo's extensive work over many years with the March of Dimes. A vote was adopted to make a CGCA donation to the March of Dimes in memory of Mr. Novo.

### **TOWN-WIDE TRAFFIC SAFETY NEEDS ADDRESSING**

A discussion took place about the horrific accident on East Hartsdale Avenue that killed Stephanie Kavorias. It was recognized that nothing could have been done to prevent that accident. The driver was intoxicated and driving under the influence of drugs. He was found asleep behind the wheel of his car in the County Center parking lot shortly after the accident.

Madelon O'Shea said the Town needs to do something about safety. She noted Scarsdale has reduced the speed limit on many of its roads. She wondered whether the CGCA should compile a list of local Greenburgh roads needing attention. The current speed limit on local roads is 30 miles per hour although over the years many roads have had the limit reduced to 25. Dorrine Livson noted recently Mayfair Knollwood roads and some others had the speed limit reduced. Carol Wielk noted that the speed was reduced on Jean, Jennifer and Barbara lanes in her area. Richard Grant said enforcement is the real answer, not reducing the speed limit. He noted if vehicles traveled at 30 mph, there would not be a problem.

Lorraine Cantori said because she has a "PhD in nagging" some time ago she was able to get a sign posting a 30 mph speed limit on West Hartsdale Avenue. But a couple of weeks later, someone plowed into the sign, taking it down along with her neighbor's retaining wall. She said three weeks ago she witnessed something absolutely disgusting on West Hartsdale Avenue. She heard a car speeding but by the time she got outside, she witnessed a police officer having to shoot a baby deer in the head. When Police Chief Kobie Powell attended the CGCA meeting, he said most of those speeding are local residents. It was noted if locals get tickets, too bad!

It was also noted the Town keeps pushing for sidewalks, but pedestrians might as well be moving targets for vehicles traveling 30, 40 or 50 mph. Mrs. O'Shea said years ago a police Captain voiced concerns against sidewalks because they give pedestrians a false sense of security. Sidewalks mean another casualty can happen.

Ella Preiser mentioned that Greenburgh police officers are currently stationed on East Hartsdale Avenue giving out tickets not only for speeding, but not properly signaling, talking on one's cell phone, not wearing a seat belt, etc. But she noted these officers are all working overtime. The Police Department is currently understaffed. There are not a sufficient number of officers to adequately address traffic violations and other problems in Greenburgh. She said a couple of weeks ago Supervisor Paul Feiner stated the Town Board had approved hiring five more officers - to bring the force up to 120. She noted years ago there were more than 120 officers when

John Kapica was Chief of Police and back then he said he would need to hire more when some planned developments were constructed. Instead, the Town decided not to replace officers that retired to save tax dollars. She noted more than five officers will be retiring before the end of the year. It takes a nine month period for new recruits to attend police academy and then ride with a training officer before they can go out on their own. Those present agreed residents were lucky to see an officer in their neighborhood once a month.

Ms. Cantori said a few years ago there were flashing signs that not only told your speed but also the number of speeding tickets that were issued. She said perhaps such signs would be an incentive to some who didn't want a ticket or points on their license. Carol Wielk suggested signs may not be sufficient and perhaps we need a town-wide public information campaign or a committee to deal with the issue. It was agreed that this is a matter of life or death. Other suggestions included a write-in campaign, or starting with a letter to the Town Board or perhaps an online petition. Mike Burdi noted many of the roads are state roads and the state dictates the rules. Paul Colten noted the Supervisor is appealing to state legislators for speed cameras.

Mrs. O'Shea recalled that several years ago, she along with her late husband, Mrs. Preiser, Mrs. Livson and former Town Board member Diana Juettner were part of a committee that visited shopping centers in Greenburgh and suggested ways to make the parking lots safer for the elderly, the handicapped and mothers with young children. She noted the Greenburgh Shopping Center on Knollwood Road made some improvements after a committee for the handicapped filed a lawsuit. Other improvements have been made there recently but nothing happened at other shopping center parking lots.

