

COUNCIL OF GREENBURGH CIVIC ASSOCIATIONS

Minutes of Meeting – Monday, December 9, 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), Mike Burdi (Suburban Manor), Lorraine Cantori, (Greenburgh Action Alliance - Hartsdale), Paul Colten (Hilltop Farms), Alan Fishman (Northern Greenville), Ellen Foley (East Irvington), Maria Gomez (Fulton Park), Richard Grant (Hartsdale Park), John Malone (Juniper Hill), Maria Pecora & Bill Sullivan (Sprain Brook Parkway), Ella Preiser (Beaver Hill), Carol Sarcinella (Hartsdale Park), and Carol Wielk (Secor Homes). Also attending was Greenburgh Town Assessor Edye McCarthy.

The CGCA Minutes of the October 21, 2024 meeting were approved as written. Treasurer Dorrine Livson reported that the CGCA checking account balance as of November 30, 2024 remained at \$865.57. She reminded there is no problem this year or any likely problem for the year 2025, but it will be necessary to consider revenue sources in the following years. The CGCA will discuss this issue at the January 27, 2025 meeting.

CGCA WELCOMES TOWN ASSESSOR EDYE MCCARTHY PROPOSED ADU LEGISLATION DISCUSSED

Those present welcomed Town Assessor Edye McCarthy and introduced themselves, identifying the areas where they live. Ms. McCarthy said she has 34 years of government experience as an Assessor, previously working with the City of Rye and then the City of White Plains. In April of 2025, she will celebrate 19 years of service as the Assessor of the Town of Greenburgh.

Dorrine Livson noted that CD&C Commissioner Garrett Duquesne today provided some answers to questions that the CGCA and other members of the public have raised regarding Accessory Dwelling Units (ADUs). Mrs. Livson immediately forwarded those documents to all on the CGCA's mailing list. Those present thanked Mrs. Livson and Mr. Duquesne for providing this information.

Ms. McCarthy said ADUs are an important topic both locally and at the state level. She provided further information regarding the \$125,000 grant that Commissioner Duquesne mentioned at the September CGCA meeting. She said that property owners can apply for this grant money - between \$5,000 and \$125,000 - to create a new ADU or rehab an existing ADU, but the municipality must be on the list maintained in Albany. Currently 20 municipalities have requested to be on this list, but Greenburgh is not one of them. She noted the Town was told if it applies, it can possibly get on the list during the next round.

Ms. McCarthy noted that New York Governor Hochul's goal was to help people afford to stay in their homes and also to create some affordable housing units. Ms. McCarthy said with the grant money and monthly rental income, it might help a few homeowners financially to stay in their homes, but so far it is not working to create truly affordable housing units. She has heard that where ADUs have been constructed, these units are renting for \$3,500 to \$4,000 a month, which is not considered affordable.

Ms. McCarthy said if an ADU valued at \$200,000 is added to a property currently assessed at \$500,000, under the law she is required to increase the assessed value to \$700,000. However, she noted the Governor has also offered a local option of a \$200,000 exemption that the Town has not looked into yet. She said the \$200,000 exemption would be for the first year and phased down over ten years. Ms. McCarthy said many localities are looking into this exemption but so far she is not aware that any municipality has opted into the program.

Regarding evaluations, Ms. McCarthy said 99% of the time the "market approach" is used when assessing single family homes. To get a mortgage, a property must be appraised. An Assessor looks at what homes are selling for. Comparisons are made with three or four similar homes in the area, existing conditions are evaluated and

adjustments may be made. She noted a similar approach could be used for assessing ADUs and comparing them to two-family housing or in-law suites. The hard part will be looking at specific requirements, such as a lease for an ADU must be for one year. She said the market changes every day. That is why she sends us letters every year about our home's assessed value. Ms. McCarthy mentioned there are questions around the country about whether Assessors should value homes with ADUs based on a "market approach" or rather based on the income they could produce. She said Assessors will be obligated to look at both of these options to determine which method is best.

