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TOWN OF GREENBURGH  
PLANNING BOARD MINUTES  
GREENBURGH – NEW YORK  
Wednesday – September 2, 2026

SEP 22 2026

TOWN OF GREENBURGH  
DEPARTMENT OF COMMUNITY  
DEVELOPMENT & CONSERVATION

The Work Session of the Planning Board of the Town of Greenburgh began at 7:07 p.m. on Wednesday, September 2, 2026, and was held in-person at Town Hall, located at 177 Hillside Avenue, Greenburgh, New York, and online via Zoom-enabled videoconference. It was also simulcast over cable television and on the Town of Greenburgh website.

**1. ROLL CALL & ANNOUNCEMENTS**

Present: Chairperson Dylan Pyne, Marc Pillinger, Emily Anderson (Remote Participant, 7:29 p.m. arrival) Natasha Robinson (Alternate #1, Voting Member), and Vikash Patel (Alternate #2, Voting Member)

Absent: Edwin Weinberg

Staff: Garrett Duquesne, AICP, Commissioner, CD&C  
Aaron Schmidt, Deputy Commissioner, CD&C  
Matt Britton, AICP, Planner, CD&C  
Amanda Magana, Esq., First Deputy Town Attorney  
Elizabeth Gerrity, Deputy Building Inspector

**2. APPROVAL OF MINUTES**

**a. August 5, 2026**

Chairperson Pyne asked if there were any comments on the draft minutes of the August 5, 2026 Planning Board Work Session prepared by staff. There were none.

On a motion made by Mr. Pillinger and seconded by Mr. Patel, the Planning Board unanimously voted to approve the minutes of the August 5, 2026 Planning Board Work Session, as written.

**3. CORRESPONDENCE**

**a. Case No. PB 19-26 Kaufmann, 36 Hillcrest Avenue (P.O. Ardsley, N.Y.) – 1<sup>st</sup> Planning Board Steep Slope Permit Extension Request**

Chairperson Pyne stated that this is the Applicant's first extension request of its Steep Slope Permit approval. Mr. Schmidt explained that the application involved a subdivision that had previously proceeded through the Planning Board in 2019. He reported that the Applicant had submitted a letter requesting a two (2) year extension of the Steep Slope Permit approval and that the Applicant is actively pursuing the sale of the property but does not yet have any firm offers. Chairperson Pyne noted that the property was indicated as being on the market, according to the extension request letter submitted, and that he could confirm that it was being actively marketed and that the owner had reduced the asking price. Mr. Patel stated that he had difficulty finding the listing of the property. Mr. Schmidt explained that the project file has a Hillcrest Avenue address, while the property being sold has a 0 Springwood Avenue address, since the newly created lot fronts on Springwood Avenue.

On a motion made by Ms. Robinson and seconded by Mr. Pillinger, the Planning Board unanimously voted to approve a two (2) year extension of the Steep Slope Permit approval, valid through September 5, 2028.

**b. Case No. PB 26-03 Matanzas Cuban Café, 17 East Hartsdale Avenue (P.O. Hartsdale, N.Y.) – Special Use Permit (Restaurant)**

The Applicant has submitted finalized plans requiring amended approval which now include a full ADA compliant restroom and a smaller storage room, associated with a previously-approved Restaurant Special Use Permit dated June 4, 2026.

Chairperson Pyne stated that the Board previously approved a Special Use Permit for a restaurant and that the Applicant had submitted a revision to its plans. Mr. Schmidt explained that, pursuant to a letter from the Applicant, a new ADA-compliant restroom would be added adjacent to the existing restroom, to meet Code requirements. He stated that there would be no change to the seating or layout previously approved by the Planning Board, although the storage area would be reduced to accommodate the additional bathroom.

On a motion made by Mr. Patel and seconded by Ms. Robinson, the Planning Board unanimously voted to approve the revised plans.

#### **4. OLD BUSINESS – WORK SESSION**

- a. Case No. TB 26-03/PB 23-18** Loop Road Holdings, LLC (Regeneron Logistics Building), 555 Saw Mill River Road (P.O. Tarrytown, N.Y.) – *Town Board Amended Site Plan (referral to Planning Board) and Tree Removal Permit, Amendment to Previously Approved Planning Board Steep Slope Permit and Wetland/Watercourse Permit*

A continued work session (June 17, 2026 and August 5, 2026) to discuss the issuance of a recommendation to the Town Board on the Amended Site Plan application referral. The project also involves a Town Board Tree Removal Permit application, and an amendment request to a previously-approved Planning Board Steep Slope Permit and Wetland/Watercourse Permit (PB 23-18) associated with proposed modifications to a previously-approved Town Board Site Plan application (TB 23-08). The Applicant received approvals from the Town Board (Site Plan, Tree Removal Permit) on May 8, 2024 and from the Planning Board (Planning Board Steep Slope Permit and Wetland/Watercourse Permit) on June 18, 2024 associated with the construction of an approximately 136,000 sq. ft. logistics building and related off-street parking (208 spaces). The Applicant now seeks to reduce the size of the proposed logistics building to approximately 37,500 sq. ft. and modify the off-street parking layout to reduce the number of spaces provided to 120 off-street parking spaces. The proposed modifications would reduce the amount of disturbance to the site by approximately 1.7 acres, with reductions in disturbance to regulated steep slopes and wetland/watercourse buffer areas. The subject property consists of approximately 39.8 acres (1,735,153 sq. ft.), is located in the PED Planned Economic Development District, and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.71-6-2.2.

Chairperson Pyne introduced the application. Anne Kline, Esq., of DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, representing the Applicant, stated that she was present to answer any questions the Board might have. Mr. Schmidt reviewed the draft recommendation to the Town Board, which included recommendations for the inclusion of no-parking signage, enforcement of travel lanes remaining clear of parked vehicles, restoration of temporary parking lots, and landscape plantings. Chairperson Pyne referred to the Board's prior discussion regarding installation of landscape plantings along Saw Mill River Road and asked whether the Applicant had been able to discuss the matter with the Town Engineer. Ms. Kline stated that she had not yet spoken with the Town Engineer. She indicated that she understood the area to be difficult and that the Applicant continues to explore the installation of plantings in the area. Chairperson Pyne asked whether the recommendation could include a statement that the Town Board continue to investigate the possibility of planting shrubs within the easement between Saw Mill River Road and the parking lot. The Board members agreed.

Ms. Magana asked whether there had been an update regarding parking restrictions or whether the plans would be updated to address the issue. Ms. Kline responded that the plans would be updated to include signage restricting parking. Chairperson Pyne asked whether this could be added to the recommendation. Mr. Schmidt stated that staff would confirm that the plans had been updated when the matter returns to the Town Board. Chairperson Pyne thanked the Applicant for its cooperative

approach and opined that the plans had been significantly improved from what was originally referred to the Planning Board.

On a motion made by Mr. Pillinger seconded by Ms. Robinson, the Planning Board unanimously voted to issue an Amended Site Plan recommendation to the Town Board, as amended.

**5. NEW BUSINESS – WORK SESSION**

- a. **Case No. PB 26-02** Kim, 18 Joyce Road (P.O. Hartsdale, N.Y.) – *Planning Board Steep Slope Permit*  
A work session to discuss a Planning Board Steep Slope Permit application to demolish an existing one-family residence and construct a new one-family residence. The Applicant proposes approximately 2,229 sq. ft. of disturbance to 15-25% slopes (STEEP SLOPES), approximately 543 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES), and approximately 76 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The project requires approximately 248 cubic yards of excavation and 69 cubic yards of imported fill. The proposed one-family home would be slightly larger than the existing house, and the Applicant proposes an underground closed detention system to handle stormwater runoff from impervious surfaces. A large tree exists in the right-of-way in front of the house and is proposed to be protected during the course of demolition and construction. The subject property consists of approximately 0.27 acres (11,936 sq. ft.) and is located on the northeasterly side of Joyce Road, approximately 160 feet west of the intersection of Joyce Road and Vista Place. The subject property is located in the R-7.5 One-Family Residence District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.170-105-27.

Chairperson Pyne introduced the project. Diana Tavarez, E.I.T., of Catizone Engineering, representing the Applicant, provided a detailed presentation of the project involving the proposed demolition of an existing one-family residence and the construction of a new one-family residence. Mr. Schmidt asked how the existing large tree in the front yard would be protected during construction. Ms. Tavarez stated that chain-link fencing would be installed around the tree and that a caution note would be included on the plans. She explained that the proposed stormwater detention system had been pushed as far away from the tree as possible for the purposes of minimizing root zone disturbance. Mr. Schmidt asked what size storm event the stormwater management system has been designed for. Ms. Tavarez responded that the system is designed to accommodate up to the 100-year storm event.

Mr. Patel asked where the yard drains would discharge to. Ms. Tavarez stated that the drains would be directed to the stormwater management system. Ms. Magana asked about stormwater runoff from the driveway. Ms. Tavarez explained that because the driveway would be at a lower elevation than the stormwater management system, runoff from this surface would not be captured in the on-site system. She stated, however, that the proposed condition would result in less overall runoff than the existing condition and would maintain the same drainage pattern. Ms. Magana asked where runoff from the driveway would go. Ms. Tavarez stated that the water would run along Joyce Road into the existing catch basin. Mr. Pillinger expressed concern that catch basins are often covered by leaves and that water could consequently run down the road and possibly freeze over in the winter.

Peter Catizone, P.E., of Catizone Engineering, representing the Applicant, stated that the stormwater management system design evaluated all runoff on the site, including what is captured and what is not captured. He explained that the existing condition has the entire site draining toward Joyce Road, whereas the proposed system would capture a large proportion of the runoff in the stormwater management system. He stated that the only portion of the impervious area that would drain to the road would be the driveway and portions of the walkways. Mr. Catizone explained that the stormwater modeling prepared by the project team shows a decrease in flows from the existing condition and noted that the majority of the flow would now be connected to the stormwater management system.

Mr. Pillinger asked about the stormwater management system being shifted from the critical root zone of the tree and requested an explanation of the extent to which it had been moved. Ms. Tavarez

stated that the detention system could not be moved closer to the house because a minimum separation distance is required. Mr. Pillinger noted that the existing residence contains asbestos and that demolition would therefore require remediation. He asked whether a safety plan had been prepared. Mr. Catizone stated that asbestos is present and that its removal is regulated by New York State. Ms. Magana added that asbestos abatement is regulated by the NYS Department of Labor, through the Town's Building Department. Mr. Catizone stated that the asbestos would be abated, with the siding taken down in the required manner, bagged, and properly disposed of. He stated that he would provide the information regarding the abatement to the Board. Mr. Schmidt asked whether something could be provided in writing regarding the safety plan. Mr. Catizone stated that this could likely be provided by the Project Architect.

Mr. Patel asked about the maintenance plan for the stormwater management system. Ms. Tavarez stated that a maintenance plan is included in the Stormwater Pollution Prevention Plan (SWPPP). Mr. Catizone explained that the SWPPP provides a maintenance schedule for the subsurface detention system and inlets, as well as for grass and vegetation. Mr. Patel asked whether the dry swale would hold water and allow it to permeate. Mr. Catizone stated that it would. He explained that the dry swale is not intended to capture runoff from impervious surfaces, but has been added to reduce the velocity of runoff. Mr. Pillinger asked about the retaining wall in the rear of the property. Mr. Catizone stated that the retaining wall would remain intact during construction and that the intent is to leave the rear vegetation undisturbed. Chairperson Pyne asked whether the project required any variances. Ms. Tavarez confirmed that the project is zoning compliant and requires no variances. Chairperson Pyne asked whether the Applicant had contacted any of the neighbors. Ms. Tavarez stated that she was not sure. Chairperson Pyne explained that, if the application advances to a public hearing, residents within 500 feet would receive notice, and stated that, to the extent possible, contacting adjacent neighbors ahead of time would be in everyone's interest. Ms. Tavarez agreed.

Chairperson Pyne scheduled the project for a public hearing at the Board's September 16<sup>th</sup>, 2026 meeting, and stated that staff would provide information on noticing and signage.

## **6. PUBLIC HEARING AND PUBLIC DISCUSSION**

*Full transcripts of the items on for public hearing and public discussion will be made available through the Department of Community Development and Conservation and will be posted on the Town of Greenburgh website.*

### **a. Case No. PB 23-17 Dilmaghani, 0 Old Army Road (P.O. Scarsdale, N.Y.) – Planning Board Steep Slope Permit and Tree Removal Permit**

A continuation of a public hearing (August 5, 2026) to discuss a Planning Board Steep Slope Permit and Tree Removal Permit application involving the proposed construction of one (1) new single-family residence with related improvements on a vacant lot. The Applicant proposes approximately 7,341.85 sq. ft. of disturbance to 15-25% slopes (STEEP SLOPES), approximately 182.7 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES), and approximately 1,381.37 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The project requires approximately 3,018 cubic yards of excavation and 0 cubic yards of imported fill. The Applicant is proposing the addition of 16 drywells to handle stormwater runoff from new impervious surfaces. The Applicant is proposing to remove 87 regulated trees, requiring a Tree Removal Permit, and has prepared a landscaping plan providing for the planting of 30 trees, as replacement. The proposed driveway would cross land owned by the NYSDOT, requiring approvals from the NYSDOT. The subject property consists of approximately 1.11 acres (48,200 sq. ft.) and is situated on the northeasterly side of Old Army Road, approximately 215 feet from the intersection of Old Army Road and Central Park Avenue South. The subject property is located in the R-10 One-Family Residence District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.471-346-24.

*On a motion made by Mr. Pillinger and seconded by Ms. Robinson, the Planning Board unanimously voted to close the public hearing and to keep the written record open through September 23<sup>rd</sup>, 2026.*

**b. Case No. TB 25-04 Comprehensive Chapter 285 Amendments – *Zoning Text and Zoning Map Amendments (Referral from Town Board)***

A continuation of a public discussion (July 15, 2026 and August 5, 2026) to discuss the Zoning Text and Zoning Map Amendments referral from the Town Board related to Chapter 285 of the Code of the Town of Greenburgh (the Zoning Ordinance). The proposed Zoning Text and Zoning Map Amendments align with several policies and principles of the Town's Comprehensive Plan, including, but not limited to: (1) Advancing affordable housing initiatives; (2) Providing for a good mix of uses in the Town's mixed-use districts; (3) Promoting open space and compact land development; (4) Supporting the mobility needs of a range of users; (5) Providing clear and consistent regulations; (6) Advancing sustainability initiatives; (7) Removal of the UR Urban Renewal District; (8) Creation of a M-30 Multifamily Residence District; and (9) Creation of a TR Tarrytown Road Mixed-Use District.

*On a motion made by Ms. Robinson and seconded by Mr. Pillinger, the Planning Board unanimously voted to close the public discussion and to keep the written record open through September 9<sup>th</sup>, 2026.*

**7. OLD BUSINESS – WORK SESSION (continued)**

**a. Case No. TB 25-04 Comprehensive Chapter 285 Amendments – *Zoning Text and Zoning Map Amendments (Referral from Town Board)***

A continuation of a work session (May 20, 2026, June 3, 2026, June 17, 2026, July 1, 2026, July 15, 2026, and August 5, 2026) to discuss the Zoning Text and Zoning Map amendments referral from the Town Board related to Chapter 285 of the Code of the Town of Greenburgh (the Zoning Ordinance). The proposed Zoning Text and Zoning Map Amendments align with several policies and principles of the Town's Comprehensive Plan, including, but not limited to: (1) Advancing affordable housing initiatives; (2) Providing for a good mix of uses in the Town's mixed-use districts; (3) Promoting open space and compact land development; (4) Supporting the mobility needs of a range of users; (5) Providing clear and consistent regulations; (6) Advancing sustainability initiatives; (7) Removal of the UR Urban Renewal District; (8) Creation of a M-30 Multifamily Residence District; and (9) Creation of a TR Tarrytown Road Mixed-Use District. The Planning Board will begin discussing recommendations to be issued to the Town Board in connection with this referral.

Chairperson Pyne stated that he wanted to summarize the public comments received during the previous two (2) public discussions, as well as the Board's discussions and recommendations from the preceding meetings. He noted that the prior month's packets had included his bullet points, and he recommended maintaining a running list of areas where there were differences in perspective so that the Board could continue to work through those issues. He stated that the discussion would continue at the September 16, 2026 meeting.

Commissioner Duquesne reviewed the process for Zoning Text and Zoning Map amendments. Regarding affordable housing, he stated that the Board appeared to be agreeable to using the term "below market rate." He noted that comments calling for affordable set-aside housing at 40% of Area Median Income (AMI) were lower than generally required by local governments, while the Westchester County recommendation of a flat 60% AMI fails to target ranges of affordability needed locally. He stated that the Town's proposal of a progressive range of 60% to 80% AMI appeared to be a reasonable approach. Chairperson Pyne agreed.

