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2 TOWN OF GREENBURGH
 3 PLANNING BOARD

3 -----X

4 1. ROLL CALL

4 2. ITEMS FOR DISCUSSION\HEARING

a) Case No. PB 17-26

5 Surace, 25 Hunter Road, White Plains, NY
 Minor Project Wetland/Watercourse Permit

6 3. ADJOURNMENT

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7 Greenburgh Town Hall
 177 Hillside Avenue
 8 Greenburgh, New York 10607
 October 4, 2017

9

B E F O R E:

10 WALTER SIMON, Chairman
 MOHAMED AYOUB, Member
 11 KIRIT DESAI, Member
 MICHAEL GOLDEN, Member (Not Present)
 12 HUGH SCHWARTZ, Member
 CHET WATSON, Member
 13 VIOLA TALIA FERROW, Member

14 ALSO PRESENT:

15 AARON SCHMIDT,
 Deputy Commissioner of Planning

16

DAVID R. FRIED, ESQ.
 17 First Deputy Town Attorney

18

19 ELIZABETH WINKELMAN, RPR
 Court Reporter

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1 Case No. PB 17-26

2 (Whereupon, the regularly scheduled
3 meeting of the Greenburgh Planning Board
commenced at nine o'clock p.m.)

4 CHAIRMAN SIMON: Good evening, and
5 welcome to the public hearing session of
6 tonight's Planning Board meeting. Could you
7 please call the roll?

8 MR. SCHMIDT: Viola Talia Ferrow?

9 MS. TALIA FERROW: Here.

10 MR. SCHMIDT: Kirit Desai?

11 MR. DESAI: Here.

12 MR. SCHMIDT: Walter Simon?

13 CHAIRMAN SIMON: Here.

14 MR. SCHMIDT: Chet Watson?

15 MR. WATSON: Here.

16 MR. SCHMIDT: Mohamed Ayoub?

17 MR. AYOUB: Here.

18 MR. SCHMIDT: Hugh Schwartz?

19 MR. SCHWARTZ: Here.

20 MR. SCHMIDT: Note for the record
21 that Michael Golden is not present this
22 evening. Thank you.

23 CHAIRMAN SIMON: We only have one
24 thing on for a hearing this evening, and
25 that's PB 17-26, Hunter Road. Do we have a
representative for that project? Please step
forward and give your name.

MR. ABRAHAM: Good afternoon. My
name is Salim Abraham. I reside at 54-10
Francis Lewis Boulevard in Rosedale, New
York. I'm here to represent the owner, David
Surace, of 25 Hunter Road, White Plains, New

1 Case No. PB 17-26

2 York 10603. Thank you for your time. Have a
3 nice evening.

4 This project is an application to
5 build a rear wood deck and some impervious
6 pavers around the area. The house is located
7 within the hundred feet of the setbacks
8 required for the watercourse that we could
9 see on the board here.

10 I've worked --

11 MR. FRIED: Mr. Abraham, I'm going
12 to interrupt for one second. We don't have
13 it on the screen, but you can see what the
14 watercourse looks like.

15 MR. ABRAHAM: I do have other
16 copies.

17 MR. FRIED: We have copies here.
18 We just want to make sure the Board saw what
19 type of watercourse we're dealing with.

20 MR. ABRAHAM: Okay. When I get
21 involved with this project, I was, okay, just
22 doing a deck in the rear yard for my client I
23 have here, and this petition that we have is
24 we went through all the systems to get
25 approvals, and this deck would be the last
process to get approved.

18 We did design a culvert system that
19 will catch the amount of water that we
20 suspect that will be implemented into the
21 area that we have on the side of that house.
22 We designed it in a way to catch most of the
23 water from the adjacent neighbors, and also
24 half of the roof of the property. And also
25 to catch it along the watercourse, we also
add extra drains, area drains, in case that
the water will come up higher than we
suspected, and that will drain back to the
culvert system and drain out to the system
toward the back of the house, toward the
grass system.

Also, we did put in some vegetation

1 Case No. PB 17-26

2 as required, you know, into the area, and
3 also to make sure during construction we
4 safeguard the areas with the straw belt
5 dykes, steel fence around the area also. So
6 we did our best to went beyond what was
7 required to make sure that we don't have no
8 problem in the future.

9 And also we did provide some
10 pictures on the plans, on the left top
11 showing exactly the area after a hard rain
12 for my clients, and have here also on the
13 right side, correct, after heavy rains. So
14 this is standard to them.

15 Also, when we start the project the
16 culvert that you have across the street --

17 CHAIRMAN SIMON: That puddle is on
18 your property or the adjacent property?

19 MR. ABRAHAM: His property. On his
20 property, yes. After heavy rain, that's what
21 he gets every time. And also, we did ask the
22 Town to come over and look at the culvert to
23 see if any improvement could be made. They
24 came in and just start cleaning up the
25 culvert, and I think that made some
26 improvement. David?

