

# COUNCIL OF GREENBURGH CIVIC ASSOCIATIONS

## Minutes of Meeting – Monday, October 21, 2024

This Zoom-enabled meeting 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), Tom Bock (Fulton Park), Mike Burdi (Suburban Manor), Paul Colten (Hilltop Farms), Ellen Foley (East Irvington), Maria Gomez (Fulton Park), Richard Grant (Hartsdale Park), Ella Preiser (Beaver Hill), and Carol Wielk (Secor Homes).

**CGCA Treasury.** Treasurer Dorrine Livson reported that the CGCA checking account balance as of September 30, 2024 was \$865.57. She noted there is no problem this year or any likely for the year 2025, but it may be necessary to consider revenue sources in the following years, such as a possible increase in dues. She raised the issue of whether the CGCA should consider dropping its internet website. Dora Ashley does the work involved in maintaining the website for free, but the site (cgca.info) costs \$376 for two years. No information was available on the number of "hits" the site receives. Mrs. Livson noted the cost for holding Zoom meetings was \$240 for two years. Madelon O'Shea said she favored continuing to hold the meetings via Zoom to avoid the necessity of driving at night, especially in inclement weather. It was decided the CGCA should discuss this issue again at meetings in early 2025 and reach out to increase membership or consider possible fund raising methods.

**CGCA Minutes.** Mrs. O'Shea called for a vote on the Minutes of the September 23, 2024 meeting. A couple of minor typos were noted. Ella Preiser said that she received a message from Dylan Pyne who expressed concern about a statement in the 3<sup>rd</sup> paragraph on page five where Alan Fishman mentioned a dollar amount that additional students from an ADU could cost the Edgemont School District taxpayers. A brief discussion was held about various scenarios and it was agreed to change the Minutes, deleting the dollar amount, but noting there could be an impact on the school district. The Minutes were approved and corrections will be made before the Minutes are posted on the CGCA website.

### CFA MEETINGS CONTINUE

The meetings continue regarding the Chick-fil-A (CFA) fast-food restaurant application for the two lots located at 20 Tarrytown Road at the intersection of Route 119 and Old Kensico Road, currently occupied by a vacant CVS store. Ella Preiser reported that last week (10/15/24) the White Plains Planning Board granted a Special Permit and Site Plan approval for a 30 space commercial parking lot on the two adjacent properties on Tarrytown Road located within the City of White Plains. Because the White Plains parcels are located in a B-3 Business zoning district that does not permit fast food facilities, the White Plains approval document clearly states that the parking spaces cannot be used for CFA customer parking or even vehicles temporarily waiting in a queue for access to the CFA site. Parking for CFA employees would be allowed. Mrs. Preiser noted that officials in White Plains have demanded strict compliance with the White Plains Zoning Ordinance and CFA has complied. Previously CFA was required to remove the shed and garbage dumpster from the White Plains site. The latest approval requires CFA to reduce the height of the lights in the parking lot from 17 feet to 12 feet to comply with the city's Ordinance and to have only one entrance/exit on County Center Road to further deter any CFA customer parking on the White Plains site. In addition, no sign advertising CFA will be permitted on the White Plains site. The Greenburgh Planning Board met the following night (10/16/24) and amended its SEQRA Negative Declaration to include the White Plains restrictions.

Maria Gomez noted that she has concerns that the parking lot could be used by others on Sundays or other times when CFA is closed. Mrs. Preiser noted that the White Plains Planning Board said they would have "no say" if the applicant allowed the County Center or others to use the parking lot, just not CFA customers. Mrs. Gomez said she thinks CFA has a lease for 5 to 10 years. Questions were raised whether there could be sublease.

Mrs. Gomez noted because White Plains will not allow queueing of CFA customers in its lots, CFA is changing its "Grand Opening" plan to permit three lanes of queueing in the Greenburgh lots. Not only will the 14 parking spaces closest to Old Kensico Road be eliminated, but the adjacent row of 13 spaces will only have 11+ feet for vehicles to enter or back out of spaces. Eight (8) other parking spaces could also be eliminated for extra queueing. Paul Colten mentioned the photographs showing a lane of traffic backed up on Central Avenue waiting to enter the recently opened CFA in Yonkers. He said he also noticed the number of DoorDash, GrubHub, electric bikes and cars waiting to pick up. It was noted the CFA Greenburgh plans include no parking spaces set aside for pick-ups. Mr. Colten said McDonalds on Central Avenue in Greenburgh has a constant queue of cars in the Fire Lane. There is no enforcement because part of the lot is in White Plains and part is in Greenburgh. Mr. Colten noted a number of years ago he reported what appeared to be a stolen car in the parking lot and police told him it was too complicated.

