

TOWN OF GREENBURGH
PLANNING BOARD

- X
1. ROLL CALL
 2. ITEMS FOR DISCUSSION/HEARING

a) Case No. PB 18-06
Edgemont Apartments
370-372 Central Park Avenue
P.O. Scarsdale, New York

b) Case No. PB 17-24
Nakamura Subdivision
2 Maple Avenue
P.O. Hartsdale, New York

c) Case No. PB 18-05
Sherwin
367 Evandale Road
P.O. Scarsdale, New York

3. ADJOURNMENT



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Greenburgh Town Hall
177 Hillside Avenue
Greenburgh, New York 10607
May 16, 2018

B E F O R E:

WALTER SIMON, Chairman

KIRIT DESAI, Board Member
MICHAEL GOLDEN, Board Member
CHET WATSON, Board Member
THOMAS HAY, Alternating Board Member
HUGH SCHWARTZ, Board Member

VIOLA TALIAFERROW, Board Member (Not Present)
MOHAMED AYOUB, Board Member (Not Present)

ALSO PRESENT: AARON SCHMIDT,
Deputy Commissioner of Planning
DAVID R. FRIED, ESQ.
First Deputy Town Attorney

BARBARA MARCIANTE,
Official Senior Court Reporter

Work Session-PB 18-06

1 (Whereupon, the following discussion takes place
2 during the Work Session by the Planning Board.)

3 CHAIRMAN SIMON: In respect to the Executive
4 Session that we just had, no votes were taken. I will now
5 proceed into the --

6 DEPUTY TOWN ATTORNEY FRIED: Are we still in work
7 session with --

8 BOARD MEMBER SCHWARTZ: Kirit, is your mic on?

9 CHAIRMAN SIMON: Yes, it's on.

10 DEPUTY COMMISSIONER SCHMIDT: Case number PB
11 18-06, we will do the work session component first.

12 CHAIRMAN SIMON: Yes. I just want to, I stated
13 during the work session -- well, this is a continuation of
14 the work session. So I already stated that normally we do
15 not have a work session and a hearing at the same night.

16 We think this is a little unusual. In fact, it's
17 quite unusual. And it is a relatively a smaller project
18 and we felt justified that we could do it in one evening
19 so.

20 And if you could explain for the public how this,
21 the sequence came about so you wind up in the --

22 MR. JOHN ANNUNZIATA: Okay. Some of this work
23 obviously --

24 DEPUTY TOWN ATTORNEY FRIED: Can you just state
25 your name for the record?

1 MR. JOHN ANNUNZIATA: Excuse me, John Annunziata.
2 And the project is work at the 370-372 Central Park Avenue,
3 the Edgemont Apartments.. Previously, I met with the Board
4 and the Board okay'd and approved a stone wall at the
5 property line in the front. And because of some of the
6 problems that have developed, the Board has requested or
7 chosen to use an interlocking block wall.

8 This is partly tied into the second wall, which
9 is the wall on the screen there in yellow. It's a -- it
10 was a railroad tie wall, and as you know, railroad tie
11 walls do not survive if water rots them, then the wall
12 started to collapse.

13 ALTERNATING VOTING MEMBER HAY: I'm sorry,
14 roughly how tall was the wall?

15 MR. JOHN ANNUNZIATA: I'm sorry?

16 ALTERNATING VOTING MEMBER HAY: Roughly how high
17 was that wall?

18 MR. JOHN ANNUNZIATA: I think it's about four
19 feet, as I recall.

20 ALTERNATING VOTING MEMBER HAY: Thank you.

21 MR. JOHN ANNUNZIATA: Then the slope behind that
22 goes up to the road. You can see by the contours. Yes,
23 right there. And so I think that's one of the reasons why
24 I'm here as well is the steep slope goes. But we chose to
25 replace the railroad tie wall with interlocking block wall.

1 And we also found initially that it was a
2 problem, even when we started, that water would come down
3 that roadway pretty quickly. So we put an intercept drain
4 and then we ran that intercept drain into dry wells in the
5 parking area and we're going to pave over and have a
6 uniform parking area.