27 MR. SURACE: A little bit.

28 MR. ABRAHAM: But not that much.

29 CHAIRMAN SIMON: You have to go to
30 the microphone and identify yourself, please.

31 MR. SURACE: I'm David Surace. I'm
32 on behalf of the homeowner.

33 When we do get flash flood rain,
34 that culvert drain fills up fast. I mean, we
35 clean out the debris quite often. I go out
36 there on the weekend or before I go to work
37 and make sure there's no sticks, leaves,
38 anything in there that would clog it,
39 especially if we're having hard rain
40 expected. But when it does rain, you know,

Case No. PB 17-26

1
2 inches, inches an hour, my neighbor's yard
3 and my yard, that just -- there's so much
4 water pouring from the street into -- it
5 comes over the culvert drain. And then on
6 top of that, my house is in like a fish bowl,
7 so all the water -- everybody else around me
8 is higher. And if you go to the back corner
9 of my property, you see that the water is
10 actually running through neighbors' yards
11 into that swale and then that which hence
12 goes into the culvert, into the catch basin,
13 and out to the main sewer line.

14
15 I mean, it's happened eight times
16 already. So I've had the Fire Department
17 there a few times to help us out. And I
18 don't know, I guess, you know, we're doing
19 the best we can, and we're -- my backyard
20 gets so saturated that the water comes in the
21 back door. Like it comes up so saturated
22 that it comes in the door sill in the
23 backyard.

24
25 So hopefully what we propose today
26 will catch most of the roof water and my
27 driveway water. I can't say for any of my
28 neighbors' water, but the flow just wasn't
29 strong enough. Since the Town has come and
30 jetted out that culvert drain, I haven't --
31 I've only had one flood since. But, I mean,
32 there's so much debris coming from the road
33 and leaves and stuff that comes -- pours over
34 on top, that during a rainstorm there's
35 really nothing I could do. I mean, you can't
36 sit out there in a rain jacket and shovel it
37 out. There's nowhere for it to go.

38
39 So I'm assuming that putting the dry
40 wells in the backyard is hopefully going to
41 retain most of at least my property's water,
42 where supposedly the swale and culvert should
43 contain everybody else's water. My problem
44 is that my grade is also low at that -- where
45 the swale is is probably the lowest point on
46 my property.

47
48 So I've seen my neighbor's yard, he
49 has probably 60 yards from his house to where

1 Case No. PB 17-26

2 the swale is, and it's flooded up. On
3 February 16th of this year it flooded about
4 ten feet to his house. So it was a lake back
5 there. I wasn't finished with my house at
6 the time, but I had water in my basement.
7 And I have like kind of a two step basement,
8 so I have a basement and then two steps to
9 the utility room. And my whole lower level
10 is flooded, and my garage and everything.
11 And my garage is the highest point. It was
12 coming in. The swale would fill up and then
13 it would come into the property, and then in
14 the garage. So, I mean, so far what we have
15 come up with, this is the best thing, right?

16 MR. ABRAHAM: Yes.

17 CHAIRMAN SIMON: Okay. So what
18 you are proposing will take care of the water
19 from your patio and the roof runoff?

20 MR. ABRAHAM: Not only that. Also
21 on the top of the culvert there will be area
22 drains also that will capture any extra water
23 that may come also from the southern
24 neighbors, towards the southern areas also.

25 CHAIRMAN SIMON: So actually this
will --

MR. ABRAHAM: Ten percent yes.

CHAIRMAN SIMON: -- take care of
some of the water that comes off.

MR. ABRAHAM: Correct. To prevent
the water to descend toward the seal of the
garage. That would be the purpose of this
also. And also we anticipate if, you never
know that you can have like a two inch or
three inch water, rain per hour, we never
know, so that also can handle that system
also into it. So we try our best to improve
as much as possible, but at the end of the
day mother nature wins, so we see now exactly
what we have to deal with.

CHAIRMAN SIMON: I think what's

Case No. PB 17-26

before us is what precautions are you taking to keep the water on your property. I know there's a bigger issue of the surrounding water which this Board cannot address. But what's before us tonight is that you are taking the proper steps to keep the water on your property. So the water runoff from the patio and your roof, you are taking proper precautions to capture that, not to capture the neighborhood swell.

MR. ABRAHAM: The Court requires a hundred percent. So we are up to 110 percent basically.

MR. SCHMIDT: More than what's required under the Code has been provided for in their preliminary stormwater management system which has been reviewed by the Town Engineer.

Furthermore, the project went to the Conservation Advisory Council. The applicant met with the Council a few weeks ago. It issued a positive recommendation which I forwarded along to this Board. They had some recommendations contained within that document that the proposed pervious walkway areas remain pervious and not ever be converted to impervious surfaces. So that's something that I've taken into account in a draft decision that I prepared in the event this Board turns it over to the Town Wetlands Inspector.