Madelon O'Shea mentioned today she saw four DoorDash vehicles zigzagging around the Central Avenue ShopRite and Old Army Road area. She noted the opening of the expensive Fast Food restaurant called Wonder that just occurred, which is mainly a pick-up business. She is concerned there will be accidents with the increased traffic. Mike Burdi noted that Wonder will consist of fifteen fast food establishments, and it has been very successful in Manhattan. Mrs. O'Shea noted there is also one in Larchmont.

Mr. Burdi asked if the 14 spaces will be restored for customer parking once the grand opening phase is over. Mrs. Gomez noted during major events at the County Center, CFA can go back into the parking plan. She said when a member of the Greenburgh Planning Board asked (10/16/24) what happens if your traffic mitigation plan doesn't work, the attorney suggested they could come back and ask to permanently get rid of the 14 spaces. Mrs. O'Shea noted they would have to get another variances for parking.

Mrs. Gomez commented that White Plains doesn't allow use of city property to meet the requirements of other municipalities. That point is ignored by Greenburgh.

Mrs. O'Shea said she thinks the CGCA should write another letter, supporting the Fulton Park neighborhood and noting the misleading information in the application. She urged other civic groups to also write a letter expressing their concerns. Mrs. Preiser suggested that the CGCA letter should question why a variance for lights from 14 feet to 17 feet should be permitted. White Plains demanded the lights be lowered and that property does not abut residences. The parcels in Greenburgh are directly across the street from residences. All agreed to submitting another letter to the ZBA on this application.

Mrs. Preiser reminded that if the ZBA grants the 14 variances on Thursday (10/24/24), CFA has to go back before the Planning Board to get Special Permit approval. Dorrine Livson suggested putting out a letter to other civic groups asking them to support the CGCA's position. It was questionable whether there is enough time to do this. Mrs. Gomez said this might be helpful for the Hearing before the Planning Board.

### **ADU - NO INFORMATION ON PROPOSED LEGISLATION**

Madelon O'Shea asked Ella Preiser if she had heard back from CD&C Commissioner Garrett Duquesne regarding the questions the CGCA raised at its September 23, 2024 meeting. The answer was "no." Mrs. O'Shea noted she has some big problems with this proposed legislation. She said she would like to find an independent realtor to provide information. She noted it will be expensive to install an ADU and taxes will go up, but only a limited amount can be charged for rent. So how will it help someone wishing to "age in place?" Mike Burdi noted the average senior is going to say "It's not worth it." As he commented at last month's meeting, if a person is desperate, they'll move somewhere else and rent the whole house. Then they could charge whatever they want.

Ellen Foley raised a question about "roomers and boarders." Mrs. Preiser noted since at least 1980, the Zoning Ordinance has allowed homeowners to have up to two roomers/boarders with a Special Permit from the ZBA.

The owner must occupy the house and there cannot be a separate kitchen. One or two additional parking spaces must be provided. She said she recalls only one application in the last 20 years or more.

Paul Colten noted the price of assisted living facilities have been skyrocketing. This past week there was a story about a place on Long Island where people paid \$750,000 for their units and \$6,500 a month maintenance. The operator declared bankruptcy and people are concerned about getting their money back. He noted the reality is, depending on the circumstance, \$250-\$300,000 may be small change if you are re-situating a senior for five to ten years. He noted it is a fungible context, and the numbers change depending on the circumstance. While the numbers may be expensive, the alternatives may be more expensive.

Mrs. O'Shea noted she added a wing to her home in Florida because of her daughter's health circumstances. While they have separate living quarters, they all eat together and watch TV together. She questioned the need for a separate entrance or separate kitchen if the unit is meant for younger or older family members. Ellen Foley agreed and noted the code is not going to limit it to family members. Questions were raised about the status of a tenant if a house is sold. It was noted the law recommended leases of one-year. Maria Gomez said you can place a stipulation that a lease becomes null and void if the property is sold. The new buyer would have to obtain a new special permit. It is questionable how easy it is to evict a tenant with a recently signed lease.

Mrs. Foley asked about the process for changing the law. Any change to the Zoning Ordinance requires the Town Board to refer the changes to the Planning Board for its review and recommendations. The Planning Board has already reviewed this matter and sent it back to the Town Board stating they did not approve of the changes that the Town Board made. The Town Board is then required to hold a Public Hearing. One Hearing has been held and another one is scheduled for November 13. It was noted the CGCA asked for a number of things, including informational meetings with the public. To date, none have been held and the Town has not responded to the questions the CGCA raised with Garrett Duquesne in September.