Commissioner Duquesne stated that the need for housing at 40% AMI is addressed through 100% affordable housing construction projects. He also discussed the potential use of Accessory Dwelling Units (ADUs) in an affordable housing set-aside, noting issues brought forth by Planning Board members concerning ensuring that an ADU remains rented continuously and that the applicable income thresholds are maintained. He stated that this alternate approach was intended to be a viable affordable housing mechanism the Planning Board's preferred 10% single-family development required to be set aside as affordable housing, is an approach that he supports.

Chairperson Pyne agreed with this recommendation and stated that he did not want the Board's position to be construed as being against ADUs. He explained that the goals of ADUs and affordable housing are fundamentally different. Chairperson Pyne noted that, with the ADU Local Law adopted by the Town Board, if a large subdivision were proposed, an Applicant could propose a certain number of ADUs and the Planning Board could review the ADU application in parallel with the Subdivision application.

Commissioner Duquesne discussed the duration of affordable housing restrictions and stated that he was open to a recommendation extending affordability beyond 50 years. He stated that Ms. Robinson had noted an alternative approach for properties for sale, under which the affordability period could be reset upon a sale. Ms. Magana suggested that the issue be relayed to Westchester County because the County provides oversight of the Town's affordable housing units, noting that some units may be reaching the end of their affordability term soon. She stated that it would be worthwhile to discuss whether, if an extension were not renewed, the 50-year period should instead be extended to 100 years or another appropriate duration.

Commissioner Duquesne then discussed off-street parking and self-storage. He stated that there was a request for existing off-street parking areas associated with self-storage uses to be permitted to be used for vehicle storage. He noted that existing self-storage facilities may be overparked if they were converted from office uses, with office parking calculated at one space per 300 square feet and self-storage parking calculated at one space per 1,000 square feet. Commissioner Duquesne stated that a public request proposed allowing excess existing parking, rather than new parking, to be used for vehicle storage, subject to screening and preserving dedicated self-storage parking spaces. He stated that staff recommended a Special Use Permit be required so that the Planning Board could review the proposal and associated landscaping. Chairperson Pyne referred to a letter from Zarin & Steinmetz, LLP concerning this issue and stated that he wanted the Board to review it and discuss this matter at its next meeting.

Commissioner Duquesne reported that certain amendments, including senior housing, cannabis, and Battery Energy Storage Systems (BESS), had been requested by members of the public to be removed from the general Chapter 285 amendments and placed on a separate track. He stated that, if the Planning Board felt that was appropriate, it could make such a recommendation to the Town Board for consideration. Chairperson Pyne recommended that the Town Board not adjust the Continuing Care Retirement Community (CCRC) standards before completion of the Bethel-Knolls application (TB 25-05). He opined that the Town Board should use its judgment regarding timing as the conversations advance in parallel after the Planning Board's recommendation is adopted and transmitted. Ms. Magana noted that, while the timing of amendments to CCRC standards within the Zoning Code was close to the timing of hearing Case No. TB 25-05, staff has identified many of the proposed changes as cleanup intended to reduce ambiguity. Chairperson Pyne felt that if the Bethel-Knolls project naturally proceeded through its course before the Chapter 285 amendments were decided, there would be no real perception issue, and if the timing became close, the Town Board could manage the matter. Mr. Patel asked what would happen if the Chapter 285 amendments were adopted before the Bethel-Knolls application was approved, specifically whether the new or existing standards would apply. Commissioner Duquesne stated that he would get back to the Board on that issue. Chairperson Pyne stated that this was at the heart of the issue because the Board could not predict where the application would ultimately go. Mr. Pillinger cautioned the Board to be careful regarding retroactivity. Chairperson Pyne reiterated that the Town Board should use its judgment on the timing.

Chairperson Pyne stated that the provisions concerning Electric Vehicle Charging Stations did not appear controversial and could remain as-is. Regarding Battery Energy Storage Systems (BESS), he noted that the Town had been a leader in adopting its Local Law and that the State has subsequently updated its regulations concerning this use. He stated that State law regarding the technology and applicable standards continue to change. Chairperson Pyne questioned whether the Code could be tied to State standards or other applicable standards. Commissioner Duquesne stated that he could

look into that issue and noted that the proposed amendments contain numerous cross-references to State standards. He indicated that the most significant modification proposed to the BESS section involves tree replacement requirements.

Chairperson Pyne stated that there was a question of whether the proposed cannabis expansion should be removed from the Chapter 285 amendments and asked where the Board stood on the concept. Mr. Patel asked where the matter would be addressed if it were removed from Chapter 285. Chairperson Pyne noted that public comments on the comprehensive Chapter 285 amendments was confined to the topics raised during the five-minute public-comment period, although written comments could also be submitted. He stated that there was a perception that some topics could be lost or buried within an omnibus amendment. Chairperson Pyne explained that the Town Board could either remove the cannabis changes and retain the status quo while addressing the issue separately, or retain the changes and establish a separate process.

Mr. Pillinger stated that his initial reaction was to keep the cannabis issue separate. He expressed concern that including it within the larger package would make the overall amendment bigger and stated that a standalone process would give the Board an opportunity for proper consideration. Chairperson Pyne stated that, if the Board recommended a separate process, he wanted to know whether it should also make a recommendation concerning the substance of the proposed cannabis amendments. He noted that there were already dispensaries near the Yonkers border and the White Plains border and that cannabis was therefore already present along Central Park Avenue. Chairperson Pyne added that State law would supersede the Town's regulations in several areas. Ms. Robinson expressed the same concern and stated that a separate discussion and hearing could be held, but noted that the State had already established the rules for cannabis dispensaries. Ms. Magana stated that the Town could regulate cannabis within a certain distance of public youth facilities, but that the Town would need to decide whether to do so and define which facilities qualify as a public youth facility. Chairperson Pyne stated that further discussion of this matter would be continued at the next meeting.

Commissioner Duquesne stated that the definition of "family" has been modified based on discussion by the Planning Board and comments received from the public. Mr. Britton reviewed the proposed changes, which involved clarifying the evidence for a group being considered permanent and stable. Mr. Patel expressed concern about whether children who were away at college would be counted as members of the household. Ms. Robinson replied that parents would still file taxes for them. Chairperson Pyne stated that the examples for evidence of stability and permanency were not a list of requirements that must be met. Mr. Pillinger expressed concern with the phrase "must be present" and suggested changing it to "must apply." Chairperson Pyne asked whether the Board is comfortable with the proposed changes. The Board indicated that it is. Chairperson Pyne recognized Ms. Robinson and staff for their assistance with the amended definition. Deputy Building Inspector Gerrity suggested including, as evidence of permanency, that the group is not transient or temporary in nature. The Board expressed support for this inclusion.

Chairperson Pyne recommended removing the requirement that golf clubs be located on a State road. Ms. Magana noted that the requirement could create an issue for existing golf courses that are not located on State roads by expanding a non-conformity. Chairperson Pyne asked whether the Board is comfortable making the recommendation. The Board indicated that it is.

Commissioner Duquesne reported that a question was raised as to whether it made sense to base the proposed TR District on the CA District and the potential for mixed-use development in the TR District. He stated that he felt it was appropriate to use the CA District as the basis for the TR District, as consistency across commercial corridors is a policy in the Comprehensive Plan. Commissioner Duquesne indicated that, while mixed-use with retail below apartments could be acceptable, it was not part of the vision of the Chapter 285 amendments and could instead be considered as part of future Comprehensive Plan updates. Chairperson Pyne agreed. He suggested that the Planning Board recommend that the Town Board begin an update to the Comprehensive Plan after adopting the

Chapter 285 amendments. He also suggested recommending that the Town Board establish committees to address certain intersections, similar to the approach used for the Hartsdale Four Corners, including the intersection of Central Park Avenue and Mt. Joy Avenue, Hillside Avenue and Tarrytown Road, and the North Elmsford corridor. Mr. Pillinger expressed support for this recommendation. Chairperson Pyne suggested recommending that, if a use is permitted in the CA District, it also be permitted in the TR District. The Board agreed. Chairperson Pyne additionally suggested recommending that the Town Board consider an update to Chapter 240 in parallel with adoption of the Chapter 285 amendments so that the TR District would contain sign regulations similar to those in the CA District. He expressed concern that, if the sign standards were moved out of Chapter 285, they could be lost. Ms. Robinson agreed.

Commissioner Duquesne stated that, with regards to sidewalks, the current recommendation is for new multifamily developments to have adequate sidewalks across their frontage or construct new sidewalks, with a clause that states the DPW Commissioner would advise on the suitability of a sidewalk. He indicated that a comment was received questioning if the DPW Commissioner is the best person to advise on a sidewalk. Commissioner Duquesne stated that the DPW Commissioner has relevant experience and could seek advice from Town staff, the State, or other appropriate sources. Chairperson Pyne noted that many municipalities have the Town Engineer attend Planning Board meetings and asked if it would make sense to have the Town Engineer decide on sidewalk suitability, especially if the Town Engineer is attending Planning Board meetings in the future. Commissioner Duquesne stated that the issue could be considered further and emphasized that staff expertise helps ensure compliance.

Commissioner Duquesne discussed the proposed amendments concerning buildable area reductions on properties with regulated steep slopes. He stated that staff had examined the issue and determined that reductions to buildable area for multi-family or commercial properties should not be handled the same as reductions for single-family homes. Commissioner Duquesne explained that the Floor Area Ratio (FAR) permitted for single-family properties is generous and can still allow for construction of a large home even after deductions. He stated, however, that the FAR for commercial properties is more restrictive and that applying the same approach could render some lots unusable. He explained that the intent of the steep-slope provisions is to encourage development on flatter areas and that, for commercial properties, the local law should make deductions only for regulated steep slopes that are actually impacted. He stated that this approach was supported by the Comprehensive Plan. Chairperson Pyne agreed.

Commissioner Duquesne discussed retaining walls and the proposed amendments excluding retaining walls from height and setback requirements. He stated that retaining walls are presently not subject to setbacks and were never intended to be. Commissioner Duquesne noted that numerous prior approvals have included retaining walls within setbacks, including single-family properties and Ferncliff Cemetery. He stated that applying setback requirements could prevent development on many sites and could potentially constitute a taking. Chairperson Pyne agreed.

Commissioner Duquesne discussed public comments issued concerning senior housing. He stated that there had been an indication that the proposed density update for CCRCs was not consistent with the Comprehensive Plan. He explained that the intent was to use metrics similar to those applied to Continuum of Care Facilities (CCFs) and Assisted Living Facilities (ALFs), including using beds per acre as the density metric, as CCRCs are currently subject to a different calculation. He stated that the intent was not to provide additional density and that he would review the amendment again. Commissioner Duquesne stated that the proposed height and story changes were intended to be consistent with similar senior housing uses. Regarding new CCRCs, he explained that if a certain amount of density is allowed, there is a rationale for promoting a more compact development rather than spreading the development out through increased height allowances. He stated that the Comprehensive Plan supports this concept of a smaller footprint.

Commissioner Duquesne stated that there was a suggestion that the definition of a commercial vehicle be tied to a New York State commercial license plate. Ms. Robinson asked how the 10,000-pound maximum weight in the proposed definition had been established. Deputy Building Inspector Gerrity stated that a larger truck could meet the criteria based on its size even if it did not have commercial markings, and that the proposed definition has been used in other municipalities. Ms. Robinson asked what the vehicles would look like. Deputy Building Inspector Gerrity stated that there is no single appearance and that the definition is based on weight. Commissioner Duquesne asked what standard had previously been used, noting that the proposed language was new. Deputy Building Inspector Gerrity stated that commercial registration status had been used but was very limiting, and that the proposed expansion would allow for greater enforcement. Mr. Pillinger noted that the State uses 10,000 pounds of Gross Vehicle Weight (GVW) in its commercial vehicle standards.

Mr. Patel raised concerns about the definition of a bedroom and noted that a studio apartment does not have a bedroom. Ms. Magana stated that the Building Department would defer to State standards concerning occupancy.

Chairperson Pyne asked about the proposed amendments to the definition of an accessway. Deputy Building Inspector Gerrity stated that the proposed definition is intended to clean up the existing language, which could be confusing, and to simplify it. Chairperson Pyne stated that there was a comment about appropriate action if misleading information were submitted to the Planning Board by an Applicant. He noted that the Town Board is limited to one (1) referral to the Planning Board and suggested recommending that the Town Board have the ability to make additional referrals to the Planning Board. Chairperson Pyne stated that, as a safeguard against misleading information, if the Town Board receives information that was unavailable to the Planning Board, the Town Board should have the option of referring the matter back to the Planning Board. Ms. Robinson agreed.

Chairperson Pyne opined that turf should be considered an impervious surface. He indicated that there was general support for removal of the UR District and for the proposed updates to the definition of restaurant. Chairperson Pyne stated that he would review the Planning Board's recommendations from prior meetings at the next meeting and consider additional bullet points. He noted that several issues still require conclusions, including who would determine sidewalk compliance, the proposed cannabis amendments, and the definition of commercial vehicle.

Chairperson Pyne referred to a prior discussion concerning noticing of meetings and stated that he had a strong feeling about the issue. He described a scenario in which the Planning Board issues its recommendation to the Zoning Board of Appeals, the Zoning Board of Appeals meetings are properly noticed, and members of the public subsequently attend and feel that they had been left out of the earlier process with the Planning Board. Chairperson Pyne recommended a new noticing Chapter of the Town Code that would clearly outline the noticing requirements for the Planning Board, Town Board, and Zoning Board of Appeals, with the goal of maximizing public information while remaining sensitive to costs. He recommended requiring letter notification for Planning Board work sessions and adjusting the Zoning Board of Appeals noticing distance to be the same as the Planning Board's five hundred feet (500'). He stated that the goal is for the public to be notified consistently and as early as possible. Mr. Pillinger agreed. Chairperson Pyne stated that the proposed noticing provisions would also need to be considered in parallel with the Chapter 285 amendments. He added that the noticing Chapter, which likely would be outside of Chapter 285, should include language requesting that the Town Board refer such amendments to the Planning Board for its review and recommendation, prior to the Town Board considering such a Local Law.

Chairperson Pyne thanked everyone for staying late this evening to review and discuss these important matters before the Board.

#### **8. ESTABLISH DATE FOR NEXT MEETING**

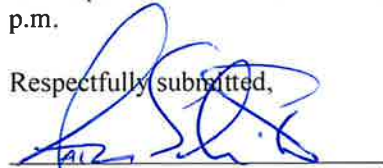
The next regularly scheduled meeting of the Greenburgh Planning Board will be held on Wednesday, September 16, 2026, and is scheduled to begin at 7:00 p.m.

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9. **ADJOURNMENT**

The September 2, 2026 Work Session of the Town of Greenburgh Planning Board was adjourned at 10:25 p.m.

Respectfully submitted,



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Aaron Schmidt  
Deputy Commissioner,  
Department of Community Development and Conservation



TOWN OF GREENBURGH  
PLANNING BOARD

-----x  
1. ROLL CALL

5. ITEMS FOR PUBLIC HEARING/PUBLIC DISCUSSION

a. CASE NO. PB 23-17  
DILMAGHANI

0 Old Army Road  
(P.O. Scarsdale, N.Y.)

b. CASE NO. TB 25-04

Comprehensive Chapter 285 Amendments  
Zoning Text and Zoning Map Amendments (Referral from  
Town Board)

ADJOURNMENT.

-----x  
Greenburgh Town Hall  
177 Hillside Avenue  
Greenburgh, New York 10607  
September 2, 2026

HYBRID PLANNING BOARD MEETING

BARBARA MARCIANTE,  
Official Court Reporter

A P P E A R A N C E S:

DYLAN PYNE, CHAIRPERSON

EMILY ANDERSON, Board Member(Virtually)  
MARC PILLINGER, Board Member  
EDWIN WEINBERG, Board Member(Not Present)

VIKASH PATEL, Alternate Board Member  
NATASHA ROBINSON, Alternate Board Member

AMANDA MAGANA, First Deputy Town Attorney

AARON SCHMIDT,  
Deputy Commissioner of The Department of  
Community Development and Conservation

MATTHEW BRITTON,  
PLANNER of the Department of  
Community Development and Conservation

1                   CHAIRPERSON PYNE: I will entertain a motion to  
2                   open the Public Hearing and Public Discussion portion of  
3                   our meeting.

4                   ALTERNATE BOARD MEMBER PATEL: So moved.

5                   BOARD MEMBER PILLINGER: Second.

6                   CHAIRPERSON PYNE: Moved Mr. Patel, second by  
7                   Mr. Pillinger. All in favor?

8                   BOARD MEMBER ANDERSON: Aye.

9                   BOARD MEMBER PILLINGER: Aye.

10                  ALTERNATE BOARD MEMBER ROBINSON: Aye.

11                  ALTERNATE BOARD MEMBER PATEL: Aye.

12                  CHAIRPERSON PYNE: Chair votes Aye. Good evening  
13                  and welcome to the Public Hearing portion of our Planning  
14                  Board meeting. It is 7:44 p.m. Deputy Commissioner  
15                  Schmidt, can you conduct the roll?