Further, the applicant did substantially upgrade the immediate buffer off the watercourse by providing for a ten foot wide vegetated buffer on its property with a series of plantings as shown on the overhead which was reviewed by the Conservation Advisory Council and the Town Forestry Officer, all native plantings. If you look out there now, it's just essentially dirt all the way to the edge of the watercourse, and now following the project if it's approved, it will all be vegetated which is a nice improvement to the buffer. So I

1 Case No. PB 17-26

2 just wanted to point that out.

3 Lastly, I just wanted to point out
4 that the project as a whole constitutes a
5 Type II action under SEQRA, so it could
6 qualify as a minor project that gets referred
7 to the Town Wetlands Inspector for a
8 decision.

9 CHAIRMAN SIMON: Now, I visited
10 the site yesterday, and for the project
11 that's being proposed, it is indeed a minor
12 project, for the things that they are
13 responsible for. Now, there is a larger
14 issue of flooding in the area, but that's not
15 what this is addressing. Our responsibility
16 is to look at a project and to ensure the
17 applicant is up to Code in terms of capturing
18 the water from the patio and the roof. And
19 based upon the plans and visiting the site, I
20 definitely would say it's a minor wetlands,
21 although the applicant has a bigger problem
22 of flooding. But that is not what we're
23 addressing here.

24 MR. SCHMIDT: Real quick, it
25 doesn't look like the gentleman stayed, but
one of the neighbors was in the audience
earlier, and he approached me before this
public hearing and just indicated that there
are flooding issues in that area. And that
section of Hunter Lane just happens to be a
bowl. It's the low point. So you've got
water running down from Buena Vista, you've
got water running down from South Chelsea.
It just happens to be a low point.

20 So it is something that I gave that
21 gentleman my card and suggested that he
22 contact me so that I can arrange for a
23 meeting with our DPW staff to see if there's
any opportunity for Town-related
improvements.

24 CHAIRMAN SIMON: There was one
25 other thing. When I was out there yesterday,
the Town has a curbing that goes -- that
channels the water into that watercourse, and

1 Case No. PB 17-26

2 on one side the Town has a curbing, but the
3 other side it's lacking, and I think we
4 should approach the DPW in terms of building
up the other side, so really to channel the
water down the culvert.

5 MR. SCHMIDT: I will relay that to
6 the Commissioner of Public Works.

7 CHAIRMAN SIMON: I think that
8 needs to be done. Because we looked at it
yesterday. It was obvious that that was
lacking.

9 MR. DESAI: Just I know you are
10 doing really a good job of what's the problem
with the property. The question is that
11 pervious payment, you are raising it to a
higher level?

12 MR. ABRAHAM: No, we keep the same
13 grade. Whatever grade you have there, that's
the same grade that we are going to have all
the way to the back of the house.

14 MR. DESAI: Why? You would keep
15 the same grade? If you raise it, it probably
is more usable in case of flooding.

16
17 MR. ABRAHAM: But you have a good
18 high grade, around three feet around the side
of the house. So we keep that same grade.
19 Not even going down, we make sure that we're
not changing any grade areas of the water.
20 So around the house you only have a higher
grade there and going towards the
watercourse. So keep it the same.

21 MR. SCHMIDT: Right. The other
22 thing it does, it minimizes the disturbance
associated with the project so that it can
23 still be classified as a minor wetland
project.

24 MR. ABRAHAM: Can I go in to remove
25 more and also put more infield to raise it
up.

1 Case No. PB 17-26

2

3 CHAIRMAN SIMON: Are there any
other questions from the Board?

4

Any comments from the public? No?

5

And the gentleman, he has your card?

6

MR. SCHMIDT: I did.

7

CHAIRMAN SIMON: So he'll have an
opportunity to express his opinions to you.

8

9 This should be under SEQRA a Type II
action. Do we have a motion to classify this
as a Type II?

10

MR. DESAI: So moved.

11

MR. WATSON: Second.

12

13 CHAIRMAN SIMON: And the other
action, a motion to declare this a minor
wetlands and turn it over to our Wetlands
Inspector to carry out the provisions of this
approval?

15

MS. TALIA FERROW: So moved.

16

MR. SCHWARTZ: Second.

17

CHAIRMAN SIMON: All in favor?

18

MR. AYOUB: Aye.

19

MR. DESAI: Aye.

20

MR. SCHWARTZ: Aye.

21

MR. WATSON: Aye.

22

MS. TALIA FERROW: Aye.

23

CHAIRMAN SIMON: Aye.

24

25 MR. SCHMIDT: So I will look to get
you that decision tomorrow morning. We'll
give you a call as soon as it's ready so that

1 Case No. PB 17-26

2 you can come pick it up and move forward with
3 your building permit.