7 So I think really that's the extent of the work
8 that was designed and planned. There is no area that's
9 close to anybody or any other project or property. So I
10 don't know that it's any significant issue as far as that
11 goes. And as far as the appearances go, I mean it's just a
12 matter of improving what's already been there. And there
13 is nothing that's super challenging in terms of design.

14 So basically I think we're just improving the
15 property and eliminating or minimizing some of the water
16 run-off problems and some of the failures of an existing
17 wall.

18 CHAIRMAN SIMON: Could you explain to the Board
19 why this wasn't included in your first design?

20 MR. JOHN ANNUNZIATA: No, no, that came after --

21 CHAIRMAN SIMON: No, no. I'm saying just explain
22 how the sequence --

23 DEPUTY TOWN ATTORNEY FRIED: You know what, let
24 me ask the question just to -- So you were before this
25 Board in 2016 but that was for a wall at a different part

1 of the property?

2 MR. JOHN ANNUNZIATA: I think it was 2016, yeah.

3 CHAIRMAN SIMON: Yes.

4 DEPUTY TOWN ATTORNEY FRIED: Yes.

5 MR. JOHN ANNUNZIATA: Probably right it was the
6 wall down in the property line.

7 DEPUTY TOWN ATTORNEY FRIED: And where was that
8 wall located?

9 DEPUTY COMMISSIONER SCHMIDT: I can show you.

10 DEPUTY TOWN ATTORNEY FRIED: That was along the
11 Central Avenue area of the property?

12 MR. JOHN ANNUNZIATA: Yes, yes, you can see the
13 contours behind it.

14 CHAIRMAN SIMON: Right.

15 MR. JOHN ANNUNZIATA: And yeah, that's right
16 where the arrow is going.

17 DEPUTY TOWN ATTORNEY FRIED: Okay. All right,
18 so.

19 BOARD MEMBER DESAI: It's the property line.

20 MR. JOHN ANNUNZIATA: We got approval to do a
21 wall, and then do a stockade fence -- not a stockade fence,
22 a post and rail fence.

23 DEPUTY TOWN ATTORNEY FRIED: And it's subsequent
24 to that, you became aware even while you were working on
25 that, that one, that there was a failing wall --

1 MR. JOHN ANNUNZIATA: That is correct.

2 DEPUTY TOWN ATTORNEY FRIED: -- at a different
3 part of the property?

4 MR. JOHN ANNUNZIATA: Right, that's correct.

5 DEPUTY TOWN ATTORNEY FRIED: So that's the
6 unusual aspect of this is that while he was working on one,
7 he noticed on the opposite side of the property that there
8 was a need for a wall over there. And so I just wanted
9 clarification for the Board --

10 MR. JOHN ANNUNZIATA: I'm sorry?

11 DEPUTY TOWN ATTORNEY FRIED: I wanted
12 clarification for the Board and for the public.

13 MR. JOHN ANNUNZIATA: Yes, yeah.

14 DEPUTY TOWN ATTORNEY FRIED: To know why it is
15 that you are back but on a different aspect.

16 MR. JOHN ANNUNZIATA: Right. These things
17 developed as a need rather than as a plan or a design. In
18 other words, the wall failed. We found water coming down
19 and then we found one of the catch basins not properly
20 installed originally.

21 And so we decided to try to see if we can control
22 that. And so we put the dry wells in the parking area and
23 we're going to pave over it.

24 CHAIRMAN SIMON: Are there any questions from the
25 Board?

1 BOARD MEMBER DESAI: So, I'm sorry, I need to
2 understand what is not shown in the plan that is submitted,
3 it's where it says railroad tie wall remains. So that's
4 when you're --