16                  DEPUTY COMMISSIONER SCHMIDT: Sure. Chairperson  
17                  Pyne?

18                  CHAIRPERSON PYNE: Here.

19                  DEPUTY COMMISSIONER SCHMIDT: Mr. Pillinger?

20                  BOARD MEMBER PILLINGER: Here.

21                  DEPUTY COMMISSIONER SCHMIDT: First Alternate,  
22                  Ms. Robinson?

23                  ALTERNATE BOARD MEMBER ROBINSON: Here.

24                  DEPUTY COMMISSIONER SCHMIDT: Second alternate,  
25                  Mr. Patel?

1                   ALTERNATE BOARD MEMBER PATEL: Here.

2                   DEPUTY COMMISSIONER SCHMIDT: We have  
3                   Ms. Anderson on Zoom?

4                   BOARD MEMBER ANDERSON: Here.

5                   DEPUTY COMMISSIONER SCHMIDT: And note for  
6                   record, Mr. Weinberg is not present this evening. Both our  
7                   Alternate Members will be full voting Members.

8                   CHAIRPERSON PYNE: All right. Thank you. We  
9                   have one Public Hearing and one Public Discussion on the  
10                  agenda for this evening.

11                  The first Public Hearing is a continuation of our  
12                  Public Hearing from the last meeting. Case Number PB  
13                  23-17, Dilmaghani at Zero Old Army Road, P.O. Scarsdale.

14                  And the applicant is seeking a Planning Board  
15                  Steep Slope Permit and a Tree Removal Permit. I believe we  
16                  have Mr. Caccioppoli representing the applicant here this  
17                  evening.

18                  MR. GREGORY CACCIOPPOLI: Yes. Can everyone hear  
19                  me?

20                  CHAIRPERSON PYNE: Yes. It's a little softly. I  
21                  don't know, Terence, if you're able to bump it up a little  
22                  bit here in the room. Try now.

23                  MR. GREGORY CACCIOPPOLI: What about now?

24                  CHAIRPERSON PYNE: That's great. Thank you.

25                  MR. GREGORY CACCIOPPOLI: Okay.

1 CHAIRPERSON PYNE: You're a little choppy,  
2 though. I don't know --

3 MR. GREGORY CACCIOPPOLI: Good evening, Members  
4 of the Board. My name is Greg Caccioppoli --

5 CHAIRPERSON PYNE: I don't know if that's our  
6 connection or your connection. Maybe if you go -- We see  
7 you now. Maybe you can go off camera, your connection will  
8 be a little bit better.

9 MR. GREGORY CACCIOPPOLI: Let me see.

10 CHAIRPERSON PYNE: Okay. Try now.

11 MR. GREGORY CACCIOPPOLI: Everybody hear me now?  
12 Is that better?

13 CHAIRPERSON PYNE: That's better, yes.

14 MR. GREGORY CACCIOPPOLI: Okay, great. Sorry. I  
15 wanted to be able to show my face. That's why I was on --  
16 All right, the last time I had problems because I had a  
17 wide screen and you guys couldn't see the screen. I was on  
18 the laptop so.

19 All right, good evening, Members of the Board, my  
20 name is Greg Caccioppoli, engineer on the project at Zero  
21 Old Army Road.

22 This is the second Public Hearing. We were  
23 before you. The proposed project is a single-family  
24 residence located off Zero Old Army Road.

25 We would also like to remind you the path that we

1       took to get here. We originally came here proposing a  
2       three-lot subdivision, went through a bunch of analyses and  
3       realized that maybe it was better to just develop one home  
4       on the property. Here we are now proposing one  
5       single-family residence on the lot with, you know,  
6       associated stormwater management.

7               The last time we were before you, there were some  
8       comments from the Board that we addressed as part of our  
9       response. I'll quickly go through those.

10              There was spreaders and vegetative areas had been  
11       at discharged points on -- There is a vegetative buffer  
12       added along the spreader near the driveway.

13              The proposed underground electric was now  
14       replaced with overhead electric. There is Evergreen  
15       screening added along 350 Old Army Road. Wire back silt  
16       fence detail was added to the plan.

17              And a chain-linked fence was indicated for tree  
18       protection. Those were the general comments that were  
19       issued by the Board leading up to today that were  
20       addressed.

21              In addition, we did receive various  
22       correspondence from neighbors and concerns that they had,  
23       you know, regarding the development. And I had Mr. Nowak  
24       here to really talk about some of the concerns with the  
25       trees. And I can, you know, address some of the stormwater

1 concerns.

2 One of the neighbors mentioned that her question,  
3 whether or not there was drainage or that the school's  
4 runoff was flowing to us. We don't really have access to  
5 their drainage designs to determine whether they are  
6 running off of us. I hope not. I hope they are abiding by  
7 the Code also, the Stormwater Code. But, you know, our job  
8 is to manage our own stormwater.

9 They made a comment about Norway Maples, which I  
10 will let Mr. Nowak touch on. And also, just, you know, the  
11 removal of the large amount of trees from the lot in order  
12 to develop it.

13 Mike, are you available to speak on the trees?

14 MR. MICHAEL NOWAK: Hi, good evening, Members of  
15 the Board. My name is Michael Nowak. I'm an ISA certified  
16 arborist and I am the arborist on the project.

17 My scope of work was to go out in the field and  
18 to tag the trees, number them, log them and provide an  
19 additional report for each tree, perform a stormwater and  
20 carbon dioxide calculation as is required by the  
21 municipality.

22 As proposed, the applicant has a project that  
23 requires quite a number of trees to be removed from the  
24 site. A good majority of those trees are invasive in  
25 nature such as Norway Maples and Black Locust.

1           The diversity of the species here on the entire  
2           site is mature to older trees that have a upper crown,  
3           meaning that the way they grew, they are top heavy for a  
4           number of the trees.

5           And as a result, they have an extremely long and  
6           whole trunks with a lot of weight on top. And they have  
7           grown as a group, okay. So that is taken into account when  
8           we evaluate these trees for removal and for any trees to  
9           remain.

10          I know there were some comments and I did issue  
11          two memos if I could address some of the comments from the  
12          neighbors. But I will be available to answer any  
13          additional questions that the Board may have.

14          CHAIRPERSON PYNE: All right. Thank you.

15          MR. GREGORY CACCIOPPOLI: Thank you. There was  
16          also more comments last meeting regarding property line,  
17          questions on the -- Sorry -- on the southeast side of the  
18          property, that's up here. I did have a conversation with  
19          the surveyor about it. It does look like potentially there  
20          is the wall might be a foot or two in either their favor or  
21          ours.

22          But I think the best way to just resolve that  
23          dispute is to get their surveyor to stake the property line  
24          and our surveyor to stake the property line and see if  
25          there is a dispute. If there is an actual dispute in

1 property line or if the wall is just slightly mislocated on  
2 the plan. So I think that's probably the next step for  
3 that.

4 FIRST DEPUTY TOWN ATTORNEY MAGANA: So that is  
5 generally a private matter between you and the neighbor.

6 MR. GREGORY CACCIOPPOLI: Okay.

7 FIRST DEPUTY TOWN ATTORNEY MAGANA: But I think  
8 one of the Town's concerns was a comment that there was a  
9 couple of trees that were proposed for removal that may  
10 have been on one side of the property or another. And with  
11 having different surveys over time, you know, surveys do  
12 get better with new technology.

13 So sometimes you have a survey from the 1800's,  
14 which now you have digital lasers measuring things. So  
15 it's more up-to-date. So there could be differences in  
16 surveying. That's not generally our concern. Our concern  
17 is those trees that were referenced, as far as my  
18 understanding.

19 DEPUTY COMMISSIONER SCHMIDT: Right.

20 FIRST DEPUTY TOWN ATTORNEY MAGANA: So we didn't  
21 know if you had a chance to get confirmation regarding the  
22 abutting property owner which trees they were speaking  
23 about because I don't think we were able to get that.

24 DEPUTY COMMISSIONER SCHMIDT: We were not.

25 FIRST DEPUTY TOWN ATTORNEY MAGANA: Right.

1                   DEPUTY COMMISSIONER SCHMIDT: But the Wheelers  
2 are on Zoom this evening.

3                   FIRST DEPUTY TOWN ATTORNEY MAGANA: Okay, great.

4                   DEPUTY COMMISSIONER SCHMIDT: But there may have  
5 been communication between the project team and the  
6 Wheelers.

7                   Mr. Caccioppoli, has there been any direct  
8 communication?

9                   MR. GREGORY CACCIOPPOLI: There's been some  
10 emails back and forth, just kind of, you know, trying to --  
11 I read in their response, I think they were more  
12 concerned with, well, they were concerned with the stone  
13 walls, which is with the trees. And they wanted to  
14 minimize -- They were worried about tree removals affecting  
15 the wall.

16                   So I mean, we have trees, the closet tree to the  
17 wall is probably six feet. And it's a 10-8 Maple. There  
18 is a 10-inch, 8-inch Maple here. And then a 20-inch  
19 Hickory that's probably 8 to 10 feet. And then the same  
20 thing with this 26-inch Maple. But they are not proposed  
21 for removal.

22                   So I'm not sure exactly which trees they are  
23 referring to that are in close proximity to the wall, but  
24 absolutely willing to talk about that. And, you know, make  
25 sure that --

1 CHAIRPERSON PYNE: What would be the closet tree  
2 to the wall?

3 FIRST DEPUTY TOWN ATTORNEY MAGANA: Proposed for  
4 removal?

5 CHAIRPERSON PYNE: Proposed for removal. Thank  
6 you.

7 MR. GREGORY CACCIOPPOLI: Probably this  
8 10-inch -- I'm not really too sure what trees they are  
9 referring to. Maybe this 10-inch Maple and the 24-inch  
10 Maple?

11 CHAIRPERSON PYNE: Does the wall extend that far?

12 MR. GREGORY CACCIOPPOLI: So here's a 14-inch  
13 Cherry, but the wall is not close to that one. So yeah, I  
14 think -- I know there is a wall some where up here toward  
15 the entrance.

16 Here is a wall over here on the property line  
17 over here. So maybe it's this 10-inch Maple. But I would  
18 like some clarification on that as well.

19 CHAIRPERSON PYNE: Okay. Deputy Commissioner  
20 Schmidt?

21 DEPUTY COMMISSIONER SCHMIDT: So we will ask the  
22 Wheelers, if they are able to speak to that. But I did  
23 just happen to notice, since we were discussing trees,  
24 adjacent to your construction entrance is a 26-inch Maple  
25 in the right of way. You have some other trees in the

1 right of way that are proposed for removal, but that is  
2 proposed to remain at this time.

3 If, in fact, that's the case, we would want to  
4 see tree protection measures shown around that 26-inch  
5 Maple. And not to put Mr. Nowak on the spot.

6 I don't know if he recollects that Maple and, you  
7 know, if it was in relatively decent condition. And if he  
8 can recommend any specific protection measures for that  
9 Maple. And whether or not it's a Norway Maple or a Native  
10 Maple.

11 MR. GREGORY CACCIOPPOLI: That's actually an  
12 additional tree that has to be removed to construct the  
13 driveway. It looks like it didn't get an X through it.

14 DEPUTY COMMISSIONER SCHMIDT: If you can update  
15 the plans. And make sure that it's referenced in all  
16 documentation. Thank you.

17 MR. GREGORY CACCIOPPOLI: Yes.

18 CHAIRPERSON PYNE: Do you have more presentation  
19 or are you ready for questions?

20 MR. GREGORY CACCIOPPOLI: Yeah, I mean I will  
21 touch on just rock removal. I think, really, the method of  
22 rock removal depends on the volume of rock that's actually  
23 encountered. There is a, you know, large amount of fill --  
24 I mean a large amount of cut -- sorry, cut going into this  
25 property because it is a huge hill.

1           So, you know, if rock is encountered in a large  
2 volume, I think blasting would be considered. But there is  
3 measures that you take to ensure the adjacent projects are  
4 safe. There is netting. There is seismographs. There is,  
5 you know, monitoring that would have to take place. I  
6 believe it's in the Code.

7           And you know, so really, until we get a handle on  
8 volume, I think I can't definitively say whether chipping  
9 or blasting is going to be used. But -- or even how much  
10 rock is going to be there.

11           So I think that would be part of, you know, the  
12 application process. I believe we do a scan or something  
13 at some point in order to determine the density of the rock  
14 and so on.

15           DEPUTY COMMISSIONER SCHMIDT: Right. So that  
16 will dictate to a degree the means and methods of the rock  
17 removal is that accurate sorry I was.

18           MR. GREGORY CACCIOPPOLI: Yeah. The volume is  
19 going to really dictate the means and methods, correct.

20           DEPUTY COMMISSIONER SCHMIDT: Okay. And  
21 preliminarily, are you leaning one direction or the other  
22 in terms of, I mean I guess there are multiple options.  
23 But typically, it's blasting or chipping. There is also  
24 chemical removal.

25           MR. GREGORY CACCIOPPOLI: Right. I mean a lot

1 of -- chipping is very common, but, you know, I just tend  
2 to lean toward blasting because it happens quicker. You  
3 don't have to hear chipping for, you know, depending on how  
4 hard the rock is, it can go on. So blasting is quick. And  
5 it gets done fast.

6 DEPUTY COMMISSIONER SCHMIDT: Right.

7 MR. GREGORY CACCIOPPOLI: So that's why I'm a fan  
8 of it. But you know, so if the rock is coming out easily  
9 and fast, then maybe chipping is a viable solution.

10 But if it's hard and taking long to remove, then  
11 I think it's worth shifting gears and looking into  
12 blasting. So that's why I can't really give a definitive  
13 answer as to what the method would be at this point.

14 DEPUTY COMMISSIONER SCHMIDT: Right. And then  
15 with respect to the Town, you know, we have a blasting  
16 ordinance. So there are very strict requirements. This  
17 Board will often impose conditions on applicants with  
18 respect to blasting as well.

19 The other thing is, if the intent -- And let me  
20 ask this actually first. Is the intent to gain approval  
21 and then seek to market this lot or is your client going to  
22 be building or constructing?

23 MR. GREGORY CACCIOPPOLI: My client plans to  
24 build this right now.

25 DEPUTY COMMISSIONER SCHMIDT: Okay, thank you.

1 So what will have to be identified first, if it's not, you  
2 know, you go out there with a hammer and see if the rock is  
3 soft.

4 Before you get a rock chipping permit, if that  
5 was the desired means, there would have to be the seismic,  
6 a high-resolution seismic refraction survey, which is done  
7 by a geotechnical engineer, as I understand it, basically  
8 to identify on the front end if the density of the rock is  
9 such that a rock hammer can effectively chip the rock or  
10 if, you know, blasting is the preferred alternative.

11 That's something that gets done first. Because I  
12 know for a fact I've spoken with, the Town has an outside  
13 blasting inspector, a third-party blasting inspector. He's  
14 been with the Town probably longer than I have. And I've  
15 been here awhile.

16 And he actually recommended to us some years ago  
17 when we were putting together rock chipping protocols that  
18 that the work be done on the front end and ahead of the  
19 actual site work so that, you know, you are not planning to  
20 take a rock hammer out there and then you're hammering for  
21 60 days straight.

22 And then come to the decision that we just can't  
23 remove it with the hammer. So now we're going to propose  
24 blasting. And then you're kind of hitting the neighborhood  
25 with impacts of both.

1                   So, just so that you have a little bit of  
2 information on that as well as the community.

3                   MR. GREGORY CACCIOPPOLI: Great.

4                   DEPUTY COMMISSIONER SCHMIDT: Thank you.

5                   CHAIRPERSON PYNE: All right. I did have one  
6 question. Or I guess I'll ask the Board. Does anyone else  
7 from the Board have a question first?

8                   ALTERNATE BOARD MEMBER ROBINSON: No.

9                   CHAIRPERSON PYNE: All right. So I know at the  
10 last meeting we had some discussion about the applicant's  
11 willingness to create a conservation easement, to create a  
12 permanent buffer between the historic cemetery managed by,  
13 owned by the Greenville Community Church and this new  
14 dwelling.

15                   I believe where we left it was the applicant was  
16 going to consider that request. I don't know if there is  
17 an update on that since the last meeting.

18                   MR. GREGORY CACCIOPPOLI: Yes, there is actually.  
19 Sorry, I should have touched on that. So we did discuss it  
20 and, you know, we, I think, right now what we would be  
21 willing to create is a 28-foot conservation easement, which  
22 basically brings us to the setback line in this vicinity  
23 here.

24                   So basically everything between the setback and  
25 the property line would be conservation easement and not

1 touched or cannot be touched or whatever, you know,  
2 stipulations the Board feels is appropriate for that area.

3 CHAIRPERSON PYNE: Right.

4 MR. GREGORY CACCIOPPOLI: But that's something  
5 that I think our client is comfortable doing.

6 CHAIRPERSON PYNE: Great. That's good news.  
7 Thank you.

8 DEPUTY COMMISSIONER SCHMIDT: One other question  
9 from me. There had been a request our office received  
10 regarding staking the center line of the proposed driveway  
11 for the benefit of the Board and the community to  
12 understand where the proposed driveway would be in relation  
13 to Old Army Road and the neighboring property to, I guess,  
14 it's the southeast or the east.

