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TOWN OF GREENBURGH
DEPARTMENT OF COMMUNITY
DEVELOPMENT & CONSERVATION



TOWN OF GREENBURGH
PLANNING BOARD MINUTES
GREENBURGH – NEW YORK
Wednesday – May 6, 2026

The Work Session of the Planning Board of the Town of Greenburgh began at 7:06 pm on Wednesday, May 6, 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, Edwin Weinberg, Marc Pillinger, Natasha Robinson (Alternate #1, Voting Member)

Absent: Emily Anderson and Vikash Patel (Alternate #2)

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

After all other business was conducted: Chairperson Pyne announced that the Planning Board will be discussing the proposed amendments to Chapter 285 at a series of work sessions beginning May 20, 2026, and likely through August 5, 2026, with the goal of providing its report and recommendation to the Town Board at the conclusion of its review.

2. APPROVAL OF MINUTES

a. April 15, 2026

Chairperson Pyne asked if there were any comments on the draft minutes of the April 15, 2026 Planning Board Work Session prepared by staff. There were none.

On a motion made by Mr. Pillinger and seconded by Ms. Robinson, the Planning Board unanimously voted to approve the minutes of the April 15, 2026 Planning Board Work Session, as written.

3. CORRESPONDENCE

a. Case No. PB 15-06 Shelbourne Assisted Living Facility, 448 Underhill Road (P.O. Scarsdale, N.Y.) – 4th Site Plan, Planning Board Steep Slope Permit, and Wetland/Watercourse Permit Extension Request

Prior to any discussion, Ms. Magana recused herself from this application.

Mr. Schmidt reported that the Applicant has requested a fourth (4th) two-year (2-year) extension of its Site Plan, Planning Board Steep Slope Permit, and Wetland/Watercourse Permit approvals associated with the project. He explained that the original application dates back to 2015, received approvals in 2018, and was subject to litigation for some time. Mr. Weinberg asked how long the application had been pending and whether contractual issues had led to Shelbourne withdrawing from the project. Mr. Schmidt stated that he was not certain regarding the contractual details.

Mr. Weinberg asked about the size of the property and whether an assisted living facility remained a practical use of the site. He expressed concern regarding continuation of the approvals if the project was no longer viable, as he did not wish to prevent development of the property. Mr. Schmidt stated that the property is approximately (4) acres in size, and the owner wishes to maintain the approvals while marketing the property. He explained that if a future developer sought to pursue a single-family subdivision, the project would need to return to the Planning Board for review. Chairperson Pyne

stated that he had seen the property marketed for single-family development but noted that this would not preclude marketing for a senior living facility as well.

Daniel Tartaglia, Esq., of Tartaglia Law Group, LLC, representing the Property Owner, explained that the contract vendee had allowed its agreement to expire at the end of its term. He stated that litigation initiated by the Greenville Fire District and the Council of Greenburgh Civic Associations had delayed the project and that the combination of litigation, COVID-19, and increases in construction costs reduced the developer's interest in proceeding. Mr. Tartaglia stated that the property is currently being marketed and could potentially be sold either for assisted living or single-family development. He explained that if the property were ultimately developed as an assisted living facility, the project would likely return to the Planning Board for amendments to the approvals, as the future developer would likely desire changes from what was previously approved.

Mr. Weinberg stated that contracts do not typically expire without cause and expressed concern regarding the continued condition of the property, noting that it appears vulnerable to vandalism. Mr. Tartaglia stated that the former contract vendee had previously maintained the property, but that the owner has now resumed responsibility for maintenance. Mr. Weinberg questioned whether another two-year extension was appropriate. Mr. Tartaglia noted that a further extension would give the property owner an opportunity to market the property and understand the level of interest. Chairperson Pyne asked whether the Applicant has remained in communication with the Town regarding the status of the property. Mr. Schmidt stated that the Applicant has remained in contact and noted that the Planning Board could request improved maintenance of the property, grant a shorter extension, and/or require periodic updates regarding marketing efforts. Mr. Tartaglia responded that the Applicant would agree to provide quarterly updates.

Mr. Weinberg asked whether the original joint venture had dissolved because certain conditions were not met. Mr. Tartaglia stated that the joint venture between Shelbourne and Formation had dissolved because Formation grew tired of waiting for the project to move forward. Mr. Weinberg suggested that if the property could not be sold within one (1) year, that might indicate that the approved use is not viable, and therefore suggested the Board consider issuing a one - year (1-year) extension. Mr. Tartaglia stated that the Applicant would likely need to return in one (1) year to seek another extension. Mr. Schmidt reiterated that the requested extension would not prevent the owner or another applicant from pursuing a future single-family subdivision application through the Planning Board.

On a motion made by Ms. Robinson and seconded by Mr. Pillinger, the Planning Board, with three (3) in favor and one (1) abstention, voted to grant a two -year (2-year) extension of the Site Plan, Planning Board Steep Slope Permit, and Wetland/Watercourse Permit approvals, subject to quarterly updates to staff regarding marketing efforts for both assisted living and single-family development and continued and improved maintenance of the property. Mr. Weinberg abstained.

4. OLD BUSINESS – WORK SESSION

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

A work session to discuss the decision of a Site Plan application and Landscape Buffer Waivers request to re-pave an existing parking area to an asphalt surface. 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. On March 19, 2026, the Zoning Board of Appeals granted the following Area Variances: (1) Maximum impervious surface coverage, from 80% (permitted) to 100% (approved); (2) Minimum distance between parking lot and principal building, from 25 feet (required) to 0 feet (approved); (3) Minimum distance from north side property line to off-street parking, from 25 feet (required) to 0 feet (approved); (4) Minimum distance from south side property line to off-street parking, from 25 feet (required) to 0 feet (approved); and (5) Minimum distance from rear side property line to off-street parking, from 25 feet (required) to 0 feet (approved). The

Deputy Building Inspector additionally identified that Landscape Buffer Waivers from 10 feet (required) to 0 feet (proposed) 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 stated that a draft decision has been prepared by staff and circulated to the Board. Mr. Schmidt reviewed the site-specific conditions contained in the draft decision, including conditions requiring repair of the sidewalk along the frontage with Saw Mill River Road and installation of landscape planters. Ms. Robinson stated that the Applicant should be made aware that all plantings installed within the planters must be properly maintained. Mr. Schmidt suggested revising the condition to specify that the Applicant shall install and appropriately maintain all plantings to the satisfaction of the Town Forestry Officer so that dead or failing plant material would be replaced as necessary. Giovanni Zapata, R.A., representing the Applicant, stated that the Applicant understood the requirement and that evergreen plantings are proposed and would be maintained.

Chairperson Pyne asked if there were any additional comments. There were none.

On a motion made by Mr. Pillinger and seconded by Ms. Robinson, the Planning Board unanimously voted to classify the action as a Type II action under SEQRA.

On a motion made by Mr. Pillinger and seconded by Ms. Robinson, the Planning Board unanimously voted to approve the Site Plan application, as amended.

On a motion made by Ms. Robinson and seconded by Mr. Pillinger, the Planning Board unanimously voted to approve the Planning Board Landscape Buffer Waivers request, as amended.

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 25-13** Kohn, 0 Peter Bont Road (P.O. Irvington, N.Y.) – Planning Board Steep Slope Permit, Wetland/Watercourse Permit, and Tree Removal Permit

A public hearing 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. 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. On April 16, 2026, the Zoning Board of Appeals granted the following required Area Variances: (1) From the Town Zoning Ordinance: Required street frontage, 25 feet (required) to 0 feet (approved); 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 (approved). 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.

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 May 13, 2026.

6. NEW BUSINESS – WORK SESSION

a. Case No. PB 25-32 Goknar, 14 Hearthstone Circle (P.O. Scarsdale, N.Y.) – Wetland/Watercourse Permit

A work session to discuss a Wetland/Watercourse Permit application involving the proposed construction of a new pool and patio area, with associated installation of drywells for managing stormwater runoff. A watercourse exists along the Applicant's northern property line, approximately 10 feet from the closest area of disturbance related to the project. An existing in-ground pool is proposed to be removed, in the approximate location of the proposed new pool. The watercourse buffer area on the Applicant's property consists of most of the existing residence and driveway, and the project involves approximately 6,000 sq. ft. of disturbance and 59 cubic yards of excavation within the regulated buffer area associated with the proposed pool, patio, and drywells. No direct disturbance to the watercourse is proposed. On March 13, 2026, the Deputy Building Inspector identified the following required Area Variance: Impervious Surface Coverage, from 25% (permitted) to 28.36% (proposed). The subject property consists of approximately 30,175 sq. ft. (0.69 acres) and is situated on the westerly side of Hearthstone Circle, the second house before the cul-de-sac. The property is situated in the R-30 One-Family Residence District and is designated on the tax map of the Town as Parcel ID: 8.390-276-14.

Mr. Henry Gonzalez, Permit Administrator for Cool Pool, representing the Applicant, presented the project, involving the proposed construction of a new pool and patio area, with associated installation of drywells for managing stormwater runoff. Mr. Schmidt reviewed the plans. Chairperson Pyne asked what level of stormwater management is proposed for the site. Mr. Schmidt stated that the proposed system exceeds the Town's twenty-five-year (25-year) stormwater management requirement. Chairperson Pyne asked about the extent of the requested area variance. Mr. Gonzalez stated that the Town Code permits 25% impervious coverage and that the proposal would increase coverage to approximately 28.36%. He noted that the site is already noncompliant under existing conditions, with approximately 26.33% impervious coverage currently existing.

Mr. Weinberg asked whether permeable pavers could be utilized. Mr. Gonzalez stated that the Applicant wishes to utilize marble pavers and acknowledged that permeable materials could reduce impervious coverage. Chairperson Pyne stated that the Town Code does not currently provide credit for such materials toward impervious surface calculations. Mr. Schmidt added that while the use of permeable materials would not eliminate the need for a variance, it could make the request more favorable. Chairperson Pyne stated that because the property is already noncompliant with respect to impervious coverage, he would support a neutral recommendation to the Zoning Board of Appeals regarding the requested variance. Mr. Pillinger agreed.

On a motion made by Mr. Weinberg and seconded by Mr. Pillinger, the Planning Board unanimously voted to issue a neutral recommendation to the Zoning Board of Appeals regarding the required Area Variance and recommended that the Applicant consider use of permeable marble or similar materials.

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

A work session to discuss a Special Use Permit (Restaurant) application and Shared Parking Reduction Request involving the proposed conversion of a current retail bakery and retail space into a restaurant. The Applicant is proposing to convert approximately 588 sq. ft. of retail bakery and approximately 588 sq. ft. of vacant retail space into a 1,176 sq. ft. restaurant space with a total of 33 seats. The Applicant is requesting a Shared Parking Reduction for the additional 13 required off-street parking spaces. The project site currently provides zero (0) spaces. No exterior site work is proposed. The subject property consists of approximately 7,405 sq. ft. (0.17 acres) and is situated on the northeasterly side of East Hartsdale Avenue, at the northwest corner of the intersection of East Hartsdale Avenue and Wilson Street. 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: 8.250-190-1.

Ms. Annabelle Hernandez, Project Applicant, stated that the proposal seeks to expand the existing café to provide additional seating, which would classify the use as a restaurant. Mr. Ricardo Zamudio, Project Representative, explained that the proposal includes a four-foot-wide interior connection between the spaces and that comments from the Fire District have been addressed. Mr. Schmidt stated that the application also requires a Shared Parking Reduction because no on-site parking is available. He asked whether the Applicant had evaluated nearby parking availability. Mr. Zamudio stated that discussions had occurred with the Hartsdale Public Parking District regarding nearby parking facilities. Ms. Lisa Zamudio, Project Representative, stated that the surrounding area contains adequate public parking to accommodate the proposal. Mr. Schmidt reported that the Building Inspector had issued a recommendation regarding the requested Shared Parking Reduction. He explained that the recommendation concluded that the lack of on-site parking is not unique within the area and that sufficient public parking exists nearby. Mr. Schmidt stated that the Building Inspector therefore recommended approval of the Shared Parking Reduction.