Mrs. O'Shea asked if anyone would want to buy her house if they knew they had to rip out an ADU she installed. Mrs. Foley inquired about the impact on the neighboring homes. Would people wanting to move to a one-family neighborhood be willing to buy a home with two-families living next door? She noted there is a huge difference if this ADU is within the existing house, an addition to the existing house, or in a separate garage or a separate cottage. Mrs. Gomez mentioned that a separate cottage can be ordered ready made from a business in California which produces Tiny Homes for \$90,000 to \$150,000.

To quote Mrs. Foley: "The devil is in the details, and we don't have the details."

Dorrine Livson suggested that we invite Town Assessor Edye McCarthy to the December 9<sup>th</sup> CGCA meeting to obtain some information about how adding an ADU would impact one's property taxes and any information she may have learned from other municipalities. All agreed to this. As Mrs. Livson noted, the ZBA can always grant a variance from anything in the Zoning Ordinance.

### **PLANNING BOARD VACANCIES**

Concern was expressed about a vacancy on the Planning Board that has not been filled. It was noted Dylan Pyne was appointed to fill the vacancy created when Hugh Schwartz was not re-appointed. However, Board member Walter Simon resigned that same night and the position has not been filled. In addition, Planning Board member Johan Snaggs and Alternate Aisha Sparks have not been attending meetings. Both of them had served on the Viable Living Committee. Also, there has not been an appointment of anyone to serve as Chair of the Board. Concern was expressed because a quorum of four members is required for any business. One meeting was cancelled and at the recent meeting only four members were present. If one person disagreed on an application, it would mean an automatic denial.

Dorrine Livson mentioned that years ago two people were recommended from her neighborhood, but both were turned down. One because they didn't live long enough in the community and the other because of dealings with real estate. Mrs. Livson said Supervisor Feiner has asked her to serve, but she has said no.

### **CABLE TV AUDIO PROBLEMS PERSIST**

Those present discussed the difficulty watching various meetings of Town boards on Cable TV. Some speakers fail to turn their microphones on, or they lean back in their chairs, or they turn their heads to the left or the right, or they step away from the microphone and you can't hear them. Ella Preiser said she normally watches TV with the volume set at about 20, but has to turn the volume up to about 70 to hear some speakers. If the next speaker properly uses the microphone, there is blasting in her ears until she can lower the volume. Several said they often play with their volume controls and still miss hearing some important things said during a meeting.

Paul Colten said companies who do "conference audio" know how to address all of these things. He said he hasn't watched it that closely but suggested there may be a number of problems in the way things are set up. For example, they may be using "omni capsules" on the microphones to eliminate feedback in the room. He noted it does require discipline on the part of the users and if there is no discipline, it's a losing battle. He suggested - imagine going to a musical concert where the performers ignored their microphones and just ran around the stage. You wouldn't hear anything.

Madelon O'Shea noted the Town does everything on the cheap and better equipment has been suggested for years. Mr. Colten said he has noted some upgrades. Mrs. O'Shea said you still can't hear things well in the auditorium. She questioned how many board members have been trained and know they have to turn on their microphones and speak directly into them. She also questioned if anyone is monitoring the meetings. She said there is a hum on her TV whenever there is scrolling on the screen that identifies which board meeting is taking place. Mike Burdi noted that viewers who experience these problems once or twice are unlikely to tune in to future televised meetings, so information we are trying to get to Town residents goes unheard.

Mr. Colten suggested it is unlikely anyone is watching the meetings and monitoring the feed on cable TV. He said he used to work professionally in the broadcast business, but retired about 15 years ago. He noted there always was an audio person assigned to the people talking on the microphones who would adjust sound levels and deal with problems as they happened. If issues were generated by the speaker that the audio person couldn't fix, a stage manager had to address them. Mr. Colten suggested the Town needs someone with the political skill necessary to gently impart the knowledge of the correct way to use a microphone and then to monitor the entire meeting and perhaps having signs placed on the dais in front of microphones. Mr. Burdi suggested having home "spotters" who could inform the audio person if a speaker's microphone was not working. He suggested the cost could come from the Executive Assistant that the Supervisor wants in the budget. Mrs. Preiser reminded that the Town currently receives more than a million dollars in franchise fees and another \$100,000+ in PEG fees from the two cable TV providers in the Town. She said she has written numerous letters to the Town about this matter. She noted oversight for cable TV has been removed from the Town Clerk's office. It was agreed that the CGCA should write a letter expressing concerns about this matter and send it to numerous people in the Town government.