15 Do you know if that was done?

16 MR. GREGORY CACCIOPPOLI: Yes. There was a stake  
17 placed at the centerline of the driveway adjacent to Old  
18 Army Road.

19 DEPUTY COMMISSIONER SCHMIDT: Would you be able  
20 to roughly identify on this plan? I don't know if it's  
21 right at the road edge or set in, you know. I'm not sure  
22 if you know or if there is a photo of it that can be  
23 provided just to confirm that it was done. And do you know  
24 when it was placed?

25 MR. GREGORY CACCIOPPOLI: Honestly, the homeowner

1 worked with the surveyor who placed it. I don't know  
2 exactly where in relationship to the edge of the roadway it  
3 was placed. I can provide photos.

4 CHAIRPERSON PYNE: Yes. I think if you were able  
5 to provide a photo, that would be helpful.

6 MR. GREGORY CACCIOPPOLI: Okay.

7 DEPUTY COMMISSIONER SCHMIDT: Thank you.

8 MR. GREGORY CACCIOPPOLI: All right, yeah.

9 DEPUTY COMMISSIONER SCHMIDT: And then one other  
10 just comment, really. You know, it was transmitted this  
11 afternoon with the Town's Historic and Landmarks  
12 Preservation Board had me transmit a memorandum to this  
13 Board related to certain questions and requests for  
14 conditions that the Board consider in connection with this  
15 project.

16 So I just wanted that to be on the record.  
17 Everyone received a copy?

18 BOARD MEMBER PILLINGER: Yes.

19 ALTERNATE BOARD MEMBER ROBINSON: Yes.

20 ALTERNATE BOARD MEMBER PATEL: Yes.

21 DEPUTY COMMISSIONER SCHMIDT: If you had any  
22 questions about that, any of the requests.

23 BOARD MEMBER PILLINGER: How, as procedural, do  
24 we take these comments and forward them to the applicant to  
25 address or?

1           DEPUTY COMMISSIONER SCHMIDT: So they were -- the  
2 memo was also forwarded to the applicant. Speaking of  
3 which, Mr. Caccioppoli, did you receive a copy of that this  
4 afternoon? And do you have any response or feedback you  
5 can provide?

6           MR. GREGORY CACCIOPPOLI: Yeah, I did receive a  
7 copy. I mean, you know, some of it is very, I think, easy  
8 to accommodate, like the videotaping or taking a video of  
9 headstones and graves prior to construction. Document the  
10 condition, taking a video outside of the tavern.

11           I think no matter what, that stuff may happen if  
12 rock is encountered. So I don't think there is a huge  
13 objection there.

14           I mean, hiring an archaeological historian to  
15 photograph -- I'm not sure, you know. I don't really have  
16 any comment on that there. I didn't talk with the owner  
17 about it either. But you know, some of it does seem easy  
18 to cover. So that's where I stand right now.

19           DEPUTY COMMISSIONER SCHMIDT: Okay, thank you.

20           ALTERNATE BOARD MEMBER PATEL: What is the  
21 question regarding the Town providing a -- appointing a  
22 monitor for blasting, I guess?

23           DEPUTY COMMISSIONER SCHMIDT: Right. So with  
24 respect --

25           ALTERNATE BOARD MEMBER PATEL: Is that going to

1 be done by the Town?

2 DEPUTY COMMISSIONER SCHMIDT: So the Town has, as  
3 I mentioned earlier, a third-party blasting inspector that  
4 would be reviewing the proposal by the applicant at the  
5 time of.

6 So we do have that individual and he looks at  
7 proposed rock removal on a case by case basis. I don't  
8 know -- I think with blasting, he is out on the site.

9 FIRST DEPUTY TOWN ATTORNEY MAGANA: Yes,  
10 blasting, yes. Not chipping.

11 DEPUTY COMMISSIONER SCHMIDT: Right. For rock  
12 chipping, I believe, that has a consultant, there is, you  
13 know, the applicant pays for his time. It's not borne by  
14 the Town.

15 FIRST DEPUTY TOWN ATTORNEY MAGANA: Correct.

16 DEPUTY COMMISSIONER SCHMIDT: But with rock  
17 chipping, that permit is handled through the Building  
18 Department directly. And if they have questions, they  
19 certainly have an opportunity to bounce things off, the  
20 Third-Party, you know, Mr. Caratozola(ph), I believe his  
21 name is.

22 So in terms of -- So if the means to remove rock  
23 were ultimately decided to be rock chipping, I don't  
24 believe there would necessarily be an inspector or monitor  
25 on site everyday of the chipping. So that's something, you

1 know, for this Board to consider.

2 BOARD MEMBER PILLINGER: The last point in the  
3 Preservation Board's memo to us: We request the Planning  
4 Board consider conditioning, as part of any approval of the  
5 project, that the applicant be required to repair in like  
6 and kind. Those are, you know, difficult terms to deal  
7 with, quite honestly. Any damage to the Tavern and to the  
8 cemetery that the development of the site causes. Is that  
9 something that we can put in?

10 CHAIRPERSON PYNE: Yeah. And I guess I'll take  
11 that a step further. I mean, I have a bunch of questions  
12 on the H&L, the Historic Board's suggested conditions. But  
13 I did want to hear from the public.

14 But I guess for this bullet, ultimately, I  
15 imagine that would be a private matter between, you know,  
16 the church or the owners of 350. You know, alternatively,  
17 like we could never condition that they be held harmless.  
18 Like those are just two --

19 BOARD MEMBER PILLINGER: Right.

20 CHAIRPERSON PYNE: -- if there is any damage to  
21 anyone else's property as a result of this project, that's  
22 between the owners and the applicant.

23 BOARD MEMBER PILLINGER: Yeah, I agree. As I  
24 said, I have problems in language with in like and kind.  
25 My definition of in like and kind and your definition of in

1       like and kind could be two very different, different  
2       issues.

3               CHAIRPERSON PYNE:   Yeah.

4               BOARD MEMBER PILLINGER:   It's like using the word  
5       reasonable.

6               CHAIRPERSON PYNE:   Ms. Magana, what say you?

7               FIRST DEPUTY TOWN ATTORNEY MAGANA:   I say some of  
8       it's beyond the purview of the Planning Board.

9               BOARD MEMBER PILLINGER:   That's what I thought.

10              CHAIRPERSON PYNE:   Let's hear from the public.  
11       And then let's come back to these.

12              DEPUTY COMMISSIONER SCHMIDT:   Sure.

13              CHAIRPERSON PYNE:   Presuming we're in a position  
14       to make a recommendation for a decision, we can drill into  
15       one of these.   Is there anyone here from the public who  
16       would like to speak on this application in the room?

17              Reverend Clover, please come to the podium and  
18       state your name and, I guess, your address for the record.

19              REVEREND CLOVER:   Sure.   Good evening.   My name  
20       is Sam Clover.   I'm the Senior Minister of Greenville  
21       Community Church, 270 Ardsley Road.   Although we own the  
22       cemetery that's adjacent to the proposed building site.

23              Just a few questions, and I apologize, I was not  
24       able to make the first meeting to ask some questions.   I  
25       was pleased to hear about the buffer between the two lots.

1 But what -- can you paint a picture of what that  
2 might look like? Is there a fence? Would it be kept  
3 naturally wooded? Would there be any kind of visual  
4 indication of the end of the cemetery and the beginning of  
5 the property? That's my first question.

6 CHAIRPERSON PYNE: Mr. Caccioppoli?

7 MR. GREGORY CACCIOPPOLI: Yes. No, I think it's  
8 more there would be -- An attorney would have to draft an  
9 easement with metes and bounds, that would delineate the  
10 limits of an area that would still be our property, but  
11 with the stipulations as to what we can and cannot do  
12 within this 28-foot buffer between the property line that  
13 separates us from the cemetery.

14 So basically, you know, there will be a legal  
15 document that gets filed with the County Clerk's Office and  
16 has these stipulations that we will be discussing during  
17 this approval process.

18 CHAIRPERSON PYNE: Yes.

19 FIRST DEPUTY TOWN ATTORNEY MAGANA: I'll say --

20 CHAIRPERSON PYNE: Let me ask this a different  
21 way.

22 REVEREND CLOVER: Sure.

23 CHAIRPERSON PYNE: Would you prefer a fence or  
24 would you prefer it be naturally wooded, if there was a  
25 choice?

1 REVEREND CLOVER: Honestly, this is the first  
2 time I've thought about it. I would have to talk to my  
3 church leadership to have a conference about that.

4 CHAIRPERSON PYNE: Sure.

5 REVEREND CLOVER: So I'm not prepared to answer  
6 that question right now.

7 CHAIRPERSON PYNE: Okay. Because ultimately, if  
8 you wanted a fence, you know, that's certainly something  
9 that we could potentially consider and potentially  
10 condition. If you wanted it to be -- If you prefer it to  
11 remain wooded, that's something also that we could  
12 potentially condition.

13 The concept of a conservation easement is that it  
14 sort of remains natural. You know, the only real  
15 disturbance that can occur within a conservation easement  
16 would be if there is invasives that need to go and be  
17 removed. But the idea is it's just sort of left be.

18 With that said, if there was a desire for a fence  
19 or a desire for real demarcation, that's something that  
20 this Board can discuss and consider.

21 REVEREND CLOVER: Okay, very good. Thank you.

22 CHAIRPERSON PYNE: Ms. Magana, you had something?

23 FIRST DEPUTY TOWN ATTORNEY MAGANA: So we've  
24 created kind of like a template within the Town's documents  
25 as far as certain criteria that we prefer, desire,

1 generally, for conservation easements. You know, you learn  
2 from improvements from the past or things that come up  
3 along the way, right.

4 And so generally, the idea is to leave it wooded  
5 in its natural state is the preference of the Town with the  
6 caveat that removal of dead, diseased or invasives is  
7 generally permitted.

8 REVEREND CLOVER: Okay.

9 DEPUTY COMMISSIONER SCHMIDT: And I just --

10 FIRST DEPUTY TOWN ATTORNEY MAGANA: Yes.

11 DEPUTY COMMISSIONER SCHMIDT: Going to tack on to  
12 that a bit. In addition, hazardous trees and general  
13 maintenance of the area, so yeah, I think, are typically  
14 things that would be added into the legal document that's  
15 created.

16 MR. GREGORY CACCIOPPOLI: I also want to mention  
17 that a fence might, you know, almost section off our  
18 property. And I don't know if this applies, I'm not an  
19 attorney. But we don't want to open up to an adverse  
20 possession case or something. So to keep it natural would  
21 be our preferred method.

22 DEPUTY COMMISSIONER SCHMIDT: Thank you.

23 REVEREND CLOVER: Thank you. And just a point of  
24 clarification for question number two. The previous map I  
25 looked at that was supplied on line before the last meeting

1 did include three lots. And I heard our guest today say  
2 that this will be one dwelling.

3 CHAIRPERSON PYNE: Yeah.

4 REVEREND CLOVER: And I just wanted to confirm  
5 that in the future, there would not be any more development  
6 on this lot.

7 CHAIRPERSON PYNE: Yes. So when this application  
8 originally came before us a year and a half ago, maybe even  
9 longer --

10 DEPUTY COMMISSIONER SCHMIDT: Right.

11 CHAIRPERSON PYNE: -- originally, three houses  
12 were proposed. At that point, the Planning Board said, you  
13 know, take another look at this. And the applicant has now  
14 come back with one home.

15 I couldn't, you know, I wouldn't be in a position  
16 to say that at some point in the future, you know, the  
17 owner of the home wouldn't take tear down their home and  
18 try to subdivide again.

19 But if that were to occur, there would be a  
20 subdivision process and it would be in front of this Board,  
21 and come back, and there would be a whole thing. And  
22 generally, from my experience, if someone is investing in a  
23 home like this, they're not going to turn around and tear  
24 it down and build other homes in the future, right.

25 REVEREND CLOVER: Right. Thank you. And

1 question number three, and I think this will be my last  
2 one, unless this leads to another one. I am concerned to  
3 hear the word blasting.

4 Many of the headstones in the cemetery are more  
5 than 150 years old. They are very fragile. The church, in  
6 partnership with various community agencies, just about 15  
7 years ago did a renovation of the cemetery in which it took  
8 a lot of time and effort and resources to reconstruct some  
9 of these headstones. And the thought of a blast perhaps  
10 toppling them over, again, is of concern.

11 As we all probably know here, there is some  
12 historic people interred in our cemetery, Seely, Underhill,  
13 et cetera, names that are familiar to us.

14 So I'm wondering if it could be explained for the  
15 general public, for lay people, like me, what is involved  
16 in blasting? And what is the estimated site of the blast  
17 in feet from the border of the cemetery to the blasting  
18 site?

19 FIRST DEPUTY TOWN ATTORNEY MAGANA: I think  
20 that's beyond anyone seated here today. We would have to  
21 refer it through the Building Department, likely to our  
22 blasting expert, to answer some of those questions.

23 However, it's something the Board has also  
24 discussed and potentially considered is what is referred to  
25 as vibration monitoring, sometimes --

1 DEPUTY COMMISSIONER SCHMIDT: Right.

2 FIRST DEPUTY TOWN ATTORNEY MAGANA: -- depending  
3 upon if they are doing blasting or chipping, we use it  
4 quite frequently. Sometimes, with some of our own  
5 projects --

6 REVEREND CLOVER: Yeah.

7 FIRST DEPUTY TOWN ATTORNEY MAGANA: -- they do a  
8 baseline and then they monitor, you know, from point to  
9 point as far as vibrations.

10 CHAIRPERSON PYNE: And I would imagine, you know,  
11 based on what the blasting consultant comes back with us  
12 and if they say that the radius of impact will be 100 feet  
13 and there is a handful of monuments or headstones within  
14 that radius, I imagine, you know, the applicant --

15 We could condition that the applicant would be  
16 required to either put wooden supports or somehow otherwise  
17 secure the monuments while blasting were to occur, if  
18 blasting were to occur.

19 REVEREND CLOVER: Okay. I know I said that was  
20 the last question, but related to my last question is, will  
21 there be another Public Hearing upon study of whether  
22 blasting or chipping will be the process that is used?

23 FIRST DEPUTY TOWN ATTORNEY MAGANA: So generally  
24 those types of details come about after it's gone through  
25 the Board review approval, they are generally done through

1 the administrative processes through the Building  
2 Department.

3 I'm sure they are happy to keep you informed,  
4 answer any questions when it's during that part of the  
5 process. Quite often, these details are not flushed out at  
6 this point.

7 REVEREND CLOVER: Great. Thank you. I'll just  
8 add for information for this committee and the people on  
9 line, we are now in researching an application to add the  
10 church as well as the cemetery to the National Historic  
11 Registry of places so that process research for that  
12 process has begun. So I just wanted to --

13 DEPUTY COMMISSIONER SCHMIDT: Great.

14 CHAIRPERSON PYNE: And to the extent this is any  
15 comfort, certainly, you know, I recognize and I think I  
16 speak for the entire Board the importance of the cemetery.  
17 And the very last thing we want to do is put the cemetery  
18 at harm, at risk.

19 And so, you know, ultimately, that is why we have  
20 advocated for the conservation easement and, you know, I'm  
21 confident that as the Building Department takes over, if  
22 this application were to move forward, you know, I'm  
23 confident that everyone will ensure that the cemetery is  
24 protected, you know, however it needs to be.

25 REVEREND CLOVER: Great.

1                   FIRST DEPUTY TOWN ATTORNEY MAGANA: One final  
2                   comment, I did get informed by the Building Department,  
3                   they are required to conduct seismographs, if they do  
4                   blasting.

5                   REVEREND CLOVER: Okay. Thank you all very much.  
6                   I really appreciate it.

7                   DEPUTY COMMISSIONER SCHMIDT: Thank you.

8                   CHAIRPERSON PYNE: Thank you. Is there anyone  
9                   else from the public, please feel free to approach. Thank  
10                  you.

11                  MS. ANJANI SHAH: Hi. I'm Anjani Shah and I live  
12                  at 380 Old Army Road, which is near this new proposed  
13                  place. So I was here at the last meeting, so thank you for  
14                  answering those questions. But a lot of them were very  
15                  quick. So I'm sorry if some of them might be -- I might be  
16                  asking similar questions.

17                  But I've looked at the plans, you know, I had a  
18                  little more time to look at things. It just seems like a  
19                  huge project with the -- I mean with 16 drywells.

20                  So can you give me context of how -- Okay, so  
21                  living right next door, I can tell you about the traffic.  
22                  So one concern is the traffic, and how that's going to be  
23                  impacted.

24                  And because, you know, we don't leave our house  
25                  during school hours. When it's time for school and when

1 people are coming home, you just can't get out of the  
2 driveway. And luckily, I work from home.

