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**TOWN OF GREENBURGH
PLANNING BOARD MINUTES
GREENBURGH – NEW YORK
Wednesday – March 4, 2026**

**TOWN OF GREENBURGH
DEPARTMENT OF COMMUNITY
DEVELOPMENT & CONSERVATION**

The Work Session of the Planning Board of the Town of Greenburgh began at 7:05 pm on Wednesday, March 4, 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, Natasha Robinson (Alternate #1, Voting Member), and Vikash Patel (Alternate #2, Voting Member)

Absent: Edwin Weinberg

Staff: Aaron Schmidt, Deputy Commissioner, CD&C
Matt Britton, AICP, Planner, CD&C
Amanda Magana, Esq., First Deputy Town Attorney

2. APPROVAL OF MINUTES

a. February 18, 2026

Chairperson Pyne asked if there were any comments on the draft minutes of the February 18, 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 February 18, 2026 Planning Board Work Session, as written.

3. CORRESPONDENCE

4. OLD BUSINESS – WORK SESSION

a. Case No. PB 25-13 Kohn, 0 Peter Bont Road (P.O. Irvington, N.Y.) – Planning Board Steep Slope Permit, Wetland/Watercourse Permit, and Tree Removal Permit

A continued work session (February 18, 2026) to discuss a Planning Board Steep Slope Permit, Wetland/Watercourse Permit, and Tree Removal Permit application involving the proposed construction of a new one-family residence on a vacant lot, with related improvements, and to consider issuing a recommendation to the Zoning Board of Appeals on the required Area Variances. The Applicant proposes approximately 8,733 sq. ft. of disturbance to 15-25% slopes (STEEP SLOPES), approximately 2,422 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES), and approximately 2,483 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The Applicant proposes approximately 1,274 cubic yards of excavation and 0 cubic yards of imported fill. A wetland and watercourse run through the eastern portion of the property. The Applicant is proposing approximately 29,517 sq. ft. of disturbance within the 100-foot regulated buffer area on the site. No direct disturbance to the wetland or watercourse is proposed. The Applicant is proposing the removal of 100 regulated trees, requiring a Tree Removal Permit, and has prepared a landscaping plan providing for the planting of 72 trees, as replacement. In a memorandum dated February 5, 2026, the Deputy Building Inspector identified the following required Area Variances: (1) From the Town Zoning Ordinance: Required street frontage, 25 feet (required) to 0 feet (proposed); and (2) From New York State Town Law §280-a(5): Access to the proposed structure is over an existing shared driveway by easement which is substandard (less than 15 feet wide), requiring the variance from New York State Town Law, from 15 feet (required) to 14 feet (proposed). The subject property consists of approximately 208,652 sq. ft. (4.72 acres) and is situated at the end of Blueberry Hill Road, through

an access strip. The subject property is located in the R-40 One-Family Residence District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.440-252-4.

Mr. Schmidt explained that the Planning Board had previously discussed issuing a recommendation to the Zoning Board of Appeals regarding the required Area Variances associated with the proposed development of the property. He noted that if the recommendation were issued, the Applicant would proceed to the Zoning Board of Appeals for consideration of the requested variances and would subsequently return to the Planning Board for further review, and a public hearing. Mr. Patel asked whether the one-inch water main serving the property would be sufficient to accommodate the proposed residence, particularly if a sprinkler system is required. He asked whether the Applicant might be required to re-tap the water main. Mr. Schmidt stated that staff would confirm if modifications to the proposed water line are necessary, prior to the Applicant returning to the Planning Board.

Chairperson Pyne stated that the Board had received a draft recommendation to the Zoning Board of Appeals as well as an updated Variance Determination Memorandum, dated February 26, 2026. Mr. Schmidt explained that the memorandum had been revised to reflect updated language related to the variance involving New York State Town Law and summarized the requested variances for the Board. He noted that the draft recommendation would be updated to reflect the date of the revised memorandum. Chairperson Pyne recalled that, at the previous meeting, the Planning Board had discussed issuing a positive recommendation to the Zoning Board of Appeals and opined that the revisions to the memorandum did not appear to change the substance of the request. Mr. Patel agreed that the revisions did not affect the Board's prior discussion. Chairperson Pyne asked if there were any comments on the draft recommendation. There were none.

On a motion made by Mr. Pillinger and seconded by Ms. Robinson, the Planning Board unanimously voted to issue a positive recommendation to the Zoning Board of Appeals associated with the two (2) required Area Variances, as amended.

b. Case No. PB 25-05 205-207 Saw Mill River Road, LLC, 205-207 Saw Mill River Road (P.O. Elmsford, N.Y.) – Amended Site Plan and Landscape Buffer Waivers

A continued work session (February 4, 2026 and February 18, 2026) to discuss an Amended Site Plan application and Landscape Buffer Waivers request to re-pave an existing parking area to an asphalt surface, and to consider issuing a recommendation to the Zoning Board of Appeals on the required Area Variances. The site, which currently does not have an approved Site Plan on file, is improved with an existing multi-family and commercial mixed-use building. The Applicant is proposing façade and interior renovations to the building. Nine (9) off-street parking spaces exist on-site and are proposed to remain after paving. The site is entirely covered in impervious surfaces. In a memorandum dated September 12, 2025, the Deputy Building Inspector identified the following required Area Variances: (1) Maximum impervious surface coverage, from 80% (permitted) to 100% (proposed); (2) Minimum distance between parking lot and principal building, from 25 feet (required) to 0 feet (proposed); (3) Minimum distance from north side property line to off-street parking, from 25 feet (required) to 0 feet (proposed); (4) Minimum distance from south side property line to off-street parking, from 25 feet (required) to 0 feet (proposed); (5) Minimum distance from rear side property line to off-street parking, from 25 feet (required) to 0 feet (proposed); and (6) Increasing a nonconforming multi-family residence, where only a one-family residential use is permitted, so as to increase such nonconformance by expanding one of the second floor apartments into one of the vacant first floor commercial spaces. The Deputy Building Inspector additionally identified that Landscape Buffer Waivers from 10 feet (required) to 0 feet (propose) for all sides are required from the Planning Board, otherwise, Area Variances would be required. The subject property consists of approximately 4,914 sq. ft. (0.11 acres) and is situated on the westerly side of Saw Mill River Road, approximately 70 feet south of the intersection of Saw Mill River Road and Payne Street. The property is located in the LI Light Industrial District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 7.180-55-3.

Chairperson Pyne introduced the application and noted that a draft recommendation to the Zoning Board of Appeals had been prepared and circulated by staff. Mr. Schmidt summarized the required Area Variances and explained that the draft recommendation reflected the Planning Board's previous discussion that there was no compelling planning reason to issue a positive or negative recommendation. Chairperson Pyne asked if there were any comments from the Board. There were none.

On a motion made by Mr. Pillinger and seconded by Ms. Anderson, the Planning Board unanimously voted to issue a neutral recommendation to the Zoning Board of Appeals on all six (6) required Area Variances.

5. **PUBLIC HEARINGS 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 25-39** Galvanize LLC, 85 & 101 Executive Boulevard (P.O. Elmsford, N.Y.) – Amended Site Plan, Wetland/Watercourse Permit, and Tree Removal Permit

A public hearing to discuss an Amended Site Plan, Wetland/Watercourse Permit, and Tree Removal Permit application involving the proposed addition of a loading dock and associated driveway modifications to a developed site. The site is improved with an existing commercial building and related parking area. The majority of the proposed work is on the lot located at 85 Executive Boulevard, but some driveway modifications are proposed on the lot located at 101 Executive Boulevard, for which the Applicant has obtained an access easement. The Applicant is proposing approximately 3,815.1 sq. ft. of disturbance to the approximately 8,723.9 sq. ft. of regulated wetland/watercourse buffer area on-site. The Applicant proposes the removal of one (1) regulated tree, requiring a Tree Removal Permit, and has prepared a landscaping plan providing for the planting of ten (10) trees, as replacement. The 85 Executive Boulevard property consists of approximately 55,995.1 sq. ft. (1.29 acres) and the 101 Executive Boulevard property consists of approximately 130,496 sq. ft. (2.99 acres). Both properties are situated on the northerly side of Executive Boulevard, approximately 200 feet east of the intersection of Executive Boulevard and Clearbrook Road. The properties are located in the PD Nonresidential Planned Development District and are designated on the tax map of the Town of Greenburgh as Parcel ID: 7.120-18-3 & 4.

On a motion made by Mr. Pillinger and seconded by Ms. Anderson, the Planning Board unanimously voted to close the public hearing and to keep the written record open through March 11, 2026.

b. **Case No. PB 25-19** Bujaj, 5 Farm Way Drive (P.O. Ardsley, N.Y.) – Planning Board Steep Slope Permit and Tree Removal Permit

A public hearing to discuss a Planning Board Steep Slope Permit and Tree Removal Permit application involving the proposed construction of a new one-family residence with related improvements on a vacant lot. The Applicant proposes approximately 950 sq. ft. of disturbance to 15-25% slopes (STEEP SLOPES), approximately 82 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES), and approximately 0 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The project requires approximately 200 cubic yards of excavation and 0 cubic yards of imported fill. The Applicant is proposing the addition of 18 drywell units to handle stormwater runoff from impervious surfaces. The Applicant is proposing to remove four (4) regulated trees, requiring a Tree Removal Permit, and has prepared a landscaping plan providing for the planting of 34 trees, as replacement. The subject property consists of approximately 0.92 acres (40,144 sq. ft.) and is situated on the northerly side of Farm Way Drive, approximately 300 feet from the intersection of Farm Way Drive and Winding Road South. The subject property is located in the R-40 One-Family Residence District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.430-308-3.3.

On a motion made by Mr. Pillinger and seconded by Ms. Anderson, the Planning Board unanimously voted to close the public hearing and to keep the written record open through March 11, 2026.

6. OLD BUSINESS – WORK SESSION (continued)

a. Case No. PB 25-34 Gen Korean BBQ, 355 Central Park Avenue North (P.O. Hartsdale, N.Y.) – Special Use Permit (Restaurant) and Shared Parking Reduction

A continued work session (February 18, 2026) to discuss a Special Use Permit (Restaurant) application and a Planning Board Shared Parking Reduction request involving the proposed conversion of a former retail space (former Verizon store) into a restaurant space. The proposed restaurant would occupy the 10,725 sq. ft. vacant retail space and contain 419 seats. The proposed restaurant would require 89 additional off-street parking spaces, and the Applicant is proposing to remove three (3) existing off-street parking spaces to accommodate truck turning maneuvers and fire apparatus, resulting in the need for a Shared Parking Reduction of 92 off-street parking spaces. The Applicant has prepared a parking study which has been reviewed by the Town's Traffic Consultant. The property has previously received Shared Parking Reductions of seven (7) spaces (Case No. PB 24-20), seven (7) spaces (Case No. PB 12-09), and five (5) spaces (Case No. PB 11-21). The subject property consists of approximately 246,985 sq. ft. (5.67 acres) and is situated on the western side of Central Park Avenue North (NYS Route 100) across from the intersection of Central Park Avenue North and Battle Avenue. The subject property is located in the CA Central Avenue Mixed-Use Impact District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.150-96-3.