Mr. Weinberg asked whether the Applicant would be able to comply with the remaining comments contained in the Building Inspector's memorandum. Mr. Schmidt stated that the remaining comments primarily relate to Building Permit compliance. Mr. Zamudio stated that the project architect would ensure compliance with those requirements. Mr. Pillinger asked whether the proposal includes any kitchen expansion. Mr. Zamudio stated that the kitchen would remain unchanged and that the proposal only involves expansion of the seating area.

Chairperson Pyne stated that the application would be scheduled for a public hearing at the Board's May 20, 2026, meeting. Mr. Schmidt stated that staff would prepare the required notice and signage.

- c. **Case No. PB 25-07** Zamudio, 32 Central Park Avenue North (P.O. Hartsdale, N.Y.) – Site Plan, Planning Board Steep Slope Permit, Tree Removal Permit, and Landscape Buffer Waivers Request
A work session to discuss a Site Plan, Planning Board Steep Slope Permit, and Tree Removal Permit application and Landscape Buffer Waivers request involving the proposed construction of a new multi-tenant commercial building on a vacant lot. The proposed building would be split into five (5) separate tenant spaces and total approximately 4,116 sq. ft. of gross floor area. The building would require 27 off-street parking spaces, and the Applicant has prepared plans providing for 12 off-street spaces. The Applicant is proposing to install solar panels on the roof of the proposed building. The Applicant proposes approximately 288 sq. ft. of disturbance to 15-25% slopes (STEEP SLOPES), approximately 2,950 sq. ft. of disturbance to 25-35% slopes (VERY STEEP SLOPES), and approximately 3,300 sq. ft. of disturbance to 35%+ slopes (EXCESSIVELY STEEP SLOPES). The project requires approximately 1,540 cubic yards of excavation and 0 cubic yards of imported fill. In a memorandum dated April 21, 2026, the Deputy Building Inspector identified the following required Area Variances: (1) impervious surface area, from 60% (permitted) to 83.47% (proposed); (2) floor area ratio, from 0.125 (permitted) to 0.410 (proposed); (3) principal building side yard setback, from 20 feet (required) to 3.42 feet (proposed); (4) principal building side yard setback, from 20 feet (required) to 4.33 feet (proposed); (5) principal building rear yard setback, from 25 feet (required) to 2 feet (proposed); (6) off-street parking setback to principal building, from 10 feet (required) to 3.42 feet (proposed); (7) off-street parking setback to front lot line, from 20 feet (required) to 1.42 feet (proposed); (8) off-street parking setback to side lot line, from 10 feet (required) to 0 feet (proposed); (9) off-street parking setback to side lot line, from 10 feet (required) to 0.16 feet (proposed); (10) off-street parking spaces, from 27 spaces (required) to 12 spaces (proposed); (11) front yard landscaping buffer, from 20 feet (required) to 1.42 feet (proposed); (12) multiple-use development Space 1 floor area, from 1,029 sq. ft. (required) to 916 sq. ft. (proposed); (13) multiple-use development Space 2 floor area, from 1,029 sq. ft. (required) to 645 sq. ft. (proposed); (14) multiple-use development Space 3 floor area, from 1,029 sq. ft. (required) to 860 sq. ft. (proposed); (15) multiple-use development Space 4 floor area, from 1,029 sq. ft. (required) to 686 sq. ft. (proposed); and (16) multiple-use development Space 5 floor area, from 1,029 sq. ft. (required) to 1,015 sq. ft. (proposed). The project

also requires the following Landscape Buffer Waivers: (1) landscape buffer in side yard, from 10 feet (required) to 0 feet (proposed); (2) landscape buffer in side yard, from 10 feet (required) to 0 feet (proposed); (3) landscape buffer in rear yard, from 10 feet (required) to 2 feet (proposed); and (4) landscape buffer between residential and nonresidential uses, from 10 feet (required) to 2 feet (proposed). The Applicant received approvals for a multi-story office building as part of Case No. PB 13-23, though that project was never built. The property consists of approximately 10,000 sq. ft. (0.23 acres) and is situated on the easterly side of Central Park Avenue North, approximately 370 feet north of the intersection of Central Park Avenue and East Hartsdale Avenue. The 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: 8.250-190-7.2.

Following Chairperson Pyne's introduction of the project, Mr. Ricardo Zamudio and Ms. Lisa Zamudio, the Applicants/Owners, presented the proposal. Mr. Zamudio explained that the plans have been revised over the past year as part of discussions with staff and in response to Planning Board comments issued as part of a pre-submission conference held on March 2025. Mr. Schmidt reviewed the application and summarized the requested area variances. He noted that the residence located behind the subject property is owned by the Applicants. Chairperson Pyne asked whether the properties had previously existed as a single lot before being subdivided. Mr. Zamudio stated that they had been a single lot, then were subdivided. Chairperson Pyne then asked whether the existing residence is compliant with zoning requirements, and Mr. Zamudio stated that it is compliant.

Chairperson Pyne asked whether the Applicant was familiar with the Four Corners rezoning study. Mr. Zamudio stated that he was aware of the study and that the property could potentially be affected by future rezoning discussions. Mr. Schmidt summarized the Four Corners rezoning study and its potential implications for increased density with mixed-use commercial and residential structures.

Chairperson Pyne asked whether prospective tenants had been identified for the property. Mr. Zamudio stated that potential tenants may include Dunkin' or some other small coffee shop to benefit the community. Mr. Schmidt asked whether the Applicant had filed with the Zoning Board of Appeals. Mr. Zamudio stated that the application had not yet been filed. Mr. Schmidt recommended that the Applicant proceed with filing as soon as possible and noted that a pre-submission meeting with the Zoning Secretary would be required. He also noted that, should the Board declare its intent to serve as Lead Agency for this project, there is a 30-day period before this project would be discussed again.

On a motion made by Mr. Pillinger and seconded by Ms. Robinson, the Planning Board unanimously voted to declare its intent to serve as Lead Agency for SEQRA review of this project.

d. Case No. PB 15-26 Nogalo, 14 Castle Walk (P.O. Scarsdale, N.Y.) – Preliminary Subdivision, Planning Board Steep Slope Permit, and Tree Removal Permit

A work session to discuss a Preliminary Subdivision, Planning Board Steep Slope Permit, and Tree Removal Permit application involving the proposed subdivision of one (1) existing lot for the purpose of creating three (3) buildable lots. The Applicant proposes the construction of three (3) one-family residences. Lot A is proposed to total 26,342 sq. ft., Lot B is proposed to total 31,650 sq. ft. and Lot C is proposed to total 20,592 sq. ft. Access to the site is proposed from Castle Walk, via a cul-de-sac extension built to Town standards. The Applicant proposes 16,235 sq. ft. of disturbance on 15-25% slopes (STEEP SLOPES), 7,970 sq. ft. of disturbance on 25-35% slopes (VERY STEEP SLOPES) and 12,052 sq. ft. of disturbance on 35%+ slopes (EXCESSIVELY STEEP SLOPES). The project involves approximately 2,500 cubic yards of excavation and approximately 0 cubic yards of imported fill. The Applicant proposes the removal of 85 regulated trees, requiring a Tree Removal Permit, and has prepared a landscaping plan providing for the planting of 102 trees, as replacement. The subject property consists of approximately 98,466 sq. ft. (2.26 acres) and is situated on the southeast side of Castle Walk. The subject property is located in the R-20 One-Family Residence District and is designated on the tax map of the Town of Greenburgh as Parcel ID: 8.530-363-29.

Chairperson Pyne introduced the application. Chris Utschig, P.E., and JB Hernandez, R.A., of ARQ Group LLC, the Applicant's representatives, presented the project. Mr. Utschig explained that the project involves a zoning-compliant subdivision and stated that the property was previously improved with a residence that has since been removed. He explained that the project proposes connections to an existing sewer line and drainage infrastructure extending toward Central Park Avenue. Chairperson Pyne asked when the prior residence had been removed, and Mr. Schmidt stated that it had been removed approximately fifteen (15) years ago.

Mr. Utschig stated that the project includes a stormwater retention system proposed on one of the lots and that all stormwater management facilities are designed to accommodate a 100-year storm event. Mr. Schmidt asked whether access improvements are proposed along Castle Walk, noting that the roadway is currently undersized. Mr. Utschig stated that roadway improvements are proposed up to the property line but acknowledged that conditions beyond the property line would still need to be addressed. Mr. Schmidt stated that the standards relating to separation distances between infiltration systems and structures were recently revised, increasing the required distance from 10 feet to 25 feet. Mr. Utschig stated that he was not aware of the revised requirement. Mr. Schmidt requested that the Project Team coordinate with the Town Engineer regarding the issue.

Mr. Utschig stated that the proposal would require removal of 85 trees and would include planting of 102 replacement trees. Ms. Robinson noted that the plans reference 102 replacement trees while the accompanying report references 88 trees. Mr. Utschig stated that the discrepancy would be corrected and confirmed that 102 trees to be planted is the correct amount.

Chairperson Pyne stated that the application would return for further discussion at the next meeting on May 20, 2026, and requested that Board members submit any additional questions by May 13, 2026, so that staff could transmit them to the Applicant in advance of the next work session.

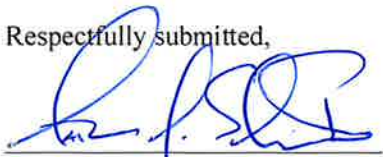
7. ESTABLISH DATE FOR NEXT MEETING

The next regularly scheduled meeting of the Greenburgh Planning Board will be held on Wednesday, May 20, 2026, and is scheduled to begin at 7:00 pm.

8. ADJOURNMENT

The May 6, 2026 Work Session of the Town of Greenburgh Planning Board was adjourned at 10:04 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 25-13
Kohn
0 Peter Bont Road
(P.O. Irvington, N.Y.)

ADJOURNMENT.

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Greenburgh Town Hall
177 Hillside Avenue
Greenburgh, New York 10607
May 6, 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
MARC PILLINGER, Board Member
EMILY ANDERSON, Board Member (Not Present)

NATASHA ROBINSON, Alternate Board Member
VIKASH PATEL, Second Alternate Board Member (Not Present)

AMANDA MAGANA, ESQ., Deputy Town Attorney

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

1 CHAIRPERSON PYNE: All right. So now I will call A
2 Public Hearing session of the Planning Board to order. It
3 is 7:33 p.m.

4 Deputy Commissioner Schmidt, may you conduct the
5 roll?

6 DEPUTY COMMISSIONER SCHMIDT: Sure. Chairperson
7 Pyne?

8 CHAIRPERSON PYNE: Here.

9 DEPUTY COMMISSIONER SCHMIDT: Mr. Weinberg?

10 BOARD MEMBER WEINBERG: Here.

11 DEPUTY COMMISSIONER SCHMIDT: Mr. Pillinger?

12 BOARD MEMBER PILLINGER: Here.

13 DEPUTY COMMISSIONER SCHMIDT: Ms. Robinson?

14 ALTERNATE BOARD MEMBER ROBINSON: Here.

15 DEPUTY COMMISSIONER SCHMIDT: Note for the record
16 that Ms. Anderson and Mr. Patel are not present this
17 evening, and Ms. Robinson will be a full voting member in
18 place of Ms. Anderson.

19 CHAIRPERSON PYNE: Thank you.

20 So we have one Public Hearing here this evening,
21 Case No. PB 25-13, Kohn at 0 Peter Bont Road in Irvington --
22 P.O. Irvington. The applicant is seeking a Planning Board
23 Steep Slope Permit, a Wetland/Watercourse Permit and a Tree
24 Removal Permit.

25 Just to confirm for the record, Town Planner

1 Britton, this hearing was noticed in accordance with the
2 code in the town's newspaper of record?

3 DEPUTY COMMISSIONER SCHMIDT: I can confirm that.

4 CHAIRPERSON PYNE: Great. Thank you.

5 Representing the applicant?

6 Good evening.

7 MR. ANDY CHUNG: Good evening, Chair, Members of
8 the Board. My name is Andy Chung, A.C. Engineering,
9 C-H-U-N-G, for anybody who's recording.