3 But, you know, if people are trying to get out at  
4 that time, like there is going to be a huge back up onto  
5 Central Avenue. So I know, yes, so can you tell me what  
6 kind of traffic analysis has been done and does the school  
7 know about this and how it's going to impact people getting  
8 to the school?

9 CHAIRPERSON PYNE: Sure. I'll ask a slightly  
10 different question to the applicant, which is, you know, do  
11 you anticipate the need for staging or any construction  
12 vehicles outside of the property or will all work be able  
13 to be conducted within the property?

14 DEPUTY COMMISSIONER SCHMIDT: Right. And I would  
15 just add, I think these are great questions. My suggestion  
16 would be to ask all of your questions and then we will have  
17 the applicant respond once you're through.

18 MS. ANJANI SHAH: Okay. So I guess I would think  
19 a traffic engineer would be involved in giving input. It  
20 seems like I know you mentioned --

21 CHAIRPERSON PYNE: It would depend on if any work  
22 were to occur outside of the limits of the property.

23 DEPUTY COMMISSIONER SCHMIDT: Right.

24 MS. ANJANI SHAH: I guess I meant beyond the  
25 work, like once it's done, like how it's going to impact.

1           DEPUTY COMMISSIONER SCHMIDT: Our traffic and  
2           safety unit of the Greenburgh Police Department reviews  
3           every project that comes before this Board. So they have  
4           been involved in the process.

5           MS. ANJANI SHAH: The traffic engineers do not?

6           DEPUTY COMMISSIONER SCHMIDT: Typically, on a  
7           single-family home, which is not anticipated to generate,  
8           you know, a significant amount of new traffic to the  
9           roadway, one's not involved, if we get feedback from the  
10          Town's traffic and safety unit, that, you know, perhaps a  
11          project warrants consideration or additional information  
12          from a traffic engineer, then we would relay that comment  
13          along to the applicant.

14          But that was not the case here, the comment that  
15          did come back. And again, this project initially was in  
16          the works a couple of years ago, there were concerns about  
17          or comments expressed related to its -- where the driveway  
18          would be situated in relation to Central Park Avenue and in  
19          relation to the curve of Old Army Road.

20          MS. ANJANI SHAH: Exactly.

21          DEPUTY COMMISSIONER SCHMIDT: And furthermore,  
22          there was a comment about what is referred to as the sight  
23          triangles, which are basically if a vehicle is leaving that  
24          driveway, that there are no obstructions either to the left  
25          or to the right when leaving that driveway that would

1       interfere with someone seeing an oncoming vehicle, so in  
2       order to make a safe turning movement out of the driveway.

3               And that's something that was discussed and is  
4       certainly going to be considered as a potential condition  
5       of approval by this Board. I'm fairly certain that it  
6       would be included that the sight triangles be maintained  
7       and kept free of any obstruction. So which could be like,  
8       you know, a monument or a stone pillar or something to that  
9       effect.

10              Sometimes you see at the termination of a  
11       driveway or the beginning of the driveway. That would not  
12       be the case, or vegetation, for instance.

13              MS. ANJANI SHAH: Okay. So I'm not surprised  
14       because there is a blind curve that you kind of come around  
15       to get out of there. So the police didn't think a traffic  
16       engineer was required?

17              DEPUTY COMMISSIONER SCHMIDT: My recollection is  
18       no.

19              MS. ANJANI SHAH: Okay. Okay. And then the  
20       environmental impact is another thing that I was very  
21       concerned about, especially with the -- such a long  
22       driveway and so much less impervious surface.

23              And, you know, I know the school recently did a  
24       lot of paving and there now we have a stream that comes  
25       through our property every time there is a lot of rainfall.

1 Before we did not, so I think that's contributing the  
2 flooding and so --

3 CHAIRPERSON PYNE: And that's why there is the 16  
4 drywells that you mentioned. So as part of the Town Code,  
5 the applicants are required to manage the stormwater runoff  
6 within the property so that there is no net increase,  
7 impermeable surface. So that's where those 16 drywells are  
8 capturing the runoff.

9 MS. ANJANI SHAH: So you're confident? I mean,  
10 because I'm sure the school did something like that, too.

11 CHAIRPERSON PYNE: Well, so schools are  
12 actually -- school districts are their own municipalities  
13 and so they are not required to follow the Town Code. To  
14 the extent there are State regulations or Department of Ed  
15 regulations that schools must follow, but school districts  
16 are not -- school districts are not entities of the Town.

17 They are independent of themselves. So I can't  
18 say for certain what, if anything, the school district did.

19 MS. ANJANI SHAH: Well, maybe that can be looked  
20 into like if they also put in 16 drywells, then maybe  
21 you'll know that's not enough --

22 CHAIRPERSON PYNE: Well, I mean ultimately --

23 FIRST DEPUTY TOWN ATTORNEY MAGANA: That's not  
24 before us, and we don't have jurisdiction over it.

25 CHAIRPERSON PYNE: Yeah, any feedback, the school

1 district should really go to the School Board of Ed.

2 MS. ANJANI SHAH: Okay. So if the engineers want  
3 to see how good of a job they are doing, they can look at  
4 that.

5 So, yeah, then the other thing is just the wild  
6 life. There is, you know, I see coyote chasings, like so  
7 where are all these deer going to run into -- run into Old  
8 Army Road more because there are going to be more potential  
9 for accidents, things like that.

10 And I don't know how -- is that the conservation?  
11 You got environmental impact studies done or are you saying  
12 that's not part of --

13 DEPUTY COMMISSIONER SCHMIDT: There is a  
14 requirement that the applicant submit and this Board  
15 consider environmental impacts. So it's all under  
16 consideration as part of this Board's review.

17 You know, development particularly in wooded  
18 areas with wild life, you know, there is going to be some  
19 disruption. I can't tell you that I know exactly which way  
20 the deer are going to run.

21 Hopefully away from the road. But you know,  
22 there is not much that, you know, necessarily you can do in  
23 connection with development that ends up being permitted on  
24 a site that's wooded.

25 There is unavoidable temporary impacts, including

1 the tree removal, some disruption to wild life, but it  
2 doesn't rise to the level that New York State identifies as  
3 being a significant adverse environmental impact in  
4 connection with construction of a single-family home on a  
5 pre-existing lot.

6 FIRST DEPUTY TOWN ATTORNEY MAGANA: I'll also  
7 point out that we are only reviewing the steep slope permit  
8 that's before the Planning Board. So it's not for.

9 CHAIRPERSON PYNE: And the tree removal permit.

10 FIRST DEPUTY TOWN ATTORNEY MAGANA: And the tree  
11 removal permit. Thank you.

12 MS. ANJANI SHAH: So ever so who reviews the  
13 environmental impact, who does those studies, you're saying  
14 the State doesn't even require it?

15 DEPUTY COMMISSIONER SCHMIDT: Right. So in  
16 connection -- so this Board is bound by the requirements of  
17 New York State with respect to environmental review.

18 And pursuant to the State regulations,  
19 development of a single-family home on an existing lot  
20 subdivided, stand alone lot, doesn't rise to the level of  
21 creating permanent and significant long term adverse  
22 environmental impacts.

23 Nevertheless, this Board is looking at the tree  
24 removals proposed in connection with the project, has  
25 talked about the rock removal, has discussed the

1 sensitivity to the adjacent historic properties and  
2 structures on those sites. So the Board is nevertheless  
3 looking at specific aspects.

4 I did want to just state that while the  
5 applicant's engineer puts together the stormwater  
6 management design plan it is reviewed by the Town's  
7 professional engineers to ensure that they are meeting  
8 and/or exceeding the Code requirements. So we do have  
9 professional engineers on staff.

10 MS. ANJANI SHAH: Okay. That's good, okay. And  
11 then just the timeline, is there a rush to get this done?  
12 I mean, is there anything like, yeah, what are the next  
13 steps? There are no more Public Hearings --

14 DEPUTY COMMISSIONER SCHMIDT: So that's to be  
15 determined. There have been now a couple of Public  
16 Hearings on this project. Ultimately, it's not up to me.  
17 The Board will determine whether or not it would adjourn  
18 the Hearing or close it.

19 If the Board chooses to close it this evening's  
20 Hearing, then I believe we may have one or more other folks  
21 that want to speak on this project on the Zoom, if the  
22 Board were to close the Public Hearing, it would leave the  
23 written record open for a period of time, whether it's one  
24 week or multiple weeks.

25 So that if someone couldn't attend this evening

1 or even someone that did attend had additional thoughts or  
2 comments that they wanted to put in writing to the Board  
3 for its consideration prior to a decision, you may do so.

4 MS. ANJANI SHAH: Okay, thank you.

5 DEPUTY COMMISSIONER SCHMIDT: Okay.

6 MS. ANJANI SHAH: Thank you.

7 DEPUTY COMMISSIONER SCHMIDT: You're welcome.

8 CHAIRPERSON PYNE: Great. Thank you. Is there  
9 anyone else here in the room who would like to speak on  
10 this application?

11 (Whereupon, there was no response.)

12 CHAIRPERSON PYNE: Is there anyone on Zoom?  
13 Mr. Wheeler?

14 MR. DARRELL WHEELER: Yes, hi, everyone. I can  
15 go ahead? I guess I should first address the question of  
16 the three trees. We did provide a survey to the Town and  
17 to the developer more than a couple of weeks ago.

18 And you sent them back to us to ask us to circle  
19 the three trees, which we then did in red, and sent that  
20 file to you as a pic. So you should have the three trees  
21 that are in question. I guess the Board is the talk of the  
22 project, but I don't know why --

23 CHAIRPERSON PYNE: Can you confirm the date and  
24 time you sent that and we will look and see?

25 MR. DARRELL WHEELER: Yeah. And I'll try to

1           resend it again, I guess. But we have given the Town and  
2           the developer a copy of our survey that was done in 2023  
3           and we did put in stakes at that time.

4                       We did ask our surveyor to contact them and  
5           hopefully they can work out where the property line is. I  
6           know the Town considers this a personal matter.

7                       From our standpoint, would two feet of property  
8           line make a difference across this length of property to  
9           the amount of density or where they do the steep slope,  
10          would be my sort of first question?

11                      DEPUTY COMMISSIONER SCHMIDT: Why don't we have  
12          you ask all the questions --

13                      MR. DARRELL WHEELER: All the questions, sure,  
14          okay.

15                      DEPUTY COMMISSIONER SCHMIDT: Yes, please. And  
16          I'm sorry to interrupt, just your address for the record  
17          for the stenographer, please, and your full name.

18                      MR. DARRELL WHEELER: Darrell Wheeler and we own  
19          350 Old Army Road.

20                      DEPUTY COMMISSIONER SCHMIDT: Thank you so much.

21                      MR. GREGORY CACCIOPPOLI: And can you repeat the  
22          first question, please? I'm sorry, I didn't get a chance  
23          to --

24                      MR. DARRELL WHEELER: Yeah. So if there is a  
25          two-foot discrepancy to be figured out here on the site

1 plan that I see before me and up on the screen, across that  
2 length of property line, would it not make a difference to  
3 the steep slope and where it starts and where the drilling  
4 would take place and how many drywells are actually  
5 required and actually the density or the size of the house  
6 that's going to be permitted on the property? That's the  
7 first question.

8 MR. GREGORY CACCIOPPOLI: Should I answer that or  
9 should I wait for all of them?

10 MR. DARRELL WHEELER: Yeah, I think Aaron wants  
11 me to go through them all. And if the stonewall belongs to  
12 us, it sounds like you've already answered that, they would  
13 work to protect the stonewalls anyway under both scenarios,  
14 whether it's on our side or their side. Is that true?  
15 Stonewalls are to be preserved?

16 I do believe they are part of the property and  
17 the historic nature that the History Board believes is a  
18 historic site. I guess we would want to preserve the  
19 stonewalls if at all possible. I'm pretty sure they are  
20 not connected to the forest.

21 And it makes sense, of course, they would be  
22 connected to the Old Tavern. So that would be the second  
23 question.

24 And then so, yeah, blasting, there's been -- a  
25 lot of the answers have been made. I've learned a lot here

1        tonight just hearing all of your conversations, so it's  
2        been very helpful. But the blasting, of course, as per the  
3        cemetery, it obviously concerns us. Our house is built in  
4        1750, so it's over 280 years old at this point.

5                When we look at the foundation walls, obviously  
6        cinder block did not exist back in that time. I'm not sure  
7        what it's made of, but I am not sure it would withstand  
8        blasting.

9                And knowing the ledges in Greenburgh, I'm not  
10       sure how far the ledge goes up or whether it's adjacent or  
11       even touching our house. So if they were even doing the  
12       drilling, it could vibrate and cause a foundation problem.  
13       So obviously, I'm somewhat concerned about that.

14               And you have provided some answers that there  
15       would be seismic oversight in the case of blasting. And I  
16       guess the Historic Board proposed that the developer be  
17       responsible.

18               You know, that to us also appears to be a private  
19       matter unless you're requiring them to post a bond for any  
20       damages. But obviously, if there was damages, you would  
21       have an insurance company who would then just be chasing  
22       the developer.

23               But we do have people living in our house and I  
24       got to say, it's a real life safety issue. If the  
25       foundation was to have some problems due to some of the

1 work being done.

2 Because 350 old Army is very close to this  
3 property line. I understand it is 11 feet away from the  
4 front of Old Army. And it is probably not much further  
5 than that away from where I can see this retaining wall.  
6 So you know, to the extent it was built in 1750, I'm not  
7 sure how the foundation would deal with drilling or  
8 blasting.

9 So I know last time you mentioned that had  
10 blasting much improved. I would like to hear some of the  
11 safety or some of the approaches or how it could be sort of  
12 restricted so that the energy doesn't exceed or travel  
13 passed more than 30 or 40 feet because our property is  
14 within that distance of the steep slope that has to be  
15 reduced.

16 And then thirdly, it's the driveway location. So  
17 I was glad to hear that you've put a stake in the middle of  
18 where the driveway would be. That sounds very useful. We  
19 can go have another look at it.

20 We had looked at the location of the proposed  
21 curb cut and we could not see oncoming traffic. So just as  
22 the previous speaker mentioned, there is a very large blind  
23 spot as you come around. And so somebody coming around  
24 that curve is going to have very little time to stop.

25 It might -- it wasn't considered that the

1 driveway maybe should be a little ways away from that blind  
2 spot. I heard the discussion that Aaron mentioned about  
3 the study and the triangle and all of that, but it doesn't  
4 sound like that study was done with the awareness of the  
5 blind spot. So we both mentioned that at this point.

6 Obviously, the Edgemont Community has been  
7 advised of the proposals. The local advocacy groups, such  
8 as the ECC has a Traffic Advisory Board that should get  
9 involved in this. Have they been notified?

10 And then as the curb cut proposal, you know, even  
11 do they have the permission of the New York State DOT to do  
12 the curb or to get access to Old Army, that would be --  
13 When does that happen?

14 Like shouldn't we know that's been achieved  
15 before you're even considering any cutting of trees? Would  
16 be another question.

17 But you know, I'd feel like a lot of my questions  
18 have been sort of, but I think there are some specific ones  
19 in there, if we can ferret them out. Sorry to ramble on.  
20 But that would be my set of questions. So I'll leave it  
21 to, hopefully, Aaron and you are taking down some good  
22 notes there.

23 DEPUTY COMMISSIONER SCHMIDT: Thank you.

24 CHAIRPERSON PYNE: Mr. Caccioppoli, do you want  
25 to take a first stab at these?

1 MR. GREGORY CACCIOPPOLI: Sure. So I have, you  
2 know, regarding the stonewalls -- Oh, I'm sorry, where the  
3 steep slopes -- Where the regrading starts, where the walls  
4 are, the property line issue, does it affect the  
5 calculations?

6 I think what the discrepancy is is wall location,  
7 not property line. Because the bearings do align with your  
8 bearings. I think maybe wall location may shift in this  
9 area where there is a discrepancy. And wall location,  
10 there is no grading for a good, you know, 15 to 20 feet.

11 MR. DARRELL WHEELER: Yeah, okay. That is the  
12 area. And I guess I did circle the trees in that area as  
13 well, but I'll resend.

14 MR. GREGORY CACCIOPPOLI: Okay, yeah. I didn't  
15 see that, I'm sorry. Please resend that.

16 MR. DARRELL WHEELER: Yeah, it was sent to the  
17 Town.

18 DEPUTY COMMISSIONER SCHMIDT: We did not obtain  
19 that. And sometimes we don't receive photos that are  
20 emailed in because the file size is too large. So if we  
21 could pin that down this evening, that would be great.

22 CHAIRPERSON PYNE: But so just to confirm, the  
23 three trees in question are the three trees that are not  
24 proposed to be removed?

25 MR. DARRELL WHEELER: Actually, a couple of them

1           would be. If you have the tree removal plan, it's easier  
2           to see.

3                   MR. GREGORY CACCIOPPOLI: Sure.

4                   FIRST DEPUTY TOWN ATTORNEY MAGANA: Are you able  
5           to share screen with the photo you indicated you'd sent?