Chairperson Pyne introduced the application. Mr. Marc Newman, of Brixmor Property Group, site owner, and Colette DiLauro, P.E., of Langan Engineering, the Applicant's representatives, reviewed the most recent revisions to the site plan, explaining that the plans had been updated to add a stop bar and stop sign, provide additional signage discouraging customers from parking in the adjacent shopping center to the south, and to add one (1) ADA-accessible parking space. Ms. DiLauro noted that eight (8) off-street parking spaces located across from the loading dock would be removed from the parking count, as that area is utilized for truck turning movements, and the Applicant is seeking to relocate the transformer to gain an additional three (3) off-street parking spaces.

Mr. Schmidt reported that the Building Department had issued an updated memorandum regarding the parking analysis, dated March 3, 2026. He explained that with the removal of the eight (8) parking spaces across from the loading dock, a Shared Parking Reduction of 100 parking spaces would be required. Mr. Schmidt stated that the memorandum included notes on the interior plans, which the Applicant is reviewing and will revise as necessary. Mr. Schmidt noted that the Deputy Building Inspector indicated that she was not comfortable recommending approval of a 100-parking space reduction and that the reduction would be at the discretion of the Planning Board, subject to its review and with input from the Town's Traffic Consultant.

Chairperson Pyne asked the Applicant to explain how the proposed stop signs at the parking lot intersection would function. Ms. DiLauro reviewed the proposed traffic circulation and explained that the design team had considered installing a stop sign for vehicles exiting the southern parking lot but determined that additional stop controls might be excessive. Chairperson Pyne noted that several stop signs currently located within the parking lot appear to be crooked or tilted and asked that the Applicant ensure that signage be properly installed and maintained. Mr. Newman stated that this would be addressed.

Chairperson Pyne noted that some crosswalks within the center are red brick and asked if the red brick material provided a safety benefit. Ms. DiLauro responded that she was not aware of a safety benefit, stating that it is most important to have contrast. Chairperson Pyne stated that he felt the red brick was harder to see, particularly at night. John Canning, P.E., of Kimley-Horn, the Town's Traffic Consultant for this project, suggested that white striping would generally provide greater visibility for pedestrians, and Mr. Newman indicated that the Applicant would be willing to add striping to the walkway.

Mr. Canning suggested that the Applicant consider maintaining a pedestrian ramp at the building corner location. Ms. DiLauro stated that the design team would review that comment, though the intention is to draw people away from the corner. Mr. Canning indicated that vehicles traveling south across the front of the building are not able to see vehicles exiting the southern parking lot and suggested that a stop sign be added to the southern parking lot. He expressed concerns regarding the potential parking demand associated with the proposed seating capacity of 419 seats. Ms. Anderson asked about the Building Department's comments regarding the proposed parking reduction and if there was a threshold reduction that the Building Department would be comfortable with. Mr. Schmidt explained that the Building Department does not establish a specific threshold but instead reviews the information provided by the Applicant. Mr. Canning noted that in prior cases, the Planning Board has approved projects with a reduced program capacity initially, allowing an Applicant to demonstrate that the parking supply functioned adequately before expanding to full capacity. He surmised that a risk for the restaurant would be that there is a parking issue and the restaurant is not able to obtain the increase in seating, though valet parking may be a possible solution to that issue. Ms. Anderson supported the concept of valet parking.

Mr. Newman explained that the restaurant concept includes three (3) separate dining experiences within a single space and that he does not anticipate all seats being occupied simultaneously. He noted that Korean barbecue restaurants typically serve groups arriving together. Ms. Robinson supported the addition of a stop sign from the southern parking lot. Mr. John McKay, of Gen Korean BBQ, the Applicant, stated that he viewed a reduced seat count as a risk and that cordoning off areas of the restaurant might translate poorly with customers. He felt that valet parking might be impractical for this shopping center and stated that he needed more clarity on this concept. Chairperson Pyne asked what the hours of operation are proposed to be. Mr. McKay responded that the restaurant would be open from 11:00 am or 12:00 pm until 10:00 pm or 10:30 pm, depending on local demand. Mr. Canning noted that the on-site parking to the south of the building is insufficient to meet the projected demand and there are concerns about overflow onto adjacent properties. He stated that valet parking could be implemented during peak demand times and might work to the south and rear of the building, particularly if stacking of parked vehicles could be executed.

Chairperson Pyne asked about snow removal operations within the shopping center and how snow would be managed during large storm events. Mr. Newman stated that snow removal is performed by a private contractor and that if snow storage were to interfere with parking or circulation it could be relocated elsewhere on the property or removed from the site entirely. Chairperson Pyne noted that a member of the public had commented about snow storage practices during peak winter conditions and noted that snow piles could reduce the number of available off-street parking spaces. Mr. Newman stated that the property owner would arrange for appropriate snow removal to ensure no parking spaces are impacted and is agreeable to a condition to this effect.

Chairperson Pyne asked how many off-street parking spaces are located behind the building. Ms. DiLauro responded that there are 55 parking spaces in the rear area, not including the eight (8) spaces across from the loading dock. Chairperson Pyne asked whether employees of the shopping center's tenants have been directed to park in the rear lot, with Mr. Newman responding that the shopping center could pass bylaws to require employee parking in that area. Chairperson Pyne asked how many people are employed by the various uses in the shopping center and where they park. Mr. Newman stated that he could review the leases and see if a bylaw is needed. Mr. Schmidt stated that staff would need additional information regarding the number of employees at the shopping center before evaluating that option.

Mr. Canning stated that, based on the documented peak parking demand of the Saturday PM count, 181 parking spaces would be occupied, giving a ratio of 3.5 parking spaces demanded per 1,000 sq. ft. of commercial space. He noted that a fine-dining restaurant during a Saturday peak PM would be expected to have a ratio of 18 parking spaces demanded per 1,000 sq. ft. of restaurant space. Mr. Canning stated that, should this project be approved, approximately 30 percent (30%) of the floor

area in the shopping center will be restaurants, and the Board wants the site to function safely with vehicles parking on-site.

Chairperson Pyne observed that a 100-space Shared Parking Reduction would run with the land, even if the restaurant were to vacate the space, and asked if there was a mechanism to protect against potential issues in the future. Mr. Newman noted that the Shared Parking Reduction would be based on the mix of uses on-site. Ms. Magana agreed and noted that the request is a permissive approval and the Planning Board has a fair amount of discretion. Mr. Patel asked whether there were any other vacant spaces within the shopping center. Mr. Newman responded that there were none.

Ms. Robinson asked about an area of the parking lot that was not shown as striped on the plans. Ms. DiLauro explained that those areas were too narrow to accommodate standard parking spaces. Mr. Canning noted that there is approximately 39 feet of maneuvering space in that area, where 40 feet is standard. Mr. Schmidt asked whether compact parking spaces could be considered, and Ms. DiLauro stated that compact spaces could potentially be added, though she would review this in more detail. Mr. Patel asked whether the number of ADA parking spaces shown on the plan was sufficient. Ms. DiLauro stated that the ADA parking supply is calculated based on the total number of parking spaces within the shopping center and is sufficient.

Chairperson Pyne asked the Applicant to review the recent changes made to the interior seating layout. Mr. McKay explained that a two-person table had been removed near the sushi bar area to improve circulation, and that additional signage directing patrons to the restroom facilities has been added. Chairperson Pyne asked whether the Applicant had reviewed the most recent Building Department comments. Mr. McKay stated that he had not yet had the opportunity to fully review them but would do so, noting that if the plumbing facilities were required to be expanded some seating would likely need to be removed. Mr. Schmidt explained that the Building Department had conducted a preliminary review and would complete a more detailed review as the application progresses.

Mr. Schmidt stated that there is currently space on the March 18th Planning Board agenda, and staff would need the Applicant's response to tonight's discussion by Wednesday, March 11th. Chairperson Pyne thanked the Applicant for its presentation.

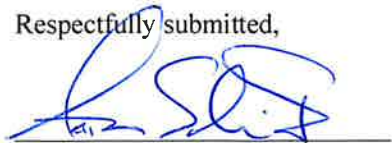
7. ESTABLISH DATE FOR NEXT MEETING

The next regularly scheduled meeting of the Greenburgh Planning Board will be held on Wednesday, March 18, 2026, and is scheduled to begin at 7:00 pm.

8. ADJOURNMENT

The March 4, 2026 Work Session of the Town of Greenburgh Planning Board was adjourned at 9:36 p.m.

Respectfully submitted,



Aaron Schmidt
Deputy Commissioner,
Department of Community Development and Conservation



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TOWN OF GREENBURGH
PLANNING BOARD

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- 1. ROLL CALL
- 5. ITEMS FOR PUBLIC HEARING/PUBLIC DISCUSSION

- a. CASE NO. PB 25-39
Galvanize LLC
85 & 101 Executive Boulevard
(P.O. Elmsford, N.Y.)

- b. CASE NO. PB 25-19
Bujaj
5 Farm Way Drive
(P.O. Ardsley, N.Y.)

ADJOURNMENT.