Madelon O'Shea raised a question about the various possible ways of creating an ADU - e.g., simply adding a kitchen within existing living space, adding more square footage to the home, converting a garage or building or creating a separate cottage. Ms. McCarthy noted if you convert an existing two car garage, the property loses value because of the loss of parking spaces. She said the question will be whether the cost of improvements for the ADU would increase the assessed value of the property more than the loss for the garage. John Malone noted that creating additional living space would also create a need for more Town services - more water, more garbage pick-up, etc. Ms. McCarthy said whatever you can sell your house for is what it should be assessed at. She noted Greenburgh services are phenomenal, and that is why our property values are high.

The information Commissioner Duquesne provided indicated that 21 of the 45 Westchester municipalities, including five of the six Greenburgh villages (except Elmsford), already have legislation permitting ADUs. Assessor McCarthy said at present she is aware of only two people interested in creating a new ADU - one in the Village of Hastings-on-Hudson and one in the Village of Dobbs Ferry, but no one in unincorporated Greenburgh.

Mrs. O'Shea questioned what realtors think and what one can sell a house for if it has an ADU. Ms. McCarthy responded that this question came up at a meeting she attended last Friday. But there was no response because there have been no recent sales of such properties. She noted Greenburgh prices are high because we have good schools and excellent services.

Ellen Foley mentioned that the information from the Town recognizes that if a preponderance of homes in a neighborhood had ADUs built, the remaining one-family homes may lose value, possibly because they could not build an ADU. She also noted not everyone wants to own a home next door to what appears to be a two-family home. Ms. McCarthy noted Greenburgh does not have two-family zoning.

Mrs. O'Shea noted the information Commissioner Duquesne sent today says if you build an ADU for your parents or children, even if no rent will be paid, it would still be necessary for them to sign a lease. It was agreed, this makes no sense. Mrs. Foley said one is allowed to bring family members into one's home and you don't have to report that to the Town. She said it was her understanding that the litmus test is - if a home has two kitchens, it becomes a two-family house. She wasn't sure why a signed lease was necessary if no rent was charged but suspects it might have something to do with the commercial value of the property and the future sale of the house.

Mrs. O'Shea asked how the banks feel about loaning extra money if there is already a mortgage on the house. Ms. McCarthy said the only information we have now is that the Governor has talked about granting money to build these ADUs and the money would not have to be paid back. Mrs. Foley asked if obtaining the grant money was subject to one's income. Ms. McCarthy said she doesn't think so, and the only requirement is that the municipality be on the list. Greenburgh is not.

Mrs. Livson reminded that the grant money is not free money. Our state taxes pay for it. Ms. McCarthy said our Greenburgh property tax will not be used for that grant money. She noted Greenburgh property tax could be affected by the Governor's proposed \$200,000 property tax exemption. As she mentioned earlier, she will be speaking to the Town Board about this exemption which would be phased down over a ten-year period. In the

first year it would be worth \$200,000, in the second year it would be worth \$180,000, in the third year \$160,000, etc. After ten years there would be no more exemption and property tax would be on the total assessed value.

Mr. Malone said he hopes the Town doesn't opt into this exemption. He noted he lives in the Fairview Fire District where there already are numerous tax free properties. He said this would put heavier burdens on Town, School District and Fire District taxes that residents can't afford to keep paying. He said the area pays the highest fire district taxes in the state and that is probably true of those living in the Hartsdale and Greenville fire districts. Lorraine Cantori said she is a retired educator who taught 36 years and has concerns about the Greenburgh Central School District. She noted a number of illegal apartments on Washington Avenue and the large number of students, not assimilated into the community, for whom taxpayers pay \$72,500 per child for special education. She said she agrees with Mr. Malone's concerns about taxes and noted the more you know about how things work in this Town, the more frustrating it becomes.

Alan Fishman questioned the method to determine how much money (between \$5,000 or up to \$125,000) can be granted. Ms. McCarthy said she has not seen the information but based on talks with the Governor's office, one would need to get estimates and contractors and the grants likely would be based on costs from contractors to make the necessary changes to comply with a municipality's zoning and planning regulations. It was noted even minor upgrades such as simply adding a kitchen and new access to a home could cost several thousand dollars since costs would also be involved for independent water, sewer, electric, and phone, TV or internet connections.