### **ESCO CONTINUES TO BE A COSTLY SUPPLIER OF ELECTRICITY**

Ella Preiser reported we are in month "Number 23" of the 24-month ESCO contract in which the Town enrolled homeowners and small businesses for electricity supply. She noted her cost and the Livson family's cost, mainly for the month of September, was 9.43 cents per kWh. Ken Stahn's cost was even lower - 9.39 cents per kWh, and the average cost for September was 9.10 cents per kWh for Con Edison customers not enrolled in an ESCO. Those customers the Town enrolled in the ESCO continued to pay 15.448 cents per kWh, or more than six (6) cents per kWh higher than those who "opted out" of this contract. Only one more month remains on this contract,

but it is highly unlikely that any lower cost for the month of October will make up for the higher costs each month for the last 23 months. The most those enrolled can claim is that they are “saving the planet.”

The Town has already agreed to a new 14-month contract starting with the first meter read dates in the month of November 2024. The cost will be a bit less expensive - that is 12.178 cents per kWh. But the contract is only for the 50% renewable option. We will have to wait and see how that contract works.

### **STATE ROADS HAVE A NUMBER**

During several recent CGCA meetings, questions have been raised about which roads are state roads. Dorrine Livson noted that Councilwoman Joy Haber raised this issue recently at a Town Board work session. Mrs. Livson suggested that CGCA Minutes should include information to help readers. Ella Preiser explained that all roads owned and maintained by New York State are numbered highways. She identified the following NYS roadways that pass through Unincorporated Greenburgh:

- Route 87      The New York State Thruway running north from Yonkers to Elmsford, then west toward Tarrytown, then across the Mario Cuomo (Tappan Zee) Bridge, then north to the Canadian border.
- Route 287      The Cross Westchester Expressway running west/east from Port Chester to Tarrytown where it connects with the New York State Thruway (Route 87).
- Route 9A      Saw Mill River Road running north from Yonkers, through the villages of Ardsley and Elmsford as well as Unincorporated Greenburgh and continuing north with name changes toward Peekskill.
- Route 100      Central Park Avenue running north from New York City to the intersection with Tarrytown Road, then west to where Hillside Avenue begins. Renamed Hillside Avenue, Route 100 continues north to the intersection with Grasslands Road. Renamed Grasslands Road, it continues west past Westchester Community College and connects to Route 100C at the Grasslands Road and Knollwood Road intersection. It then continues north as Bradhurst Avenue in the Town of Mount Pleasant.
- Route 100A      West Hartsdale Avenue from the intersection with Central Park Avenue north to the intersection with Dobbs Ferry Road where the name changes to Knollwood Road, and continues north to the intersection with Grasslands Road (Route 100).
- Route 100B      Dobbs Ferry Road from the intersection with Tarrytown Road (Route 119) running west toward Saw Mill River Road (Route 9A).
- Route 100C      Grasslands Road from the intersection with Knollwood Road (Route 100A), running west toward the Village of Tarrytown.
- Route 119      Tarrytown Road in Greenburgh, running in a westerly direction from the intersection with the Bronx River Parkway in White Plains (near the County Center). Renamed Main Street through the Village of Elmsford, and renamed White Plains Road as it continues toward Route 9 in the Village of Tarrytown.

Ellen Foley inquired about Route 9. That, too, is a state road. It runs north from New York City and is called Broadway as it runs north through the Villages of Hastings-on-Hudson, Dobbs Ferry, Irvington, and Tarrytown. From the Tarrytown border, Route 9 continues north all the way to the Canadian border.

Madelon O'Shea pointed out that state highways are also numbered roads in Connecticut and Florida. It was noted that is also true in all the other states. Get your kicks on Route 66!! Mike Burdi noted the state plows the state roads. The state is also responsible for repairs, milling and repaving state roads. Mrs. Preiser mentioned that local police departments deal with traffic enforcement on all roads in a community, including state roadways.

### **CON EDISON DEMANDS ENTRY TO INSPECT GAS SERVICE**

Maria Gomez said she received correspondence today in the mail from Con Edison about inspecting the gas meter and installing a free gas detector. The letter states New York State law requires the inspections. Mike Burdi

noted he also received the letter today. Mrs. Gomez urged everyone to be careful because scammers can come to your door with fake credentials. She noted you can make an appointment and when the person arrives, call to verify the badge number. Mr. Burdi noted the letter states if the homeowner/resident does not respond, after two attempted visits, a \$500 a month non-refundable per meter fine will be levied until the inspection takes place.