6                   MR. GREGORY CACCIOPPOLI: I am worried about  
7           losing my Zoom.

8                   DEPUTY COMMISSIONER SCHMIDT: That's okay.

9                   MR. DARRELL WHEELER: So it would be the 42 and  
10          the 87, I believe.

11                  MR. GREGORY CACCIOPPOLI: 42, here's the 87 here.

12                  MR. DARRELL WHEELER: And it might be 88. Or is  
13          that an 86 to the left?

14                  MR. GREGORY CACCIOPPOLI: This is 86.

15                  MR. DARRELL WHEELER: Yeah, so that guy as well.

16                  MR. GREGORY CACCIOPPOLI: So 86 and 87.

17                  MR. DARRELL WHEELER: Yeah, and probably the 85.  
18          That would be the safe -- Then we can figure out where the  
19          property line was any time, once -- because we do have it  
20          staked and the surveyor should be able to figure this out.  
21          Ours is a pretty new survey.

22                  MR. GREGORY CACCIOPPOLI: Right. I think this  
23          isn't -- This is actually the school's property, I believe.  
24          There is a little sliver here that that's notched out. So  
25          that's school property, 85 and 86 --

1 MR. DARRELL WHEELER: So it's just towards the  
2 end that it's that one and the other one then.

3 MR. GREGORY CACCIOPPOLI: Right. So 87, you  
4 know, again, these trees are a good 15 to 20 feet off the  
5 wall. And this wall is not like a crafted masonry wall.  
6 These are like rubble walls.

7 MR. DARRELL WHEELER: They were original walls  
8 that you would do as a farm, right. They kind of stack up  
9 the stones, right.

10 DEPUTY COMMISSIONER SCHMIDT: Dry stack, yes.

11 MR. DARRELL WHEELER: Yeah.

12 MR. GREGORY CACCIOPPOLI: It's not -- Yeah, if  
13 you want to call it a dry stack, but they are like lines  
14 with rocks that are piled.

15 MR. DARRELL WHEELER: Yeah.

16 DEPUTY COMMISSIONER SCHMIDT: Okay.

17 MR. GREGORY CACCIOPPOLI: So but anyway, the  
18 proximity is --

19 MR. DARRELL WHEELER: It doesn't look like these  
20 two trees are necessary --

21 CHAIRPERSON PYNE: If you can speak one at a time  
22 for the stenographer, that would be appreciated.

23 MR. GREGORY CACCIOPPOLI: Yeah. So let me just  
24 go to the grading plan so I can speak on the necessity of  
25 the removal. Sorry. So we are proposing regrading in this

1 area for the 12-inch Maple. It's currently sitting at an  
2 elevation of 291, the base of the tree. And it's a  
3 one-foot cut here.

4 So if you cut one foot at the tree, then it would  
5 need to be removed due to regrading. This slope is two to  
6 one to the top of the wall, which is considered stable.

7 So it's not like I could -- I did what I could to  
8 create the space for the driveway. And you know, so due to  
9 the grading is really the reason why the one-foot cut in  
10 the vicinity of the base.

11 MR. DARRELL WHEELER: Yeah, okay.

12 MR. GREGORY CACCIOPPOLI: Right.

13 MR. DARRELL WHEELER: To the extent --

14 MR. GREGORY CACCIOPPOLI: Yeah, go ahead. I can  
15 finish addressing some more of the comments.

16 MR. DARRELL WHEELER: Please.

17 MR. GREGORY CACCIOPPOLI: We talked about the  
18 stonewalls briefly. We are going to do whatever we can to  
19 protect them. I think, you know, that's understood. They  
20 are old.

21 We are not just going to go in there, especially  
22 the ones that are on your property, I think pretty much all  
23 of it is on your property, except for this corner here.

24 I think it actually, on your survey, it shows  
25 that the wall touches the property line here and then it

1 kind of goes back onto yours. So you know, I think  
2 protecting your walls shouldn't be an issue because it's on  
3 your property.

4 The property line gets staked for construction.  
5 And you know, there is limits of disturbance that get  
6 delineated. So encroaching I don't think is a concern.

7 Regarding blasting, I mean I think after we --

8 MR. DARRELL WHEELER: The other question that was  
9 part of that front section, if we just could, was would it  
10 make a difference in your overall planning and everything  
11 else if it was two feet to the left or lower. Does that  
12 density change anything?

13 DEPUTY COMMISSIONER SCHMIDT: Mr. Wheeler, I  
14 appreciate you clarifying that. What we're going to do  
15 now, we have heard your questions. And we're just going to  
16 allow the applicant to respond.

17 It's essentially a response to the Board, that  
18 the Board has requested that he respond to your comments,  
19 rather than having a back and forth. We do have other  
20 projects on this evening. So.

21 MR. DARRELL WHEELER: Understood, yeah. It's  
22 been a long evening. I will hold --

23 CHAIRPERSON PYNE: And I know at the last meeting  
24 we encouraged that both of you speak off line. Was that  
25 able to occur?

1 MR. DARRELL WHEELER: We did send them our  
2 survey. We did not hear back anything on how to resolve  
3 it.

4 DEPUTY COMMISSIONER SCHMIDT: Okay.

5 CHAIRPERSON PYNE: I think a lot of these  
6 questions, you know, you two should find the time to speak,  
7 not now, to work through these questions.

8 MR. GREGORY CACCIOPPOLI: Okay. Shall I finish  
9 or?

10 DEPUTY COMMISSIONER SCHMIDT: Please.

11 CHAIRPERSON PYNE: Please.

12 MR. GREGORY CACCIOPPOLI: Okay. So regarding the  
13 blasting, I think we already touched on this following the  
14 seismic refraction survey, I think we will even determine  
15 if blasting is even going to be considered and then rely on  
16 the expertise of Village's consultant --

17 CHAIRPERSON PYNE: Town.

18 MR. GREGORY CACCIOPPOLI: -- as to whether or not  
19 it is even appropriate.

20 Regarding the sight distance, we did do extensive  
21 studies on this during the subdivision process and leading  
22 up to the single-family development. We contacted the  
23 Police Department, actually had meetings with them,  
24 requested information on whether or not there were  
25 accidents in the area. There were none.

1                   We showed them sight lines, the maximum sight  
2 line that we can get. We realized that it's not, you know,  
3 200 feet, but we showed them the sight lines that we can  
4 get, which I believe is about 120 feet.

5                   And the traffic committee reviewed it. The  
6 Police Department reviewed it and determined that it was  
7 acceptable. It is the single-family residence low-volume  
8 vehicles, so that is also something they considered.

9                   Regarding the New York State DOT, we did contact  
10 the DOT. We actually already have an application prepared  
11 to pursue a street opening permit from the DOT, which is  
12 what they said would be required. We spoke to the real  
13 estate division regarding access. They had no objection to  
14 it.

15                  I believe there was some correspondence on that  
16 end also with Mr. Britton. We really wanted to, you know,  
17 get a little bit further into the process before we started  
18 filing permits to make sure all these other issues are  
19 flushed out.

20                  And regarding the shifting of the driveway, I  
21 think we even spoke about this, too. The slope decreases  
22 so rapidly as you go downhill, that the amount of removals  
23 required to get a driveway in and actually make use of the  
24 lot, it becomes, you know, not impossible. But you would  
25 have to build walls that exceed, you know, 12 feet, 12 to

1 14 feet.

2 And we actually showed some of that in the  
3 subdivision designs that we had presented where walls were  
4 actually extremely large to create access. And that was  
5 part of the reason why we even shifted gears in our  
6 presenting, you know, just a single-family driveway, which  
7 is much more narrow, lower-volume traffic, really.

8 Because of all, you know, the design work that  
9 was done leading up to, that kind of showed us that it was  
10 becoming excessive, you know, what it would take to access  
11 the site as you go down the hill toward Old Army.

12 So that's what I have on my notes. Sorry if I  
13 missed something, but please let me know if I did.

14 CHAIRPERSON PYNE: So I think Deputy Commissioner  
15 Schmidt has some insight on the protections around  
16 blasting.

17 DEPUTY COMMISSIONER SCHMIDT: Right. So I was  
18 just informed that pursuant to Chapter 140 or 140 of the  
19 Town Code, insurance minimum \$2 million-dollar coverage is  
20 required in connection with rock blasting, which includes  
21 coverage for any damage to nearby properties. So that is  
22 something that would be covered in connection with any  
23 blasting.

24 MR. DARRELL WHEELER: That's helpful.

25 CHAIRPERSON PYNE: Yeah. And the only other

1           thing I'll add is there was reference to the local advocacy  
2           groups. I'm reasonably confident the ECC is aware of this.  
3           But we will make sure that they are aware.

4                     All right. Thank you, Mr. Wheeler. Is there  
5           anyone else on Zoom who would like to speak for this Public  
6           Hearing?

7                     (Whereupon, there was no response.)

8                     CHAIRPERSON PYNE: All right, seeing none, so we  
9           are in a position to close the Public Hearing or keep the  
10          Public Hearing open? I don't think, personally, I'm not  
11          sure there is any open questions related, at least related  
12          to the tree removal permit and the steep slope permit.

13                    I would encourage, again, that the applicant and  
14          the neighbors to speak off line and if there is any  
15          outstanding questions to resolve those.

16                    We could potentially have an extended written  
17          record period, but again, I'm not sure if there is any  
18          items really for us to be -- to receive more information  
19          about or more context about before moving forward.

20                    ALTERNATE BOARD MEMBER PATEL: Maybe leaving the  
21          extended written record.

22                    DEPUTY COMMISSIONER SCHMIDT: Written record?

23                    ALTERNATE BOARD MEMBER PATEL: Yeah, the record.

24                    DEPUTY COMMISSIONER SCHMIDT: Anyone else?

25                    BOARD MEMBER PILLINGER: Just, is there anything

1 in the Historic and Landmarks Preservation --

2 CHAIRPERSON PYNE: Oh, yes, thank you. So let me  
3 work through those. So if we were to close the Public  
4 Hearing and direct staff to prepare an approval, the  
5 conditions that H&LPB has recommended, I'm actually going  
6 to work from the bottom up.

7 So I think Aaron has mentioned this million  
8 dollar insurance. So I think that would cover any  
9 potential damages. To the extent there is any damages  
10 beyond that, that really is a private matter.

11 It sounds like the Town will have a monitor that  
12 will oversee the blasting, if blasting ultimately is  
13 necessary.

14 And to the extent there is chipping, I don't  
15 think there is typically a monitor for chipping, but I'm  
16 confident that the Town Code is adequate for either  
17 scenarios.

18 It seems like the applicant is open to  
19 documenting the current condition of the Tavern and the  
20 headstones and graves. And so that is something that we  
21 can certainly condition.

22 In terms of hiring an archaeological historian, I  
23 guess, do we have any reason to believe that anything  
24 particularly historic has occurred on this property? I  
25 mean certainly the cemetery adjacent to it is historic.

1 Certainly the Tavern is historic.

2 FIRST DEPUTY TOWN ATTORNEY MAGANA: Something  
3 we've done in the past with a site situated next to  
4 something like a historic cemetery is to put in a condition  
5 that if there are artifacts or anything found when they are  
6 developing the property or disturbing the land, that they  
7 document them appropriately. I think there is similar  
8 language from another type of project.

9 BOARD MEMBER PILLINGER: That's good. Great  
10 idea. And notify the Town in the event that they find  
11 anything of significance.

12 FIRST DEPUTY TOWN ATTORNEY MAGANA: Right.

13 BOARD MEMBER PILLINGER: Anything at all.

14 CHAIRPERSON PYNE: Okay, that makes sense. And  
15 I'm learning from Commissioner Duquesne that we have best  
16 practices, best practice protocol for excavations, which I  
17 think First Deputy Town Attorney Magana just referenced.

18 And then lastly, a written plan. I don't know if  
19 we could condition a plan for H&LPB to review because  
20 ultimately once we make our approvals, then it's  
21 transmitted to the Building Department and Planning and  
22 they move forward. And I'm not exactly sure what that  
23 written plan would consist of.

24 BOARD MEMBER PILLINGER: That was going to be my  
25 question. What would be in it once we finish and close, we

1 have no control over --

2 CHAIRPERSON PYNE: Yeah. So I think we've  
3 covered points five, four -- I think we've covered points  
4 five and four. I think the applicant is open to point  
5 three. I think point two, Ms. Magana has addressed. And  
6 point one, I'm just not entirely sure what H&LPB is really  
7 asking of us.

8 BOARD MEMBER PILLINGER: Right.

9 CHAIRPERSON PYNE: Okay. So all of that said, I  
10 guess I will entertain a motion to close the Public Hearing  
11 and keep the written record open, I guess what is the  
12 longest we can keep the written record open and not jam up  
13 the process?

14 DEPUTY COMMISSIONER SCHMIDT: Okay, so you could  
15 keep it open one week or the alternative, I would suggest,  
16 would be three weeks.

17 FIRST DEPUTY TOWN ATTORNEY MAGANA: Yes, two to  
18 three weeks.

19 CHAIRPERSON PYNE: So I'll entertain a motion to  
20 close the Public Hearing and keep the written record open  
21 for three weeks.

22 BOARD MEMBER PILLINGER: So moved.

23 CHAIRPERSON PYNE: Moved Mr. Pillinger.

24 ALTERNATE BOARD MEMBER ROBINSON: Second.

25 CHAIRPERSON PYNE: Second Ms. Robinson. All in

1 favor?

2 BOARD MEMBER PILLINGER: Aye.

3 BOARD MEMBER ANDERSON: Aye.

4 ALTERNATE BOARD MEMBER ROBINSON: Aye.

5 ALTERNATE BOARD MEMBER PATEL: Aye.

6 CHAIRPERSON PYNE: Chair votes aye.

7 DEPUTY COMMISSIONER SCHMIDT: So that would be  
8 through September 23rd.

9 ALTERNATE BOARD MEMBER ROBINSON: Yes.

10 CHAIRPERSON PYNE: Great, thank you. So it is  
11 now 8:54 p.m. I'm going to ask for a six-minute recess.  
12 We will come back at 9:00 and then we will move forward.  
13 All right, thank you.

14 (Whereupon, a recess was taken by all Board  
15 Members and staff, as well as members of the public.)  
16  
17  
18

19 \* \* \* \* \*  
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1 CHAIRPERSON PYNE: All right, welcome back to the  
2 Planning Board meeting. It is still September 2nd. It is  
3 9:00. We are in the Public Discussion portion of our  
4 Public Hearing, Public Discussion portion of our Public  
5 Hearing/Public Discussion portion of the agenda.

6 Next up, we have Case Number TB 25-04, the  
7 Comprehensive Chapter 285 Amendments. This is on referral  
8 to us from the Town Board. This is the third Public  
9 Discussion that we've had on this topic.

10 So it is now, 9:00 and I know at the last  
11 meeting, we were unable to have the Work Session portion of  
12 the Comprehensive Chapter 285 Amendments Discussion. So  
13 can I get a quick show of hands who is here in the room to  
14 speak to this item Chapter 285? Okay, Mr. Eughi.

15 FIRST DEPUTY TOWN ATTORNEY MAGANA: If you have  
16 not done so already, if you can just sign up on the sheet.

17 CHAIRPERSON PYNE: So there is one person,  
18 Mr. Eughi, who is here to speak, all right. And I know we  
19 did receive your written response this afternoon and your  
20 written response is officially a part of the public record.

21 If you'd like to speak, you're certainly welcome  
22 to, but I can assure you that all of us have read your  
23 letter and have received your letter.

24 MR. HECTOR EUGHI: Right. Five-minute speech  
25 will be an add-on, actually.

1 CHAIRPERSON PYNE: Okay, great. So if you want  
2 to approach the podium, we would love to hear from you.

3 MR. HECTOR EUGHI: Sure.

4 FIRST DEPUTY TOWN ATTORNEY MAGANA: How many  
5 minutes?

6 CHAIRPERSON PYNE: Five.

7 MR. HECTOR EUGHI: I always try to keep it to  
8 five. Good evening, as you know, I'm Hector Eughi. My  
9 wife, Cherie and I, we live directly adjacent to and  
10 downhill from the Knolls.

11 First, again, we want to thank the Planning Board  
12 staff for the thoughtful summaries of the July 15th and  
13 August 5th Public Discussions.

14 We also support concerns raised by others in  
15 those meetings particularly regarding the definition of  
16 family and the needs to consider major subjects such as  
17 battery storage, cannabis regulations and significant  
18 senior housing changes separately from this enormous  
19 Chapter 285 package.

20 We submitted a more detailed written statement  
21 for the record, which you just mentioned, as we were unsure  
22 we would be able to make it tonight. I was. My wife,  
23 Cherie, was not.

24 But tonight we want to focus primarily on one new  
25 concern. The proposed steep slope and buildable area

1        amendments. The issue arose directly during the Planning  
2        Board's review of the Knolls. Under the Building  
3        Inspector's interpretation of the Code today, the steep  
4        slope buildable area deductions apply to single-family  
5        development, but not to a development such as the Knolls.