10 Basically, 0 Peter Bont Road is a 4.72-acre
11 undeveloped lot. It is at the end of the cul-de-sac of
12 Blueberry Hill Road. There is an existing shared driveway
13 which serves two existing homes along that driveway, and the
14 -- I'm here with the property owner, Guy Kohn, who's also
15 the architect of the property, and we're proposing on
16 building a single-family dwelling on that lot.

17 I think there was a lot of due diligence that was
18 done. So just to go over a couple of the things, we went
19 through SHPO, State Historic Preservation, went through a
20 lengthy storm water design, storm water plan and the SWPPP
21 that was approved by the engineering department. We have
22 utilities that are connecting to the end of Blueberry Hill
23 Road. There is an existing gas, water, sewer and electric
24 -- I think I mentioned electric -- that we'll be connecting
25 to the existing house. There are a couple of zoning

1 variances that we went to the zoning board last month and we
2 were -- we got approval from the zoning board of appeals
3 when requiring the street frontage and the -- and the other
4 one requiring the --

5 DEPUTY TOWN ATTORNEY MAGANA: Hold on one second.

6 DEPUTY COMMISSIONER SCHMIDT: Whoever that might
7 be, can you turn down the volume? Thank you.

8 DEPUTY TOWN ATTORNEY MAGANA: Thank you.

9 MR. ANDY CHUNG: Sorry. The 25-foot required
10 street frontage and the New York Consolidated Town Law 280-a
11 we got approval for the variances for that. We went through
12 the conservation advisory council. We got approvals for the
13 landscaping on the property to offset the trees that were
14 going to be removed for the construction of the house and
15 the driveway.

16 There is wetland on the property, completed the
17 jurisdictional determination, met with DEC and we were able
18 to procure a DEC permit from DEC to allow for construction
19 within the 100-foot wetland buffer.

20 So I think that pretty much takes care of
21 everything that we have to take care of.

22 DEPUTY COMMISSIONER SCHMIDT: Can you speak a
23 little bit to the steep slope disturbances? And do you have
24 accurate tree removal and landscaping figures? And if you
25 have the ability to walk through the plans --

1 MR. ANDY CHUNG: Uhm-hum.

2 DEPUTY COMMISSIONER SCHMIDT: -- both for the
3 benefit of the board, even though they saw them in the work
4 session, but for the benefit of the public as well --

5 MR. ANDY CHUNG: Sure.

6 DEPUTY COMMISSIONER SCHMIDT: -- including the
7 storm water management system, its maintenance
8 requirements --

9 MR. ANDY CHUNG: Sure.

10 DEPUTY COMMISSIONER SCHMIDT: -- and the
11 landscaping you spoke of briefly. Thank you.

12 MR. ANDY CHUNG: Sure.

13 So this plan is the steep slope plan. There's
14 actually only a small portion of slopes that exceeded
15 25 percent, 35 percent that we're doing. The majority of
16 the work is really done in the green area that you see,
17 which is not a steep slope, but because there are -- this
18 property is kind of like a bowl, so there steep slopes kind
19 of going up the bowl on the north --- on the east side and
20 also on the west side.

21 The house actually sits -- you can see the foot --
22 the outline of the house on this plan. You know, again, the
23 majority of the construction is located within the flat part
24 of the upper plateau of the property. So there's -- there's
25 a small portion -- let me use my cursor. Yeah. If you can

1 see my cursor, there's a small portion here where there's
2 some construction going on. And then here's the driveway
3 that comes down. And then right here at the entrance,
4 there's a little bit of steep slope here. But, again, the
5 majority of the construction is kind of limited to where the
6 house is up in this area.

7 DEPUTY COMMISSIONER SCHMIDT: And just to clarify,
8 is the green classified as 0 to 15 percent?

9 MR. ANDY CHUNG: Correct.

10 DEPUTY COMMISSIONER SCHMIDT: Okay.

11 MR. ANDY CHUNG: Yes.

12 DEPUTY COMMISSIONER SCHMIDT: Thank you.

13 MR. ANDY CHUNG: All right. So that's the steep
14 slope plan.

15 As we move into the storm water plan -- I think
16 that's the next one. No, that's the grading plan.

17 Okay. So here's the storm water plan. So for the
18 storm water plan how we designed this is pretty much all of
19 the impervious surfaces of roof and the driveway will be
20 collected. The storm water will be collected via catch
21 basins on the pipe -- on the -- on the property. So roof
22 drains would be draining into catch basins shown in little
23 circles on the plan, and from the catch basins they would
24 flow into one of three bioretention basins.

25 The bioretention basin is basically a basin filled

1 with a bioretention soil mix -- typically a mixture of
2 concrete, sand and topsoil -- to allow for attenuation of
3 volume of storm water as well as water quality. And the
4 outlets on the bottom of the bioretention basin, which will
5 be landscaped as well, as water enters the bioretention
6 basin, there's a particular holding time for that water to
7 sit in that basin until it percolates through that soil
8 mixture, and underneath that soil mixture there's a
9 perforated pipe which takes the flow out back into the
10 wetland area.

11 None of the work is done inside the wetland. All
12 the work is done outside the wetland, as per DEC
13 requirements.

14 The flows from the driveway will be -- similarly
15 will flow into a vegetative channel along the side of the
16 driveway located here, and that flow goes into a
17 bioretention basin as well similar to the other ones.

18 So, as you can see here, there's one bioretention
19 basin right here with an overflow pipe out. Here's the
20 second bioretention basin here with an overflow pipe out,
21 and a third bioretention basin here with an overflow out.
22 So -- and, again, all of these bioretention basins the storm
23 water design was, you know, based on the New York State
24 Stormwater Design Manual, SWPPP was prepared, was reviewed
25 by the town engineering department and was approved.

1 DEPUTY COMMISSIONER SCHMIDT: Just staying on this
2 plan, before you move on, couple of questions. In terms of
3 maintenance of the bioretention basins, what's the typical,
4 you know, type of maintenance and rough schedule of
5 maintenance of that type of, you know, facility for managing
6 storm water?

7 MR. ANDY CHUNG: Yeah. So these bioretention
8 basins are vegetated. There's going to be plants, so
9 wetland type plants, that are going to be growing there.
10 Really the only maintenance that will have to be done is,
11 you know, making sure the plants are still thriving. They
12 are designed to absorb water as well. So having the
13 vegetation and the plants, you know, thriving in these
14 bioretention basins is optimal.

15 The soil mixture, it doesn't happen quickly, but
16 over time the soil mixture will eventually get clogged with
17 debris. In which case, that soil mixture will just be
18 removed and replaced with a new bioretention mixture of
19 concrete, sand and topsoil and then the vegetation gets --
20 gets replaced.

21 BOARD MEMBER PILLINGER: Aaron, can I ask a
22 question here?

23 DEPUTY COMMISSIONER SCHMIDT: Sure.

24 BOARD MEMBER PILLINGER: In the application at page
25 E, Roman numeral three, it states overflow of the

1 bioretention basin will be directed to the wetland on the
2 property. Could you clarify that for me, please?

3 MR. ANDY CHUNG: So there's -- so there's two
4 outlets to the bioretention basin. There's the under-drain
5 pipe, which is at the very bottom of the bioretention basin
6 which takes the flow as storm water percolates through the
7 soil mixture, eventually gets into the perforated pipe and
8 it drains out into the wetland. There's also an emergency
9 overflow, right. If we get a 200-year storm that comes we
10 don't want the basin to get full and then spill out the
11 sides. There is an overflow weir just -- just six inches
12 below the top elevation of the basin which allows water to
13 flow out of the weir and then into the wetland.

14 DEPUTY COMMISSIONER SCHMIDT: And just to follow up
15 to that, I was going to ask this before, currently the site,
16 at least partially, drains down toward the wetland area.

17 MR. ANDY CHUNG: Correct.

18 DEPUTY COMMISSIONER SCHMIDT: So is the intent to
19 mimic kind of the existing condition in the proposed
20 condition?

21 MR. ANDY CHUNG: Correct. So in the
22 post-development condition calculations were done to
23 determine what the post-development flows were in comparison
24 with the pre-development flows, and with the addition of the
25 three bioretention basins we're able to get our

1 post-development flows to be less than our pre-development
2 flows just because the basins have the ability to retain and
3 slow down, right.

4 So imagine a drop of water from a high point going
5 down to the wetland, if there was nothing there it would
6 take say five minutes to get there. With the addition of
7 the bioretention basins that drop of water will hit the
8 bioretention basin, slow down that -- you know, allow it to
9 store as it goes into the under-drain pipe that five minutes
10 ends up being 20 minutes, right. So there's the same volume
11 of water but longer duration of time for that water to get
12 to that same spot.

13 DEPUTY COMMISSIONER SCHMIDT: Thank you.

14 MR. GUY KOHN: Good evening, board members. My
15 name is Guy Kohn. I'm the architect as well as the owner of
16 the house. I also did the landscaping plan.

17 I just want to add, as far as the maintenance of
18 the bioretention basins, we're going to weed them. So we've
19 done the planting plan with extensive plants that are based
20 on different levels within the bioretention basin. So
21 there's wet plants, there's medium and there's dry plants,
22 and so we're going to have to get in there and weed them on
23 occasion to make sure that they thrive and continue to live
24 properly, don't get sort of overwhelmed by weeds or other
25 plants, invasive plants, if they happen to, you know, seed

1 in there. So I just wanted to add that to the maintenance
2 question.

3 DEPUTY COMMISSIONER SCHMIDT: I appreciate that.
4 One of the follow -- quick follow-ups that I have is is one
5 way to know that there may be clogged areas within the
6 bioretention basins would that be evident by, like, ponding
7 of water versus, you know, slow infiltration?

8 MR. ANDY CHUNG: So typically the bioretention
9 basin will de-water the entire area of the basin within --
10 within a day. So if you're getting ponding water for more
11 than a day we know it's about time to replace the media.

12 DEPUTY COMMISSIONER SCHMIDT: Okay.

13 MR. ANDY CHUNG: Yeah.

14 DEPUTY COMMISSIONER SCHMIDT: Thank you.

15 MR. ANDY CHUNG: Yeah. And that's the typical in
16 the Appendix D of the New York State Stormwater Design
17 Manual and actually in the appendix of my SWPPP too there's
18 a maintenance schedule --

19 DEPUTY COMMISSIONER SCHMIDT: Okay.

20 MR. ANDY CHUNG: -- that's in there as well.

21 DEPUTY TOWN ATTORNEY MAGANA: I have a question.

22 MR. ANDY CHUNG: Yes.

23 DEPUTY TOWN ATTORNEY MAGANA: The DEC previously
24 issued a jurisdictional determination, and since then --
25 indicating that they had jurisdiction once you start, you

1 know, developing the property. In the interim, there was a
2 court case appealing the changes to the regulations so it's
3 kind of in limbo at the moment. We haven't seen what the
4 DEC is going to do yet.

5 MR. ANDY CHUNG: Yes.

6 DEPUTY TOWN ATTORNEY MAGANA: However, I did
7 discuss how they're treating applications currently with
8 Region 3, which is applicable to here, and they're not
9 applying the urban area, which was the grounds for obtaining
10 a jurisdictional determination, so I'm just curious to see
11 if you received any correspondence or anything regarding
12 application of this permit.

13 MR. ANDY CHUNG: We have not for this particular
14 property, but I do know what you're talking about because I
15 tried to file another jurisdictional determination on
16 another property and they wouldn't let me.

17 That said, we -- we have a -- a DEC permit that was
18 mailed to us that's valid for --

19 DEPUTY TOWN ATTORNEY MAGANA: Five years.

20 MR. ANDY CHUNG: -- five years.

21 DEPUTY COMMISSIONER SCHMIDT: Five years.

22 MR. ANDY CHUNG: Yeah. So regardless of what
23 happens to the jurisdictional determination, that's already
24 been done. We have an official permit from DEC.