Ellen Foley mentioned that a family in her neighborhood had a gas leak and service was turned off. It took three days to get a plumber to fix the problem, and Con Edison wouldn't restore the gas service until the Town's Building Department sent an inspector. She noted it was a real hardship with no service, no heat and no hot water for ten days. She pointed out that if a gas detector alarm goes off, Con Edison immediately comes to the house. If no one is at home, Con Edison has the right to break down the door to gain entry. Paul Colten said he had heard of a number of these cases happening.

Ms. Gomez mentioned her family had Con Edison turn off the gas temporarily at a rental apartment. Then a moratorium took effect and they had to wait five years to restore service. She noted the moratorium is now over, and it has been a year, but the gas is still not back on, and the apartment remains vacant.

### **HOW TO ADDRESS FLOODING ISSUE**

Richard Grant asked those present for input on advice he gave a neighbor about dealing with a flooding problem. The house is on Marion Avenue and the owner has lived there more than 40 years. There was never a problem until about three years ago when the basement began flooding during even minor rain events. He has to pump out water and has a firehose running from the bottom of his driveway to the street. The problem is unique - no other homes in the area are affected. The owner has hired an attorney and an engineer and has about \$30,000 out of pocket expenses, including to repair the damage to the house. The owner's son, who lives in New Jersey, has done a tremendous amount of work and has about a two-foot high pile of paperwork, responses to FOIL requests, emails, videos, etc. The home is not saleable. The Town obviously realizes the seriousness of the issues. When the owner grieved the taxes, the assessed value was reduced to \$210,000. Neighboring homes are assessed at \$650,000.

Mr. Grant said he recently arranged an on-site meeting with Supervisor Paul Feiner, DPW Commissioner Rich Fon, a Town engineer and a Town attorney. Mr. Grant noted there is an underground stream that runs along the front yards of houses on Marion Avenue and apparently there is some kind of obstruction in this stream. The Town has proposed to redirect the entire stream and documented what they plan to do. No date has been given other than work "will be completed by 2075" - a laughable comment. The neighbor asked for advice on whether he should sue the Town to recover his losses. Mr. Grant said he advised the neighbor to accept the Town's offer and "eat" the other stuff, but he is not sure that is the proper advice.

Those present asked a number of questions about the problem and the Town's plans. Mr. Grant said the plan is to dig up the area, either in or close to Marion Avenue, and build a piping system to redirect the water to go under the shopping center and down toward Central Avenue, either across to the golf course or adding to flooding at Four Corners.

Dorrine Livson mentioned that her son bought a new house in Rockland County. For ten years there was never any problem with flooding, but twice last year, in January and February, there was water in the basement. Apparently a stream runs under the house. When the house was built, a French drain was built around the property. There was no clue what happened, but rather than digging up the whole perimeter, engineers suggested he try two sump pumps. The front lawn was dug up to direct one pump to the street. The other one ran directly into the Town's storm drain. The sump pumps seem to be working. Mrs. Livson noted her son also had to install a special ejection pump for his toilet to drain down to the sewer line. She asked if sump pumps might be an option in this case.

Mr. Grant noted it is not feasible to put in sump pumps. The stream that runs along the side of the house, about ten feet away from the foundation, is backed up and pours the water into his driveway which then floods into his basement. He already has a pump in his driveway that is attached to the fire hose that pumps water into the street,

It was agreed that Mr. Grant's advice was proper. Bringing a lawsuit now to recover costs could just mean a long time and likely more costs before the court. It was recommended that his neighbor obtain everything in writing from the Town and pay his engineer to carefully review every detail to determine whether what the Town is proposing is feasible, will work and be cost effective. Start and completion dates should be included. If the recommended plan does not adequately address the problem, an alternative must be implemented. Then the owner's attorney should carefully review the document with a fine tooth comb. If necessary a lawsuit to recover costs could be considered at a later date.

Ella Preiser noted the Town successfully gets grants to study flooding problems, but when the money runs out, nothing is usually done to really address area flooding. Mrs. O'Shea said she has lived here all her life and the Four Corners and the Elmsford areas have always flooded. She noted it took half of her life before the Army Corps of Engineers fixed the problems in Ardsley. Mrs. Preiser noted the ACoE also addressed the Saw Mill River flooding in Chappaqua years ago. However, flooding problems in the area between Ardsley and Chappaqua (Greenburgh and Elmsford) continue unabated. Mr. Burdi noted the Town does get money to build sidewalks. That is true!!!

**Central Avenue Re-Paving Needed. Now.** Mike Burdi mentioned that he hopes that reconstruction of the pavement on Central Avenue will be completed soon. He noted if not completed soon, it is possible snowplows will rip up the artificial pavement and pick up the plates. A big ice storm will be disastrous. It was noted the same is true on Route 100-B, all the way to Knollwood Road.

**Again. Thank you Carmela and Dora.**