6                So today, despite more than 12 acres of steep  
7        slope on the Knolls property, no buildable area deductions  
8        taken for these slopes. The Planning Board recognized this  
9        issue during its review of the Knolls and specifically  
10       included their recommendation to the Town Board that the  
11       Code be reviewed to address it.

12               We agree completely. But, if the Planning Board  
13       identifies a legitimate problem and recommend that the Code  
14       address it, the resulting amendment should actually address  
15       the problem, not merely check the box. For single-family  
16       property, steep slope deductions are calculated based upon  
17       steep slope across the entire parcel.

18               The proposed amendment takes a very different  
19       approach for the multi-family and commercial properties.  
20       The amendment would essentially limit the deduction to  
21       steep slope actually disturbed by development.

22               Think about what that means in practice.  
23       Developers already have every financial and practical  
24       incentive to avoid constructing directly on steep slopes.  
25       Building there is difficult and expensive.

1 Under this proposal, a developer could simply  
2 avoid the steep portions of the property. Those acres then  
3 contribute virtually nothing to the buildable area  
4 deduction, yet they still remain part of the acreage  
5 supporting development capacity of the site.

6 The result can be substantially greater  
7 development concentrated onto the remaining flat or land.  
8 The Knolls demonstrates the problem perfectly. The Knolls  
9 has a buildable lot area of approximately one million  
10 270,000 square feet, more than 12-acres of that property  
11 are steeply sloped. Under the current interpretation, none  
12 of those steep slopes are deducted.

13 The proposed amendment would technically change  
14 that. But because the Knolls development largely avoids  
15 disturbing those slopes, our view indicates the resulting  
16 deduction could only be approximately 20,000 to 30,000  
17 square feet.

18 Compare that with more than 300,000 square feet  
19 of potential deduction if steep slopes across the property  
20 were treated comparably to those on a single-family parcel.

21 On a 1.27 million square foot buildable lot, that  
22 is the difference between a meaningful adjustment to  
23 development capacity and what amounts to a token deduction.

24 And the practical consequence is exactly what  
25 we're seeing behind our home. More than 12 acres of steep

1 slopes remain largely outside the calculation while  
2 substantial new building mass is concentrated onto the  
3 limited flatter area adjacent to existing family  
4 residences, like ours.

5 So we ask a basic question. Why should steeply  
6 sloped land significantly reduce the development capacity  
7 of a single-family property but largely disappear from the  
8 calculation when the project is multi-family or commercial?  
9 What is the planning rationale?

10 The environmental and physical constraints of  
11 steeply, poor sloped land do not change depending on who is  
12 developing the property. If the Town believes multi-family  
13 and commercial development warrants this traumatically more  
14 favor of methodology, that distinction should have a clear  
15 and planning justification and a clear basis in the  
16 Comprehensive Plan.

17 And there is another reason the Board should look  
18 carefully at this amendment. The issue was identified  
19 because the Knolls' application, the Planning Board  
20 specifically recommended that it be addressed.

21 Now, the proposed solution happens to produce  
22 only a very small reduction from the Knolls. That does not  
23 meaningfully address the problem the Planning Board  
24 identified. It risked checking a box while minimizing the  
25 impact of the very pending application that brought the

1 issue to the Board's attention.

2 And unfortunately, that fits our broader concern.  
3 Proposed Chapter 25 amendments tracks the Zoning problems  
4 encountered by the pending Knolls application with  
5 extraordinary precision. Again, the Code should test the  
6 project. The Code should not become the template for  
7 rewriting the Code. Thank you.

8 FIRST DEPUTY TOWN ATTORNEY MAGANA: Thank you.

9 CHAIRPERSON PYNE: Thank you.

10 FIRST DEPUTY TOWN ATTORNEY MAGANA: If you can  
11 submit your written letter.

12 MR. HECTOR EUGHI: Yes.

13 CHAIRPERSON PYNE: Is there anyone else here in  
14 the room who would like to speak on the Comprehensive  
15 Chapter 285 amendments?

16 (Whereupon, there was no response.)

17 CHAIRPERSON PYNE: All right, is there anyone on  
18 Zoom?

19 (Whereupon, there was no response.)

20 CHAIRPERSON PYNE: It does not appear so.

21 DEPUTY COMMISSIONER SCHMIDT: No.

22 CHAIRPERSON PYNE: All right, then seeing no  
23 additional comments, I will entertain a motion to close the  
24 Public Discussion on Chapter 285.

25 ALTERNATE BOARD MEMBER ROBINSON: So moved.

1 CHAIRPERSON PYNE: And keep the written record  
2 open through September 9th.

3 ALTERNATE BOARD MEMBER ROBINSON: Yes. So moved.

4 CHAIRPERSON PYNE: Moved Ms. Robinson.

5 BOARD MEMBER PILLINGER: Second.

6 CHAIRPERSON PYNE: Second Mr. Pillinger. All in  
7 favor?

8 BOARD MEMBER ANDERSON: Aye.

9 BOARD MEMBER PILLINGER: Aye.

10 ALTERNATE BOARD MEMBER ROBINSON: Aye.

11 ALTERNATE BOARD MEMBER PATEL: Aye.

12 CHAIRPERSON PYNE: Chair votes aye. And I will  
13 entertain a motion to close the Public Hearing/Public  
14 Discussion portion of this meeting.

15 BOARD MEMBER PILLINGER: So moved.

16 CHAIRPERSON PYNE: Moved Mr. Pillinger.

17 ALTERNATE BOARD MEMBER PATEL: Second.

18 CHAIRPERSON PYNE: Second Mr. Patel. All in  
19 favor?

20 BOARD MEMBER ANDERSON: Aye.

21 BOARD MEMBER PILLINGER: Aye.

22 ALTERNATE BOARD MEMBER ROBINSON: Aye.

23 ALTERNATE BOARD MEMBER PATEL: Aye.

24 CHAIRPERSON PYNE: Chair votes aye. Meeting is  
25 adjourned, the Public Hearing meeting is adjourned. Thank

1           you.

2                   DEPUTY COMMISSIONER SCHMIDT: Thank you.

3                   (Whereupon, the Public Hearing and Public  
4           Discussion Session was concluded.)

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6           \*       \*       \*       \*       \*       \*       \*       \*       \*

7  
8                   C E R T I F I C A T I O N

9  
10                   Certified to be a true and accurate  
11           transcript of the Public Hearing and Public Discussion of the  
12           Greenburgh Planning Board Meeting proceedings held on September  
13           2, 2026, taken by the undersigned, to the best of her ability.