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Greenburgh Town Hall
177 Hillside Avenue
Greenburgh, New York 10607
March 4, 2026

PLANNING BOARD MEETING CONDUCTED IN PERSON

NICOLE AMENEIROS,
Official Court Reporter

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

DYLAN PYNE, CHAIRPERSON

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

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

AMANDA MAGANA, ESQ., Deputy Town Attorney

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

1 CHAIRPERSON PYNE: Now we will enter Public
2 Hearings, so I will entertain a motion to open the Public
3 Hearing.

4 BOARD MEMBER ANDERSON: So moved.

5 CHAIRPERSON PYNE: Moved Ms. Anderson.

6 ALTERNATE BOARD MEMBER ROBINSON: Aye.

7 CHAIRPERSON PYNE: Second Ms. Robinson.

8 All in favor?

9 BOARD MEMBER PILLINGER: Aye.

10 BOARD MEMBER WEINBERG: Aye.

11 ALTERNATE BOARD MEMBER ROBINSON: Aye.

12 BOARD MEMBER ANDERSON: Aye.

13 ALTERNATE BOARD MEMBER PATEL: Aye.

14 CHAIRPERSON PYNE: Chair votes aye.

15 Welcome to the Public Hearing. It is still
16 Wednesday, March 4th, 2026, and it's still the Planning
17 Board.

18 Deputy Commissioner Schmidt, may you conduct the
19 roll?

20 DEPUTY COMMISSIONER SCHMIDT: Sure.

21 Chairperson Pyne?

22 CHAIRPERSON PYNE: Here.

23 DEPUTY COMMISSIONER SCHMIDT: Ms. Anderson?

24 BOARD MEMBER ANDERSON: Here.

25 DEPUTY COMMISSIONER SCHMIDT: Mr. Pillinger?

1 BOARD MEMBER PILLINGER: Here.

2 DEPUTY COMMISSIONER SCHMIDT: Our alternate,
3 Ms. Robinson?

4 ALTERNATE BOARD MEMBER ROBINSON: Here.

5 DEPUTY COMMISSIONER SCHMIDT: And our second
6 alternate, Mr. Patel?

7 ALTERNATE BOARD MEMBER PATEL: Here.

8 DEPUTY COMMISSIONER SCHMIDT: Note for the record
9 that Board Member Ed Weinberg is not present this evening,
10 and both alternates will be full voting members. Thank you.

11 CHAIRPERSON PYNE: All right. Thank you.

12 So first up for public hearing this evening is Case
13 No. PB 25-39 Galvanzie LLC at 85 and 101 Executive
14 Boulevard. The applicant is seeking an amended site plan, a
15 wetland watercourse permit and a tree removal permit.

16 Mr. Bernstein representing the applicant. Good
17 evening.

18 MR. BERNSTEIN: Good evening. With me is Conrad
19 Cutler, the president of Galvanize LLC, who is distributing
20 an amended sheet to the site plan to reflect a modification
21 of the tree -- the trees that will be installed in
22 connection with the tree removal permit that's being
23 requested.

24 What this application is is Galvanize is a beverage
25 recycling facility. The company is located on Executive

1 Boulevard in the P.D. District. It's located at 85
2 Executive Boulevard. This is an application that would
3 essentially allow Galvanize to construct or expand the
4 driveway to the building so as to permit a loading dock to
5 be installed in the front of the building, which will be
6 screened by the trees that are described in the -- on the
7 page that you just were handed. And to do this requires
8 access to the adjoining property, 101 Executive Boulevard,
9 in order to construct drain -- storm water mitigation,
10 which, in connection with this application, also requires a
11 wetlands permit because on the other side of -- on the other
12 side of Executive Boulevard, there is a watercourse stream.
13 This application should not affect that stream, but it's in
14 the buffer zone, so, therefore, a permit is required and the
15 storm water requirements must be met. And we think they
16 have been in connection with what's been submitted.

17 So that's essentially what we have here. We
18 appeared before the CAC and received their recommendation.
19 Their recommendations were to require that, in connection
20 with the storm water mitigation, that there be a water --
21 oil water separator, and we've amended the site plan to
22 reflect the installation of an oil water separator as part
23 of the storm water mitigation system.

24 And I think that's basically it in connection with
25 this application. No variance is required. And the CAC, as

1 I said, indicated, or recommended, that we go forward, but
2 they wanted to make sure that the species involved in terms
3 of what's being replaced was on their list of approved
4 species. It now is. It's calling for common juniper and
5 basically a hedge. So they're putting up a hedge to act as
6 a screener from the street. It's an industrial area. Not
7 many people are going to be seeing it anyway, but it's there
8 for the aesthetic -- for aesthetic purposes.

9 So that's what this application is.

10 CHAIRPERSON PYNE: All right. Thank you.

11 Are there any questions from the board?

12 All right. Is there anyone here from the public
13 who would like to speak on this application?

14 All right. Is there anyone on Zoom who would like
15 to speak on this application?

16 DEPUTY COMMISSIONER SCHMIDT: No.

17 CHAIRPERSON PYNE: All right. Then I guess I will
18 entertain a motion to close the public hearing and keep the
19 written record open through March 11th.

20 BOARD MEMBER PILLINGER: So moved.

21 CHAIRPERSON PYNE: Moved Mr. Pillinger.

22 BOARD MEMBER ANDERSON: Second it.

23 CHAIRPERSON PYNE: Second Ms. Anderson.

24 All in favor?

25 BOARD MEMBER PILLINGER: Aye.

1 ALTERNATE BOARD MEMBER ROBINSON: Aye.

2 BOARD MEMBER ANDERSON: Aye.

3 ALTERNATE BOARD MEMBER PATEL: Aye.

4 CHAIRPERSON PYNE: Chair votes aye.

5 MR. BERNSTEIN: All right. Thank you very much. I
6 would assume then that the next thing would be a decision of
7 approval at the next meeting; is that correct?

8 CHAIRPERSON PYNE: Yes.

9 MR. BERNSTEIN:

10 A Okay.

11 DEPUTY COMMISSIONER SCHMIDT: So staff will prepare
12 a draft decision for the board's consideration on
13 March 18th.

14 MR. BERNSTEIN: Excellent. Thank you very much.
15 Have a good evening.

16 CHAIRPERSON PYNE: Thank you. Have a good evening.

17 All right. Next up for public hearing we have Case
18 No. PB 25-19, Bujaj at 5 Farm Way Drive. The applicant is
19 seeking a planning board steep slope permit and a tree
20 removal permit.

21 AUDIENCE MEMBER: Can I just ask you a quick
22 question? I apologize.

23 CHAIRPERSON PYNE: Sure.

24 AUDIENCE MEMBER: (Inaudible)

25 CHAIRPERSON PYNE: Yep. We've already made a

1 positive recommendation to the Zoning Board of Appeals on
2 your two variances. There was one question from the board
3 that we'll transmit via email regarding the sprinkler system
4 and the diameter of the water main and its ability -- its
5 capacity for the sprinkler system. But Deputy Commissioner
6 Schmidt will send you a correspondence, and we'll hopefully
7 get an answer before it comes back to us after the ZBA.

8 AUDIENCE MEMBER: Thank you very much.

9 CHAIRPERSON PYNE: Great. Thank you very much.
10 Appreciate it.

11 All right. 25-19, Bujaj.

12 MR. EMILIO ESCALADAS: Good evening, everybody,
13 board members. Emilio Escaladas from Escaladas Associates
14 Architects and Engineers.

15 Last time we met we had a preliminary presentation
16 of this proposed new house on an undeveloped lot. It's an
17 R-40 zone, so it's a very large piece, but because of its
18 geometric makeup, the house had to take a very specific
19 perimeter alignment, and that alignment placed us spanning
20 from a high end to a slow descent to a flat lower area.
21 That section that you see in front of me is the picture that
22 totally describes the essence of the topography. And
23 because we -- I think we disturb more than a certain area,
24 500, we need a special permit from the board for the steep
25 slope portion permit of this application. Once this is

1 obtained, then we have the right to go into the building
2 permit and obtain a building permit to construct it.

3 To define the house a little bit more, you can see
4 the pictorial of the site plan. What I did in the green
5 shift, you see the overwhelming amount of untouched land.
6 The green of course represents the grass cover, and the
7 other objects are the house, the pavement and the pool that
8 is being proposed. This house is, in essence, is a walkout
9 basement type of situation. We have two stories on the
10 front side, you have a driveway, double curb cut in the
11 driveway, and you walk down through the house to a very
12 level backyard.

13 It's designed really in keeping with the neighbors,
14 the houses that I designed for the -- both the right and the
15 left. Both are already built to the style that we basically
16 are adhering to as our own code of architectural standards
17 so that all three houses there appear to be designed by the
18 great -- the same great architect. It's a joke. You're
19 supposed to laugh. But in keeping and respecting the
20 investment of the other owners. They were concerned when --
21 I was the architect for them, and they questioned me, and I
22 assured them the house would be significant in size and
23 similar in style and in keeping of the same materials and
24 architectural standards. So I've shown them the drawings.

25 I'm more than happy and anxious for the owner. The

1 owner is here, Mr. Bujaj. So any questions that you may
2 want to have answered he will be able to answer.

3 We're very happy. We're happy that we reached this
4 point because the Town of Greenburgh is becoming very, very
5 hard to get through at the beginning so that the board now
6 receives the benefit of their very rigorous research and
7 demands. The drain issue was difficult. The engineering is
8 difficult. Site planning is difficult. Buildings -- even
9 buildings required -- I was surprised this is the first time
10 the buildings got involved in the preliminary approval with
11 respect to height, with respect to coverage and all of that,
12 because these are items that may certainly affect your
13 decisions. But having them cleared this particular house it
14 should give you tranquillity in saying, okay, this has been
15 reviewed severely by the town staff, as well as me. I'm
16 responsible for it and I'm stamping it.

17 We're trying to develop a nice open backyard.
18 We're going to have a tremendous amount of trees so that we
19 can maintain our privacy and exclusivity for this lot, which
20 is a grand lot, one of the old grand lots left in
21 Greenburgh. And as I said, the neighbors are in keeping
22 with the scale that we're proposing here.

23 We are not required to adhere to all these
24 schedules of trees, but we are probably going to do this,
25 that you see, there plus more. It's just a question of

1 increasing our privacy.

2 And the fencing will be -- it's already there. The
3 neighbors already have a fence on the left. We'll probably
4 put a fence on the rear property, because this property has
5 the advantage that you can access it from two roads, but of
6 course we're only officially going to be accessing from the
7 front.

8 The water and utility -- sewer utility services are
9 all around the house. It's not that much of a distance.
10 The excavation is minimum. The amount of material that will
11 be -- it won't even be removed. It will be spread towards
12 the rear of the property. So it will be very little truck
13 traffic. And I don't think we'll be having to excavate
14 rock. I think we're going to miss the rock. There is some
15 rock in the area. There was some rock across the street,
16 but whatever it is we'll -- we'll adhere to the conditions.

17 We only had to cut two trees. There weren't really
18 any trees on the property. I think we have secured a tree
19 permit already. It's about a year old. I have to refresh
20 that. So we're ready to -- ready to excavate and begin to
21 pour by -- probably in a month from now once I get through
22 the building permit.