Mr. Colten mentioned that there was a huge outpouring of emotional response with a lot of people justifiably upset and scared by what happened on East Hartsdale Avenue. Unfortunately he does not think that will move the Town. He noted Governor Hochul pointed out a couple of weeks ago that people are not paying the price for bad behavior. Mr. Colten agreed with her and noted when he was a young driver he was scared of getting a ticket and tried to behave so he wouldn't lose his driving privileges. Today the landscape has changed - with uninsured vehicles, unregistered vehicles and drivers, fake license plates, stolen license plates, filters covering license plates, as well as disrespect and people doing all kinds of illegal things - running stop signs, running traffic lights, making illegal turns, etc. Enforcement is necessary but communities do not have the resources to address these issues. Mr. Colten noted the state must find a way to make this kind of behavior consequential.

#### **ANOTHER ZBA HEARING SCHEDULED - HARTSDALE GREENHOUSES**

This Thursday, September 21, the ZBA will hear for the third time the Hartsdale Greenhouses application appealing the Building Inspector's decision prohibiting the illegal activity of importing tree and poles from offsite and cutting them into firewood or grinding them into mulch for sale. The applicant keeps reiterating the same line that such a business is legal and has been operating this way for 68 years, but presents no proof supporting these claims. Hopefully at this meeting, the ZBA will vote to close the hearing and deny the application.

Carol Wielk noted that the land is zoned residential (R-10 and R-30) and adjacent to the residences on Jennifer, Jean and Barbara Lanes. For years the property was used for agricultural purposes and owned by the Chiochi family who also owned the Westchester Greenhouses farm stand at the corner of Secor Road and West Hartsdale Avenue. In 2009 a Use Variance was sought to park trucks on a portion of the site and permit the delivery of wood for use in the greenhouse wood boilers. The application was withdrawn when the applicant was told he had to present dollars and cents proof that no reasonable return could be achieved for every permitted use in the district. After the father's death, the brother and sister divided the estate and Carol Avila took ownership of the 12.5 acre parcels on Secor Road. She is now claiming the horticultural business on her property cannot be sustained because of competition from big box stores and she needs firewood and mulch sales permitted. Some ZBA members who have visited the site have stated this is a massive industrial operation that the zoning wouldn't permit in a residentially zoned district.

Ms. Wielk acknowledged making a rather lengthy presentation at the July ZBA meeting. Her comments emphasized why the Building Inspector's determination should be upheld and also included the New York State requirements needed to obtain a Use Variance. The purpose was to establish a record if this case ever goes to court. It is unknown how the ZBA will ultimately decide this application but certain comments made by some of the ZBA members during the deliberation session were disrespectful and appeared to show that they don't understand the rules and the role of the ZBA.

A Use Variance should be handed out very sparingly because whatever is decided here could apply town-wide. The applicant has submitted none of the documentation required to obtain a Use Variance. The CGCA will submit another statement addressing the multiple untruths the applicant has included in its latest submission which seems to be downplaying the need for a Use Variance and trying to get the ZBA to decide this is a long time legal non-conforming use. Mrs. O'Shea said she will be attending the meeting to make the CGCA presentation.

### **SOME ON ZBA DISRESPECT CIVIC LEADERS**

Madelon O'Shea said all volunteer boards and committees in the Town are supposed to receive certain training and as Chair of the Historic & Landmarks Preservation Board she just finished taking a required harassment course which focused on bullying, discrimination, civility and fairness. She brought up again the issue discussed at last month's CGCA meeting about the behavior displayed by some ZBA members toward civic leaders who spoke at the July 20, 2023 ZBA meeting.

Ella Preiser said she was so offended by the disrespect shown to Carol Wielk and Dorrine Livson (on behalf of the CGCA) during the deliberation portion of that ZBA meeting regarding the Hartsdale Greenhouses application that she sent an email today voicing her concerns and asked ZBA Secretary Kyra Jones to forward her comments to all ZBA members. She said she hasn't heard from her. Mrs. O'Shea replied that Kyra was out sick today.

Near the very end of the CGCA meeting Mrs. Livson mentioned that CD&C Commissioner Garrett Duquesne, who was copied on the email, had just responded and said he appreciated the contributions of civic leaders and would forward the email. Mrs. Livson sought and was given approval to forward Mrs. Preiser's comments to all on the CGCA mailing list.

### **VACANCIES EXIST ON TOWN COMMITTEES**

Dorrine Livson reported that there are three vacancies on the Town's Parks & Recreational Advisory Committee and also a vacancy on the Board of Ethics. Other vacancies may exist. She urged anyone willing to serve, or knowing of potential candidates who might wish to serve, to reach out to the Town Board. She noted the Town Board is selective and will grant an interview to potential candidates. Carol Wielk agreed that if we want good representation, civic leaders should be prepared to do some screening ourselves and help identify members of our communities who might be a good fit on a particular board or committee. She noted membership on some boards and committees entails a lot of hard work.