Mrs. O'Shea questioned if an ADU was meant to allow one to "age in place," how much rent can you charge? Ms. McCarthy responded that rents in Greenburgh can be quite high. She noted small efficiency apartments are costing \$2,500 monthly in rent. Some two-bedroom units in Tarrytown overlooking the Hudson River are renting for \$8,000 to \$9,000 a month. Two-bedroom units in a relatively new development on Saw Mill River Road with no river view and not within walking distance of shopping are renting for \$7,500 a month.

Carol Sarcinella asks if an ADU in the neighborhood could decrease property values and decrease the tax base. Ms. McCarthy said if one or even two homes in a neighborhood had an ADU, she sees no problem, but she agreed if 15 homes were allowed to have an ADU in a neighborhood of 30 homes, it would change the character of the neighborhood and could have a negative impact. Richard Grant noted the proposed legislation limits the number of ADUs permitted in a given neighborhood. Mrs. Foley said that had not been firmed up yet and the Town Board could change anything. Mrs. Livson reminded everyone that you can also go to the ZBA and you likely would be granted a variance from anything required in the Zoning Ordinance.

Mr. Grant noted there are about 60 homes in his neighborhood and most people have no idea what an ADU is. Even the members of his neighborhood civic board had no clue at the last meeting until he explained the matter. He said if this were put to a referendum, it would be resoundingly defeated. Mrs. Foley said she had the same reaction from members of her civic association board and community who were unaware of this proposed legislation. Mr. Fishman noted he raised the issue of a referendum with Commissioner Duquesne, who replied that the legal department informed a referendum would not be allowed according to State law.

Mrs. O'Shea reminded that when Commissioner Duquesne attended the September 2024 CGCA meeting, we asked that all residents of the Town be notified of this proposed legislation. That has not happened. Ms. Livson noted when she receives messages from the Town, she forwards them to everyone on her email list, but she has no idea how many people read them. She noted there has to be a better way to notify Town residents about what is going on. It was noted it is unlikely that civic leaders have the means to notify everyone (such as email addresses for every resident in their neighborhoods).

Mrs. Foley said she first learned about ADUs while watching a Planning Board meeting and understood that the purpose was to help people, not just in Greenburgh, to stay in their homes. She noted the more dwelling units

there are, the lower the rent can be, so economically it's a means of lowering rent costs. She noted you would need to build an awful lot of ADUs to make a difference, and there is no guarantee that the people who really need the most help will receive it. Ms. McCarthy agreed that the number one purpose was to help people offset their expenses so they could stay in their homes. Secondly, she noted the entire country is in dire need of housing that is not being built fast enough. She doubted that one, two, or even 30 ADUs would help the housing shortage, but suggested it would help offset some costs to help some people to stay in their homes. She noted regardless of whether or not one receives the grant money, there is no restriction regarding what you can charge for the rent.

Ms. McCarthy said she was getting the feeling that everyone at this meeting was opposed to the proposed legislation. She suggested reaching out to Councilman Francis Sheehan who has been involved with this legislation but urged everyone to make their concerns known to the full Town Board. She said she thought ADU laws are not just going to pass in Greenburgh, they are passing everywhere. Mrs. Foley said the Town Board would have to monitor so there are not abuses that turn neighborhoods to blight. Mrs. O'Shea noted that what Mr. Duquesne sent out says that the Elmwood Preserve could have 30% ADUs (37 ADUs in the development of new homes). Mrs. Livson said the proposed law only applies to new developments. Since Elmwood already received approval, it doesn't apply. Mrs. O'Shea also questioned the impact on school districts. She noted one extra child in a particular grade could mean an extra classroom and an extra teacher. As a retired educator, Lorraine Cantori agreed that numbers matter. It appears the school districts have not addressed this issue.

Those present agreed that the major problem is the average Greenburgh property owner knows nothing about this proposed legislation. The CGCA made a strong statement at the September 24 Town Board Public Hearing about the insufficient notice to the public. The CGCA suggested that the Town Board schedule several well-advertised meetings with various department heads present as well as realtors, attorneys and a banker to inform and discuss the issues before holding another Public Hearing. Nothing has happened. The only response was from Supervisor Feiner who suggested forming a committee to meet with Village representatives. Another Public Hearing is scheduled for this proposed law on Wednesday, December 11.