23 CHAIRPERSON PYNE: All right. Thank you.

24 Deputy Commissioner Schmidt?

25 DEPUTY COMMISSIONER SCHMIDT: Just to clarify one

1 thing, I see on the plan, and we have it indicated in our
2 agenda, as well as the public notice that went out, that
3 there are a total of four regulated trees requested for
4 removal in connection with the project. Clearly, you have a
5 number of trees going in and that satisfies the code, but I
6 just wanted to make sure that --

7 MR. EMILIO ESCALADAS: I'm trying to remember where
8 the four were. We both went -- I can't -- I was reading
9 what I had written. I think they're gone. I think those
10 were -- in fact, we cut those unofficially thinking that we
11 needed that to cut the grass and everything, because we were
12 told to cut and maintain, so we went in there and we cut
13 some of the trees. And the neighbors got very upset and
14 they called the town and the town went and that's when you
15 and I discussed --

16 DEPUTY COMMISSIONER SCHMIDT: I did come out.

17 MR. EMILIO ESCALADAS: -- what was happening. And
18 then I showed the drawings, that the garage was going to be
19 right where those trees were. But we jumped the gun in
20 clearing the property and we cut the tree without the right
21 to do so. But that's what prompted this thought of what
22 we're going to do. We showed you what we were going to
23 plant and so on. And, again, you know, it was a mistake.
24 But the neighbors were very reasonable. We explained to
25 them -- there was a price, of course. It was one tree there

1 that was significant, but it was one of those trees that I
2 think you would have asked us to cut. It was an invasive
3 species, I believe. But, nevertheless, that was -- the
4 neighbors were satisfied with our response. But that was
5 about a year and a half ago.

6 CHAIRPERSON PYNE: Yes.

7 DEPUTY COMMISSIONER SCHMIDT: At least.

8 MR. EMILIO ESCALADAS: At least.

9 CHAIRPERSON PYNE: So of these four trees which
10 ones were invasive and which ones were not?

11 MR. EMILIO ESCALADAS: Those trees that you see
12 with the cross --

13 CHAIRPERSON PYNE: Yes.

14 MR. EMILIO ESCALADES: -- those were the ones that
15 were cut.

16 DEPUTY COMMISSIONER SCHMIDT: I'm going to
17 identify. So this tree, the black cherry in the lower left
18 corner of the garage area, was a native tree, and the other
19 three were black locust trees which are invasive.

20 CHAIRPERSON PYNE: Okay.

21 DEPUTY COMMISSIONER SCHMIDT: So this cluster of
22 three.

23 MR. EMILIO ESCALADAS: You have a good memory. I
24 would never remember that.

25 CHAIRPERSON PYNE: So this is a retroactive tree

1 removal permit then?

2 MR. EMILIO ESCALADAS: Well, we had to -- we have
3 to file the permit once we found what we had done was
4 premature. So we filed -- we were asked by the village --

5 CHAIRPERSON PYNE: That was a question for
6 deputy --

7 DEPUTY COMMISSIONER SCHMIDT: Yeah. So they were
8 required to file after the fact. They did, and they
9 satisfied that requirement by putting together a robust plan
10 but then couldn't carry out the plan because they had to
11 come to the planning board for the steep slope.

12 CHAIRPERSON PYNE: Are the removal expectations
13 greater when trees are removed prior to permit?

14 DEPUTY COMMISSIONER SCHMIDT: Yes. So there's
15 120 percent replacement requirement in connection with trees
16 that are removed without the benefit of a permit.

17 CHAIRPERSON PYNE: Okay.

18 DEPUTY COMMISSIONER SCHMIDT: This applicant far
19 exceeds that requirement.

20 CHAIRPERSON PYNE: Okay. And then are there also
21 fines associated with removal?

22 DEPUTY COMMISSIONER SCHMIDT: There can be. So
23 that ultimately would be up to my discussions with the town
24 prosecutor.

25 CHAIRPERSON PYNE: Okay.

1 DEPUTY COMMISSIONER SCHMIDT: In this case, because
2 of the robust landscaping plan that goes well beyond, I
3 would venture to say that if 120 percent is the requirement,
4 I wouldn't be surprised if it was 200 plus percent --

5 CHAIRPERSON PYNE: Okay.

6 DEPUTY COMMISSIONER SCHMIDT: -- replacement. So
7 that's too be determined.

8 CHAIRPERSON PYNE: Great.

9 So, again, I'll remind the board that the applicant
10 is seeking a planning board steep slope permit and a tree
11 removal permit, and so I encourage the board to keep their
12 questions to the scope of those two permits.

13 Are there any questions from the board on these two
14 topics?

15 BOARD MEMBER PILLINGER: Can I just get
16 confirmation that there will be -- there's going to be no
17 imported landfill?

18 MR. EMILIO ESCALADAS: There won't be?

19 BOARD MEMBER PILLINGER: Any imported landfill.

20 MR. EMILIO ESCALADAS: Imported, no, absolutely
21 not. We have more fill than we need. We can -- we may even
22 have to export some from what we did. But I don't think so.
23 I think my calculations show that we can easily spread in --
24 we have a tremendous amount of space to spread it out, yeah.

25 CHAIRPERSON PYNE: The notice seemed to indicate

1 that the project requires approximately 200 cubic yards of
2 excavation and zero cubic yards of import.

3 MR. EMILIO ESCALADAS: Correct. Yes. Thank you.

4 CHAIRPERSON PYNE: Very good.

5 Are there any other questions for the applicant
6 from the board?

7 BOARD MEMBER PILLINGER: No.

8 ALTERNATE BOARD MEMBER ROBINSON: No.

9 CHAIRPERSON PYNE: All right. Is there anyone here
10 from the public who would like to speak on this application?

11 Green shirt, would you come up to the podium --

12 MR. AARON MIGDOL: Sure.

13 CHAIRPERSON PYNE: -- introduce yourself, name,
14 street address.

15 DEPUTY COMMISSIONER SCHMIDT: Yes, please.

16 CHAIRPERSON PYNE: And then --

17 MR. AARON MIGDOL: How are you doing?

18 Hi. My name is Aaron Migdol. I live next door, 3
19 Farm Way Drive. I see my neighbor again, and I look forward
20 to having a good relationship with my neighbor and breaking
21 bread and having our children play.

22 I'm here just because I have concerns as the
23 adjacent property owner. If you look at that map up there,
24 my lot is directly to the left of it, and I'm concerned
25 about -- this is the first time I'm seeing the visuals, and

1 I'm just concerned about how all this will affect my lot.
2 If there's just going to be anything from the excavation
3 that's going to change anything, the way that the water runs
4 and anything happens.

5 And I just want to say for the record that I was
6 the resident who spoke to you back then. It was August of
7 '24. Good memory. About a year and a half ago. And I just
8 want to express concerns moving forward in good faith that
9 the way that this played out was that a lot of work was
10 being done -- and after I checked -- at hours that work
11 should not have been done, trees were removed without a
12 permit, and then when it was reported, there was a stop work
13 order and then more trees were removed even after the stop
14 work order was done.

15 And myself and a few other neighbors, we called
16 arborists, I called SavATeree and a second one, and they
17 surveyed the property and they said a lot of these trees
18 that went down were not invasive species. And there were
19 more than the four that were mentioned here. I mention that
20 just because it seems like the process up until this point
21 was shoot first, ask questions later, kind of deal with the
22 consequences as they fall. I'm just very hopeful that that
23 kind of put a sense of, like, seriousness to all of this and
24 moving forward things will be done properly, communicated
25 properly.

1 At one point Emilio was very communicative and said
2 that he would be sharing plans. That didn't happen. And in
3 your presentation you said you shared them with the other
4 neighbors. And I just want to open the door of
5 communication and be able to see the lot next door go up in
6 whatever style anybody wants to build, but as long as it's
7 to code and it's done properly. And my concern is the way
8 that the trees were handled, I would hate that the
9 excavation might not be done right and then afterwards they
10 go, well, the house is already up, what do you want me to
11 do? I'd like to get a better sense of how it's going to
12 affect my lot and what the milestones are and how it's going
13 to be kind of observed and reported so it's done right.

14 Thank you very much. Appreciate it.

15 DEPUTY COMMISSIONER SCHMIDT: Thank you.

16 CHAIRPERSON PYNE: Great. Thank you.

17 MR. AARON MIGDOL: Yeah.

18 CHAIRPERSON PYNE: So I see Deputy Commissioner
19 Schmidt is pulling up the topographic map, which is exactly
20 what I was going to ask him to pull up.

21 Mr. Escaladas, can you walk us through sort of
22 topography of this lot?

23 MR. EMILIO ESCALADES: Well, yes. The neighbor's
24 concern -- I'm sorry about the trees. I don't want to be
25 punitive with my client about that. This is the first time

1 that they built out of New York City. It's a -- he is a
2 builder in the city and so and so. I think this mistake
3 was -- just so that the board understands, it wasn't done in
4 a way of challenging anybody. It was simply he was told to
5 clean up the property and so he started to do so, and when
6 he realized that the tree was in the path of the house, he
7 said, well -- I think that's what he said, so. I'm not in
8 his mind. But I just don't want it to be -- I don't want
9 the board to feel this is a challenge to anybody. This just
10 simply happened and it was a mistake. And as you see, the
11 benefit of this particular transaction is we're going to end
12 up with a lot more trees that will benefit, not only the
13 neighbor, but it will create the privacy that we're all
14 seeking.

15 Now, with respect to his fear of construction, it's
16 normal for people that are not in the business to say that.
17 Obviously, my responsibility, as the architect, is to make
18 sure that doesn't happen. Certainly he, as a builder, is
19 very much aware. He's built at very severe limiting sites,
20 building right up against buildings, so he's more than
21 qualified to handle this. And just to guarantee and
22 publically state what's going to happen, the existing
23 topography between his lot and ours will remain intact
24 because that right now describes a swale, which is a local
25 low point where the water will be traversing from the front

1 high side to the low side. There is already a fence there,
2 a very nice fence, that they have in place. So they've
3 already kind of protected, in terms of where the property
4 line is, the fence is there for any kind of physical error
5 that any of the workers might have, but it won't happen.
6 The excavation is definite.

7 The first thing we're going to do is we're going to
8 pour. Once we pour that wall it will stabilize everything,
9 and the contour that you see there will be legally required.
10 Certainly engineering will be there watching like a lion
11 that this drainage is honored and that this surface water,
12 that is now traveling from the high side to the low side, is
13 maintained and follows those topographical swale lines.

14 Other than that, there really -- I would say to my
15 -- to the neighborhood that there's really nothing that I
16 believe that he should be concerned. Once that excavation
17 is done and everything is poured then you're pretty much
18 isolated from the physicality of this construction. There
19 might be a one year, you know, sound, noises, but once the
20 excavation is done, and we will be very careful now that you
21 made this statement, we will communicate whatever you need.