25 DEPUTY TOWN ATTORNEY MAGANA: Thank you.

1 ALTERNATE BOARD MEMBER ROBINSON: You're ready?
2 You go first?

3 DEPUTY COMMISSIONER SCHMIDT: Yeah, because I think
4 this will be my last one. Sorry.

5 ALTERNATE BOARD MEMBER ROBINSON: Yeah, go ahead.
6 Go ahead. Take your time.

7 DEPUTY COMMISSIONER SCHMIDT: There's really two.

8 ALTERNATE BOARD MEMBER ROBINSON: Take your two.

9 DEPUTY COMMISSIONER SCHMIDT: So the question about
10 essentially the shared driveway coming in off the cul-de-sac
11 of Blueberry Hill Road, are there any improvements proposed
12 along that segment --

13 MR. ANDY CHUNG: Yes.

14 DEPUTY COMMISSIONER SCHMIDT: -- and if so, can you
15 walk us through those?

16 MR. ANDY CHUNG: Yes. Let me pull up the utility
17 plan.

18 DEPUTY COMMISSIONER SCHMIDT: And then I'll just
19 state it while you're getting to the plan. I wanted the
20 board and the public to be aware of -- we don't have to go
21 through species by species, but I've been out at the site.
22 We've walked it. I do believe, while there are native
23 species, there are a number of invasive species that are
24 going to be removed in connection with the property. And
25 then, touching on your replacement plantings in terms of

1 tree species, if you could just touch on that. You're not
2 going to be planting in any new invasive species. It's
3 going to be --

4 MR. ANDY CHUNG: Well, I'll let Guy discuss the
5 plantings. He's the landscaping expert here. But there's
6 100 trees to be removed. We have submitted an arborist
7 report that documents every tree, the condition of the tree,
8 the size of the tree that's to be removed, why it has to be
9 removed, the majority of the reason is because it's in the
10 area where we're going to be building the house and the
11 driveway and the bioretention basins. But I'll let Guy
12 discuss the plantings that we're proposing on here.

13 But on this utility plan -- so the shared driveway
14 is going to be -- the existing asphalt will have to get
15 removed and we're going to trench for the electric, the gas,
16 the water and the sewer. And what we're planning on doing
17 is basically replacing and enhancing the existing shared
18 driveway. Right now the existing shared driveway is not in
19 great condition. Portions of the asphalt are cracking. You
20 know, parts of it are damaged. So after we're done
21 trenching and installing our utilities, we're going to
22 replace it with, you know, with a proper asphalt drive --
23 driveway.

24 In addition to that, we're going to create a little
25 channel on the right side to accommodate flows from

1 neighbors' driveways that are just discharging out, right,
2 because there's everything up -- they're uphill, they're
3 uphill of this shared driveway, so when it rains all the
4 water just kind of comes onto the shared driveway and comes
5 down the hill. So we've taken into account, you know, the
6 neighbors' water that comes off the driveway.

7 At the bottom of the hill, where the shared
8 driveway is, the water currently pitches towards the
9 neighbor to the east, and then there's -- that water I think
10 constantly floods their driveway and floods their garage so
11 we're doing some re-grading in that area to allow for that
12 water to come onto our property, stored in the catch basin,
13 goes into the bioretention basin and then back out into the
14 wetland.

15 DEPUTY COMMISSIONER SCHMIDT: And that property to
16 the east is that the 8 Blueberry Hill Road property?

17 MR. ANDY CHUNG: Yes.

18 DEPUTY COMMISSIONER SCHMIDT: Okay. So that's the
19 property where we received some correspondence. So it
20 sounds like there's going to be some improvements in that
21 regard?

22 MR. ANDY CHUNG: Correct.

23 DEPUTY COMMISSIONER SCHMIDT: Okay. Thank you.

24 MR. ANDY CHUNG: Correct. And I'll let Guy talk
25 about the plantings that we're proposing.

1 MR. GUY KOHN: Do you have the planting plan?

2 MR. ANDY CHUNG: You have the planting plan.

3 MR. GUY KOHN: No.

4 DEPUTY COMMISSIONER SCHMIDT: And while you're
5 pulling that up, you know, 100 trees is, you know, a fair
6 amount of trees to be removed in connection with one
7 single-family home, but if I recall correctly, this site is,
8 you know, predominantly wooded and many of the trees on the
9 property are going to be preserved. If you could just --

10 MR. GUY KOHN: Sure.

11 DEPUTY COMMISSIONER SCHMIDT: I think this depicts
12 that fairly well. Thank you.

13 MR. GUY KOHN: So maybe we could go to the tree
14 removal plan first. A lot of the -- I'll wait till...

15 MR. ANDY CHUNG: So the list -- so this is the tree
16 removal plan on my set of plans. This table is from the
17 arborist report of all the trees that are to be removed.
18 And as you can see, there's -- this lot is, you know, fully
19 wooded, completely vegetated. So you can see where the
20 majority of the trees are to be removed are really, you
21 know, in the areas of the house, the areas of the
22 bioretention basins, the driveway, and pretty much all the
23 other trees that are surrounding that property are going to
24 remain as is. We're not -- we're not proposing removing any
25 trees that are not necessary to be removed.

1 DEPUTY COMMISSIONER SCHMIDT: Thank you.

2 MR. GUY KOHN: I also just want to add that a lot
3 of those trees are in really bad shape, critical in some
4 cases, where -- if we can move this.

5 If you look at the tree list, you can see that a
6 good number of them are critical and poor condition, because
7 we've got, you know, all kinds of invasive -- well, the deer
8 have basically eaten everything that grows new. There's a
9 lot of barberry bush around there. We're going to remove
10 the barberry bush. The trees have fallen victim of disease
11 and, you know, vines. There have been a lot of -- what are
12 they called? I'm blanking out the -- what's the name of the
13 vine? The strangler vine.

14 DEPUTY COMMISSIONER SCHMIDT: Oh, there's different
15 kinds.

16 CHAIRPERSON PYNE: Poison berry?

17 DEPUTY COMMISSIONER SCHMIDT: There's --

18 MR. GUY KOHN: I'm blanking out.

19 DEPUTY COMMISSIONER SCHMIDT: -- wild grapevines.
20 There's -- I mean, there's a number of them.

21 MR. GUY KOHN: Well, the vines have taken over a
22 lot of the trees and so they've grown up and decapitated
23 sort of a lot of the trees, and so part of the idea of the
24 planting plan is to replace a lot of these trees with
25 healthy new trees of species that won't be prone to disease

1 and other various, you know, destructive types of effects.

2 So, as you can see the planting plan here, we're
3 going to be planting -- let's see if we can do a -- go down
4 to the next plan.

5 So these are the planting plans that we presented
6 to the conservation advisory council. You can see that we
7 have quite an extensive list in here, which includes the
8 bioretention planting mix as well as, you know, where and
9 when. So it's a fairly dense planting all based on native
10 plants, and you can see the -- on the -- this planting plan
11 right there that's a typical bioretention planting plan, and
12 then that is covered by the chart up here and we did the
13 number of plants, the species, whether or not they thrive.
14 Whether or not we --

15 MR. ANDY CHUNG: I'm going to lose power. Sorry.
16 Keep talking.

17 MR. GUY KOHN: Oh, okay.

18 You know, based on their position within the actual
19 bioretention basin, wet, medium, dry. So that's been
20 thought through fairly extensively. Around the house itself
21 is going to be a lawn area, planted grass, but then on the
22 perimeter is going to be a native meadow that's going to be
23 planted along there. Leading up to the house along the
24 driveway will also be native shrubs, plants, border plants,
25 ground covers. So, for the most part, I'd say 95 percent of

1 the plants are native. There are a few non-natives, but
2 most of those are just sort of, I guess, meant to be used as
3 kind of a decorative feature.

4 DEPUTY COMMISSIONER SCHMIDT: Ornamental.

5 MR. GUY KOHN: Ornamental plant.

6 Okay. There you can see a section of the
7 bioretention planting basin. Can we go to the actual
8 planting plan list?

9 So there we have the tree -- the iTree report with
10 the trees we're planning on replacing those. The tree
11 removal list is also repeated there again. There was
12 another -- those are the plans that I brought here. It
13 gives you sort of a three-dimensional idea of what the
14 overall site is going to look like once it's finished and
15 planted.

16 So we're going to retain most of the trees around
17 there, the forest around there. It's going to remain a
18 predominantly wooded site except for the one area around the
19 house. We're not really touching anything in the wetlands
20 area. Although, we have added some plants along the
21 perimeter as per the conservation advisory council
22 recommendations.

23 There's another view if we go back a step.

24 There. No, the one before that.

25 So there's the actual planting plan key where you

1 can see all the plants that we're adding to the site. It's
2 a combination of azaleas, rhododendron, some dogwoods,
3 things like river birch. I won't go into the meadow because
4 the meadow is fairly extensive, but there's also a matrix
5 for the meadow planting, if we have that one, which will be,
6 I think, further on.

7 There. So there's the native meadow planting mix.
8 That's also based on the seasonal planting. So the idea was
9 to create seasonal interest and color from spring all the
10 way through fall and that you can see the typical sort of
11 meadow planting section which will be repeated. That's a 12
12 by 40 foot section that would be repeated but varied along
13 the entire -- it's very interesting. I had a lot of fun
14 with this. I used AI to create the actual matrix. In other
15 words, I actually have been doing a lot of research, and I
16 do a lot of planting on my own property, so I had the plants
17 and I knew what species I wanted, but it was really hard to
18 create a matrix that would repeat but would be different and
19 would sort of represent and sort of create a native meadow
20 type of mix. So if you did it in a very regular way, where
21 you just did a grid and you had the same plants and the same
22 grid, it would always kind of look the same. It would look
23 a little boring. So, based on AI, I created a list of
24 plants, the types of plants that I wanted, and then I said
25 based on this mix, maybe 60 percent structural grasses and

1 15 percent of certain flowering plants and another
2 15 percent of these plants, I created this mix, and then
3 within each one of these sections it varies. So I have 16
4 sections, which, when you link them together and piece them
5 together, creates a natural flow throughout the entire
6 meadow that doesn't make it look like it repeats. It's just
7 -- it looks like it's been influenced by wind, plants have
8 been blown in certain ways, there's been a kind of natural
9 meadow pollinator meadow effect so that there are certain
10 areas that might be more -- have more interest as far as
11 color than others. So it was really kind of developed to be
12 a very, very natural and native type of design.

13 So we've got a lot of plants. We've got over 8,000
14 plants, I think, total that we're planting in this. Some
15 will be actual plugs, others will be, you know, certain
16 diameter of the trunk, and I think the -- this landscaping
17 plan is almost as important as the actual architecture of
18 the house itself, to me at least. So it's going to be quite
19 a project.

20 DEPUTY COMMISSIONER SCHMIDT: It certainly is. And
21 I promise I will only ask these final two --

22 ALTERNATE BOARD MEMBER ROBINSON: No, keep going.

23 DEPUTY COMMISSIONER SCHMIDT: Because I want the
24 board and anyone from the public. This is going to be your
25 residence?

1 MR. GUY KOHN: It is, yes.

2 DEPUTY COMMISSIONER SCHMIDT: Okay. I wanted that
3 to be on the record.

4 MR. GUY KOHN: Definitely.

5 DEPUTY COMMISSIONER SCHMIDT: And two, I think the
6 vine that was escaping me as well is bitter sweet.

7 MR. GUY KOHN: Bitter sweet. That's it. Exactly.
8 The bitter sweet vines are like anacondas on that property.

9 ALTERNATE BOARD MEMBER ROBINSON: Yes.

10 MR. GUY KOHN: And they're choking out half of the
11 trees. Thank you. Senior moment.

12 CHAIRPERSON PYNE: Ms. Robinson, you have some
13 questions?

14 ALTERNATE BOARD MEMBER ROBINSON: Yes.

15 The bioretention systems that you have on the plans
16 currently, have those areas been evaluated and do we know
17 that that's exactly where they're going to go?

18 MR. GUY KOHN: Well, maybe I'll let Andy answer
19 that. We did do test pits to determine if they would work
20 geotechnically in those areas, and they do.