5 MR. JOHN ANNUNZIATA: I'm sorry, I don't hear
6 well.

7 DEPUTY COMMISSIONER SCHMIDT: On the lower
8 section of the parking lot.

9 BOARD MEMBER DESAI: Lower section, yes.

10 DEPUTY COMMISSIONER SCHMIDT: Along here.

11 MR. JOHN ANNUNZIATA: Lower section, yeah, the
12 arrow is going.

13 DEPUTY COMMISSIONER SCHMIDT: Indicates that the
14 retaining -- the railroad tie is to remain.

15 MR. JOHN ANNUNZIATA: No, that's -- that wall at
16 this point is not being touched.

17 BOARD MEMBER DESAI: Okay, so that remains.

18 CHAIRMAN SIMON: So the other one is part of --

19 MR. JOHN ANNUNZIATA: It's just the yellow line
20 which is also, it's part of the enclosure wall. That's it.
21 That's the only wall at this point we're replacing is --
22 the other walls are hanging okay. They are still
23 reasonably sound.

24 DEPUTY COMMISSIONER SCHMIDT: This drain here.

25 MR. JOHN ANNUNZIATA: That's the new drain we put

1 in.

2 BOARD MEMBER DESAI: No, that one is already
3 there, right?

4 DEPUTY COMMISSIONER SCHMIDT: No, that's new.

5 MR. JOHN ANNUNZIATA: And those are the dry
6 wells.

7 BOARD MEMBER DESAI: That's already work has been
8 done on that?

9 MR. JOHN ANNUNZIATA: I'm sorry?

10 CHAIRMAN SIMON: It's in progress.

11 BOARD MEMBER DESAI: No, because I was up there
12 and I saw that the drain, the leader drain and the road is
13 already there in place.

14 DEPUTY COMMISSIONER SCHMIDT: This piece, John,
15 this drain?

16 BOARD MEMBER DESAI: So I'm saying --

17 DEPUTY TOWN ATTORNEY FRIED: Hold on a second,
18 Kirit.

19 MR. JOHN ANNUNZIATA: The drain -- the first stop
20 from the drain to a dry well is the existing dry well. And
21 I think we found out that that dry well did not -- it had
22 an outlet and water was gushing down towards the road. And
23 so we had the plan is to repair that and use the other ones
24 that collect water run-off.

25 DEPUTY COMMISSIONER SCHMIDT: So it seems that it

1 was inadequately designed.

2 MR. JOHN ANNUNZIATA: Oh, yes, no question.

3 DEPUTY COMMISSIONER SCHMIDT: So it's going to be
4 upgraded, the existing condition will be upgraded.

5 BOARD MEMBER DESAI: Okay.

6 MR. JOHN ANNUNZIATA: And then also remember, on
7 the 2016 project, we widened the driveway at the bottom and
8 that had to do with the Department of Traffic, State
9 Traffic Department. We did some other work, which is also
10 cosmetic, if you will. So this is the newest project. And
11 again, as I say, this is more because of need rather than
12 by design.

13 BOARD MEMBER DESAI: Okay.

14 DEPUTY COMMISSIONER SCHMIDT: Any other questions
15 of the Board?

16 BOARD MEMBER DESAI: No.

17 DEPUTY TOWN ATTORNEY FRIED: I guess you want to
18 open the Public Hearing now.

19 CHAIRMAN SIMON: Okay.

20 DEPUTY COMMISSIONER SCHMIDT: So I can call the
21 roll, if you like?

22 CHAIRMAN SIMON: Okay. We're now going to go
23 Public Hearing Session of Planning Board Meeting. Aaron,
24 call the roll.

25 DEPUTY COMMISSIONER SCHMIDT: Michael Golden?

Public Hearing PB 18-06

1 (Whereupon, the following was held during the
2 Public Hearing session by the Planning Board.)

3 BOARD MEMBER GOLDEN: Here.

4 DEPUTY COMMISSIONER SCHMIDT: Kirit Desai?

5 BOARD MEMBER DESAI: Here.

6 DEPUTY COMMISSIONER SCHMIDT: Walter Simon?

7 CHAIRMAN SIMON: Here.

8 DEPUTY COMMISSIONER SCHMIDT: Chet Watson?

9 BOARD MEMBER WATSON: Here.

10 DEPUTY COMMISSIONER SCHMIDT: Tom Hay?

11 ALTERNATING VOTING MEMBER HAY: Here.

12 DEPUTY COMMISSIONER SCHMIDT: Hugh Schwartz?

13 BOARD MEMBER SCHWARTZ: Here.

14 DEPUTY COMMISSIONER SCHMIDT: Note for the record
15 that Board Members Mohamed Ayoub and Viola TaliaFarrow are
16 not present this evening.