22 The first thing that you will see will be the
23 surveyor staking out the property, which you may already
24 even known, you might already have staked out your own
25 property when you did the fence. So that's -- we'll make

1 sure that you know exactly what the stages of construction
2 are when we do --

3 And I didn't give you anything after I promised you
4 is because I felt that I needed the owner's permission to do
5 that, and that's all. Because I would have sat with you and
6 explained -- and I did tell you that the garage was there.
7 That was done because I knew that then, but then we had to
8 design the whole house and there were permutations, there
9 were changes, and I didn't want to involve you until pretty
10 recently, which is when we really decided the whole
11 perimeter and where the pool was located and all of that.
12 So my apologies if you feel like I should have been more
13 communicative. But you could call me, come to my office,
14 any time.

15 MR. AARON MIGDOL: I texted you.

16 DEPUTY COMMISSIONER SCHMIDT: Couple things.

17 MR. EMILIO ESCALADAS: You did text me, but I'm
18 terrible. I'm old school.

19 CHAIRPERSON PYNE: This is a public hearing.

20 DEPUTY COMMISSIONER SCHMIDT: Just communicate with
21 the board.

22 DEPUTY TOWN ATTORNEY MAGANA: I'm sorry.

23 DEPUTY COMMISSIONER SCHMIDT: And, also, if you
24 could speak to the storm water management system.

25 MR. EMILIO ESCALADES: Yes.

1 DEPUTY COMMISSIONER SCHMIDT: I have that up on
2 the...

3 MR. EMILIO ESCALADES: Yes. The storm water
4 management. We're segregating areas of -- contributory
5 areas to be picked up by various pods. The pods is a name
6 that I came up with for the collection of Cultecs that
7 together could handle the segment of water that we are
8 segregating into three -- four different areas. We do that
9 in order to spread the water into the ground in a
10 distributive fashion, and that surcharge, one area or
11 another, has been designed so that it's over one hundred --
12 it's 150 percent above the required drainage volumes. We're
13 more than safe in terms of that. And the overflows, if
14 there's any, if we have a 200-year storm, it would overflow
15 down to where the water is going now anyway.

16 It is designed with pods and -- that are probably
17 twice the number of pods that your house was designed with,
18 because I designed your house and all the houses there. The
19 perk rates are the same as in your lot, the same as in the
20 lot next to you, so, in comparison to what you have, and you
21 have to maintain, you have five, six pods.

22 CHAIRPERSON PYNE: If you could address the board.
23 Thank you.

24 MR. EMILIO ESCALADAS: I'm Cuban. I have to
25 address everybody. I can't help it. I like this man. I

1 want him to understand that this conversation includes him
2 precisely because he's the one mostly impacted.

3 But, anyway, I'm trying to make a comparison of how
4 superior the volumes that we have designed for are with
5 respect to what we did five years ago. It's a very good
6 procedure that we're being forced to do by engineering, and
7 it's a good thing. It's a good thing for everybody. So we
8 have more than -- I would say -- if I look at the numbers, I
9 would say 150, 175 percent over the number that we're
10 required by law of the 100-year storm. It's 6.7 inches, by
11 the way, in 24 hours. It's significant the amount of water.

12 CHAIRPERSON PYNE: So this is rated for a 100-year
13 storm?

14 MR. EMILIO ESCALADES: More, more, more.

15 CHAIRPERSON PYNE: Do you have a what-year storm?

16 MR. EMILIO ESCALADES: Like I said, it's between
17 150, 175 percent more. It's almost twice. It's not twice
18 because it wasn't required, but I always over-design. Every
19 time I design a system it's way over-designed.

20 CHAIRPERSON PYNE: So you're making me do math. So
21 175 percent of 100 is 175 years?

22 MR. EMILIO ESCALADES: Well, if I need four units I
23 use seven units. Let's just look at it that way.

24 CHAIRPERSON PYNE: Okay.

25 MR. EMILIO ESCALADES: So every four -- is required

1 four units of Cultecs I use seven.

2 CHAIRPERSON PYNE: Okay.

3 DEPUTY COMMISSIONER SCHMIDT: And the bottom line
4 is if this plan, as designed, is the one that is adopted by
5 the planning board ultimately then he can't, at the time of
6 the storm water management control permit submission to the
7 Bureau of Engineering, you know, backtrack to a 25-year
8 storm and say --

9 MR. EMILIO ESCALADES: Oh, no. This is it.

10 DEPUTY COMMISSIONER SCHMIDT: Right.

11 CHAIRPERSON PYNE: Okay.

12 DEPUTY TOWN ATTORNEY MAGANA: So, Mr. Escalades,
13 can you just clarify, is it a 150-year storm or --

14 MR. EMILIO ESCALADES: No, no, no. I'm saying --
15 like I said to the chairman, if I needed to have
16 mathematically four Cultec units, when you account for the
17 volume of the gravel, the volume of the units, which is
18 76.3 cubic feet, yeah, then instead of using four I use
19 seven. I use seven instead of -- in other words, instead of
20 four wheels in the car, I use seven wheels in the car. I
21 use more than what I need. The volume that I'm providing is
22 bigger than the volume I need to hold on to.

23 CHAIRPERSON PYNE: So is that 175-year storm if
24 it's --

25 MR. EMILIO ESCALADES: No, no, no, no, no. The

1 storm is the same. But when you look at the requirement for
2 a 100-year storm, instead of using four, I make believe it's
3 smaller. So it's like designing for an eight point
4 something inch system rather than a 6.7. I am
5 over-designing.

6 CHAIRPERSON PYNE: Okay. Would we be able to have
7 maybe the town engineer weigh in on --

8 MR. EMILIO ESCALADES: This was designed by them.
9 This was checked by them. This was not me.

10 CHAIRPERSON PYNE: So can we have the town engineer
11 weigh in on what your storm -- this is created for?

12 MR. EMILIO ESCALADES: Whatever you want.

13 DEPUTY TOWN ATTORNEY MAGANA: Right. So,
14 generally, we equate it to a 50-year storm event, a 100-year
15 storm event --

16 MR. EMILIO ESCALADES: Let me understand something.
17 You're asking me that I need to design for what type of
18 storm? So that I know. Are you telling me that I have to
19 design for --

20 DEPUTY TOWN ATTORNEY MAGANA: No, we're just trying
21 to clarify for the record the magnitude of the storm event
22 that it can handle for the property. So, generally, like we
23 said, 25 is required. We request 50 most often. You've
24 graciously designed for 100 quite often with your projects.
25 We're just trying to clarify for the record. I'm not

1 following what you're calculating. I don't think others are
2 following what you're calculating, that's why I request that
3 you simplify it for us laypersons who are not engineers and
4 architects. Is it 150-year storm event that it can handle?
5 Is it a 200-year storm event? If you do that for us that
6 would be great.

7 MR. EMILIO ESCALADAS: Okay.

8 DEPUTY TOWN ATTORNEY MAGANA: Thank you.

9 CHAIRPERSON PYNE: And we're grateful for you going
10 above and beyond the code. We just want to --

11 MR. EMILIO ESCALADAS: I thought so.

12 CHAIRPERSON PYNE: Yeah. We just want to
13 understand.

14 MR. EMILIO ESCALADES: I thought you'd be happy
15 with that.

16 CHAIRPERSON PYNE: Yeah. We're grateful you're
17 going above and beyond the code. We just want to understand
18 what -- specifically what the speed rated for.

19 ALTERNATE BOARD MEMBER PATEL: How many Cultecs do
20 you have?

21 MR. EMILIO ESCALADAS: Probably --

22 DEPUTY COMMISSIONER SCHMIDT: We can go through
23 this.

24 MR. EMILIO ESCALADES: We went through the
25 engineering. I wasn't prepared -- I think it's 12 units.

1 DEPUTY COMMISSIONER SCHMIDT: Let me go through it
2 because I can look at this.

3 MR. EMILIO ESCALADES: Yeah.

4 DEPUTY COMMISSIONER SCHMIDT: So this -- this up on
5 the screen, I have the red circled areas, this one on the
6 lower is six -- six units. As we just panned straight up to
7 the back, that is an additional six units. And then if we
8 pan to the right, it's three units. And then down to the
9 right, three. So it's actually 18 total --

10 MR. EMILIO ESCALADES: Normally --

11 DEPUTY COMMISSIONER SCHMIDT: -- Cultec units.

12 MR. EMILIO ESCALADES: -- a house of this size if
13 you use six, seven, eight it's too much. So that gives you
14 --

15 DEPUTY COMMISSIONER SCHMIDT: Right. It's
16 over-designed.

17 MR. EMILIO ESCALADES: -- the proportion of how
18 much we have over-designed it. I'm very comfortable. I'm
19 the one that stamps this. I'm the one that has to live with
20 their results.

21 But I understand the concern. Everyone -- every
22 village is the same. Everyone is upgrading the drainage
23 requirements so we're all attentive to that. And in this
24 particular house we have the room. The problem is when we
25 don't have the room on the site to be able to be this

1 gracious in terms of the drainage improvements.

2 CHAIRPERSON PYNE: All right. Are there any other
3 questions from the board?

4 I do believe we have one other resident to speak.
5 If you want to approach the podium and state your name and
6 your address for the record.

7 MR. BART PETERSON: Sure thing.

8 Hi. Bart Peterson. We live at 19 Winding Road
9 Farm. So we're the property that's behind the proposed
10 development on a private road. So we've lived there for 30
11 plus years now so we've seen this development in its fits
12 and spurts and starts and stops.

13 So couple of -- I echo a lot of Aaron's same
14 concerns with kind of the shoot-first-and-ask-questions-later
15 kind of approach that we've seen so far with the project,
16 and we just want to make sure that the right checks and
17 balances are put in place to assure that this project is
18 done properly.

19 Like Emilio has said, there have been a couple of
20 other large homes that were built across from the proposed
21 new home. One of those was over-surfaced by over 25 percent
22 after it was built, and at that point it's kind of a
23 shoulder shrug, what do we do now. So we want some
24 assurance that the same kind of oversight isn't seen here.

25 The swale that's referred to as the shoot where the

1 water is going to go down is going to all go down to the
2 private road. There's -- excuse me -- 13 homes that have
3 the only access to their property from this -- it's a little
4 -- it's about a lane and a half wide road, so it would drain
5 onto our property or onto the side, so we want to make
6 certain that there's not going to be a drainage issue that's
7 going to damage the road or prevent travel up and down for
8 emergency vehicles or just regular, you know, traffic. So
9 big concern of ours.

10 I think the trees have been probably addressed with
11 -- it didn't used to be just four trees on the property. It
12 used to be completely wooded when --

13 DEPUTY COMMISSIONER SCHMIDT: Years ago, yeah.

14 MR. BART PETERSON: Years ago.

15 DEPUTY COMMISSIONER SCHMIDT: Yeah, I remember.

16 MR. BART PETERSON: So it was all woods. So they
17 were a natural straw that sucked up a lot of the -- a lot of
18 the moisture that falls in that pitch, so.