### **ELMWOOD DAY CAMP PROBLEMS UNADDRESSED**

Dorrine Livson mentioned that the Elmwood Day Camp is now closed for the season but there has been no resolution of how to handle the problems the camp created this summer. She noted residents have sent her audio recordings of loud music playing all day and videos at camp dismissal time of cars backed up in all directions on local roads and cars blocking entrances to or actually parking in private driveways. She said Town Councilman Francis Sheehan suggested getting together at a Town Board meeting to address the issue. Hopefully the camp leadership will not claim they are too busy to attend. Mrs. Livson said that people complaining and wanting legislation to deal with the noise from leaf blowers that operate for a few short minutes on a particular property cannot imagine what it is like to listen to loud music and other noises from this day camp for hours each day.

### **ZBA DENIES UNITED REFRIGERATION REQUEST FOR VARIANCES**

Ella Preiser presented a brief update on the United Refrigeration application that was again before the ZBA at its August 17th meeting. The application for variances to construct a three-story, 73-foot high building, had been adjourned “for decision only” to this meeting. During a “straw vote” taken at the July meeting, ZBA member Kristi Knecht stated that she planned to abstain from the vote on this application. However, at the August meeting, Ms. Knecht chaired the meeting, and she was one of only four members present. A quorum of four members is necessary for a vote. Ms. Knecht decided to vote with the other three members present to deny the variances requested. The CGCA had publicly argued against the requested variances and applauded this ZBA decision.

### **“SPECIAL” THALLE INDUSTRIES - NEEDS A SPECIAL PERMIT**

For almost three hours on September 7, the ZBA entertained an application from Thalle Industries which was seeking to overturn the Building Inspector’s decisions in issuing a “stop work order” and refusing to renew a Special Permit that the ZBA granted in 2001. Ella Preiser said that it was the first time in her memory that the ZBA has ever held a “special” meeting to deal with a single applicant. Thalle leases a yard off of Warehouse Lane in the General Industrial zoning district north of the Village of Elmsford. Mrs. Preiser said she has not had time to read the record but it appears after the heavy rain the area received in July, dirt and debris washed into the Town’s storm drain from Thalle’s yard and that is why the Building Inspector was called. Thalle is advertised as a “Virtual Quarry” and is a rock crushing and “aggregate reclamation” facility. When excavation takes place on a property or when Con Edison digs up the roadway to replace gas mains, the excavated material is taken to Thalle. There is apparently no other place locally that accepts such material, so other businesses and municipalities are supporting Thalle. Carol Wielk said she watched the meeting and it appears the firm was not complying with some conditions of its special permit. Mike Burdi noted they appear to be accepting asphalt and other hazardous material that are not permitted. Madelon O’Shea said the general manager indicated the firm could pack up and leave which would leave local municipalities in a bad position. Ms. Wielk said that was to introduce the fear factor. Mrs. Preiser said she doesn’t know enough about the application at this point to suggest whether the CGCA should become involved. The application will also be on the ZBA agenda this Thursday, September 21. Stay tuned.

### **MEET THE CANDIDATES RUNNING FOR CONTESTED SEATS**

It was agreed to set aside time at the October 23 CGCA meeting to hear from the candidates running in contested races on Election Day for Town Clerk and Town Council. Judith Beville and Lisa Nero are running for the two-year term of office for Town Clerk. Manni Areces, Joy Haber and Gina Jackson are running for the two four-year Town Council seat openings. Since there will also be other important issues to address at this regular CGCA meeting, it was agreed that there should be definite rules with strict time limits imposed. The meeting will be held via Zoom. The regular meeting will start early at 7 PM and the candidates will be asked to join the meeting at 8 PM. Each of the candidates will be given five (5) minutes to introduce themselves and state why they are seeking the office. No interruptions will be permitted and there will be no question and answer period.

Alicia Ford said that she is having a “meet and greet” this Saturday at her house for Ms. Beville and Mr. Areces from 12 noon to 2 PM. Friends and neighbors are invited to stop by.