14  
15  
16                   Barbara Marciante

17                   Barbara Marciante,  
18                   Official Court Reporter  
19  
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21  
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|                                              |                                               |                             |                                |                                |
|----------------------------------------------|-----------------------------------------------|-----------------------------|--------------------------------|--------------------------------|
|                                              | 37/10 38/4 38/6                               | 291 [1] 47/2                | acreage [1] 60/4               | 54/13 55/9 55/25 56/13         |
| <b>ALTERNATE BOARD MEMBER PATEL: [12]</b>    | <b>REVEREND CLOVER: [14]</b> 22/19 23/22 24/1 | 2nd [1] 57/2                | acres [4] 59/6 60/2            | 56/14 57/1 57/18 57/22         |
| 3/4 3/11 4/1 18/20                           | 24/5 24/21 25/8 25/23                         |                             | 60/10 60/25                    | 62/17 62/22 63/6 63/18         |
| 19/20 19/25 52/20                            | 26/4 26/25 28/6 28/19                         | <b>3</b>                    | <b>across [4]</b> 39/8 40/1    | <b>allow [1]</b> 48/16         |
| 52/23 56/5 63/11 63/17                       | 29/7 29/25 30/5                               | <b>30 [1]</b> 42/13         | 59/17 60/19                    | <b>almost [1]</b> 25/17        |
| 63/23                                        |                                               | <b>30,000 [1]</b> 60/16     | <b>actual [2]</b> 8/25 15/19   | <b>alone [1]</b> 36/20         |
| <b>ALTERNATE BOARD MEMBER ROBINSON: [11]</b> |                                               | <b>300,000 [1]</b> 60/18    | <b>actually [20]</b> 12/11     | <b>along [4]</b> 6/12 6/15     |
| 3/10 3/23 16/8                               |                                               | <b>350 [4]</b> 6/15 21/16   | 12/22 14/20 15/16              | 25/3 32/13                     |
| 18/19 55/24 56/4 56/9                        |                                               | 39/19 42/2                  | 16/18 34/12 40/4 40/5          | <b>already [5]</b> 40/12 49/13 |
| 62/25 63/3 63/10 63/22                       |                                               | <b>380 [1]</b> 30/12        | 44/25 45/23 47/24              | 50/10 57/16 59/23              |
| <b>BOARD MEMBER</b>                          |                                               |                             | 49/23 50/10 50/23 51/2         | <b>also [15]</b> 5/25 7/7 7/10 |
| <b>ANDERSON: [5]</b> 3/8                     |                                               | <b>4</b>                    | 51/4 53/5 57/25 59/14          | 8/16 13/23 19/2 24/11          |
| 4/4 56/3 63/8 63/20                          |                                               | <b>40 feet [1]</b> 42/13    | 59/21                          | 25/16 27/23 34/20 36/6         |
| <b>BOARD MEMBER</b>                          |                                               | <b>42 [2]</b> 45/9 45/11    | <b>add [5]</b> 29/8 29/9 31/15 | 41/18 50/8 50/16 58/14         |
| <b>PILLINGER: [21]</b> 3/5                   |                                               |                             | 52/1 57/25                     | <b>alternate [5]</b> 2/9 2/9   |
| 3/9 3/20 18/18 18/23                         |                                               | <b>5</b>                    | <b>add-on [1]</b> 57/25        | 3/21 3/24 4/7                  |
| 21/2 21/19 21/23 22/4                        |                                               | <b>5th [1]</b> 58/13        | <b>added [4]</b> 6/12 6/15     | <b>alternative [2]</b> 15/10   |
| 22/9 52/25 54/9 54/13                        |                                               |                             | 6/16 25/14                     | 55/15                          |
| 54/24 55/8 55/22 56/2                        |                                               | <b>6</b>                    | <b>addition [2]</b> 6/21 25/12 | <b>alternatively [1]</b> 21/16 |
| 63/5 63/9 63/15 63/21                        |                                               | <b>60 [1]</b> 15/21         | <b>additional [6]</b> 7/19     | <b>Although [1]</b> 22/21      |
| <b>CHAIRPERSON</b>                           |                                               | <b>7</b>                    | 8/13 12/12 32/11 38/1          | <b>always [1]</b> 58/7         |
| <b>PYNE: [86]</b>                            |                                               | <b>7:44 p.m [1]</b> 3/14    | 62/23                          | <b>am [4]</b> 7/16 27/2 41/7   |
| <b>DEPUTY</b>                                |                                               | <b>8</b>                    | <b>address [10]</b> 6/25 8/11  | 45/6                           |
| <b>COMMISSIONER</b>                          |                                               | <b>8-inch [1]</b> 10/18     | 18/25 22/18 38/15              | <b>AMANDA [1]</b> 2/11         |
| <b>SCHMIDT: [66]</b>                         |                                               | <b>85 [2]</b> 45/17 45/25   | 39/16 59/11 59/14              | <b>amendment [5]</b> 59/14     |
| <b>FIRST DEPUTY TOWN</b>                     |                                               | <b>86 [4]</b> 45/13 45/14   | 59/14 61/23                    | 59/18 59/20 60/13              |
| <b>ATTORNEY MAGANA: [28]</b>                 |                                               | 45/16 45/25                 | <b>addressed [4]</b> 6/8 6/20  | 61/18                          |
| 9/4 9/7 9/20 9/25                            |                                               | <b>87 [4]</b> 45/10 45/11   | 55/5 61/20                     | <b>amendments [7]</b> 1/8      |
| 10/3 11/3 20/9 20/15                         |                                               | 45/16 46/3                  | <b>addressing [1]</b> 47/15    | 1/9 57/7 57/12 59/1            |
| 22/7 23/19 24/23 25/10                       |                                               | <b>88 [1]</b> 45/12         | <b>adequate [1]</b> 53/16      | 62/3 62/15                     |
| 27/19 28/2 28/7 28/23                        |                                               | <b>8:54 p.m [1]</b> 56/11   | <b>adjacent [9]</b> 11/24 13/3 | <b>amount [6]</b> 7/11 12/23   |
| 30/1 34/23 36/6 36/10                        |                                               |                             | 17/17 22/22 37/1 41/10         | 12/24 32/8 39/9 50/22          |
| 45/4 54/2 54/12 55/17                        |                                               | <b>9</b>                    | 53/25 58/9 61/3                | <b>amounts [1]</b> 60/23       |
| 57/15 58/4 62/8 62/10                        |                                               | <b>9:00 [3]</b> 56/12 57/3  | <b>adjourn [1]</b> 37/17       | <b>analyses [1]</b> 6/2        |
| <b>MR. DARRELL</b>                           |                                               | 57/10                       | <b>adjourned [2]</b> 63/25     | <b>analysis [1]</b> 31/6       |
| <b>WHEELER: [25]</b> 38/14                   |                                               | <b>9th [1]</b> 63/2         | 63/25                          | <b>ANDERSON [2]</b> 2/6 4/3    |
| 38/25 39/13 39/18                            |                                               | <b>A</b>                    | <b>ADJOURNMENT [1]</b>         | <b>Anjani [1]</b> 30/11        |
| 39/24 40/10 44/11                            |                                               | <b>AARON [5]</b> 2/12 40/10 | 1/11                           | <b>another [9]</b> 9/10 26/13  |
| 44/16 44/25 45/9 45/12                       |                                               | 43/2 43/21 53/7             | <b>adjustment [1]</b> 60/22    | 27/2 28/21 33/20 42/19         |
| 45/15 45/17 46/1 46/7                        |                                               | <b>abiding [1]</b> 7/6      | <b>administrative [1]</b> 29/1 | 43/16 54/8 61/17               |
| 46/11 46/15 46/19                            |                                               | <b>ability [1]</b> 64/13    | <b>adverse [3]</b> 25/19 36/3  | <b>answer [6]</b> 8/12 14/13   |
| 47/11 47/13 47/16 48/8                       |                                               | <b>able [12]</b> 4/21 5/15  | 36/21                          | 24/5 27/22 29/4 40/8           |
| 48/21 49/1 51/24                             |                                               | 9/23 11/22 17/19 18/4       | <b>advised [1]</b> 43/7        | <b>answered [1]</b> 40/12      |
| <b>MR. GREGORY</b>                           |                                               | 22/24 31/12 45/4 45/20      | <b>Advisory [1]</b> 43/8       | <b>answering [1]</b> 30/14     |
| <b>CACCIOPPOLI: [49]</b>                     |                                               | 48/25 58/22                 | <b>advocacy [2]</b> 43/7 52/1  | <b>answers [2]</b> 40/25       |
| 4/18 4/23 4/25 5/3 5/9                       |                                               | <b>about [30]</b> 4/23 6/24 | <b>advocated [1]</b> 29/20     | 41/14                          |
| 5/11 5/14 8/15 9/6 10/9                      |                                               | 7/9 8/19 9/23 10/14         | <b>affect [1]</b> 44/4         | <b>anticipate [1]</b> 31/11    |
| 11/7 11/12 12/11 12/17                       |                                               | 10/24 16/10 18/22           | <b>affecting [1]</b> 10/14     | <b>anticipated [1]</b> 32/7    |
| 12/20 13/18 13/25 14/7                       |                                               | 19/17 22/25 24/2 24/3       | <b>after [2]</b> 28/24 48/7    | <b>any [30]</b> 8/8 8/12 10/7  |
| 14/23 16/3 16/18 17/4                        |                                               | 27/6 28/24 30/21 31/7       | <b>afternoon [3]</b> 18/11     | 12/8 18/21 18/22 19/4          |
| 17/16 17/25 18/6 18/8                        |                                               | 32/16 32/22 33/21           | 19/4 57/19                     | 19/16 21/4 21/7 21/20          |
| 19/6 23/7 25/16 39/21                        |                                               | 36/25 41/13 43/2 45/6       | <b>again [9]</b> 26/18 27/10   | 23/3 26/5 29/4 29/14           |
| 40/8 44/1 44/14 45/3                         |                                               | 47/17 50/4 50/21 52/19      | 32/15 39/1 46/4 52/13          | 31/11 31/21 33/7 34/25         |
| 45/6 45/11 45/14 45/16                       |                                               | 52/19 59/22                 | 52/17 58/11 62/5               | 41/19 43/15 45/19              |
| 45/22 46/3 46/12 46/17                       |                                               | <b>absolutely [1]</b> 10/24 | <b>agencies [1]</b> 27/6       | 51/21 51/22 52/11              |
| 46/23 47/12 47/14                            |                                               | <b>abutting [1]</b> 9/22    | <b>agenda [2]</b> 4/10 57/5    | 52/14 52/17 53/8 53/9          |
| 47/17 49/8 49/12 49/18                       |                                               | <b>acceptable [1]</b> 50/7  | <b>ago [5]</b> 15/16 26/8 27/7 | 53/23                          |
| <b>MR. HECTOR EUGHI: [4]</b>                 |                                               | <b>access [5]</b> 7/4 43/12 | 32/16 38/17                    | <b>anyone [11]</b> 16/6 21/21  |
| 57/24 58/3 58/7                              |                                               | 50/13 51/4 51/10            | <b>agree [2]</b> 21/23 59/12   | 22/15 27/20 30/8 38/9          |
| 62/12                                        |                                               | <b>accidents [2]</b> 35/9   | <b>ahead [3]</b> 15/18 38/15   | 38/12 52/5 52/24 62/13         |
| <b>MR. MICHAEL</b>                           |                                               | 49/25                       | 47/14                          | 62/17                          |
| <b>NOWAK: [1]</b> 7/14                       |                                               | <b>accommodate [1]</b> 19/8 | <b>align [1]</b> 44/7          | <b>anything [9]</b> 34/18      |
| <b>MS. ANJANI SHAH: [14]</b>                 |                                               | <b>account [1]</b> 8/7      | <b>all [39]</b> 3/7 4/8 5/16   | 37/12 48/12 49/2 52/25         |
| 30/11 31/18 31/24                            |                                               | <b>accurate [2]</b> 13/17   | 5/19 8/14 12/15 16/5           | 53/23 54/5 54/11 54/13         |
| 32/5 32/20 33/13 33/19                       |                                               | 64/10                       | 16/9 18/8 27/11 30/5           | <b>anyway [2]</b> 40/13 46/17  |
| 34/9 34/19 35/2 36/12                        |                                               | <b>achieved [1]</b> 43/14   | 31/12 31/16 35/7 35/15         | <b>apologize [1]</b> 22/23     |
|                                              |                                               |                             | 39/12 39/13 40/9 40/11         | <b>appear [1]</b> 62/20        |
|                                              |                                               |                             | 40/19 41/1 43/3 47/22          | <b>appears [1]</b> 41/18       |
|                                              |                                               |                             | 50/18 51/8 52/4 52/8           | <b>applicant [21]</b> 4/14     |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        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                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                             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| <p><b>A</b></p> <p><b>applicant...</b> [20] 4/16 7/22 16/15 18/24 19/2 20/4 20/13 21/5 21/22 26/13 28/14 28/15 31/10 31/17 32/13 35/14 48/16 52/13 53/18 55/4</p> <p><b>applicant's</b> [2] 16/10 37/5</p> <p><b>applicants</b> [2] 14/17 34/5</p> <p><b>application</b> [10] 13/12 22/16 26/7 29/9 29/22 38/10 50/10 61/19 61/25 62/4</p> <p><b>applies</b> [1] 25/18</p> <p><b>apply</b> [1] 59/4</p> <p><b>appointing</b> [1] 19/21</p> <p><b>appreciate</b> [2] 30/6 48/14</p> <p><b>appreciated</b> [1] 46/22</p> <p><b>approach</b> [3] 30/9 58/2 59/19</p> <p><b>approaches</b> [1] 42/11</p> <p><b>appropriate</b> [2] 17/2 49/19</p> <p><b>appropriately</b> [1] 54/7</p> <p><b>approval</b> [6] 14/20 21/4 23/17 28/25 33/5 53/4</p> <p><b>approvals</b> [1] 54/20</p> <p><b>approximately</b> [2] 60/9 60/16</p> <p><b>arborist</b> [2] 7/16 7/16</p> <p><b>archaeological</b> [2] 19/14 53/22</p> <p><b>Ardsley</b> [1] 22/21</p> <p><b>are</b> [85]</p> <p><b>area</b> [14] 17/2 23/10 25/13 44/9 44/12 44/12 47/1 49/25 58/25 59/4 59/7 60/3 60/9 61/3</p> <p><b>areas</b> [2] 6/10 35/18</p> <p><b>Army</b> [15] 1/6 4/13 5/21 5/24 6/15 17/13 17/18 30/12 32/19 35/8 39/19 42/2 42/4 43/12 51/11</p> <p><b>arose</b> [1] 59/1</p> <p><b>around</b> [6] 12/4 26/23 33/14 42/23 42/23 51/15</p> <p><b>artifacts</b> [1] 54/5</p> <p><b>as</b> [52] 6/8 7/20 7/22 7/25 8/5 8/7 9/17 9/17 11/18 14/13 14/18 15/7 16/2 16/2 18/23 20/2 21/4 21/21 21/23 23/11 24/25 24/25 27/11 27/25 28/9 28/9 29/10 29/10 29/21 32/22 33/4 34/4 35/16 36/2 38/20 41/2 42/21 42/23 43/8 43/10 44/12 45/15 46/8 49/18 50/22 51/11 56/15 56/15 58/8 58/16 58/21 59/5</p> <p><b>ask</b> [12] 11/21 14/20 16/6 22/24 23/20 31/9</p> | <p>31/16 38/18 39/4 39/12 56/11 61/5</p> <p><b>asking</b> [2] 30/16 55/7</p> <p><b>aspects</b> [1] 37/3</p> <p><b>associated</b> [1] 6/6</p> <p><b>assure</b> [1] 57/22</p> <p><b>attend</b> [2] 37/25 38/1</p> <p><b>attention</b> [1] 62/1</p> <p><b>attorney</b> [4] 2/11 23/8 25/19 54/17</p> <p><b>August</b> [1] 58/13</p> <p><b>August 5th</b> [1] 58/13</p> <p><b>available</b> [2] 7/13 8/12</p> <p><b>Avenue</b> [3] 1/13 31/5 32/18</p> <p><b>avoid</b> [2] 59/24 60/2</p> <p><b>avoids</b> [1] 60/14</p> <p><b>aware</b> [2] 52/2 52/3</p> <p><b>awareness</b> [1] 43/4</p> <p><b>away</b> [4] 35/21 42/3 42/5 43/1</p> <p><b>awhile</b> [1] 15/15</p> <p><b>aye</b> [20] 3/8 3/9 3/10 3/11 3/12 56/2 56/3 56/4 56/5 56/6 63/8 63/9 63/10 63/11 63/12 63/20 63/21 63/22 63/23 63/24</p> <p><b>B</b></p> <p><b>back</b> [15] 6/15 10/10 22/11 26/14 26/21 28/11 31/4 32/15 38/18 41/6 48/1 48/19 49/2 56/12 57/1</p> <p><b>BARBARA</b> [2] 1/20 64/17</p> <p><b>base</b> [2] 47/2 47/10</p> <p><b>based</b> [2] 28/11 59/16</p> <p><b>baseline</b> [1] 28/8</p> <p><b>basic</b> [1] 61/5</p> <p><b>basically</b> [5] 15/7 16/22 16/24 23/14 32/23</p> <p><b>basis</b> [2] 20/7 61/15</p> <p><b>battery</b> [1] 58/17</p> <p><b>be</b> [119]</p> <p><b>bearings</b> [2] 44/7 44/8</p> <p><b>because</b> [20] 5/16 9/23 12/25 14/2 15/11 24/7 30/24 33/14 34/10 35/8 42/2 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43/25 46/4 46/6 46/19 49/5 49/7 50/18 59/8<br><b>they [60]</b> 6/22 7/5 7/6 7/9 8/3 8/3 8/5 8/6 9/22 10/11 10/12 10/13 10/14 10/20 10/22 11/8 11/22 19/1 20/18 20/18 21/17 27/5 28/3 28/7 28/8 28/12 28/25 29/3 30/3 30/3 32/3 34/13 34/17 34/20 35/3 35/3 37/7 38/2 39/5 39/9 40/12 40/16 40/19 40/21 41/11 43/9 43/11 46/7 46/8 46/13 47/19 50/8 50/12 50/13 52/3 54/5 54/6 54/10 54/22 60/4<br><b>they're [1]</b> 26/23<br><b>thing [7]</b> 10/20 14/19 26/21 29/17 33/20 35/5 52/1<br><b>things [6]</b> 9/14 20/19 25/2 25/14 30/18 35/9<br><b>think [54]</b> 8/22 9/2 9/7 9/23 10/11 11/14 12/21 13/2 13/8 13/11 14/11 16/20 17/5 18/4 19/7 19/11 19/12 20/8 23/7 25/13 27/1 27/19 29/15 31/15 31/18 33/15 34/1 40/10 43/18 44/6 44/8 | 45/22 47/19 47/22 47/24 48/1 48/6 48/7 49/5 49/13 49/14 50/21 51/14 52/10 53/7 53/8 53/15 54/7 54/17 55/2 55/3 55/4 55/5 59/22<br><b>third [4]</b> 15/13 20/3 20/20 57/8<br><b>third-party [3]</b> 15/13 20/3 20/20<br><b>thirdly [1]</b> 42/16<br><b>this [96]</b><br><b>those [19]</b> 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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        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                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>W</b><br><b>wait [1]</b> 40/9<br><b>wall [19]</b> 8/20 9/1 10/15 10/17 10/23 11/2 11/11 11/13 11/14 11/16 42/5 44/6 44/8 44/9 46/5 46/5 46/5 47/6 47/25<br><b>walls [8]</b> 10/13 41/5 44/3 46/6 46/7 48/2 50/25 51/3<br><b>want [14]</b> 12/3 21/13 25/16 25/19 29/17 35/2 37/4 37/21 40/18 43/24 46/13 58/1 58/11 58/24<br><b>wanted [9]</b> 5/15 10/13 18/16 24/8 24/10 26/4 29/12 38/2 50/16<br><b>wants [1]</b> 40/10<br><b>warrants [2]</b> 32/11                                                                                                                                       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| <p><b>W</b></p> <p><b>warrants...</b> [1] 61/13</p> <p><b>was</b> [67]</p> <p><b>wasn't</b> [1] 42/25</p> <p><b>way</b> [7] 8/3 8/22 11/25 12/1 23/21 25/3 35/19</p> <p><b>ways</b> [1] 43/1</p> <p><b>we</b> [141]</p> <p><b>we're</b> [5] 15/23 22/13 48/14 48/15 60/25</p> <p><b>we've</b> [5] 24/23 54/3 55/2 55/3 57/9</p> <p><b>week</b> [2] 37/24 55/15</p> <p><b>weeks</b> [5] 37/24 38/17 55/16 55/18 55/21</p> <p><b>weight</b> [1] 8/6</p> <p><b>WEINBERG</b> [2] 2/7 4/6</p> <p><b>welcome</b> [4] 3/13 38/7 57/1 57/21</p> <p><b>well</b> [11] 10/12 11/18 14/18 16/2 29/10 34/11 34/19 34/22 44/13 45/15 56/15</p> <p><b>went</b> [1] 6/2</p> <p><b>were</b> [38] 5/22 6/7 6/7 6/18 6/18 6/19 8/10 9/9 9/17 9/22 9/23 9/24 10/11 10/12 10/14 11/23 15/17 18/4 19/1 20/23 26/12 26/19 28/17 28/18 29/22 30/14 31/22 32/16 37/22 41/11 46/7 49/24 49/25 51/3 53/3 57/11 58/21 60/20</p> <p><b>what</b> [36] 4/23 11/1 11/8 14/13 15/1 16/20 19/11 19/20 22/6 22/9 23/1 23/1 23/11 27/15 27/16 27/24 28/11 31/5 32/22 34/18 37/12 41/7 44/6 47/7 48/14 50/12 51/10 51/12 54/22 54/25 55/6 55/11 59/22 60/23 60/24 61/9</p> <p><b>whatever</b> [2] 17/1 47/18</p> <p><b>Wheeler</b> [4] 38/13 39/18 48/13 52/4</p> <p><b>Wheelers</b> [3] 10/1 10/6 11/22</p> <p><b>when</b> [12] 8/7 15/17 17/24 26/7 29/4 30/25 30/25 32/25 41/5 43/13 54/5 61/8</p> <p><b>where</b> [20] 11/14 16/15 17/12 18/2 19/18 32/17 34/7 35/7 39/5 39/9 40/3 40/3 42/5 42/18 44/2 44/3 44/3 44/9 45/18 51/3</p> <p><b>Whereupon</b> [6] 38/11 52/7 56/14 62/16 62/19 64/3</p> <p><b>whether</b> [11] 7/3 7/5 12/9 13/8 28/21 37/17 37/23 40/14 41/10 49/18 49/24</p> | <p><b>which</b> [23] 7/9 9/14 9/22 10/13 10/22 15/6 16/21 19/3 27/7 30/12 31/10 32/7 32/23 33/7 35/19 38/19 47/6 50/4 50/11 51/6 51/20 54/16 58/21</p> <p><b>while</b> [4] 28/17 37/4 61/1 61/24</p> <p><b>who</b> [11] 18/1 22/15 36/12 36/13 38/9 41/21 52/5 57/13 57/18 61/11 62/14</p> <p><b>whole</b> [2] 8/6 26/21</p> <p><b>why</b> [10] 5/15 14/7 14/12 29/19 34/3 38/22 39/11 47/9 51/5 61/5</p> <p><b>wide</b> [1] 5/17</p> <p><b>wife</b> [2] 58/9 58/22</p> <p><b>wild</b> [3] 35/5 35/18 36/1</p> <p><b>will</b> [33] 3/1 4/7 5/7 7/10 8/12 11/21 12/20 13/16 14/17 15/1 23/14 23/16 26/2 27/1 28/12 28/20 28/22 29/23 31/12 31/16 37/17 38/24 48/22 49/14 52/3 53/11 53/12 55/10 56/12 56/12 57/25 62/23 63/12</p> <p><b>willing</b> [2] 10/24 16/21</p> <p><b>willingness</b> [1] 16/11</p> <p><b>Wire</b> [1] 6/15</p> <p><b>within</b> [7] 23/12 24/15 24/24 28/13 31/13 34/6 42/14</p> <p><b>withstand</b> [1] 41/7</p> <p><b>wondering</b> [1] 27/14</p> <p><b>wooded</b> [6] 23/3 23/24 24/11 25/4 35/17 35/24</p> <p><b>wooden</b> [1] 28/16</p> <p><b>word</b> [2] 22/4 27/3</p> <p><b>work</b> [15] 7/17 15/18 15/19 31/2 31/12 31/21 31/25 39/5 40/13 42/1 49/7 51/8 53/3 53/6 57/11</p> <p><b>worked</b> [1] 18/1</p> <p><b>works</b> [1] 32/16</p> <p><b>worried</b> [2] 10/14 45/6</p> <p><b>worth</b> [1] 14/11</p> <p><b>would</b> [93]</p> <p><b>wouldn't</b> [2] 26/15 26/17</p> <p><b>writing</b> [1] 38/2</p> <p><b>written</b> [14] 37/23 52/16 52/21 52/22 54/18 54/23 55/11 55/12 55/20 57/19 57/20 58/20 62/11 63/1</p> <hr/> <p><b>Y</b></p> <p><b>yeah</b> [33] 11/13 12/20 13/18 18/8 19/6 21/10 21/23 22/3 25/13 26/3 28/6 34/25 35/5 37/12 38/25 39/24 40/10 40/24 44/11 44/14</p> | <p>44/16 45/15 45/17 46/11 46/12 46/15 46/23 47/11 47/14 48/21 51/25 52/23 55/2</p> <p><b>year</b> [1] 26/8</p> <p><b>years</b> [5] 15/16 27/5 27/7 32/16 41/4</p> <p><b>yes</b> [25] 4/18 4/20 5/13 12/17 16/18 17/16 18/4 18/18 18/19 18/20 20/9 20/10 23/7 23/18 25/10 26/7 31/5 38/14 39/15 46/10 53/2 55/17 56/9 62/12 63/3</p> <p><b>yet</b> [1] 60/4</p> <p><b>York</b> [5] 1/13 36/2 36/17 43/11 50/9</p> <p><b>you</b> [210]</p> <p><b>you'd</b> [2] 45/5 57/21</p> <p><b>you'll</b> [1] 34/21</p> <p><b>you're</b> [11] 4/21 5/1 15/20 15/24 31/17 34/9 36/13 38/7 41/19 43/15 57/21</p> <p><b>you've</b> [2] 40/12 42/17</p> <p><b>your</b> [25] 5/6 5/7 11/24 14/21 21/25 22/18 22/18 31/16 39/16 39/17 41/1 44/7 47/22 47/23 47/24 48/2 48/3 48/10 48/15 48/18 57/19 57/19 57/22 57/23 62/11</p> <p><b>yours</b> [1] 48/1</p> <hr/> <p><b>Z</b></p> <p><b>Zero</b> [3] 4/13 5/20 5/24</p> <p><b>Zoning</b> [3] 1/9 1/9 62/3</p> <p><b>Zoom</b> [7] 4/3 10/2 37/21 38/12 45/7 52/5 62/18</p> |  |  |
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