19 And just one other question I had. What -- the
20 definition of height. What's the average -- or what's the
21 point for grade measurement to the total top of the building
22 and what are the regs on that?

23 MR. EMILIO ESCALADES: 30 feet.

24 MR. BART PETERSON: And measured from where?

25 MR. EMILIO ESCALADES: From the average grade.

1 MR. BART PETERSON: From the average grade?

2 DEPUTY COMMISSIONER SCHMIDT: Correct.

3 MR. BART PETERSON: And is average grade shown on
4 here?

5 MR. EMILIO ESCALADES: Yes. That was a question
6 that the building department asked in the process for this
7 review, and it's on these pages. It's already submitted.

8 MR. BART PETERSON: Can you show where that is?

9 MR. EMILIO ESCALADES: Well, the answer to your
10 question is it meets less than 30. That's the answer.
11 That's my answer. But that's -- you can review that.

12 MR. BART PETERSON: Okay. The answer on the
13 surface area on the other home was that it met that too so I
14 was just -- checks and balances.

15 DEPUTY COMMISSIONER SCHMIDT: You can certainly --
16 if you'd like to speak directly with the building
17 inspector's office, we don't have a representative from the
18 building department --

19 MR. BART PETERSON: Okay.

20 DEPUTY COMMISSIONER SCHMIDT: -- present at these
21 meetings, but they have certainly reviewed these plans --

22 MR. BART PETERSON: That's fine.

23 DEPUTY COMMISSIONER SCHMIDT: -- and determined --

24 MR. BART PETERSON: I just -- it was just more of
25 a, like, where is the reference point, so.

1 DEPUTY COMMISSIONER SCHMIDT: Right. I would
2 rather you speak directly to them --

3 MR. BART PETERSON: Okay.

4 DEPUTY COMMISSIONER SCHMIDT: -- because that's the
5 office that reviews that specific requirement.

6 MR. BART PETERSON: Sounds good.

7 DEPUTY COMMISSIONER SCHMIDT: But you're free to
8 reach out to me and I can put you in touch with them.

9 MR. BART PETERSON: Okay.

10 CHAIRPERSON PYNE: And just to state for the record
11 again, the plans, at least as reviewed by the building
12 department, requires no variances --

13 DEPUTY COMMISSIONER SCHMIDT: Correct.

14 CHAIRPERSON PYNE: -- for the code.

15 MR. BART PETERSON: Okay.

16 CHAIRPERSON PYNE: So they're built to code.

17 MR. BART PETERSON: All right.

18 CHAIRPERSON PYNE: In terms of height, in terms of
19 impervious surface, in terms of all that.

20 MR. BART PETERSON: We have had some other projects
21 in the area that have had stop work orders for outside fill
22 being brought in. You're probably aware of that. So the
23 issue of fill, drainage and making sure that that's all
24 going to stay in place is certainly a concern for all of us
25 and our neighbors. So thank you for hearing us.

1 CHAIRPERSON PYNE: Understood. Thank you.

2 DEPUTY COMMISSIONER SCHMIDT: Thank you.

3 MR. BART PETERSON: Okay. Thanks.

4 MR. EMILIO ESCALADES: Let me ask you a question.
5 When you have to excavate rock do we have a special permit
6 for rock?

7 DEPUTY COMMISSIONER SCHMIDT: There's a rock
8 chipping --

9 MR. EMILIO ESCALADES: Yeah.

10 DEPUTY COMMISSIONER SCHMIDT: -- rock removal
11 permit.

12 MR. EMILIO ESCALADES: And when we chip do we have
13 to have sensors?

14 DEPUTY COMMISSIONER SCHMIDT: So you have to do a
15 seismic refraction survey.

16 MR. EMILIO ESCALADES: Okay.

17 DEPUTY COMMISSIONER SCHMIDT: And that's required
18 under --

19 MR. EMILIO ESCALADES: Because I heard chipping in
20 Ms. Peterson's backyard this after -- this summer. I don't
21 know if -- I didn't see any sensors.

22 DEPUTY COMMISSIONER SCHMIDT: Sensors --

23 MR. EMILIO ESCALADES: I just want to prove a point
24 to you that all the regulations that are being asked of us
25 sometimes are not being adhered to by our neighbors. I just

1 want to say that.

2 DEPUTY COMMISSIONER SCHMIDT: We're not here --

3 DEPUTY TOWN ATTORNEY MAGANA: But that's not
4 relevant to this application --

5 DEPUTY COMMISSIONER SCHMIDT: We're not here for
6 that.

7 DEPUTY TOWN ATTORNEY MAGANA: -- so.

8 DEPUTY COMMISSIONER SCHMIDT: Yeah. What I would
9 like you to speak to actually is the comment about the swale
10 running down --

11 MR. EMILIO ESCALADES: Yes. Good point.

12 DEPUTY COMMISSIONER SCHMIDT: -- towards Winding
13 Road.

14 MR. EMILIO ESCALADES: Like our neighbor said, the
15 concern is a true concern. So would I. But think of it
16 this way, if there was no house ever built there -- none,
17 zero -- the amount of water that would go down to his small
18 road that he is describing would be greater than the water
19 that is now leaving our site and going to that small house.
20 Why? Because all of the area that is covered by the roads,
21 by the house that we're building would be intercepted,
22 collected and driven into the ground. So, by definition,
23 the amount of water emanating from this site will be less
24 than the water that's emanating right now, and that's it.
25 It's just a question of volume. There will be less volume

1 leaving the site than there is right now during the same
2 storm event because every time that we cover a square foot
3 of this ground is being picked up and put into the ground.

4 DEPUTY COMMISSIONER SCHMIDT: And would it be
5 accurate that the trees along the rear property line would
6 function to --

7 MR. EMILIO ESCALADES: Oh, 100 percent. That's
8 part of the application and the numbers that we have to
9 submit in that program that you have, very good program,
10 whereby each tree and species will be granted a volume of
11 storm water absorption and CO2 entrapment. So, like I said,
12 with the 100 trees that we're putting in here, it will be
13 far, far better than the conditions that were even before
14 when the subdivision started.

15 I do remember it was quite populated with trees. I
16 remember walking right through there. But during the -- we
17 have -- we're surrounded by easements in order for that to
18 work properly. And by the way, these are easements that are
19 benefitting a lot of the homes in the area. The original
20 subdivision brought a sewer that allowed all the
21 neighbors -- the board doesn't know that's why I'm saying
22 it, all the neighbors to be able to connect to the sewer
23 that we paid for, that we built, Mr. Kennedy and myself and
24 father -- Kennedy's father, who walked the entire partial
25 with me and knocked on everybody's door saying we can

1 connect you to a sewer. So I would say six to eight houses
2 that were on septic systems are now flowing into a sewer. So it
3 was a benefit. And of course, in order to do that, the
4 perimeter -- we have increased the water volume with a water
5 pipe. So the improvements to this particular subdivision
6 was beneficial to all the neighbors - Mr. Peterson one of
7 them. Mr. Peterson had an illegal septic system working in
8 his backyard. Illegal, completely illegal.

9 DEPUTY COMMISSIONER SCHMIDT: We're not here to --

10 MR. EMILIO ESCALADES: And we allowed him to
11 connect to our service. But I want to recognize that --

12 DEPUTY TOWN ATTORNEY MAGANA: Emilio --

13 MR. EMILIO ESCALADES: I want him to recognize that
14 we were beneficial to --

15 DEPUTY TOWN ATTORNEY MAGANA: -- please stay on
16 topic.

17 MR. EMILIO ESCALADES: -- to the entire
18 neighborhood, and we feel that way still. Whenever we build
19 -- and there's another property that I'll be bringing to you
20 soon, whereby if the neighbors agree, we can now put in a
21 low pressure sewer and we will relieve five or six houses of
22 the problems that they have with septic.

23 So development -- my point, gentlemen and ladies,
24 is that development has to be intelligently done. And you,
25 as the board, have learned that already, and you've seen

1 that, the benefits. Like, when I say to you I'm building
2 this house and I'm capturing all the water that's
3 intercepted by the area of the house and the driveway, it's
4 a positive thing. So you have to put that somewhere in your
5 head and say that's a good thing because less water will be
6 going into the lower street. So that's a good thing. A new
7 sewer is a good thing, because it will help all the
8 neighbors that are surrounded by septic waste and have no
9 solution. Because these houses have no solution other than
10 to connect to a sewer. This particular subdivision solves
11 those problems very directly.

12 And so I'm connected to it because I was the
13 original subdivision creator. I built all those houses and
14 I feel responsible, as you have to be because you are the
15 board, and to guarantee to you that this is a good thing and
16 it continues to be a good thing. This house will fit in the
17 area. It will be a good neighbor to the existing houses,
18 and it will benefit the drainage and the quality of the
19 trees and the whole beauty of having a new house in a place
20 that's already undeveloped.

21 DEPUTY COMMISSIONER SCHMIDT: Great. Thank you.

22 BOARD MEMBER PILLINGER: I would just like to point
23 out that in any process credibility is very important.
24 Communicating with the neighbors --

25 MR. EMILIO ESCALADES: Yes.

1 BOARD MEMBER PILLINGER: -- over-promising and
2 under-delivering hypothetically, where you said you were
3 going to get him the plans but you didn't get him the plans;
4 is that correct?

5 MR. EMILIO ESCALADES: Well, my responsibility --

6 BOARD MEMBER PILLINGER: Excuse me. Am I correct?

7 MR. EMILIO ESCALADES: -- is to my client, not with
8 the neighbor. I'm not going to give information to a
9 neighbor who --

10 DEPUTY TOWN ATTORNEY MAGANA: I'm sorry. One at a
11 time, please. This is a public hearing.

12 Excuse me. If everybody could please stop
13 speaking. One person at a time.

14 BOARD MEMBER PILLINGER: I feel like I'm in court.

15 MR. EMILIO ESCALADES: No, I'm being told that I
16 have to share what is private information. I don't have to.

17 BOARD MEMBER PILLINGER: No, but you offered to
18 share.

19 MR. EMILIO ESCALADES: I did, what I was allowed
20 to.

21 DEPUTY TOWN ATTORNEY MAGANA: Mr. Escalades, if you
22 would wait until the questions are asked. We have a court
23 reporter here to take down the questions.

24 MR. EMILIO ESCALADES: I know where this is going.

25 DEPUTY TOWN ATTORNEY MAGANA: I need you to wait

1 until he has finished asking the questions, then you may
2 respond.