### **TWO OPTIONS FOR LOWERED SCHOOL TAX (STAR) PROGRAM**

Madelon O’Shea mentioned articles that appeared in *The Journal News* on Sunday, September 10 and Thursday, September 14 about the NYS School Tax Relief (STAR) program and whether it is better to continue to receive the deduction on your school tax bill or to sign up for the state to mail you a check. Those earning less than \$500,000 a year may apply for STAR and those opting to receive a check will receive slightly more money. Dorrine Livson said she and her husband decided to apply for the check and have now filed a third application. She said she has been in touch with a gentleman in the Assessor’s office who informed her the problem is with the state. She noted the difference would be about \$20 more. Ellen Foley said that she filed for the change and received a check in the mail today.

It was noted that once you apply for a check, there should be no need to re-apply. The option applies to both Basic STAR and Enhanced STAR. Mike Burdi noted seniors over the age of 65 and with an adjusted gross income (not including taxable IRA money) of no more than \$93,200 are eligible for Enhanced STAR.

### **TIF DISTRICT TAX DOLLARS STILL MISSING**

Madelon O'Shea requested an update on the Tax Increment Financing (TIF) district issue. Ella Preiser responded that Eric Zinger last week sent an email to the Town inquiring when the law will be changed to which Supervisor Paul Feiner quickly responded with an email asking Town Attorney Joe Danko when the law will be ready. Mrs. Preiser said the 2023 Final Assessment Roll was released on September 15 and now, for the very first time, the Skating Academy on Route 9A, just north of Sam's Club, was listed as a property that will be included in the TIF district. She noted this building was constructed in 1996 and that means the "incremental" taxes collected from this property for the past 26 years also belong in the TIF fund. She said the new Assessment Roll includes no changes regarding the other four properties within the TIF district boundaries that she outlined in correspondence this past April. She said she has begun working on a table that will indicate quite a few tax dollars have been improperly recorded over the years. Mrs. O'Shea reminded her that Lohud columnist David McKay Wilson, who writes the Tax Watch articles, is the person to contact.

Ellen Foley asked for a further explanation about the TIF district. Mrs. Preiser explained that pursuant to New York State law, the concept was first studied and then adopted in 1987 to address issues about developments planned for the Route 9A corridor north of the Village of Elmsford. This was before Sam's Club was built and the adjacent industrial park was fully developed. The adopted plan called for setting aside the incremental tax dollars received from new developments in the area to deal with some traffic problems but mainly with flooding caused by the adjacent Saw Mill River. She noted every time there is a major storm or even a period of heavy rain, Route 9A and all the local streets to the west become impassable with floodwaters, and traffic is backed up into the village for hours. The Army Corps of Engineers actually had plans back then to build levees, remove or elevate bridges in the river, etc. This would have helped not only the immediate area but also those further downstream at Babbitt Court. The TIF funds would not pay for the multi-million dollars projects necessary to correct area problems, but the goal was to have funding available to pay the interest on needed bonds. Very few improvements have happened. Mrs. Preiser said promises were made and she thinks the Town Board should honor those promises.

For several years Supervisor Feiner has tried to take control of the money to do what he wishes with it. Mrs. O'Shea noted that many of the Town's boards don't think they have to agree with or honor decisions made by previous boards.

### **ESCO VERY COSTLY TO ELECTRIC USERS**

It is hoped that Greenburgh residents and small business owners have heeded a letter that was sent out earlier about "opting out" of the 2-year ESCO contract (through November 2024) within which the Town enrolled thousands of electricity users. Ella Preiser noted for the first 10 months of this contract, those who "opted out" have saved a considerable amount of money. One month the ESCO cost was more than double the Con Edison default rate. Supervisor Paul Feiner has been posting the average cost per month that Con Edison users are charged, but that average number is a meaningless figure. The actual cost to a customer varies, based on one's "meter read" date. For example, Mr. Feiner posted the average cost per kWh for August was 9.2¢. Mrs. Preiser noted her electric bill, mainly for the month of August, was 8.8¢ per kWh versus the average 9.2¢ and much less expensive than the 15.128¢ per kWh that the ESCO is charging. She noted it is a shame that the Town Board forced people living hand-to-mouth to pay these higher rates. Very few people read the Supervisor's e-blasts so most do not even recognize the problem. Richard Grant asked if those who previously opted out were required to opt out again. The answer is "no." Anyone in doubt if they are still enrolled should check their Con Edison bill to see whether it notes that the electric supply is provided by Constellation. One can "opt in" or "opt out" of

this costly contract without penalty. While those enrolled are supposedly buying and using “green” energy, the fact remains that the electric supply coming to one’s property is the same energy supplied to the property next door who has not opted to pay for a “green” supply.