21 CHAIRPERSON PYNE: All right. Any other questions,
22 Ms. Robinson?

23 ALTERNATE BOARD MEMBER ROBINSON: I do.

24 So it is clear that you have thought this out with
25 consideration of everyone, especially with the biosystems,

1 especially with making sure that water isn't going onto the
2 neighbor's property, and with it being your forever home you
3 will take good care of the bioretention systems. My concern
4 ultimately is how well the next person will take care of
5 this bioretention system. So I just want to voice that for
6 the record.

7 DEPUTY TOWN ATTORNEY MAGANA: Correct me if I'm
8 wrong, but there's a maintenance plan associated with the
9 installation?

10 MR. ANDY CHUNG: Yes, on the -- in the appendix of
11 the SWPPP there's a maintenance plan.

12 ALTERNATE BOARD MEMBER ROBINSON: Yeah, my concern
13 is the next owner, how well they will maintain the
14 bioretention system.

15 DEPUTY TOWN ATTORNEY MAGANA: So it's a condition
16 that would run with the land, and failure to maintain it
17 could be called upon --

18 ALTERNATE BOARD MEMBER ROBINSON: Sure. Yes.

19 DEPUTY TOWN ATTORNEY MAGANA: -- and notice sent
20 and action taken.

21 ALTERNATE BOARD MEMBER ROBINSON: Yes, please.

22 CHAIRPERSON PYNE: Any other questions,
23 Ms. Robinson?

24 ALTERNATE BOARD MEMBER ROBINSON: That's it.

25 CHAIRPERSON PYNE: All right. I did have a few

1 questions before I pass it off to the rest of the board, and
2 then this is a public hearing so I do want to hear from the
3 public.

4 We received one letter of comment that was
5 distributed to the board and so I, just for the record, just
6 wanted to paraphrase or reframe the questions and then get
7 the responses on the record.

8 I think the first one will actually be for you,
9 Deputy Commissioner Schmidt. I just wanted to confirm that
10 the town engineer, who is a third-party from the applicant,
11 reviewed the storm water management plan prior to this
12 hearing.

13 DEPUTY COMMISSIONER SCHMIDT: Yes, that's correct.

14 CHAIRPERSON PYNE: Great. I just wanted to confirm
15 that the town engineer or other town staff will conduct
16 inspections at key milestones during construction, including
17 grading, basin -- basin installation, final stabilization
18 and certified that the work has been complete and in
19 accordance with the plans and with the conditions that if we
20 approve this application would be included with the
21 approval.

22 DEPUTY COMMISSIONER SCHMIDT: Yes. So if this
23 project's approved by the Planning Board, before the
24 applicant can obtain a building permit from the building
25 department, they need to obtain a storm water management

1 control permit from the town engineer. And it sounds like
2 they've already prepared. They mentioned they prepared a
3 storm water pollution prevention plan and they have drawings
4 that would go with that, but ultimately they need the storm
5 water management control permit from -- issued by and signed
6 off by the town engineer. When the town engineer issues the
7 storm water management control permit, there's a schedule of
8 mandated inspections that's included. It's known or
9 referred to as the yellow sheet, which is your schedule of
10 inspections, and they can -- their office can come out at
11 any time to inspect, but, at a minimum, at key milestone
12 points within the project during construction and then post
13 construction they -- and even prior to construction, for
14 instance, to verify that the silt fence and any other
15 protection measures on the site are installed properly and
16 according to plan. They will be out on site. So I just
17 wanted that to be on the record.

18 Thank you.

19 CHAIRPERSON PYNE: Thank you.

20 And lastly, you know, if -- if a resident -- and
21 this could be a general question for any application. You
22 know, if a resident had a question or a comment or wanted to
23 report a concern regarding a development project who would
24 be the best point of contact within the town for a neighbor
25 to reach out?

1 DEPUTY COMMISSIONER SCHMIDT: So, typically, the
2 best point of contact during construction is our Building
3 Inspector's Office. If the complaint doesn't involve the
4 Building Inspector's Office specifically they will route
5 that comment, question or concern to the appropriate office,
6 which may be the Bureau of Engineering, or if it was tree
7 related to the forestry officer, or if it was a legal
8 question down to our legal department, but certainly our
9 Building Inspector's Office would be the best point of
10 contact.

11 CHAIRPERSON PYNE: And not that this is a pop quiz,
12 but the email for the Building Department is
13 Building@GreenburghNY.gov; is that correct?

14 DEPUTY COMMISSIONER SCHMIDT: Correct.

15 CHAIRPERSON PYNE: Great. So if a neighbor ever
16 had a comment or a concern they could email
17 Building@GreenburghNY.gov and get a timely response, and if
18 the Building Department is not the appropriate recipient, as
19 Deputy Commissioner Schmidt mentioned, that question will be
20 routed to be appropriate office.

21 DEPUTY COMMISSIONER SCHMIDT: And their phone
22 number would be on the town website as well.

23 CHAIRPERSON PYNE: Great. Thank you.

24 Are there any questions from -- any burning
25 questions from the board before we go to the public and then

1 we'll have a second crack at it after -- after we hear from
2 the public?

3 BOARD MEMBER PILLINGER: I have no burning
4 questions.

5 BOARD MEMBER WEINBERG: Do you have any questions?

6 BOARD MEMBER PILLINGER: No. I just appreciated
7 your enthusiasm on the landscaping as somebody who's a
8 member of the Bronx Botanical Gardens and Prospect Park
9 Botanical Gardens and who appreciates museums with
10 landscaping. Your love showed --

11 MR. GUY KOHN: Thank you.

12 BOARD MEMBER PILLINGER: -- in your presentation.

13 MR. GUY KOHN: Well, I'm also a member of the
14 Garden Conservancy.

15 CHAIRPERSON PYNE: Mr. Weinberg?

16 BOARD MEMBER WEINBERG: The access to the property,
17 now it's a shared driveway, right? Was that what was shown
18 to the fire department?

19 MR. ANDY CHUNG: There was a comment from the
20 engineering department. So we had made provisions -- there
21 was a comment about fire truck access so we modified our
22 driveway design to include a little turnaround area, and the
23 engineering department had no other comments from the fire
24 department.

25 BOARD MEMBER WEINBERG: Okay. The access agreement

1 that you included, okay, so I think the applicant signed it.
2 Has everyone else -- there's two -- there's two other
3 parties. There's a little confusion about Mr. Monks and
4 what his property has to do with the shared driveway. I
5 thought it was just one other house.

6 MR. GUY KOHN: Both party -- all parties signed the
7 agreement. Mr. Monk's driveway is at the bottom. He
8 purchased the -- his property while we were in process of
9 getting the access agreement and easement and did sign it
10 before he purchased the property. Right?

11 MR. JONATHAN MONK: Right.

12 MR. GUY KOHN: And that's also a maintenance
13 agreement. We maintain it for snow and for, you know,
14 overall maintenance of the exist -- we're going -- as Andy
15 said, we're going to -- after we trench it and build the
16 utilities through it we're going to repave it and then we're
17 going to modify it. So the access agreement and the
18 easement agreement calls for shared maintenance after we've
19 already done all this in perpetuity as long as we're there,
20 and one of the neighbors likes plowing his own driveway so
21 he'll do his own. I'm not sure what our new neighbor wants
22 to do, but I know that we're going to have to plow our
23 driveway. So we're going to all probably get together and
24 decide, you know, before the first snow when we're there who
25 does what.

1 BOARD MEMBER WEINBERG: Because it was a little --
2 I looked at this, you know, the one that we had was only
3 signed by you.

4 MR. GUY KOHN: It's only signed -- well, I can send
5 you the one that's signed by everybody.

6 DEPUTY COMMISSIONER SCHMIDT: You can send it to
7 me. That would be great.

8 MR. GUY KOHN: Sure. I thought we had.

9 DEPUTY COMMISSIONER SCHMIDT: You may have.

10 Matt, do you know offhand if the signed agreement
11 is in hand?

12 DEPUTY TOWN PLANNER BRITTON: I had certainly seen
13 it. I can try and pull it up.

14 DEPUTY COMMISSIONER SCHMIDT: Okay. If not, we'll
15 distribute to the board so they have it.

16 BOARD MEMBER WEINBERG: And so there's the Monks,
17 the Kohns and the Siris.

18 MR. GUY KOHN: Correct.

19 BOARD MEMBER WEINBERG: So there's three houses
20 that are using this access driveway?

21 MR. GUY KOHN: That's correct.

22 BOARD MEMBER WEINBERG: And how do you, you know --
23 you're talking to everyone now. You're going to live there.
24 What happens -- because to me it wasn't really clear how all
25 this is going to be worked out when there are new owners

1 there and they don't want to plow, you know, their property
2 themselves.

3 MR. GUY KOHN: I believe the access agreement is in
4 perpetuity and carries on if we leave.

5 BOARD MEMBER WEINBERG: Well, it is in perpetuity,
6 but what I'm not sure about is the understanding of exactly
7 what you're all obligated to do in perpetuity. It's, you
8 know -- you're already making exceptions to some of what's
9 in here, and I'm not sure that I really saw, you know,
10 maintenance of this, you know.

11 MR. GUY KOHN: How -- what kind of exceptions am I
12 making? I'm not sure.

13 BOARD MEMBER WEINBERG: Well, there's an easement
14 for, you know, maintenance. There's an easement for the
15 utilities, and it's hard for me to understand because I
16 haven't seen a map with all the -- like a -- sort of a
17 survey with the three properties and how they all feed into
18 this access road and who's going to do -- if you're just
19 going to plow yours, I'm not sure that I understand, without
20 seeing something, exactly what you're plowing as opposed to
21 the rest of the people. And if someone who's closer to the
22 street who doesn't plow who takes care of it?

23 MR. GUY KOHN: So maybe we can get the --

24 BOARD MEMBER WEINBERG: And how are you -- how are
25 you sharing all these costs when it's not clear who's doing

1 -- exactly who's doing what and there's no -- you know, it
2 talks about sharing, but it doesn't say -- there's nothing
3 about the process for how that's going to work.

4 MR. GUY KOHN: Let me see if we can get the -- a
5 better drawing -- a better drawing of the shared driveway.
6 Maybe a --

7 MR. ANDY CHUNG: I was just going to pull up
8 pictures.

9 MR. GUY KOHN: Well, Siri had -- Siri -- Siri has
10 been there for, I don't know, maybe a dozen years. They
11 have the property closest to the cul-de-sac, so their
12 driveway is the first one on the left as you come off the
13 cul-de-sac. He's been plowing his own driveway up to the
14 cul-de-sac for as long as he's lived there. The prior
15 neighbor who was in Monk's house was Marquee, and Marquee
16 plowed from his house up to Siri's house. So what we -- I'm
17 assuming we're going to do when we work it out is we will
18 plow from our house to Monk's house, Monks will plow from
19 his house to Siri's house and Siri will plow from his house
20 to the cul-de-sac.

21 BOARD MEMBER WEINBERG: And --

22 MR. GUY KOHN: I assume that's kind of what we're
23 going to eventually work out.

24 BOARD MEMBER WEINBERG: And if Monk -- if there's
25 another owner of the Monk house and he decides, you know, I

1 don't need to, you know, plow this. You know, let the other
2 people plow. They have to get out. They can plow my
3 property. I just -- I think someone should take a clear
4 look at this and not assume that you're all going to get
5 together today and agree on something and then in 5 or
6 10 years with different owners, you know, they don't see it
7 the same way, they're not working together. What's in here
8 is what's going to, you know, prevail. You can always amend
9 it, you know, informally among yourselves while you're there
10 and you're talking to each other, but ultimately this
11 document, in terms of the easements, exactly what they are,
12 the maintenance, how people are going to get charge and pay
13 for it and if they don't pay what the remedies are, this
14 doesn't really deal with a lot of that, and I think for
15 everyone's sake it ought to be looked at and cleaned up and
16 tightened up so that it works for anyone, even if you're not
17 talking to each other.