4 CHAIRMAN SIMON: Can I have a
5 motion to close the public hearing?

6 MR. WATSON: I move that we close
7 the public hearing.

8 MR. SCHWARTZ: Second.

9 CHAIRMAN SIMON: All in favor?

10 MR. AYOUB: Aye.

11 MR. DESAI: Aye.

12 MR. SCHWARTZ: Aye.

13 MR. WATSON: Aye.

14 MS. TALIA FERROW: Aye.

15 CHAIRMAN SIMON: Aye.

16 Okay. We can go back into work
17 session.

18 (Whereupon, the meeting adjourned at
19 9:12 p.m.)

20 * * *

21 Certified to be a true and accurate transcript.

22

23

24

25


ELIZABETH WINKELMAN, R.P.R.
Senior Court Reporter.

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1 [1] - 1:3
 10603 [1] - 3:2
 10607 [1] - 1:8
 110 [1] - 7:8
 16th [1] - 6:2
 17-26 [2] - 1:4, 2:21
 177 [1] - 1:7

2

2 [1] - 1:4
 2017 [1] - 1:8
 25 [2] - 1:5, 2:25

3

3 [1] - 1:6

4

4 [1] - 1:8

5

54-10 [1] - 2:24

6

60 [1] - 5:25

9

9:12 [1] - 11:17

A

AARON [1] - 1:15
 ABRAHAM [13] - 2:23, 3:10, 3:14, 4:12, 4:18, 6:9, 6:12, 6:17, 6:19, 7:7, 9:12, 9:17, 9:24
 Abraham [2] - 2:24, 3:8
 account [1] - 7:17
 accurate [1] - 11:19
 action [3] - 8:4, 10:9, 10:13
 add [1] - 3:22
 address [1] - 7:3
 addressing [2] - 8:9, 8:13
 adjacent [2] - 3:20, 4:11
 adjourned [1] - 11:16
 ADJOURNMENT [1] - 1:6
 Advisory [2] - 7:13,

7:22

afternoon [1] - 2:23
 ago [1] - 7:13
 ALSO [1] - 1:14
 amount [1] - 3:18
 anticipate [1] - 6:21
 applicant [4] - 7:13, 7:19, 8:10, 8:12
 application [1] - 3:3
 approach [1] - 9:3
 approached [1] - 8:16
 approval [1] - 10:14
 approvals [1] - 3:16
 approved [2] - 3:17, 7:25
 area [9] - 3:4, 3:19, 3:22, 4:2, 4:3, 4:7, 6:13, 8:9, 8:17
 areas [4] - 4:3, 6:14, 7:16, 9:19
 arrange [1] - 8:21
 associated [1] - 9:22
 assuming [1] - 5:20
 Attorney [1] - 1:17
 audience [1] - 8:15
 Avenue [1] - 1:7
 Aye [12] - 10:18, 10:19, 10:20, 10:21, 10:22, 10:23, 11:9, 11:10, 11:11, 11:12, 11:13, 11:14
 Ayoub [1] - 2:14
 AYOUB [4] - 1:10, 2:15, 10:18, 11:9

B

backyard [3] - 5:10, 5:12, 5:21
 based [1] - 8:11
 basement [3] - 6:4, 6:4, 6:5
 basin [1] - 5:7
 behalf [1] - 4:21
 belt [1] - 4:3
 best [4] - 4:4, 5:10, 6:8, 6:23
 beyond [1] - 4:4
 bigger [2] - 7:3, 8:12
 bit [1] - 4:17
 board [1] - 3:6
 Board [7] - 2:2, 2:5, 3:12, 7:3, 7:14, 7:18, 10:3
 BOARD [1] - 1:2
 Boulevard [1] - 2:24
 bowl [2] - 5:4, 8:18
 Buena [1] - 8:18
 buffer [3] - 7:20, 7:21, 7:25