3 MR. EMILIO ESCALADES: Okay. Very good.

4 BOARD MEMBER PILLINGER: Perhaps I misunderstood,
5 but my understanding was you promised a neighbor that you
6 would share the plans before you were authorized by your
7 client to do so; am I correct?

8 MR. EMILIO ESCALADES: No. I cannot give any
9 information to anybody --

10 BOARD MEMBER PILLINGER: I did not ask you that. I
11 asked you --

12 MR. EMILIO ESCALADES: Let me answer. I didn't
13 finish the information that he wanted because I didn't have
14 the house fully designed. So what am I going to say?
15 Something that is incorrect?

16 BOARD MEMBER PILLINGER: Did you tell him that?

17 MR. EMILIO ESCALADES: Say again.

18 BOARD MEMBER PILLINGER: Did you tell him that?

19 Did you --

20 MR. EMILIO ESCALADES: I said when I can I will.

21 BOARD MEMBER PILLINGER: That's -- maybe I'm
22 misheard him.

23 MR. EMILIO ESCALADES: I'm not going to be
24 corrected here by performance. I am telling you as a
25 professional what my duties are. If you want to castigate

1 me here because he said he didn't show me the goods, that's
2 fine, you can say that, but that makes no sense in this
3 application process, none at all.

4 BOARD MEMBER PILLINGER: And, no, I was just
5 concerned --

6 MR. EMILIO ESCALADES: I'm being very clear with
7 you. We're not going to have --

8 DEPUTY TOWN ATTORNEY MAGANA: If we could please
9 speak one at a time. Mr. Escalades, please. One at a time.
10 Poor Nicole here has to take down the record of everything
11 that is said.

12 MR. EMILIO ESCALADES: Fine. I'll repeat what I
13 said.

14 DEPUTY TOWN ATTORNEY MAGANA: I need one at time.
15 Otherwise, I'll have the security guard come in and point
16 between the to speak one at time. I don't want to do that.
17 So I would really appreciate it if we could all give each
18 other the respect and let one speak at time. Thank you.

19 MR. EMILIO ESCALADES: I'm saying to you that what
20 I told him was the truth and what I could give to him I did.
21 I don't know what else I should say. I don't want you to
22 tell me that I didn't do something right. I'm not going to
23 accept that. That's why I answered you the way I answered.
24 I'm not going to be spoken to like a little teacher talking
25 to a child. I know what I have to do. I know my

1 responsibilities. I'm sorry that you think differently, but
2 I wouldn't do it any differently.

3 BOARD MEMBER PILLINGER: I just heard what the
4 gentleman said.

5 MR. EMILIO ESCALADES: I heard what he said and I
6 answered it. I don't know what you want me to say. You
7 want me to apologize? There's nothing to apologize for.

8 BOARD MEMBER PILLINGER: I don't care whether you
9 apologize or don't.

10 MR. EMILIO ESCALADES: Okay. That's your answer.
11 You don't care, fine.

12 BOARD MEMBER PILLINGER: I hear about the trees, I
13 hear about this communication, I just want to make sure that
14 going forward there is -- there are no further -- or assume
15 for the sake of argument there were issues, that
16 communication will remain open and --

17 MR. EMILIO ESCALADES: Yes, I understand.

18 BOARD MEMBER PILLINGER: -- the way it will be done
19 will be in a professional manner.

20 MR. EMILIO ESCALADES: My office is open. I said
21 he could come to my office any time. In fact, I never lock
22 the door in my office. People come up and down my office.
23 If he would have come in, I would have said, here's what I
24 have. So because he didn't come and didn't ask me, he only
25 sent me one message, and I said when I can do it I will do

1 it. So it's really -- I have nothing to say but --

2 DEPUTY COMMISSIONER SCHMIDT: Let me jump in for --

3 MR. EMILIO ESCALADES: You can come to my office at
4 any time.

5 DEPUTY COMMISSIONER SCHMIDT: Let me jump in for a
6 moment.

7 MR. EMILIO ESCALADES: Yeah. Go ahead.

8 DEPUTY COMMISSIONER SCHMIDT: I think we can cut to
9 the chase. The point being that if communication can be
10 improved moving forward that would be appreciated.

11 MR. EMILIO ESCALADES: It will be improved going
12 forward.

13 DEPUTY COMMISSIONER SCHMIDT: Thank you.

14 CHAIRPERSON PYNE: I have one last question. You
15 mentioned you were the original subdivider.

16 MR. EMILIO ESCALADES: Yes.

17 CHAIRPERSON PYNE: When was that?

18 MR. EMILIO ESCALADES: That was a long time ago,
19 probably 20 years.

20 DEPUTY COMMISSIONER SCHMIDT: I can speak to that.
21 So the original subdivision was from the year 2000.

22 MR. EMILIO ESCALADES: You were in grade school.

23 DEPUTY COMMISSIONER SCHMIDT: I was much younger.

24 MR. EMILIO ESCALADES: Were you not?

25 CHAIRPERSON PYNE: I'll plead the Fifth.

1 MR. EMILIO ESCALADES: There you go. You were in
2 tenth grade when I did THIS subdivision.

3 DEPUTY COMMISSIONER SCHMIDT: That's not important.
4 What's important is that it was from 2000 and Mr. Kennedy
5 then bought it from the former owner, and I think the
6 property was cleared around 2006, 2008 because the one
7 gentleman was talking about the trees. So it's been
8 denuded, at least this lot, for a period of time.

9 MR. EMILIO ESCALADES: Correct. Correct. And the
10 utilities and all the works that had to done had to be --
11 you know, that excavation had no -- we had to do it. It was
12 deep in places.

13 CHAIRPERSON PYNE: And so I guess why did it take
14 so long to develop this lot?

15 MR. EMILIO ESCALADES: Well, that's a question of
16 we got hit with -- I think the first -- the first delay was
17 that the town had a -- refresh my memory. It was a way --

18 DEPUTY COMMISSIONER SCHMIDT: Well, way back it was
19 a moratorium.

20 MR. EMILIO ESCALADES: It was a moratorium first.

21 DEPUTY COMMISSIONER SCHMIDT: That was during the
22 subdivision process. But the subdivision has been approved
23 for probably 10 -- about 10 years or more. I don't know why
24 this lot has taken that long.

25 MR. EMILIO ESCALADES: Oh, this lot. This lot was

1 sold for a lot of money and not many people came to buy it.
2 But Mr. Bujaj --

3 MR. BUJAJ: It was probably waiting for me. I
4 don't know.

5 MR. EMILIO ESCALADES: Yeah, it was waiting for
6 him. It was -- it's a lot of money. It's a lot of money,
7 and that's -- Mr. Sinanaj bought the first lot then bought
8 this. They actually bought these lots from Mr. Kennedy and
9 Sinanaj house was built, then his brother-in-law was built
10 with the pool in the back, and then we did two houses at the
11 entrance on the left. They were smaller houses. And then
12 that financed the rest of the subdivision, the utilities,
13 and then Mr. Sinanaj purchased two lots and his
14 brother-in-law lot number seven. Then we built those
15 houses. It took every bit of two years. Those were
16 castles. And now we have this last castle to build.

17 DEPUTY COMMISSIONER SCHMIDT: So my last point to
18 be made is just to correct the record, that according to
19 your plan there's not 100 trees to be planted, there are 34
20 plus trees --

21 MR. EMILIO ESCALADES: Like I said, I'm Cuban.
22 Castro has taught me to lie --

23 DEPUTY COMMISSIONER SCHMIDT: -- for the record.

24 MR. EMILIO ESCALADES: -- about certain things.

25 DEPUTY COMMISSIONER SCHMIDT: A minimum of 34 trees

1 and then various shrubs --

2 MR. EMILIO ESCALADES: How many trees did we count?

3 Probably many more than that.

4 THE COURT: 34 on the plan.

5 MR. EMILIO ESCALADES: In the plan.

6 DEPUTY COMMISSIONER SCHMIDT: That's all I'm

7 saying.

8 MR. EMILIO ESCALADES: My apologies. I thought I

9 drew 100.

10 DEPUTY COMMISSIONER SCHMIDT: Well, with the

11 shrubs and --

12 MR. EMILIO ESCALADES: Shrubs, there you go.

13 DEPUTY COMMISSIONER SCHMIDT: -- and the planting.

14 MR. EMILIO ESCALADES: The shrubs and the trees are

15 100.

16 DEPUTY COMMISSIONER SCHMIDT: I just wanted the

17 record --

18 MR. EMILIO ESCALADES: I want more. I want as much

19 as I can plant.

20 DEPUTY COMMISSIONER SCHMIDT: We always talk about

21 landscaping.

22 CHAIRPERSON PYNE: Okay. So Deputy Town Attorney,

23 Ms. Magana.

24 DEPUTY TOWN ATTORNEY MAGANA: So the building

25 department has responded. I noted the questions that were

1 raised, the comments that were raised about the measurement,
2 and the building department confirmed that the plans comply
3 with the height. That height is --

4 MR. EMILIO ESCALADES: 30.

5 DEPUTY TOWN ATTORNEY MAGANA: Yes, 30. But the way
6 that it is measured is from half the pitch of the roof line
7 to the average grade and that when plans are submitted they
8 will require certification of the height --

9 MR. EMILIO ESCALADES: Yes.

10 DEPUTY TOWN ATTORNEY MAGANA: -- and when the
11 superstructure is framed, the structure is out of grade.

12 MR. EMILIO ESCALADES: Yes.

13 DEPUTY TOWN ATTORNEY MAGANA: So just for the
14 benefit of the questions that were asked and for the record.

15 MR. EMILIO ESCALADES: The building department was
16 very, very demanding. It was the first -- that's why I told
17 you it was the first time that a building department
18 actually asked to get a copy of the plans. They never do
19 that. But everything is changing in the town. That's why I
20 tell the board you're very protected by the review process.
21 They're all very, very harsh and very direct in their
22 comments. They won't let us go forward until we comply with
23 everything.

24 CHAIRPERSON PYNE: We'll agree that we're grateful
25 for the staff that we have here in the Town of Greenburgh.

1 DEPUTY COMMISSIONER SCHMIDT: Thank you.

2 MR. EMILIO ESCALADES: It's not an easy task. You
3 have to put up with people like me, but.

4 CHAIRPERSON PYNE: Are there any other questions
5 from the board?

6 DEPUTY COMMISSIONER SCHMIDT: No.

7 CHAIRPERSON PYNE: All right. Then I will
8 entertain a motion to close the public hearing and keep the
9 written record open through March 11th.