18 MR. GUY KOHN: Well, I'm not an attorney. I
19 believe that this is an issue between neighbors and not
20 necessarily an issue for the Planning Board, and it's been
21 worked out and everyone has agreed to it. So unless there's
22 an objection from a neighbor, I'm not sure it's really
23 pertinent to our discussion in this particular case.

24 BOARD MEMBER WEINBERG: Well, I think the fire
25 department would want the road plowed just in case there's a

1 problem.

2 MR. GUY KOHN: Well, I think everybody needs to get
3 in and out, and I -- once again, I'm not an attorney so I
4 don't have the easement agreement right here in front of me,
5 but I believe that it carries through to all neighbors
6 whether or not they move out and a new neighbor comes in and
7 takes over. I think it's -- it runs with the entire land.

8 DEPUTY TOWN ATTORNEY MAGANA: It does run with the
9 land. And, respectfully, it is not a road. It's a
10 driveway.

11 BOARD MEMBER WEINBERG: That's not the issue.

12 DEPUTY TOWN ATTORNEY MAGANA: And the fire
13 department would plow through if they needed to.

14 BOARD MEMBER WEINBERG: You know, it's perpetual.
15 I'm just saying that there's a lot that's missing in here
16 that really makes it clear, ironclad, who's got to do what.
17 If you want to have informal agreements, that's fine. You
18 know, do it, shake hands. But if someone --

19 DEPUTY TOWN PLANNER BRITTON: So the --

20 BOARD MEMBER WEINBERG: -- you know, if
21 someone doesn't follow through --

22 DEPUTY TOWN PLANNER BRITTON: -- does state that
23 the Siris, Kohns and Monks shall be solely responsible for
24 their own snow and ice removal for their driveway which they
25 will do for their own benefit and not the benefit of the

1 other parties. Related to that, this similar line of
2 questioning came up at a previous application before the
3 board at Clayton Road --

4 BOARD MEMBER WEINBERG: Right.

5 DEPUTY TOWN PLANNER BRITTON: -- and the question
6 similarly came up about who's going to plow the road and if
7 no one does it what's going to happen, and what Ms. Magana
8 had indicated, and what was told to us, is that if the fire
9 department needs to access, you know, the road and the
10 road's not plowed, they will plow it and they will charge
11 the owners. There's also the potential for them to be
12 issued violations if they fail to plow. So those are the
13 remedies if a future homeowner fails to properly keep their
14 driveway clear of snow and ice.

15 DEPUTY TOWN ATTORNEY MAGANA: So the only
16 difference, Matt, is that the application you're referring
17 to previously all of that's true except for one piece, and
18 that was the prior application was a private road, whereas
19 this is a driveway. So the --

20 DEPUTY TOWN PLANNER BRITTON: Potato potatoe.

21 DEPUTY TOWN ATTORNEY MAGANA: Well, except for the
22 fact that we likely wouldn't issue violations for a driveway
23 for failure to plow, but the cost of plowing said driveway
24 to get to the house for an emergency would be charged back.

25 MR. GUY KOHN: And if I can just add, we had an

1 interesting situation like that happen this winter, where we
2 have a long driveway currently, it's about 512 feet long,
3 it's a narrow driveway, and the day of the heaviest snow,
4 the second snow that we had that was almost two feet, our
5 plow company decided to ghost us. So we called around, we
6 called around, and we finally got in touch with them and
7 they said it was too hard, they decided not to plow our
8 driveway anymore. So we called a bunch of people, found
9 somebody and it took two days, but we got it plowed.

10 Now, in a case like that, if you run into an
11 emergency situation, somebody needs medical care or
12 something like that, what do you do? You're kind of stuck.
13 You're held -- you're holding the bag. So I can just tell
14 you that we would, you know, be as diligent as we possibly
15 could and we will try to cooperate with all of our neighbors
16 as best we can, and it would be in everyone's best interest
17 if they maintain their driveway. And that's -- you know,
18 rather than setting up a schedule right now, which, you
19 know, we haven't done yet because we haven't moved in, we
20 haven't built the house, we've got the framework or the -- I
21 guess the outline of what we need to do, and I think it
22 makes it a good starting point to kind of develop a
23 relationship with our neighbors, which will be cooperative,
24 and everyone can work together. I mean, that's all we can
25 really do at this point, I think.

1 CHAIRPERSON PYNE: All right. So this is a public
2 hearing, and I would like to hear from the public. Is there
3 anyone here in person in the audience who would like to
4 speak on this application?

5 Please. So row closer, come up, introduce
6 yourself, name -- name and address. Thank you.

7 MR. JONATHAN MONK: Thank you.

8 My name is Jonathan Monk. I live at 8 Blueberry
9 Hill Road, the property to the east in question. The
10 correspondence, as I said, has already been referenced, and,
11 Mr. Chair, you touched on pretty much all of it. So I guess
12 the only thing I wanted to ask regarding the town engineer's
13 inspection and key milestones during the construction is
14 what those milestones are, if we know that, and if those
15 inspections will be public and just able to be monitored.
16 Like, obviously, we have an avenue to raise concerns, but if
17 we can just independently kind of keep track of progress.

18 DEPUTY COMMISSIONER SCHMIDT: Right. So my
19 suggestion would be we can put you in touch with the town's
20 bureau of engineering. I don't want to speak and
21 unintentionally leave out one of the key milestones. So
22 they deal with an issue, a number of storm water permits,
23 probably dozens, if not more, each year, so I -- we're happy
24 to put you in touch with them so you can understand that
25 process, understand the milestones and understand the public

1 inspection of records.

2 MR. JONATHAN MONK: Great.

3 DEPUTY COMMISSIONER SCHMIDT: Okay?

4 MR. JONATHAN MONK: Thank you. That's all I have.

5 DEPUTY COMMISSIONER SCHMIDT: Thank you.

6 CHAIRPERSON PYNE: Thank you for coming out.

7 MR. GUY KOHN: Can I --

8 DEPUTY COMMISSIONER SCHMIDT: Please. Briefly.

9 CHAIRPERSON PYNE: Well, mister -- if you want to
10 speak and then we'll have --

11 DEPUTY TOWN ATTORNEY MAGANA: If it's in response
12 to --

13 CHAIRPERSON PYNE: Is it in response to?

14 MR. GUY KOHN: Yes.

15 CHAIRPERSON PYNE: Okay.

16 MR. GUY KOHN: So I jut want to respond to Jonathan
17 Monk's concern. I can just tell you that we're going to do
18 everything -- we know that it's going to be a lot of
19 disturbance, and once construction starts there's going to
20 be dirt and mud and noise, all kinds of things that will
21 kind of break the peace and quiet of that area a little bit,
22 so we're going to be very, very diligent and make the
23 contractors know that they've got to make sure that that's
24 got to be kept clean and that we're going to try to minimize
25 the disturbance as much as possible and also any sort of

1 disturbance that might cause a storm water runoff, such silt
2 fence if they get knocked down, we'll neatly put them back
3 up. So we're going to try to be as good a neighbor as we
4 possibly can and, you know, try to mitigate -- it's going to
5 be a process. It's probably going to take about a year or
6 so to do this, but we're going to do our best to try and
7 make it as easy on you as possible.

8 MR. JONATHAN MONK: Thank you.

9 MR. GUY KOHN: And I'm not sure we're even going to
10 know when the inspections are going to happen. Are we going
11 to get notifications of when the inspections are going to
12 happen?

13 DEPUTY COMMISSIONER SCHMIDT: Yeah. So there is an
14 inspection checklist.

15 MR. GUY KOHN: Okay.

16 DEPUTY COMMISSIONER SCHMIDT: So they're going to
17 come out periodically, but there are going to be times where
18 your team will contact the Bureau of Engineering and say
19 we've installed all the silt fencing according to the plan,
20 we'd like you to come out for an inspection.

21 MR. GUY KOHN: Okay.

22 DEPUTY COMMISSIONER SCHMIDT: But then there will
23 be spot inspections. They have the ability to perform spot
24 inspections.

25 MR. GUY KOHN: And to our best knowledge, if you

1 want know, if we're notified that there's going to be an
2 inspection I'm happy to let you know.

3 CHAIRPERSON PYNE: And I might suggest, if you
4 haven't exchanged information yet --

5 MR. GUY KOHN: Oh, we have.

6 CHAIRPERSON PYNE: Great.

7 MR. GUY KOHN: We have.

8 CHAIRPERSON PYNE: Wonderful.

9 MR. GUY KOHN: Okay.

10 CHAIRPERSON PYNE: All right. Next member of the
11 public. Please state your name and address for the record.
12 Thank you.

13 MR. SVEN CLABES: Good evening. Sven Clabes. I
14 live at 12 Cayuga Lane, which is just north of the property
15 on the other side of the woods effectively.

16 Again, I'm -- I'll say I'm supportive of the
17 property. I think it's going to be great for the area. My
18 biggest concern I think I would have is around just storm
19 water runoff, just downstream flooding. You probably are
20 already aware, but this property resides near the wetland
21 that feeds Barney Brook. Barney Brook is an area that has
22 seen a lot of issues in the Town of Irvington, and Irvington
23 has received federal funds, or state funds I should say, to
24 mitigate that flooding. So I think that's just an area of
25 concern for all the neighbors in the area is flooding.

1 Flooding is extreme in this area. The rainfall that we've
2 had in the last couple of flash floods have just inundated
3 the area.

4 There was recently a hearing about an adjacent
5 property that's on 50 Mulligan Road as well where they were
6 trying to build a -- a garage addition. I'm just curious,
7 like, between those properties, because they're relatively
8 closely situated, has there been any assessment done about
9 the combined impact of that and how that feeds the downhill,
10 especially like the Cayuga Lane area?

11 CHAIRPERSON PYNE: I'll ask a slightly different
12 question. Deputy Commissioner Schmidt, could you just sort
13 of walk us through what the code requirements are in terms
14 of storm water mitigation?

15 DEPUTY COMMISSIONER SCHMIDT: Right. So broken
16 down to its simplest form, the code requires that there be
17 no net increase in water discharging from the property in
18 the post-construction condition versus the pre-construction
19 condition. So the applicant, as part of the storm water
20 pollution prevention plan, it's a very lengthy -- can be a
21 very lengthy document, has to do an analysis of preexisting
22 conditions, how water moves through the site and then off
23 the site and the preexisting condition and then modeling and
24 inserting, you know, the new home, driveway, removal of
25 trees, etc., and any regrading that's done, along with their

1 new systems that they're putting in place -- in this case,
2 the bioretention basins, the various catch basins -- they
3 model that and they have to submit all that documentation to
4 the town's Bureau of Engineering to ensure that in that
5 post-construction condition there is no additional water
6 leaving the site. And oftentimes it's actually less.
7 Oftentimes -- oftentimes.

8 MR. SVEN CLABES: I'm not going to talk about that.

9 DEPUTY COMMISSIONER SCHMIDT: Right. So we have to
10 speak about the current, you know, project before us.

11 MR. SVEN CLABES: Sure.

12 DEPUTY COMMISSIONER SCHMIDT: I was around during
13 the construction process of 50 Mulligan.

14 MR. SVEN CLABES: Yep.

15 DEPUTY COMMISSIONER SCHMIDT: And I'm sorry, the
16 Mulligan Lane.

17 MR. SVEN CLABES: Yeah, the whole development.

18 DEPUTY COMMISSIONER SCHMIDT: Right.

19 MR. SVEN CLABES: Yes.

20 DEPUTY COMMISSIONER SCHMIDT: So, but I'm not an
21 engineer. I only know what the code requires and what our
22 bureau of engineering looks at --

23 MR. SVEN CLABES: Yep.

24 DEPUTY COMMISSIONER SCHMIDT: -- and analyzes and
25 then the inspections.

1 CHAIRPERSON PYNE: And to get to the heart of your
2 question, ultimately what Deputy Commissioner Schmidt
3 explained that that net reduction is on a site-by-site
4 basis.