17 CHAIRMAN SIMON: So accordingly Tom Hay will be a
18 full voting member this evening.

19 Now, we can continue into the Public Hearing
20 Session of the presentation.

21 MR. JOHN ANNUNZIATA: Okay. Now, I'll make sort
22 of a brief presentation and the presentation is that we did
23 additional work on this project at the Edgemont Apartments
24 based on need rather than on pure design.

25 The wall that is the east wall of the low parking

1 area was collapsing. And so the choice of the replacement
2 wall was interlocking block wall. The drainage system also
3 was not working properly as expected and water was getting
4 down at the bottom and creating problems.

5 And so to intercept some of the water coming down
6 the road, we installed the drain, design dry wells after
7 the initial dry well, which had some problems.

8 And we were asked if we can change the retaining
9 wall along the bottom, along the front property line, which
10 would be the west portion of that drawing from stone to
11 interlocking block, but keeping the wall that's above it
12 for the sake of appearances. And that's basically, in sum,
13 the project.

14 DEPUTY COMMISSIONER SCHMIDT: And the activity or
15 the work required in connection with it ultimately requires
16 a Planning Board steep slope permit. So the applicant
17 accordingly filed that application. It went through the
18 Town Engineer's review and now it's before this Board.

19 CHAIRMAN SIMON: And that is, and that will be a
20 Type II Action.

21 DEPUTY COMMISSIONER SCHMIDT: Under SEQRA, it
22 does qualify as a Type II Action.

23 CHAIRMAN SIMON: Do I have a motion to classify
24 this as a Type II?

25 BOARD MEMBER SCHWARTZ: So moved.

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1 BOARD MEMBER DESAI: Second.

2 CHAIRMAN SIMON: All in favor? Aye.

3 BOARD MEMBER GOLDEN: Aye.

4 BOARD MEMBER DESAI: Aye.

5 BOARD MEMBER WATSON: Aye.

6 ALTERNATING VOTING MEMBER HAY: Aye.

7 BOARD MEMBER SCHWARTZ: Aye.

8 CHAIRMAN SIMON: Is there anyone from the public
9 who wish to comment on this project?

10 BOARD MEMBER SCHWARTZ: Aaron, do we have to also
11 declare, make a declaration of SEQRA?

12 CHAIRMAN SIMON: No.

13 DEPUTY COMMISSIONER SCHMIDT: No. Well, being
14 that it's classified as a Type II Action, that concludes
15 the SEQRA portion.

16 BOARD MEMBER SCHWARTZ: Okay.

17 CHAIRMAN SIMON: Okay. So no one from the
18 public?

19 (Whereupon, there was no response.)

20 CHAIRMAN SIMON: Okay, so there is no one from
21 the public that wishes to speak on this. Okay, so
22 unless -- we want to keep the record open --

23 DEPUTY COMMISSIONER SCHMIDT: May 24th.

24 CHAIRMAN SIMON: Pardon me?

25 DEPUTY COMMISSIONER SCHMIDT: You can keep it

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1 open until the May 24th.

