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2 TOWN OF GREENBURGH
3 PLANNING BOARD

3 -----X

4 1. ROLL CALL

5 2. ITEMS FOR DISCUSSION\HEARING

6 a) Case No. PB 17-26

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

9 3. ADJOURNMENT

10 -----X

11 Greenburgh Town Hall
12 177 Hillside Avenue
13 Greenburgh, New York 10607
14 October 4, 2017

15

B E F O R E :

16 WALTER SIMON, Chairman
17 MOHAMED AYOUB, Member
18 KIRIT DESAI, Member
19 MICHAEL GOLDEN, Member (Not Present)
20 HUGH SCHWARTZ, Member
21 CHET WATSON, Member
22 VIOLA TALIA FERROW, Member

23 14 ALSO PRESENT:

24 AARON SCHMIDT,
25 Deputy Commissioner of Planning26 DAVID R. FRIED, ESQ.
27 First Deputy Town Attorney

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29 ELIZABETH WINKELMAN, RPR
30 Court Reporter

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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
tonight's Planning Board meeting. Could you
6 please call the roll?

7 MR. SCHMIDT: Viola Talia Ferrow?

8 MS. TALIA FERROW: Here.

9 MR. SCHMIDT: Kirit Desai?

10 MR. DESAI: Here.

11 MR. SCHMIDT: Walter Simon?

12 CHAIRMAN SIMON: Here.

13 MR. SCHMIDT: Chet Watson?

14 MR. WATSON: Here.

15 MR. SCHMIDT: Mohamed Ayoub?

16 MR. AYOUB: Here.

17 MR. SCHMIDT: Hugh Schwartz?

18 MR. SCHWARTZ: Here.

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

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

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

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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
within the hundred feet of the setbacks
required for the watercourse that we could
see on the board here.

7 I've worked --

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

10 MR. ABRAHAM: I do have other
11 copies.

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

14 MR. ABRAHAM: Okay. When I get
15 involved with this project, I was, okay, just
16 doing a deck in the rear yard for my client I
have here, and this petition that we have is
17 we went through all the systems to get
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
suspect that will be implemented into the
area that we have on the side of that house.
20 We designed it in a way to catch most of the
water from the adjacent neighbors, and also
21 half of the roof of the property. And also
22 to catch it along the watercourse, we also
add extra drains, area drains, in case that
the water will come up higher than we
23 suspected, and that will drain back to the
culvert system and drain out to the system
24 toward the back of the house, toward the
grass system.

25 Also, we did put in some vegetation

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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
we did our best to went beyond what was
required to make sure that we don't have no
problem in the future.

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

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

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

17 MR. SURACE: A little bit.

18 MR. ABRAHAM: But not that much.

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

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

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

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

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

26 So I'm assuming that putting the dry
27 wells in the backyard is hopefully going to
28 retain most of at least my property's water,
29 where supposedly the swale and culvert should
30 contain everybody else's water. My problem
31 is that my grade is also low at that -- where
32 the swale is is probably the lowest point on
33 my property.

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

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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
is flooded, and my garage and everything.
And my garage is the highest point. It was
coming in. The swale would fill up and then
it would come into the property, and then in
the garage. So, I mean, so far what we have
come up with, this is the best thing, right?

10 MR. ABRAHAM: Yes.

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

13 MR. ABRAHAM: Not only that. Also
14 on the top of the culvert there will be area
15 drains also that will capture any extra water
16 that may come also from the southern
neighbors, towards the southern areas also.

17 CHAIRMAN SIMON: So actually this
18 will --

19 MR. ABRAHAM: Ten percent yes.

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

22 MR. ABRAHAM: Correct. To prevent
23 the water to descend toward the seal of the
24 garage. That would be the purpose of this
25 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.

26 CHAIRMAN SIMON: I think what's

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

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

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

20 Furthermore, the project went to the
21 Conservation Advisory Council. The applicant
22 met with the Council a few weeks ago. It
23 issued a positive recommendation which I
24 forwarded along to this Board. They had some
25 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.

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

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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.

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

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

11 So it is something that I gave that
12 gentleman my card and suggested that he
13 contact me so that I can arrange for a
14 meeting with our DPW staff to see if there's
15 any opportunity for Town-related
16 improvements.

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

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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
the Commissioner of Public Works.

6 CHAIRMAN SIMON: I think that
7 needs to be done. Because we looked at it
8 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
11 with the property. The question is that
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 MR. ABRAHAM: But you have a good
17 high grade, around three feet around the side
18 of the house. So we keep that same grade.
19 Not even going down, we make sure that we're
20 not changing any grade areas of the water.
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
23 associated with the project so that it can
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.

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

10 MR. DESAI: So moved.

11 MR. WATSON: Second.

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

16 MS. TALIA FERROW: So moved.

17 MR. SCHWARTZ: Second.

18 CHAIRMAN SIMON: All in favor?

19 MR. AYOUB: Aye.

20 MR. DESAI: Aye.

21 MR. SCHWARTZ: Aye.

22 MR. WATSON: Aye.

23 MS. TALIA FERROW: Aye.

24 CHAIRMAN SIMON: Aye.

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

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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 19 Certified to be a true and accurate transcript.

22 20


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

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