It was noted the average property owner does not attend Town Board meetings, check out what's listed on the Town's agenda page, or even receive the Supervisor's email blasts. Alicia Ford said she notifies people in her neighborhood (Parkway Homes) about meetings but they just don't come out other than to school board meetings. Mrs. O'Shea said that is the same comment she has heard from Lloyd Cort about the Parkway Gardens neighborhood. Mr. Grant said based on what he's heard in his neighborhood and at this meeting tonight, he doesn't think people who know about it are in favor of ADUs but the Town Board is going to pass the law anyway. Mr. Fishman suggested we should go straight to Councilman Francis Sheehan since Ms. McCarthy said he was the one on top of this issue. Mr. Burdi suggested we ask the Town Board to hold an informal discussion at one of its work sessions.

Mrs. O'Shea said she has heard that Scarsdale, Larchmont and Bronxville are not considering ADUs. She thinks that Greenburgh should emulate these communities. Ms. Sarcinella agreed that Greenburgh should do what Scarsdale does.

Mr. Malone inquired about how many tax free properties there are in the Fairview Fire District. Ms. McCarthy told him to call her later in the week and she will provide the information.

All present were extremely grateful and numerous "thank you" statements were extended to Assessor McCarthy for attending tonight's meeting and providing answers to some of the many questions raised. She noted she will share information with Mr. Duquesne and the Town Board about tonight's meeting and get back to us if she has any new information to share.

PROPOSED BESS INSTALLATIONS GRANTED EXTENSIONS CONCERNS ABOUT BATTERY FIRES NOTED

Ella Preiser reported that at the December 4, 2024 Planning Board meeting, both the Midway Shopping Center and the Greenville Shopping Center on Central Avenue received extensions for their plans to construct a BESS (Battery Energy Storage System) in their rear yards. The new deadline date for these plans is June 6, 2025. Madelon O'Shea expressed concern because there are single family homes adjacent to the rear yards of both shopping centers. She mentioned recently published articles that discouraged placing lithium-ion battery storage facilities near private homes because of potential fires. Mrs. Preiser noted that one of the articles Mrs. O'Shea referred to was published in the *New York Post* this summer. It said there had been 733 fires, including 29 deaths, in New York City's five boroughs caused by lithium-ion batteries in e-bikes and e-scooters. Mike Burdi said there are claims that these fires were caused by bootleg batteries, not certified ones.

Alan Fishman said he has a leaf blower and a number of other tools containing lithium-ion rechargeable batteries. News stories about house fires warn not to overcharge these batteries because they are extremely unstable and can explode and catch on fire. He noted that Walter Groden with the Greenville Fire Department explained that if one battery destabilizes in a BESS, it can cause a chain reaction. John Malone said you can find a hundred stories on line about these battery fires.

Mr. Fishman mentioned the Town talks about leaf blowers and the pollutants they can kick up. He noted lithium-ion batteries are more harmful because the fires they create are difficult to extinguish and cause extremely toxic fumes. The long term impact of inhaling these fumes is unknown. Mrs. O'Shea referred to a recent crash of a Tesla electric car in California that burst into flames and killed three teenagers. It was also noted that last week (12/3/24) two people died when a Tesla sped out of control in Pelham, crashed into a rock wall and burst into flames. Mr. Fishman noted that after the hurricane in Ft. Meyers, Florida a couple of years ago, fire fighters found when the flood water hit the batteries in electric vehicles, it caused fires that were difficult to extinguish, sometimes taking days since the fire could re-ignite. He said he still cannot understand why the Town Board ignored the advice of Walter Groden.