2 CHAIRMAN SIMON: Okay, April 24th.

3 DEPUTY TOWN ATTORNEY FRIED: May 24th.

4 CHAIRMAN SIMON: May, May 24th.

5 DEPUTY COMMISSIONER SCHMIDT: If someone wants to
6 make that motion.

7 BOARD MEMBER DESAI: I'll make the motion.

8 DEPUTY TOWN ATTORNEY FRIED: To close --

9 BOARD MEMBER DESAI: -- the Public Hearing --

10 DEPUTY TOWN ATTORNEY FRIED: Keep the record --

11 BOARD MEMBER DESAI: -- keep the record open for
12 May 24th?

13 DEPUTY TOWN ATTORNEY FRIED: Yes.

14 CHAIRMAN SIMON: Do we have a second?

15 ALTERNATING VOTING MEMBER HAY: Second.

16 CHAIRMAN SIMON: All in favor? Aye.

17 BOARD MEMBER GOLDEN: Aye.

18 BOARD MEMBER DESAI: Aye.

19 BOARD MEMBER WATSON: Aye.

20 ALTERNATING VOTING MEMBER HAY: Aye.

21 BOARD MEMBER SCHWARTZ: Aye.

22 DEPUTY COMMISSIONER SCHMIDT: You're all set.

23 MR. JOHN ANNUNZIATA: Thank you.

24 DEPUTY TOWN ATTORNEY FRIED: Thank you.

25 DEPUTY COMMISSIONER SCHMIDT: Staff will prepare,

Public Hearing PB 18-06

1 Mr. Annunziata, staff will prepare a draft decision for the
2 Board to consider on June 6th --

3 MR. JOHN ANNUNZIATA: Thank you very much.

4 DEPUTY COMMISSIONER SCHMIDT: -- our next
5 regulated scheduled meeting.

6 MR. JOHN ANNUNZIATA: Thank you.

7 DEPUTY TOWN ATTORNEY FRIED: Thank you.
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1 CHAIRMAN SIMON: The next item is PB 17-24,
2 Nakamura. The SEQRA was already done on this project.

3 DEPUTY COMMISSIONER SCHMIDT: Correct.

4 MR. PAUL PETRETTI: Good evening, Paul Petretti,
5 Civil Engineer, Land Surveyor representing Eiji and Noriko
6 Nakamura on the two lot subdivision. The subdivision plan
7 is up on the Board there, okay. And it's been a long time
8 since you've seen this because we went to the Zoning Board.

9 And so I'll go through it. I guess it's a Public
10 Hearing. So I should just give you a brief synopsis of
11 what it's all about.

12 The piece of property is level, okay. Hillcrest
13 Avenue and Maple Avenue intersection, okay, comes down the
14 Ridge Road, you'll find this piece of property. And it's a
15 rather good sized piece of property, okay. And it had some
16 kind of issues, okay, related to Zoning.

17 But it is a two lot subdivision. There is an
18 existing house on the lot, okay, on one lot. And that lot
19 is substantially a pretty good size. It's 16,335 square
20 feet and the one on the right, okay, is 12,093 square feet.

21 So there was a little bit of an issue here in
22 terms of the Zoning and I think it took some time to
23 resolve that. I believe that the smaller lot on the right
24 was actually in an R-10 Zone. And the larger lot, okay,
25 was in an R-7.5 Zone, but correct me if I'm wrong, Aaron,

1 we decided that both lots would have to be under the
2 jurisdiction of a R-10 zone. Right?

3 DEPUTY COMMISSIONER SCHMIDT: Correct. Because a
4 small portion of proposed lot two, it would be situated
5 within the R-10 District. This is the Zoning District
6 boundary line which cuts through the existing one-story
7 framed garage and runs along here.

8 MR. PAUL PETRETTI: Yes.

9 DEPUTY COMMISSIONER SCHMIDT: The proposed
10 property line is over here. So this is R-10 and lot -- so
11 lot two and lot one both have to comply with the R-10
12 Zoning requirement.

13 MR. PAUL PETRETTI: Yeah. So we resolved it and
14 had it in an R-10 and moved into that, okay, in the sense
15 it brought about a requirement for a variance on lot number
16 two because we're proposing the 75-foot width.

17 So we went to the Zoning Board. We asked for
18 actually three variances. One was denied. They gave us
19 the variance for the 75 feet lot width, okay, and they gave
20 us the variance, okay, for the garage. If you can focus on
21 the garage, okay, four or five line -- five-foot setback
22 from the property line to the existing garage.

23 The land is level. There is an existing pool on
24 it, okay. We were not granted the variance to keep the
25 pool. So we're showing on the platt, okay, the pool needed

1 to be removed or filled in, okay. And I think that
2 probably the best way to deal with this is actually fill it
3 in.