build [1] - 3:4
 building [2] - 9:3, 11:2

C

CALL [1] - 1:3
 cannot [1] - 7:3
 capture [3] - 6:13, 7:6
 capturing [1] - 8:10
 card [2] - 8:21, 10:5
 care [2] - 6:11, 6:18
 carry [1] - 10:14
 case [2] - 3:22, 9:15
 Case [1] - 1:4
 catch [5] - 3:18, 3:20, 3:21, 5:7, 5:14
 Certified [1] - 11:19
 CHAIRMAN [20] - 2:4, 2:11, 2:20, 4:11, 4:19, 6:10, 6:15, 6:18, 6:25, 8:6, 8:24, 9:6, 10:2, 10:7, 10:12, 10:17, 10:23, 11:4, 11:8, 11:14
 Chairman [1] - 1:10
 changing [1] - 9:19
 channel [1] - 9:3
 channels [1] - 8:25
 Chelsea [1] - 8:19
 CHET [1] - 1:12
 Chet [1] - 2:12
 classified [1] - 9:23
 classify [1] - 10:9
 clean [1] - 4:23
 cleaning [1] - 4:15
 client [1] - 3:15
 clients [1] - 4:7
 clog [1] - 4:24
 close [2] - 11:4, 11:5
 Code [2] - 7:10, 8:10
 coming [2] - 5:17, 6:7
 commenced [1] - 2:3
 comments [1] - 10:4
 Commissioner [2] - 1:15, 9:5
 Conservation [2] - 7:13, 7:22
 constitutes [1] - 8:3
 construction [1] - 4:2
 contact [1] - 8:21
 contain [1] - 5:22
 contained [1] - 7:15
 converted [1] - 7:16
 copies [2] - 3:11, 3:12
 corner [1] - 5:5
 correct [2] - 4:8, 6:19
 Council [3] - 7:13, 7:13, 7:22
 Court [3] - 1:19, 7:7,

11:22
 culvert [12] - 3:18, 3:23, 4:10, 4:14, 4:15, 4:22, 5:3, 5:7, 5:16, 5:22, 6:13, 9:4
 curbing [2] - 8:25, 9:2

D

David [3] - 2:25, 4:16, 4:20
 DAVID [1] - 1:16
 deal [1] - 6:24
 dealing [1] - 3:13
 debris [2] - 4:23, 5:17
 decision [3] - 7:17, 8:5, 10:25
 deck [3] - 3:4, 3:15, 3:16
 declare [1] - 10:13
 definitely [1] - 8:12
 Department [1] - 5:9
 deputy [1] - 1:15
 Deputy [1] - 1:17
 DESAI [7] - 1:11, 2:9, 9:9, 9:14, 10:10, 10:19, 11:10
 Desai [1] - 2:8
 descend [1] - 6:20
 design [1] - 3:18
 designed [1] - 3:20
 dirt [1] - 7:24
 DISCUSSION
 HEARING [1] - 1:4
 disturbance [1] - 9:22
 document [1] - 7:15
 done [1] - 9:7
 door [2] - 5:11, 5:12
 down [4] - 8:18, 8:19, 9:4, 9:18
 DPW [2] - 8:22, 9:3
 draft [1] - 7:17
 drain [5] - 3:23, 3:23, 4:22, 5:3, 5:16
 drains [3] - 3:22, 6:13
 driveway [1] - 5:14
 dry [1] - 5:20
 during [2] - 4:2, 5:18
 dykes [1] - 4:3

E

edge [1] - 7:24
 eight [1] - 5:8
 ELIZABETH [2] - 1:19, 11:21
 end [1] - 6:23
 Engineer [1] - 7:11
 ensure [1] - 8:10
 especially [1] - 4:25

ESQ [1] - 1:16
 essentially [1] - 7:23
 evening [4] - 2:4, 2:19, 2:21, 3:2
 event [1] - 7:17
 exactly [2] - 4:7, 6:24
 expected [1] - 4:25
 express [1] - 10:7
 extra [2] - 3:22, 6:13

F

far [1] - 6:8
 fast [1] - 4:22
 favor [2] - 10:17, 11:8
 February [1] - 6:2
 feet [3] - 3:5, 6:3, 9:17
 fence [1] - 4:3
 Ferrow [1] - 2:6
 FERROW [5] - 1:13, 2:7, 10:15, 10:22, 11:13
 few [2] - 5:9, 7:13
 fill [1] - 6:7
 fills [1] - 4:22
 finished [1] - 6:3
 Fire [1] - 5:9
 first [1] - 1:17
 fish [1] - 5:4
 flash [1] - 4:22
 flood [2] - 4:22, 5:16
 flooded [3] - 6:2, 6:2, 6:6
 flooding [4] - 8:9, 8:13, 8:17, 9:15
 flow [1] - 5:15
 following [1] - 7:24
 foot [1] - 7:21
 FOR [1] - 1:4
 Forestry [1] - 7:23
 forward [2] - 2:22, 11:2
 forwarded [1] - 7:14
 Francis [1] - 2:24
 FRIED [3] - 1:16, 3:8, 3:12
 furthermore [1] - 7:12
 future [1] - 4:5

G

garage [4] - 6:6, 6:6, 6:8, 6:20
 gentleman [3] - 8:15, 8:21, 10:5
 GOLDEN [1] - 1:11
 Golden [1] - 2:19
 grade [9] - 5:23, 9:12, 9:13, 9:15, 9:17, 9:18, 9:19, 9:20

grass [1] - 3:24
GREENBURGH [1] - 1:2
Greenburgh [3] - 1:7, 1:8, 2:2
guess [1] - 5:10