5 MR. SVEN CLABES: Sure.

6 CHAIRPERSON PYNE: So, ultimately, the fact that
7 there's two projects, or two sites near each other, that
8 both have development --

9 MR. SVEN CLABES: Sure.

10 CHAIRPERSON PYNE: -- ultimately each site
11 independently had to have a net reduction.

12 MR. SVEN CLABES: Sure.

13 DEPUTY COMMISSIONER SCHMIDT: Right. It's -- you
14 can't -- you know, if one of them is doing more and the
15 other is doing less, they don't balance out --

16 MR. SVEN CLABES: Fine.

17 DEPUTY COMMISSIONER SCHMIDT: -- to zero. You
18 know, they're individually reviewed.

19 MR. SVEN CLABES: Okay. No, I understand that. I
20 appreciate that, of course, and what you guys have done to
21 kind of assess the situation. It's exactly like you said,
22 the Mulligan development, and it's probably a function of
23 weather conditions changing radically, and I think maybe
24 that's part of the review that's pending --

25 DEPUTY COMMISSIONER SCHMIDT: Right.

1 MR. SVEN CLABES: -- has changed significantly,
2 like the amount of water that comes down, so what was fine
3 before is just not.

4 And I guess the other concern I would have is the
5 -- there's 100 -- yes, there are a lot of invasive species,
6 but there's 100 mature probably 50-year-old trees that
7 retain significant amount of water in their root system and
8 putting 72 saplings, which isn't even equivalent to the
9 number of trees coming out, which are tiny, I get it there's
10 retention ponds, but there's still also a -- like the
11 grading of the slopes, right, like just the retention of
12 soil and stuff, the roots do that. Like, a pond's not going
13 to retain the dirt on these steep slopes, which there's
14 about 5,000 square feet of, which is like the size of a
15 basketball court. It's a relatively large area.

16 DEPUTY COMMISSIONER SCHMIDT: Right. So I know
17 that prior to closing out the storm water management control
18 permit, which is completely separate --

19 MR. SVEN CLABES: Yep.

20 DEPUTY COMMISSIONER SCHMIDT: -- from the building
21 permit and, you know, other related permits, the site has to
22 be fully stabilized. So you can't have erosion happening --

23 MR. SVEN CLABES: Yep.

24 DEPUTY COMMISSIONER SCHMIDT: -- with erosion
25 gullies --

1 MR. SVEN CLABES: Right.

2 DEPUTY COMMISSIONER SCHMIDT: -- and silt and
3 whatnot enter into the wetland and discharging into off-site
4 properties. That will not be something that would satisfy
5 the bureau of engineering to the point where the storm water
6 permit is closed.

7 MR. SVEN CLABES: Okay. That's good to hear.

8 And I guess the last thing was --

9 CHAIRPERSON PYNE: And if I could actually --

10 MR. SVEN CLABES: Sure.

11 CHAIRPERSON PYNE: -- ask one question. So, Deputy
12 Commissioner Schmidt, could you also just explain briefly
13 so, you know, certainly there has been, I would say, an
14 evolution in weather events over time. Our code currently
15 requires is it a 25-year storm?

16 DEPUTY COMMISSIONER SCHMIDT: That's correct.

17 CHAIRPERSON PYNE: And for the record, what -- what
18 level storm is the applicant proposing for the storm water
19 retention system?

20 DEPUTY COMMISSIONER SCHMIDT: I believe the 25-year
21 storm --

22 CHAIRPERSON PYNE: Okay.

23 DEPUTY COMMISSIONER SCHMIDT: -- event.

24 I did have a comment I was going to relay back to
25 the applicant. And I believe Ms. Anderson -- Ms. Robinson

1 had a question as well. But --

2 MR. SVEN CLABES: The last point you partly touched
3 on. It was the fire access. This is a heavily wooded area
4 that is also relatively close to a nature reserve that's
5 just on the other side of the street, so I think the concern
6 was -- I think even in the application it said substandard
7 with driveway 14 feet. There's that concern, whether it's
8 snow or anything else, of -- if they have to plow to even
9 get in there that's a problem. Like, fire's not going to
10 wait for the plow to arrive for the fire department to
11 access what is an extensively long driveway to get to our
12 property, and that I think is just another concern for
13 people that live around there is that it is heavily wooded,
14 fire spreads quick. And so that's just -- I'm just
15 wondering if -- has the Irvington beyond like -- because I
16 think Irvington also covers this area off of Mountain Road.
17 Has the Irvington fire department chief --

18 DEPUTY TOWN PLANNER BRITTON: Yes.

19 MR. SVEN CLABES: -- signed off?

20 DEPUTY COMMISSIONER SCHMIDT: They have.

21 DEPUTY TOWN PLANNER BRITTON: Yes. So I can speak
22 on that. We forwarded the plans in their entirety to the
23 Irvington District, and they indicated that they had no
24 issues with the project as presented.

25 MR. SVEN CLABES: Okay. Great. That's it. I

1 appreciate your time.

2 DEPUTY COMMISSIONER SCHMIDT: Yeah, it's not just
3 in-house, you know, fire --

4 MR. SVEN CLABES: No, no.

5 DEPUTY COMMISSIONER SCHMIDT: -- review. We do
6 send to the districts that cover the properties --

7 MR. SVEN CLABES: Okay.

8 DEPUTY COMMISSIONER SCHMIDT: -- throughout the
9 town.

10 MR. SVEN CLABES: Well, it sounds good like you're
11 doing well.

12 DEPUTY COMMISSIONER SCHMIDT: I appreciate you
13 asking.

14 MR. SVEN CLABES: Congrats.

15 MR. GUY KOHN: Can I respond to the gentleman?

16 CHAIRPERSON PYNE: Yes, please, Mr. Kohn.

17 MR. GUY KOHN: Couple of things I just wanted to
18 respond to in regards to the root -- uptake of water, the
19 hydrology of the trees. As I said, I would say a majority
20 of the trees are in critical conditions, so they're almost
21 dead in a lot of cases or they are dead, so their root --
22 their water uptake is minimal right now and it's going to
23 decline even more over time. So I do agree that a full-size
24 tree takes up much more water than a smaller sapling that
25 you plant, but ultimately the idea is to fully vegetate the

1 whole property so that it actually has a much better
2 hydrological profile than it does now. Because now it's
3 pretty much barren except for the trees, and we're going to
4 be planting extensively and trying to enhance the property
5 as well as the wetlands. So I think it may take a few years
6 to get to that point, but ultimately I think it will be a
7 much better sort of condition as far as the landscaping and
8 the trees and the plantings go than it is now.

9 CHAIRPERSON PYNE: Thank you.

10 Is there anyone here in person who would like to
11 speak on this application?

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

14 Mr. Leffler.

15 MR. JOSHUA LEFFLER: Hey. How are you doing?

16 Sorry I couldn't be there in person, but I appreciate the
17 opportunity. I live at 15 Cayuga Lane right next to Sven.

18 Look, I'm not opposing the project in principle.
19 My concern is what happens actually in practice, once
20 construction begins and the site is altered. My property
21 sits right at the bottom of that -- it's the first kind of
22 drainage point from where -- where the swamp drains to, and
23 so if storm water controls don't work in the real world I
24 live with the consequences, Sven lives with the
25 consequences, the other neighbors on our cul-de-sac live

1 with the consequences. And I want to be candid. I cannot
2 stress how concerned I am about this. It's not theoretical.
3 We -- we lived with the impact of the Mulligan Lane
4 construction. And, you know, Mr. Schmidt, I believe, or --
5 I appreciate the -- what the code is to me for water runoff,
6 I cannot imagine that that is being met right now for the
7 Mulligan Lane properties. And we're not here to talk about
8 that, but it gets to my point, which is accountability.

9 So I was in this room where you guys years ago and
10 similar -- the exact same assurances were made about the
11 Mulligan Lane development before it started, storm water
12 performance, storm capacity, all the plantings, the
13 mitigation measures, everything, right. We heard it all.
14 We were told all of this, and the reality on the ground
15 didn't match those assurances.

16 As Sven mentioned, as many others mentioned, you
17 know, weather patterns have changed, that doesn't help the
18 situation at all, but it is the reality that we deal with.
19 So, you know, my neighbors and I live with the runoff impact
20 when it rains. To this day, I still get runoff debris and
21 garbage on my property from the prior construction area.
22 We're not here to talk about that, but I do want to talk
23 about accountability because I'm the one who has to deal
24 with the garbage, and it's not a fun thing.

25 Look, I want to be -- I also want to say, Mr. Kohn,

1 when -- you might recall we met I think a year or two years
2 ago, I thought you were thoughtful. I thought you were
3 sincere. You seem like an excellent neighbor, and, you
4 know, I look forward to having you as a neighbor. I
5 appreciate the care that you've taken with these plans and
6 the plantings and everything there, and I can imagine it
7 might possibly improve the health of the woods. That would
8 be great. My concern isn't about intent. It's about how we
9 make sure that those good intentions and good plans come
10 with real oversight that prevents damage.

11 So I'll stop there. And one key question that I
12 want to ask is if the standard is known that increase in
13 runoff in the post-construction condition and that's -- you
14 know, and that's not what neighbors are experiencing in
15 practice from the Mulligan Lane construction, well, how do
16 we square that with what we're hearing now from 10 minutes
17 ago? How do we enforce accountability? Who's accountable?
18 It's not necessarily intentional. I don't think anyone had
19 bad intentions, but it's the reality of the situation that
20 we're -- that we're dealing with.

21 CHAIRPERSON PYNE: Thank you. Thank you,
22 Mr. Leffler.

23 MR. JOSHUA LEFFLER: I'll stop there. Thank you,
24 guys.

25 CHAIRPERSON PYNE: Deputy Commissioner Schmidt,

1 would you like to respond?

2 DEPUTY COMMISSIONER SCHMIDT: So I'm going to let
3 legal respond to the accountability matter, but in terms of
4 -- in terms of responding to comments about additional
5 measures, let's say that perhaps could be undertaken by the
6 applicant and the project team -- I was going to bring this
7 up before but we wanted to get to the public commentary --
8 would there be the possibility to further protect downstream
9 properties during the course of construction? Would you be
10 open to utilization of both wire-backed reinforced silt
11 fencing as well as potentially straw bales to support that
12 silt fencing so that, you know, with the more intense rain
13 events that we've experienced over these last handful of
14 years we've seen the typical silt fencing get breached much
15 more often than in years prior. So one of the things we've
16 asked applicants to consider is the wire-backed combined
17 with the straw bales as an additional measure, so.

18 MR. GUY KOHN: So I'd just like to respond to the
19 gentleman. Thanks for your comments. I certainly
20 appreciate what you're saying. When we first went to the
21 site and sort of looked at the lay of the land, it was very
22 kind of unique because the stream runs in two directions,
23 and my guess, and this is based on working with the storm
24 water prevention pollution plan and everything that we're
25 working on, that the Mulligan Lane situation -- and correct

1 me if I'm wrong -- but I think Mulligan Lane is up on the
2 hill, up on the top of the valley there, so it runs directly
3 down into the backyards of that area.

4 I think in the particular case of this property
5 most of the runoff comes from the pond up above. There's a
6 -- there's man-made pond to the east, and they have two
7 areas of runoff that run right down the hill. Then the --
8 at a certain point right after it gets across the property
9 line at some point -- maybe the girl scouts who were on the
10 property or somebody before that -- built a stone weir,
11 almost like a little damn, so when the water runs off it
12 runs into two directions, it hits that area and it runs
13 backwards towards the pond on Blueberry Hill Road and then
14 it runs down towards your properties. So most of the water
15 that I've seen collects in the spring and when there's heavy
16 rain seasons and then in the summer that whole area dries
17 out. If there's a big rain event it continues -- it runs
18 both ways.

19 My guess is that most of the runoff you're seeing
20 is coming from the new construction on Mulligan Lane maybe,
21 I don't know, and the area of the -- that has the pond above
22 it. The area where we're planning doing the construction is
23 kind of up on a plateau, and of course we're going to be
24 removing trees and that, you know, speeds up the flow of
25 rain. But I'm certainly open to putting in reinforced

1 fencing if you think that's going to make a difference. I
2 don't see that would make that much of a difference as far
3 as overall cost goes. But my guess, my guess is that even
4 after we clear the property, there's not going to be as much
5 runoff because most of the runoff comes from the pond and
6 the area above that.