4 I looked at New York State DEC regulations about
5 concrete, okay, structures and the PAR 360 and basically
6 they say, hey, listen, look, you can fill in a pool. There
7 is no reason to break up the pool and cart it away and put
8 it in another landfill somewhere. You can keep it on the
9 property.

10 So, you know, that's the proposal, keep it on the
11 property and fill it in, okay. You can actually probably
12 drill some holes in the bottom and use it as a large dry
13 well, to be quite frank with you. So it has a second life,
14 not as a pool but as a dry well.

15 So that's the application to our subdivision and
16 if you have any questions, I can answer them.

17 CHAIRMAN SIMON: Any questions on this project?

18 DEPUTY TOWN ATTORNEY FRIED: Did the Zoning Board
19 make any recommendations with respect to what to do with
20 the pool?

21 MR. PAUL PETRETTI: No. They just said that they
22 would not grant the variance, okay. And I handled it with
23 the Building Department. They said yeah, you can fill it
24 in.

25 DEPUTY TOWN ATTORNEY FRIED: By possibly break

1 down, like you said, put some holes or something in it at
2 the base to allow --

3 MR. PAUL PETRETTI: Yeah.

4 DEPUTY TOWN ATTORNEY FRIED: -- it to be
5 permeable.

6 DEPUTY COMMISSIONER SCHMIDT: In fact, I believe
7 that is a requirement through the Building Department in
8 the demolition of it, in-ground concrete pool is you have
9 to put holes, so that it drains through.

10 MR. PAUL PETRETTI: I have another project in
11 Town of Mamaroneck and we decided to keep the pool, okay,
12 cut off the top, okay, drill holes in the bottom and use it
13 as a dry well, okay, instead of just breaking this up and
14 carting it away and putting it in some landfill somewhere,
15 that doesn't make a sense.

16 DEPUTY TOWN ATTORNEY FRIED: Right.

17 BOARD MEMBER DESAI: So what was the
18 recommendation from the Zoning Board?

19 DEPUTY COMMISSIONER SCHMIDT: To remove the pool.

20 DEPUTY TOWN ATTORNEY FRIED: To not allow the
21 pool. They didn't actually say, my understanding is, that
22 they had to physically remove the pool. So the question is
23 with our Building Department, is that -- and we can explore
24 beyond that, if your proposal is to make a dry well, but it
25 would be ordinary to break up the bottom so it's permeable.

1 DEPUTY COMMISSIONER SCHMIDT: Right.

2 BOARD MEMBER DESAI: So I think it has to be made
3 permeable, that is what my concern is.

4 MR. PAUL PETRETTI: Yeah.

5 DEPUTY TOWN ATTORNEY FRIED: Okay, okay.

6 BOARD MEMBER DESAI: So we would put that as a
7 condition, right?

8 DEPUTY TOWN ATTORNEY FRIED: Well, I think the
9 question maybe because Mr. Petretti has made a suggestion
10 that they may actually convert into a dry well. I think
11 that's something -- I think either option might be
12 available as a condition.

13 BOARD MEMBER DESAI: Okay.

14 DEPUTY COMMISSIONER SCHMIDT: And I can
15 discussion with the Building Department what the options
16 are.

17 CHAIRMAN SIMON: Right, the Building Department
18 and might be part of the conditions, right.

19 BOARD MEMBER DESAI: Yeah, but I think the
20 relationship said it should become permeable, because
21 that's really what the Zoning variances require, that it's
22 permeable, okay.

23 ALTERNATING VOTING MEMBER HAY: I do have one
24 question. When we saw this the first time, I remember
25 asking about the lot widths of that street and I believe we

1 went over the properties further down the street, 75 is --

2 MR. PAUL PETRETTI: Yeah.

3 ALTERNATING VOTING MEMBER HAY: Not atypical. Do
4 you realize what it's like?

5 MR. PAUL PETRETTI: There's two adjacent next to,
6 okay, to the south, okay are 75 feet wide. The next one I
7 think is even 100 or 125.

8 DEPUTY COMMISSIONER SCHMIDT: I believe three out
9 of the next five along that roadway are 75 feet width and
10 this Board, Planning Board, actually made a positive
11 recommendation.