CFA GRANTED VARIANCES, AWAITING SITE PLAN APPROVAL

Madelon O'Shea reported that the ZBA totally ignored the comments of the CGCA and the City of White Plains regarding the Chick-fil-A (CFA) application. She said she pointed out to the ZBA on October 24, 2023 that there was an error in the revised Negative Declaration that the Planning Board adopted on October 16 regarding the application. The Neg Dec mentioned thirteen variances sought even though there have been 14 variances sought for the last five months. The CGCA also questioned the need for additional variances to comply with the City of White Plains regulations and pointed out that inaccurate sections of the Zoning Ordinance were cited for some of the variances. The ZBA ignored everything that was said. Some of the ZBA members spent the entire portion of the Hearing talking with each other and playing with their cell phones and papers. There was not a single word of discussion during the deliberation session of the meeting. The ZBA members present simply took a "straw vote" to approve the variances sought and adjourned the application's decision to November.

At the ZBA meeting on November 14, 2025, again there was no discussion but simply a unanimous vote by the five members present to approve the application. Special consideration was given to the applicant's attorney who sent an email at 1:45 PM on November 14 asking that the variance sought for higher light poles be withdrawn without prejudice, apparently to address the CGCA concern about the number of variances sought (14 vs. 13). "Without prejudice" means CFA will likely ask for the same variance again at a later (more convenient) date.

Despite NYS law which requires ZBA decisions to be filed in the office of the Town Clerk within five days of rendering, the decision was not filed until 12:03 PM on December 4, 2024, nineteen days (14 business days) late. The CGCA hurriedly reviewed this decision and found an error on the first page. A letter was sent to the Planning Board which was holding a Public Hearing that evening. The CGCA letter noted the errors in the ZBA decision

and the error in the Planning Board's Neg Dec on this CFA application. Deputy Planning Commissioner Aaron Schmidt publicly acknowledged receipt of the CGCA letter and said Planning Board members were provided a copy. Both CFA's attorney and the Deputy Town Attorney indicated the errors in the documents were of no consequence since the Town has known about the issues from the beginning. The Planning Board closed the Hearing but voted to keep the record open until December 18, 2024 on this application.

Mrs. O'Shea said it is truly troubling that the ZBA, Planning Board and Town staff completely ignored everything the CGCA said. **Words don't matter. Accuracy doesn't matter.** It was noted the City of White Plains Zoning Ordinance, the SEQRA process, and the Westchester County Planning Board were also ignored. CFA changed its plans multiple times to comply with White Plains requests, but everything CFA wanted in Greenburgh, it was granted. Mrs. O'Shea said she has friends and family in the Fulton Park area and is not looking forward to dealing with the traffic when CFA opens. She notes she usually gets caught as vehicle # 3 trying to get through the traffic signal at the intersection with Tarrytown Road. CFA plans to ask the state and the City of White Plains to extend the timing four to six seconds at the traffic signal, so two or three more vehicles may be able to hurry through the light before it turns red.

Lorraine Cantori said the lines of traffic waiting at a CFA drive-thru are treacherous. She said there is one advantage. That is CFA is closed on Sundays. Mike Burdi questioned why the neighbors were not attending the meetings. Maria Gomez responded that people are concerned about area issues, mainly flooding which is a major problem. She noted years ago when the Westhab housing sought approval, neighbors came out, but flooding was not an issue then. It is suspected that since there is now a Chick-fil-A at Midway Shopping Center and another one a short distance down Central Avenue in Yonkers, some people may feel that traffic will not be that bad at the Old Kensico Road intersection.

Mike Burdi asked how this application passed. Mrs. Gomez said it was because the corner office wanted it. Taxes are more important than any concerns of the residents. She said many residents realize the Town won't listen so they come home from work, deal with school issues and then shut the door. Mr. Burdi noted her comments are completely supported by the lack of turnout at Town meetings.

It was also noted that many residents have ceased attending meetings because they do not appreciate the nasty and rude way they have been treated at the various meetings of the Town Board, Planning Board and ZBA. Different rules apply for applicants who have expensive attorneys representing them. However, the average resident is often ignored, as the CGCA has been at meetings before these boards. Dorrine Livson recalled that the ZBA Vice Chair did not want to let her and Tom Bock, President of the Fulton Park Neighborhood Association, speak at one meeting, because they had spoken at a previous meeting. Also recalled was the despicable way Carol Wielk was treated by the ZBA during the Hartsdale Greenhouse application.