### **CIVIC GROUPS DISCUSSING SIDEWALKS**

Ellen Foley reported that East Irvington residents are still working on the proposal for a sidewalk along Taxter Road. She said some neighbors have different ideas about where a sidewalk should go and even if a sidewalk is necessary. She noted another general meeting of the East Irvington Civic Association is planned in November to hear what else may be on peoples’ minds.

Lloyd Cort said residents in the Parkway Gardens neighborhood are elated about a sidewalk planned along Hillside Avenue. He noted his Community Development Block Grant (CDBG) committee started collaborating with the state over four years ago on this sidewalk and he is glad it is moving toward fruition. Madelon O’Shea asked who would maintain it. Alicia Ford noted it is the abutting property owner’s responsibility. She said when sidewalks were suggested in her Parkway Homes neighborhood about 20 years ago, the suggestion was voted against by residents.

### **RENTED ONE-FAMILY HOMES & PARKING PROBLEMS**

Lloyd Cort said the Parkway Gardens neighborhood still has the same old parking problem. He noted one home has eight (8) cars. He has spoken to the Police Chief about this and the Chief is looking into the issue. Alicia Ford said Parkway Homes also has problems with people parking cars on the street. She said she spoke with the Police Chief last year and he sent an officer out who issued seven tickets in one night for unregistered vehicles.

Ms. Ford said a couple of neighbors are renting out their single family homes to students who have frat parties. She noted today there were five vehicles parked on the street - two with Connecticut plates, two with New Jersey plates and one with New York plates. She wondered where these vehicles will be parking in the winter months. Ms. Ford noted another house is rented to five people and there is a large number of people visiting and going in and out. She said another neighbor advertised a one bedroom rental for \$1,400 a month on social media sites but took the ads down when a copy was sent to the town.

Ellen Foley noted she had illegal neighbors for five years in a next door house. One person was actually sleeping in a closet. She noted the Town came out and closed them down for illegal electrical wiring. The issue went to court but the owners decided not to abide by the court’s decision. The issue was finally resolved when the court imposed a fine each day.

Ms. Ford noted one neighbor paid a \$25,000 fine. She said a neighbor who got other people fined is now doing the same thing. She sees cars on the street all hours of the day and night near his house. She intends to check out any illegal parking and report it to the Police.

### **MISCELLANEOUS**

**Educating Students is Costly.** Lorraine Cantori noted a recent article in *The Scarsdale Inquirer* regarding a school bond mentioned it is costing the school district \$511,000 to teach one “special ed” student from grade 6 to 12, and the cost is \$43,000 each year to teach one student K-12. She expressed concerns about the financial impacts to taxpayers of students that are being shipped from New York City. Carol Wielk reminded that we are a nation of immigrants and should do our fair share.

**Contributions Welcomed.** Ellen Foley mentioned that there are many immigrant families living in the Ardsley Hotel and an effort is underway to collect winter clothing (coats, sweaters, etc.) for those in need. She noted she just brought some items to the Greenburgh Town Hall lobby. Madelon O’Shea mentioned a recent article in *The Scarsdale Inquirer* reported on efforts to collect school supplies for Ukrainian children.

**Public/Private Road Controversy Continues.** Richard Grant was asked about the status of the public/private road controversy in the Hartsdale Park neighborhood. He responded that so far the residents have gotten nowhere with the Town. He noted the Town Attorney has been burying them with multi-page documents. Meanwhile, residents are trying to collect money to hire an attorney to delve into the matter. The Town is not anxious to discover it is a public road because it will cost a considerable amount of money to repave it.

**Civic Leaders Thanked for Their Involvement.** Dorrine Livson recalled that a few years ago when she attended a ZBA meeting about a case on Lark Avenue in her neighborhood, she and Ella Preiser were approached by ZBA member Bill Losapio in the hallway after the meeting. He thanked them for speaking out on behalf of Greenburgh residents. Mrs. Livson noted Mr. Losapio was a former business owner and a rather demanding member of the ZBA, but he was very civil and pleasant.

**Once Again. Many thanks to Carmela and Dora for their efforts. Carmela makes our meetings possible and Dora takes charge of the CGCA website so we can get information out to the wider community.**