H

half [1] - 3:21
Hall [1] - 1:7
handle [1] - 6:22
hard [2] - 4:7, 4:25
hearing [5] - 2:4, 2:21, 8:16, 11:4, 11:6
heavy [2] - 4:8, 4:13
help [1] - 5:9
hence [1] - 5:6
high [1] - 9:17
higher [4] - 3:22, 5:5, 9:11, 9:19
highest [1] - 6:6
Hillside [1] - 1:7
homeowner [1] - 4:21
hopefully [2] - 5:13, 5:21
hour [2] - 5:2, 6:22
house [10] - 3:4, 3:19, 3:24, 5:4, 5:25, 6:3, 6:3, 9:13, 9:18, 9:19
HUGH [1] - 1:12
Hugh [1] - 2:16
hundred [2] - 3:5, 7:8
Hunter [4] - 1:5, 2:21, 2:25, 8:17

I

identify [1] - 4:19
II [3] - 8:4, 10:8, 10:9
immediate [1] - 7:20
impervious [2] - 3:4, 7:16
implemented [1] - 3:19
improve [1] - 6:23
improvement [3] - 4:14, 4:16, 7:25
improvements [1] - 8:23
inch [2] - 6:21, 6:22
inches [2] - 5:2
indeed [1] - 8:7
indicated [1] - 8:16
infield [1] - 9:25
Inspector [3] - 7:18, 8:5, 10:14
interrupt [1] - 3:8
involved [1] - 3:14
issue [2] - 7:3, 8:9

issued [1] - 7:14
issues [1] - 8:17
ITEMS [1] - 1:4

J

jacket [1] - 5:19
jetted [1] - 5:16
job [1] - 9:9

K

keep [6] - 7:2, 7:4, 9:12, 9:14, 9:18, 9:20
kind [1] - 6:4
KIRIT [1] - 1:11
Kirit [1] - 2:8

L

lacking [2] - 9:2, 9:8
lake [1] - 6:3
Lane [1] - 8:17
larger [1] - 8:8
last [1] - 3:16
lastly [1] - 8:3
least [1] - 5:21
leaves [2] - 4:24, 5:17
left [1] - 4:6
level [2] - 6:5, 9:11
Lewis [1] - 2:24
line [1] - 5:7
located [1] - 3:4
look [5] - 4:14, 7:23, 8:10, 8:15, 10:24
looked [1] - 9:7
looks [1] - 3:9
low [3] - 5:23, 8:18, 8:19
lower [1] - 6:5
lowest [1] - 5:23

M

main [1] - 5:7
management [1] - 7:10
mean [5] - 4:22, 5:8, 5:16, 5:18, 6:8
meeting [4] - 2:2, 2:5, 8:22, 11:16
Member [6] - 1:10, 1:11, 1:11, 1:12, 1:12, 1:13
met [1] - 7:13
Michael [1] - 2:19
MICHAEL [1] - 1:11
microphone [1] - 4:19
minimizes [1] - 9:22

minor [5] - 8:4, 8:7, 8:12, 9:23, 10:13
Minor [1] - 1:5
Mohamed [1] - 2:14
MOHAMED [1] - 1:10
morning [1] - 10:25
most [3] - 3:20, 5:14, 5:21
mother [1] - 6:24
motion [3] - 10:9, 10:13, 11:4
move [2] - 11:2, 11:5
moved [2] - 10:10, 10:15
MR [48] - 2:6, 2:8, 2:10, 2:12, 2:13, 2:14, 2:15, 2:16, 2:17, 2:18, 2:23, 3:8, 3:10, 3:12, 3:14, 4:12, 4:17, 4:18, 4:20, 6:9, 6:12, 6:17, 6:19, 7:7, 7:9, 8:14, 9:5, 9:9, 9:12, 9:14, 9:17, 9:21, 9:24, 10:6, 10:10, 10:11, 10:16, 10:18, 10:19, 10:20, 10:21, 10:24, 11:5, 11:7, 11:9, 11:10, 11:11, 11:12
MS [4] - 2:7, 10:15, 10:22, 11:13

N

name [2] - 2:22, 2:24
native [1] - 7:23
nature [1] - 6:24
needs [1] - 9:7
neighbor's [2] - 5:2, 5:25
neighborhood [1] - 7:6
neighbors [3] - 3:20, 6:14, 8:15
neighbors' [2] - 5:6, 5:15
never [2] - 6:21, 6:22
New [3] - 1:8, 2:24, 2:25
nice [2] - 3:2, 7:25
nine [1] - 2:3
note [1] - 2:18
nothing [1] - 5:18
nowhere [1] - 5:19
NY [1] - 1:5

O

o'clock [1] - 2:3
obvious [1] - 9:7

October [1] - 1:8
OF [1] - 1:2
Officer [1] - 7:23
often [1] - 4:23
one [6] - 2:20, 3:8, 5:16, 8:15, 8:24, 9:2
opinions [1] - 10:7
opportunity [2] - 8:22, 10:7
overhead [1] - 7:22
owner [1] - 2:25