Ms. Cantori expressed concern about the long term traffic impact. She recalled when approval was granted to build the Solomon Schechter School on West Hartsdale Avenue, a dedicated right turn lane into the school was supposed to be built to alleviate traffic. This did not happen. She noted one day last week it took her 35 minutes to go from Dobbs Ferry Road, a trip that usually takes two to three minutes. Mrs. Gomez said CFA is supposed to study the Grand Opening traffic plan after five or six months and "tweak" any problem. She noted she and her family are already planning possible routes to and from their home to avoid the expected traffic nightmares. Alicia Ford noted more people are driving, houses are getting bigger and huge residential towers are going up near the White Plains train station. Mrs. Gomez agreed it will probably get worse when they tear down the Galleria and build hundreds of residential units.

"CONFLICT OF INTEREST" QUESTION UNANSWERED

Dorrine Livson again mentioned the potential "conflict of interest" regarding the legal firm - Whiteman, Osterman & Hanna, LLP - that is currently representing the Chick-fil-A application before the Planning Board and the ZBA.

The Town hired this outside law firm to deal with tax certiorari matters because of a staff shortage when Deputy Town Attorney Joe Danko, who had been handling these matters, was appointed as the Town Attorney. Madelon O'Shea said lawyers generally take conflict of interest matters very seriously. However, the CCGA has received no response to this matter which was raised at the August 19, 2024 meeting other than that different lawyers from the firm are involved.

HIGHER ESCO COSTS vs. CON EDISON COSTS

As previously reported, the Town Board enrolled all residents and small business owners who have not "opted out" into a new 14-month contract for electricity supply, starting with meter-read dates in November 2024. The new contract's cost is 12.178¢ per kWh for homeowners. Ella Preiser reported that this new contract is not off to a great start. She noted her cost and that of the Livson family, mainly for the month of November, was only 9.51¢ per kWh and the average Con Edison rate for the month of November was 9.34¢ per kWh.

Mrs. Preiser noted that the previous 24-month contract was extremely expensive for those enrolled. During each of those 24 months, those enrolled were forced to pay 15.449¢ per kWh, anywhere from 2.19¢ to 7.73¢ more per kWh than those who had "opted out." She reminded while the Town claimed those enrolled were buying "clean, green" energy and saving the planet, the exact same electricity supply from the grid was delivered to every home, whether you were enrolled in this contract or not.

Dorrine Livson mentioned that Con Edison has already posted notices that in January there will be increases for both electricity and gas. It was noted, that is for the distribution charges, which currently are the most expensive part of the monthly Con Ed bills.

Madelon O'Shea said her home in Florida is in a rural area and is total electric. She said when she first moved there, the bill was relatively inexpensive. However, the bill last month was greater than her Con Ed bill. That is because of running air-conditioners to deal with the heat and then having to switch to heaters because of cooler weather. She said every two years the price goes up.

FEWER SIGNS POSTED RE SNOW ORDINANCE

Dorrine Livson mentioned every year, between December 1st and March 15th a Snow Ordinance takes effect and vehicles are not supposed to park on public streets from 1 AM to 6 AM. She noted in years past, there were signs posted providing this information, but she has seen no signs in her neighborhood and new owners are not aware of the law. She said she was at a meeting last week and spoke with Supervisor Paul Feiner, who said he would send a letter to the Police Chief. Mike Burdi suggested either a robo call or providing information to the school districts that could be sent home with students. Mrs. Livson suggested asking the Sanitation Department to mention the snow ordinance on the calendar sent to residents each year. Alicia Ford said she has seen signs in her area. She said she has 112 people on an email list that she notifies. John Malone said it appears the Town is posting these signs near the entrances to Greenburgh.

MISCELLANEOUS

No Update re Flooding Issue. Dorrine Livson asked Richard Grant if there was any update on the problem a homeowner in his area had with flooding that he discussed at last month's CGCA meeting. He noted there was nothing new to report.

Those present expressed sincere **thanks** to **Carmela Greco-Acevedo** for arranging the CGCA Zoom meetings and **Dora Ashley** for maintaining the CGCA website (cgca.info).

All present exchanged Happy Holidays greetings. All were encouraged to join the CGCA meeting next year on January 27, 2025.