7 And I've walked that property when it's rained a
8 lot, and I never see water running from the west to the
9 east. It's all -- it all gets absorbed into the soil. And,
10 you know, we're going to be planting the soil -- obviously,
11 there's going to be construction and we'll have silt fencing
12 around there. So we're going to do everything we can to
13 mitigate that, and if we have to harden up the silt fencing
14 and put in hay bales in certain areas, maybe it isn't
15 necessary all along it, but we'll sort of identify that and
16 we'll work with the town and kind of figure those areas out.

17 DEPUTY COMMISSIONER SCHMIDT: Thank you.

18 CHAIRPERSON PYNE: Thank you.

19 MR. GUY KOHN: Sure.

20 CHAIRPERSON PYNE: I have no question that you will
21 be meticulous in maintaining the property and overseeing
22 your contractors, but, you know, Mr. Leffler referenced
23 construction debris that was left by a developer at a
24 different property. Would you be open, as a condition, to,
25 you know, ensure that all construction debris is removed

1 from the property before building permits are -- final
2 approval is issued?

3 MR. GUY KOHN: Definitely.

4 DEPUTY COMMISSIONER SCHMIDT: And that was part of
5 why I had asked earlier you're intending to live at this
6 property.

7 MR. GUY KOHN: I don't want to see construction
8 debris around my house.

9 DEPUTY COMMISSIONER SCHMIDT: Which is different
10 from a developer building and then selling off lots.

11 MR. GUY KOHN: Some people might consider the
12 sculptures that we put up there construction debris, but
13 that's a different story.

14 CHAIRPERSON PYNE: Well, we'll let these guys
15 fine-tune that when we have a draft -- draft decision.

16 MR. ANDY CHUNG: And I just wanted to add, as part
17 of the condition of the SWPPP, the contractor that Mr. Kohn
18 chooses to do the construction will be required to have a
19 DEC trained individual as part of the contractor's team to
20 make daily inspections of the silt fence; double-upped silt
21 fence, if necessary; hay bales, if necessary. So all those
22 provisions are requirements of the contractor who's going to
23 be doing the work.

24 DEPUTY COMMISSIONER SCHMIDT: Yeah. And is it once
25 a week or once every other week where reports are -- you

1 know, those inspections are compiled into a report --

2 MR. ANDY CHUNG: Correct.

3 DEPUTY COMMISSIONER SCHMIDT: -- and submitted to
4 the town?

5 MR. ANDY CHUNG: Yes.

6 DEPUTY COMMISSIONER SCHMIDT: Okay. Thank you.

7 DEPUTY TOWN ATTORNEY MAGANA: And I just wanted to
8 note, so if there is an issue you can reach out to the town
9 engineer or building inspector and they will respond that
10 day, and if it's after hours then they'll respond the next
11 day.

12 MR. GUY KOHN: I just want to mention if there's
13 something like a hurricane that's beyond our control,
14 there's not much we can do, but we'll do everything we can
15 to -- if there's something like that coming to strengthen
16 and harden --

17 CHAIRPERSON PYNE: Sure.

18 DEPUTY COMMISSIONER SCHMIDT: Right.

19 MR. GUY KOHN: -- the protections.

20 CHAIRPERSON PYNE: Thank you.

21 DEPUTY TOWN ATTORNEY MAGANA: Just to clarify, this
22 is for a 100-year storm, right? Correct?

23 MR. ANDY CHUNG: The storm water design was
24 designed for 25.

25 DEPUTY TOWN ATTORNEY MAGANA: 25, okay.

1 CHAIRPERSON PYNE: Mr. Leffler, you have another --

2 MR. JOSHUA LEFFLER: Yeah, if you don't mind. I
3 just -- Guy, thank you, man. Obviously your intentions are
4 not the same as, you know, what happened on Mulligan and
5 it's really just unfortunate luck I think for everybody
6 here, especially you, that we have to bring this up now. It
7 would be irresponsible to our families and ourselves if we
8 didn't bring it up.

9 I just want to clarify one -- one or two points.
10 We get runoff now from that -- from that -- the swamp there
11 usually during -- it will happen during snow melts, it will
12 happen during heavy rains. The heavy rains are happening
13 way more often than they used to. It creates a waterfall in
14 my backyard and Sven's backyard. It's no one's fault.
15 That's just the reality of the situation. And you used a
16 word earlier that -- you said my guess is that it will go,
17 right, and I agree. You've done -- this is your profession.
18 You're an expert at it. Your guess is a pretty damn good
19 guesses. But what if you're wrong? Because we've now dealt
20 with the repercussions of all the assurances, the 25-year
21 storm drains and all that and all the runoff, you know,
22 we've dealt with the -- you know, the so what, and it's a
23 pretty big oops now where no one -- no one's accountable.
24 Every time it rains my neighbor, not Sven, the guy who lives
25 on the other side of me, you know, his -- his -- a river

1 that runs through his yard and dumps his river stones, heavy
2 river stones that are three inches in diameter, just dumps
3 them all out into the cul-de-sac and he has to get out there
4 with a shovel. And he makes his kids do it now, you know,
5 gives them a workout. But, you know, shovels them back into
6 -- onto his property. So I'm not -- again, I'm not trying
7 to prevent this. I truly am trying to raise issues that are
8 the reality of -- of what we live on a daily basis and just
9 hope that we can come to some -- some solutions that were
10 not there for Mulligan Lane.

11 So I'll stop now. Thank you for the opportunity.
12 And anyone can contact me any time. My phone number is
13 (202) 531-5358. Really this is important to me so don't
14 hesitate to reach out.

15 DEPUTY COMMISSIONER SCHMIDT: Thank you,
16 Mr. Leffler. I appreciate that.

17 I just wanted to respond quickly and -- because we
18 do have multiple other projects on the agenda this evening.
19 I think, I don't want to speak for Mr. Kohn, but I do know
20 that there are multiple areas or properties that contribute
21 to that wetlands. Mr. Kohn's site, and I think what he was
22 pointing out is on the other side of the wetland, or the
23 east side of the wetland, there's a slope down to it, and
24 there's actually a pond up above. And I'm happy to meet
25 with you, Mr. Leffler, and any of the neighbors, to kind of

1 show you what contributes to this wetland area. Well,
2 Mr. Kohn can't be held responsible for what happens on the
3 other side. He is going to be held responsible for what his
4 property contributes, and he's going to be held to the
5 standard of the town. But he can't -- if there's water
6 moving down the opposite side of the hill and down into the
7 wetland area and then ultimately down towards Cayuga, you
8 know, that's not something that he can tackle or, you know,
9 handle or, you know, do anything about really. So it's kind
10 of a dynamic situation. And there are multiple properties
11 involved, but certainly with respect to his site, you know,
12 they're going to be held to the standard.

13 And we do -- you know, now we're fully outfitted
14 with a full bureau of engineering that has multiple
15 inspectors that are out on properties, you know, every day,
16 if not every other day. So I can appreciate your concerns.
17 I do live in Irvington as well and I'm familiar with the
18 area. I grew up in the area. So it's certainly well
19 received.

20 CHAIRPERSON PYNE: Thank you.

21 Are there any additional questions from the board?

22 I guess are there any additional -- anyone else on
23 Zoom who would like to speak at this public hearing?

24 I don't believe so.

25 DEPUTY COMMISSIONER SCHMIDT: I don't believe so.

1 CHAIRPERSON PYNE: All right. Anyone from the
2 board have any additional questions or comments?

3 BOARD MEMBER WEINBERG: No.

4 ALTERNATE BOARD MEMBER ROBINSON: No.

5 CHAIRPERSON PYNE: All right. Great. Thank you
6 very much.

7 MR. GUY KOHN: Thank you very much.

8 MR. ANDY CHUNG: Thank you.

9 MR. GUY KOHN: Thanks for your time.

10 DEPUTY COMMISSIONER SCHMIDT: Does the board want
11 to entertain closing or adjourning since we are in public
12 hearing?

13 CHAIRPERSON PYNE: Yes.

14 DEPUTY COMMISSIONER SCHMIDT: I think we've heard
15 all the comments and we appreciate the comments and there's
16 been responses. Anything that was not directly responded to
17 in terms of inspection reports and building reports being
18 open to the public, I've identified that I'm happy to put
19 the neighbors and/or the applicant in touch with our bureau
20 of engineering so that they can understand that process of
21 the storm water management control permit, the various
22 inspections and the public inspection of those records. So
23 I think we responded to those points and the board could
24 entertain to close or adjourn.

25 BOARD MEMBER WEINBERG: Can I just -- someone

1 raised the issue of, you know, designing the storm plan for
2 25 years. Is there any way to increase that given the
3 discussions we're hearing and the risks?

4 MR. GUY KOHN: I'll refer to my engineer.

5 DEPUTY COMMISSIONER SCHMIDT: Yeah. So as
6 Mr. Chung is coming up, this is something that, you know,
7 has been brought up at almost every application that comes
8 before the planning board just given the severity of storm
9 events in more recent history, and if there either (a) has
10 been exploration of the potential to design for something
11 greater than the minimum standard required by the town, or
12 if not, if that, you know, can be done or researched.

13 DEPUTY TOWN ATTORNEY MAGANA: Even any additional
14 mitigation.

15 MR. ANDY CHUNG: Well, so the storm water design,
16 all the catch basins, all the piping, the bioretention
17 basins were all designed for 25-year storms. I can run the
18 model to see what larger storms it can handle. Don't quote
19 me, I think it probably will be able to accept the 100-year
20 storm. Although, I would have to check the calculations.

21 DEPUTY COMMISSIONER SCHMIDT: If you could. I
22 think that would really be appreciated.

23 CHAIRPERSON PYNE: That would be great. Thank you.

24 DEPUTY COMMISSIONER SCHMIDT: Do you think you
25 would need more than a week to be able to determine that?

1 MR. ANDY CHUNG: No.

2 DEPUTY COMMISSIONER SCHMIDT: Okay.

3 MR. ANDY CHUNG: I can probably get it to you in
4 the next couple of days.

5 DEPUTY COMMISSIONER SCHMIDT: Okay. That would be
6 great. I appreciate it.

7 CHAIRPERSON PYNE: I will entertain a motion to
8 close the public hearing and keep the written record open
9 through May 13th.

10 BOARD MEMBER PILLINGER: So moved.

11 CHAIRPERSON PYNE: Moved Mr. Pillinger.

12 ALTERNATE BOARD MEMBER ROBINSON: Second.

13 BOARD MEMBER PILLINGER: Second Ms. Robinson.

14 All in favor?

15 BOARD MEMBER WEINBERG: Aye.

16 BOARD MEMBER PILLINGER: Aye.

17 ALTERNATE BOARD MEMBER ROBINSON: Aye.

18 CHAIRPERSON PYNE: Chair votes aye.

19 And I will entertain a motion to close this public
20 hearing session of the planning board.

21 ALTERNATE BOARD MEMBER ROBINSON: So moved.

22 CHAIRPERSON PYNE: Moved Ms. Robinson.

23 BOARD MEMBER PILLINGER: Second.

24 CHAIRPERSON PYNE: Second Mr. Pillinger.

25 All in favor?

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BOARD MEMBER WEINBERG: Aye.

BOARD MEMBER PILLINGER: Aye.

ALTERNATE BOARD MEMBER ROBINSON: Aye.

CHAIRPERSON PYNE: Chair votes aye.

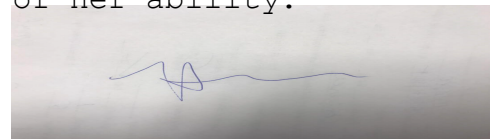
And I will call for a five-minute recess and we'll
come back for the remainder of our agenda at 9 o'clock.
Thank you.

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

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

Certified to be a true and accurate transcript of
the Public hearing of the Greenburgh Planning Board Meeting
proceedings held on May 6, 2026, in person taken by the
undersigned, to the best of her ability.



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Nicole Ameneiros
Official Court Reporter