P

p.m [2] - 2:3, 11:17
patio [3] - 6:11, 7:5, 8:11
pavers [1] - 3:4
payment [1] - 9:10
pB [1] - 1:4
PB [1] - 2:21
per [1] - 6:22
percent [3] - 6:17, 7:8
permit [1] - 11:2
Permit [1] - 1:5
pervious [3] - 7:15, 7:16, 9:10
petition [1] - 3:15
pick [1] - 11:2
pictures [1] - 4:6
Plains [2] - 1:5, 2:25
Planning [3] - 1:15, 2:2, 2:5
PLANNING [1] - 1:2
plans [2] - 4:6, 8:11
plantings [2] - 7:21, 7:23
point [6] - 5:23, 6:6, 8:2, 8:3, 8:18, 8:19
positive [1] - 7:14
possible [1] - 6:23
pouring [1] - 5:3
pours [1] - 5:17
precautions [2] - 7:2, 7:6
preliminary [1] - 7:10
prepared [1] - 7:17
present [1] - 2:19
Present [1] - 1:11
PRESENT [1] - 1:14
prevent [1] - 6:19
problem [4] - 4:5, 5:22, 8:12, 9:9
process [1] - 3:17
project [13] - 2:22, 3:3, 3:14, 4:9, 7:12, 7:24, 8:3, 8:4, 8:7, 8:8, 8:10, 9:22, 9:23
Project [1] - 1:5

proper [2] - 7:4, 7:5
property [12] - 3:21, 4:11, 4:12, 4:13, 5:5, 5:24, 6:7, 7:2, 7:5, 7:21, 9:10
property's [1] - 5:21
propose [1] - 5:13
proposed [2] - 7:15, 8:7
proposing [1] - 6:11
provide [1] - 4:6
provided [1] - 7:10
providing [1] - 7:20
provisions [1] - 10:14
Public [1] - 9:5
public [5] - 2:4, 8:16, 10:4, 11:4, 11:6
puddle [1] - 4:11
purpose [1] - 6:20
put [2] - 3:25, 9:25
putting [1] - 5:20

Q

qualify [1] - 8:4
questions [1] - 10:3
quick [1] - 8:14
quite [1] - 4:23

R

R.P.R [1] - 11:21
rain [7] - 4:7, 4:13, 4:22, 4:25, 4:25, 5:19, 6:22
rains [1] - 4:8
rainstorm [1] - 5:18
raise [2] - 9:15, 9:25
raising [1] - 9:10
ready [1] - 10:25
real [1] - 8:14
really [3] - 5:18, 9:3, 9:9
rear [2] - 3:4, 3:15
recommendation [1] - 7:14
recommendations [1] - 7:15
record [1] - 2:18
referred [1] - 8:4
regularly [1] - 2:2
related [1] - 8:22
relay [1] - 9:5
remain [1] - 7:16
remove [1] - 9:24
Reporter [2] - 1:19, 11:22
represent [1] - 2:25
representative [1] - 2:22

required [4] - 3:5, 4:2, 4:4, 7:10
 requires [1] - 7:7
 reside [1] - 2:24
 responsibility [1] - 8:9
 responsible [1] - 8:8
 retain [1] - 5:21
 reviewed [2] - 7:11, 7:22
 Road [3] - 1:5, 2:21, 2:25
 road [1] - 5:17
 roll [1] - 2:5
 ROLL [1] - 1:3
 roof [5] - 3:21, 5:14, 6:11, 7:5, 8:11
 room [1] - 6:5
 Rosedale [1] - 2:24
 RPR [1] - 1:19
 running [3] - 5:6, 8:18, 8:19
 runoff [2] - 6:11, 7:5

S

safeguard [1] - 4:3
 Salim [1] - 2:24
 saturated [2] - 5:11, 5:11
 saw [1] - 3:12
 scheduled [1] - 2:2
 SCHMIDT [14] - 1:15, 2:6, 2:8, 2:10, 2:12, 2:14, 2:16, 2:18, 7:9, 8:14, 9:5, 9:21, 10:6, 10:24
 Schwartz [1] - 2:16
 SCHWARTZ [6] - 1:12, 2:17, 10:16, 10:20, 11:7, 11:11
 screen [1] - 3:9
 seal [1] - 6:20
 second [4] - 3:8, 10:11, 10:16, 11:7
 section [1] - 8:17
 see [6] - 3:6, 3:9, 4:14, 5:5, 6:24, 8:22
 Senior [1] - 11:22
 SEQRA [2] - 8:4, 10:8
 series [1] - 7:21
 session [2] - 2:4, 11:15
 setbacks [1] - 3:5
 sewer [1] - 5:7
 shovel [1] - 5:19
 showing [1] - 4:7
 shown [1] - 7:21
 side [6] - 3:19, 4:8, 9:2, 9:2, 9:3, 9:17
 sill [1] - 5:12