10 BOARD MEMBER PILLINGER: So moved.

11 CHAIRPERSON PYNE: Sorry.

12 MR. AARON MIGDOL: If I may. I thought that part
13 of the hearing --

14 DEPUTY COMMISSIONER SCHMIDT: You have to speak to
15 the mic.

16 MR. AARON MIGDOL: I'm so sorry.

17 DEPUTY TOWN ATTORNEY MAGANA: Please. Thank you.

18 MR. AARON MIGDOL: Thank you for letting me speak
19 again.

20 I thought that at issue in this hearing was certain
21 parts of the land that were going to have more extreme
22 slope, and I, as the person next door, don't know where
23 those parts are. Could those be identified --

24 DEPUTY COMMISSIONER SCHMIDT: Sure.

25 MR. AARON MIGDOL: -- so I can understand exactly

1 where they're going to be, and it sounds like there's going
2 to be a retaining wall, and where that's going to be?

3 DEPUTY COMMISSIONER SCHMIDT: Great. Sure.

4 MR. AARON MIGDOL: Thank you so much. I appreciate
5 it.

6 CHAIRPERSON PYNE: So I'll -- I won't entertain
7 Mr. Pillinger's motion.

8 DEPUTY COMMISSIONER SCHMIDT: So I'll let
9 Mr. Escaladas speak to it because he's the applicant's
10 representative, but the black areas, as I understand it,
11 shaded in this plan are areas of what triggered the need for
12 the steep slope permit under the town code so that it runs
13 across the front from, you know, the boundary of your
14 property across the frontage in order to build the home and
15 with the driveway and everything it crosses through this
16 area of steep slope to this small area in the back towards
17 Winding Road. Keep in mind that if these slopes didn't
18 exist on the property, or the applicant wasn't proposing or
19 didn't need to disturb them in connection with the project,
20 it would have just advanced to a building permit and there
21 would have been no need or requirement for a public hearing
22 this evening.

23 MR. EMILIO ESCALADES: For example, if we were to
24 build the house beyond the black area there, we wouldn't
25 have this meeting. We wouldn't have had the pleasure of

1 being here.

2 Also, also, if you continue, that red -- that black
3 area towards your left, it will go right through your house.
4 So if we were building your house, you would be the
5 applicant and you would have to ask for the same permission
6 that we're asking them. So when your house was built, all
7 the other houses, had the same, if not worse, there was a
8 worst slope in your property.

9 DEPUTY COMMISSIONER SCHMIDT: So let me ask you one
10 other --

11 MR. EMILIO ESCALADES: What I'm saying is that the
12 house that we did for him, the walkout basement and
13 everything, worked out. And this is exactly the same
14 pattern that we're going to follow here.

15 DEPUTY COMMISSIONER SCHMIDT: It is a similar grade
16 to what your property was graded prior to being developed.
17 So, as I recall, I've been involved with this project for a
18 long time as well, my question for Mr. Escalades, are you
19 creating any areas that would qualify as regulated steep
20 slopes --

21 MR. EMILIO ESCALADES: No.

22 DEPUTY COMMISSIONER SCHMIDT: -- or is the grade
23 going to be fairly regular?

24 MR. EMILIO ESCALADES: No, no. We're working with
25 what we have. And, if anything, the final grading will be

1 -- you won't see any severe grading anywhere. It's just
2 very smooth on the sides. The whole lot is really flat.
3 It's after that first 30 feet in the front, that black area,
4 everything else is just flat.

5 DEPUTY COMMISSIONER SCHMIDT: And to this
6 gentleman's property you're not pitching the grade towards
7 his property?

8 MR. EMILIO ESCALADES: No, no. The pitch of the
9 grade, as you can see in the contours, is back to the
10 corner. So it bypasses any direction towards him. And the
11 swale, which we discussed before, is the protected mechanism
12 for any water that is either now falling on the surface
13 that's not being collected or falling in the ground in the
14 future. So you're protected by the swale, and you're
15 protected by the fact that any water that falls on any of
16 our surfaces is actually being picked up and not being
17 allowed to go down to the back. We've directed it into the
18 subsurface systems so you won't see -- you will see less
19 water.

20 MR. AARON MIGDOL: And the retaining wall?

21 CHAIRPERSON PYNE: Yeah, the retaining wall.

22 DEPUTY COMMISSIONER SCHMIDT: That was the next
23 question.

24 MR. EMILIO ESCALADES: The retaining wall will be
25 the garage itself. The retaining wall on the right doesn't

1 affect you because that's just to separate the high plateau
2 from the garden in the front to the rear. You see the
3 contour lines how they hit? That means there's no retaining
4 wall there. The wall of the garage is the wall that holds
5 the grade from collapsing into the void. So there is no
6 retaining wall. You have no object between your property
7 line and the house. Nothing. You simply will have the
8 swale and you will have then the house. There will be no
9 wall excavated near your property line. Zero. Everything
10 -- you will not see machines within 12 feet of your property
11 line. The hole is right where that straight line is. The
12 rest are just contours that will be graded up against the
13 wall. There is no digging near your house whatsoever. The
14 closest we'll be 15 feet. 15 feet from your house is where
15 the hole will be dug. And those curved lines, simply the
16 attachment of the existing grading to the future wall that's
17 going to be there, and that guarantees the flow onto the
18 swale.

19 MR. AARON MIGDOL: And that's the very --

20 CHAIRPERSON PYNE: If you're going to ask the
21 question can you ask the question at the microphone?

22 MR. AARON MIGDOL: Oh, I'm sorry.

23 CHAIRPERSON PYNE: Maybe Terrence can get --

24 DEPUTY COMMISSIONER SCHMIDT: Yeah, we would have
25 you come up to the mic.

1 But the reason why there're here is because they're
2 disturbing existing steep slopes.

3 MR. AARON MIGDOL: Right. Understood.

4 DEPUTY COMMISSIONER SCHMIDT: And that was that
5 band that we showed across.

6 MR. AARON MIGDOL: Absolutely. Understood. Yeah.

7 DEPUTY TOWN ATTORNEY MAGANA: And for tree removal.

8 DEPUTY COMMISSIONER SCHMIDT: Yeah.

9 ALTERNATE BOARD MEMBER ROBINSON: Yes.

10 DEPUTY COMMISSIONER SCHMIDT: Well, once you come
11 to the board for a specific permit, if there are trees to be
12 removed in connection, then the approval authority becomes
13 the planning board.

14 MR. AARON MIGDOL: Totally understand. Thank you.

15 DEPUTY COMMISSIONER SCHMIDT: You're welcome.

16 MR. EMILIO ESCALADES: You will be protected. You
17 have my number, and I said it publically here three times,
18 you can come to my office any time. You're a young man.
19 You have a young family. You have a right to concern
20 yourselves. But I'm telling you man to man, face-to-face
21 you do not have anything to worry about. This man will
22 protect you. He's a really nice neighbor. You have no idea
23 how nice he is. He's blessed that you're there taking care
24 of everything, and you're very lucky to have him. He's a
25 good man. He's an old-school guy. He will help you before

1 he helps himself. I've witnessed that.

2 So, but the facts are the drawings and the height
3 of the building, all the things that you're worried about,
4 anything you're worrying about, you just come to my office
5 and I will show you. You see how I am. I'm open. There's
6 nothing -- I don't hide a thing. And I want you -- I don't
7 want you to be upset at me or the board upset at me. I have
8 to come back to the board many times again. I have to tell
9 them the truth, and they will see that what I say is what
10 happened. I've done this for 47 years. 47 years, guys.
11 That's why I take the liberties I take with you because I do
12 care about the town. I've lived here. It's just part my
13 lifestyle. And I want to be able to communicate. Certainly
14 -- I hate to be condemned that you're not communicating. On
15 the contrary, I teach. I've been teaching for 40 years.
16 And I want to make that clear, whatever you need, whatever
17 Mr. Peterson -- I've gone to Mr. & Mrs. Peterson's house and
18 advised them on the subdivision. I know their house. I
19 know their topography. I know that they were building a
20 pool. I mean, I know everything. I go there every weekend.

21 CHAIRPERSON PYNE: Okay. Thank you.

22 DEPUTY COMMISSIONER SCHMIDT: You're free to talk
23 after the meeting. We have other business.

24 MR. EMILIO ESCALADES: Well, I want the board to
25 feel comfortable with me. This is what it's about. They

1 have to trust me when I say something, and I have to trust
2 them when they have a doubt. I want to communicate to them
3 -- if they say something I don't know, I'll say, you know
4 what, I don't know, I'll find out.

5 CHAIRPERSON PYNE: Are there any other questions
6 from the board?

7 DEPUTY TOWN ATTORNEY MAGANA: No. Thank you.

8 DEPUTY COMMISSIONER SCHMIDT: Any other questions
9 from the public?

10 MR. AARON MIGDOL: Thank you.

11 DEPUTY TOWN ATTORNEY MAGANA: Anybody on Zoom?

12 CHAIRPERSON PYNE: Then I will entertain a motion
13 to close the public hearing and keep the written record open
14 through March 11th.

15 BOARD MEMBER PILLINGER: So moved.

16 CHAIRPERSON PYNE: Move Mr. Pillinger.

17 BOARD MEMBER ANDERSON: Second it.

18 CHAIRPERSON PYNE: Second Ms. Anderson.

19 All in favor?

20 BOARD MEMBER PILLINGER: Aye.

21 ALTERNATE BOARD MEMBER ROBINSON: Aye.

22 BOARD MEMBER ANDERSON: Aye.

23 ALTERNATE BOARD MEMBER PATEL: Aye.

24 CHAIRPERSON PYNE: Chair votes aye. Thank you.

25 MR. EMILIO ESCALADES: Now I'm going to have some

1 tea. Thank you.

2 CHAIRPERSON PYNE: All right. Since there are no
3 additional public hearings, I will entertain a motion to
4 close the public hearing session.

5 ALTERNATE BOARD MEMBER ROBINSON: So moved.

6 CHAIRPERSON PYNE: Moved Ms. Robinson.

7 ALTERNATE BOARD MEMBER PATEL: Second.

8 CHAIRPERSON PYNE: Second Mr. Patel.

9 All in favor?

10 BOARD MEMBER PILLINGER: Aye.

11 ALTERNATE BOARD MEMBER ROBINSON: Aye.

12 ALTERNATE BOARD MEMBER PATEL: Aye.

13 BOARD MEMBER ANDERSON: Aye.

14 CHAIRPERSON PYNE: Chair votes aye.

15 (Whereupon, the Public Hearing/Discussion was
16 concluded.)

17 * * *

18 C E R T I F I C A T I O N

19 Certified to be a true and accurate transcript of
20 the Public hearing of the Greenburgh Planning Board Meeting
21 proceedings held on March 4, 2026, in person taken by the
22 undersigned, to the best of her ability.

23 
24 -----X

25 Nicole Ameneiros
Official Court Reporter