SIMON [21] - 1:10, 2:4, 2:11, 2:20, 4:11, 4:19, 6:10, 6:15, 6:18, 6:25, 8:6, 8:24, 9:6, 10:2, 10:7, 10:12, 10:17, 10:23, 11:4, 11:8, 11:14
 Simon [1] - 2:10
 sit [1] - 5:19
 site [2] - 8:7, 8:11
 soon [1] - 10:25
 South [1] - 8:19
 southern [2] - 6:14, 6:14
 staff [1] - 8:22
 standard [1] - 4:8
 start [2] - 4:9, 4:15
 stayed [1] - 8:15
 steel [1] - 4:3
 step [2] - 2:22, 6:4
 steps [2] - 6:5, 7:4
 sticks [1] - 4:24
 still [1] - 9:23
 stormwater [1] - 7:10
 straw [1] - 4:3
 street [2] - 4:10, 5:3
 strong [1] - 5:15
 stuff [1] - 5:17
 substantially [1] - 7:20
 suggested [1] - 8:21
 supposedly [1] - 5:22
 Surace [3] - 1:5, 2:25, 4:20
 SURACE [2] - 4:17, 4:20
 surfaces [1] - 7:16
 surrounding [1] - 7:3
 suspect [1] - 3:19
 suspected [1] - 3:23
 swale [5] - 5:6, 5:22, 5:23, 6:2, 6:7
 swell [1] - 7:6
 system [6] - 3:18, 3:23, 3:24, 6:22, 7:11
 systems [1] - 3:16

T

TALIA [5] - 1:13, 2:7, 10:15, 10:22, 11:13
 Talia [1] - 2:6
 ten [3] - 6:3, 6:17, 7:20
 terms [2] - 8:10, 9:3
 three [2] - 6:22, 9:17
 today [1] - 5:13
 tomorrow [1] - 10:25
 tonight [1] - 7:4
 tonight's [1] - 2:5

top [4] - 4:6, 5:4, 5:18, 6:13
 toward [3] - 3:24, 6:20
 towards [2] - 6:14, 9:20
 TOWN [1] - 1:2
 Town [11] - 1:7, 1:17, 4:14, 5:15, 7:11, 7:18, 7:22, 8:5, 8:22, 8:25, 9:2
 Town-related [1] - 8:22
 transcript [1] - 11:19
 true [1] - 11:19
 try [1] - 6:23
 turn [1] - 10:13
 turns [1] - 7:18
 two [3] - 6:4, 6:5, 6:21
 type [1] - 3:13
 Type [3] - 8:4, 10:8, 10:9

U

under [3] - 7:10, 8:4, 10:8
 up [12] - 3:22, 4:15, 4:22, 5:11, 6:2, 6:7, 6:8, 7:8, 8:10, 9:3, 9:25, 11:2
 upgrade [1] - 7:20
 usable [1] - 9:15
 utility [1] - 6:5

V

vegetated [2] - 7:21, 7:25
 vegetation [1] - 3:25
 VIOLA [1] - 1:13
 Viola [1] - 2:6
 visited [1] - 8:6
 visiting [1] - 8:11
 Vista [1] - 8:18

W

walkway [1] - 7:15
 WALTER [1] - 1:10
 Walter [1] - 2:10
 water [28] - 3:18, 3:20, 3:22, 5:3, 5:4, 5:5, 5:11, 5:14, 5:14, 5:15, 5:21, 5:22, 6:4, 6:11, 6:13, 6:18, 6:20, 6:22, 7:2, 7:3, 7:4, 7:5, 8:11, 8:18, 8:19, 8:25, 9:4, 9:19
 watercourse [8] - 3:5, 3:9, 3:13, 3:21, 7:20,

7:24, 8:25, 9:20
 Watson [1] - 2:12
 WATSON [6] - 1:12, 2:13, 10:11, 10:21, 11:5, 11:12
 weekend [1] - 4:23
 weeks [1] - 7:13
 welcome [1] - 2:4
 wells [1] - 5:21
 wetland [1] - 9:23
 Wetland/
 Watercourse [1] - 1:5
 Wetlands [3] - 7:18, 8:5, 10:13
 wetlands [2] - 8:12, 10:13
 White [2] - 1:5, 2:25
 whole [2] - 6:5, 8:3
 wide [1] - 7:21
 WINKELMAN [2] - 1:19, 11:21
 wins [1] - 6:24
 wood [1] - 3:4
 Works [1] - 9:5

Y

yard [4] - 3:15, 5:2, 5:2, 5:25
 yards [2] - 5:6, 5:25
 year [1] - 6:2
 yesterday [3] - 8:7, 8:24, 9:7
 York [3] - 1:8, 2:25, 3:2
 yourself [1] - 4:19