12 ALTERNATING VOTING MEMBER HAY: I remember going
13 over that.

14 DEPUTY COMMISSIONER SCHMIDT: On the reduction of
15 lot one from 100 feet required to 75 proposed.

16 ALTERNATING VOTING MEMBER HAY: Thank you.

17 CHAIRMAN SIMON: Any other questions?

18 (Whereupon, there was no response from the
19 Board.)

20 CHAIRMAN SIMON: Any questions from the public?
21 Please come up to the podium. State your name and address
22 for the record, please.

23 MR. MARK MORFOPOULOS: Mark Morfopoulos, 34 Maple
24 Avenue.

25 DEPUTY COMMISSIONER SCHMIDT: Spell the last

1 name.

2 MR. MARK MORFOPOULOS: M-O-R-F-O-P-O-U-L-O-S.

3 DEPUTY COMMISSIONER SCHMIDT: Thank you.

4 MR. MARK MORFOPOULOS: So they are looking to
5 build two houses on this?

6 CHAIRMAN SIMON: One.

7 DEPUTY TOWN ATTORNEY FRIED: One new home.

8 DEPUTY COMMISSIONER SCHMIDT: One new home. The
9 existing home, I'm putting the cursor over it now. The
10 proposed home is on a new lot, situated here.

11 MR. MARK MORFOPOULOS: Because when we got the
12 first notice it was unclear as to what they were doing here
13 until I got the second notice that said they are building a
14 new home now. Has there been any study, a traffic study or
15 anything as to the adverse impact on our block because of
16 this new house?

17 DEPUTY COMMISSIONER SCHMIDT: We can have the
18 applicant speak to that. But I can answer that a traffic
19 study has not been prepared related to this property.

20 MR. MARK MORFOPOULOS: Any other study of any
21 kind as to the negative impact to all the other homeowners
22 on this block?

23 CHAIRMAN SIMON: In what sense?

24 DEPUTY COMMISSIONER SCHMIDT: The applicant
25 provided an environmental assessment form which is required

1 as part of the subdivision application. That goes through
2 any of the potential impacts that could be caused by the
3 project.

4 This Board in coordination with the Zoning Board
5 ultimately reviewed the potential environmental impacts and
6 adopted a negative declaration under SEQRA, meaning
7 essentially that none of the potential impacts associated
8 with this project rise to a level of significance that need
9 to be studied further.

10 MR. MARK MORFOPOULOS: Well, I'm just concerned
11 that the house at the end of the block, which is probably
12 as wide as this house, they can -- this is going to set a
13 very bad precedent where they can then ask for the same
14 consideration. And now I'll have instead of five houses on
15 the block, seven.

16 As it is, the street, the condition of the street
17 is in dismal condition. I don't know if anyone has ever
18 driven down that street. But there's pot holes and it's
19 terrible.

20 And now with the precedent here of having another
21 house on the block, I can't see why that that neighbor
22 could then turn around and say, okay, well, you granted it
23 for this house, why not for our house as well.

24 And now, instead of having five houses on this
25 block, we have seven, which is basically increasing.

1 CHAIRMAN SIMON: Each applicant will have to go
2 through the same process and to the evaluations made of the
3 impact. The fifth house might have one level of impact.

4 The seventh or the ninth house will have a
5 different level of, potentially a different level of
6 impact. So each application has to be viewed and based
7 upon what exists at the current time.

8 So it's not an automatic thing, because you get
9 the five you can automatically get the sixth or seventh or
10 the ninth.

11 MR. MARK MORFOPOULOS: Does this change the
12 requirements for that particular lot as far as do they have
13 to also go through this process?

14 DEPUTY TOWN ATTORNEY FRIED: Yes.

15 BOARD MEMBER SCHWARTZ: Yes.

16 DEPUTY TOWN ATTORNEY FRIED: If there was a lot
17 that was big enough that it could be subdivided, they would
18 have to go before this Board for an application for a
19 subdivision.

20 MR. MARK MORFOPOULOS: So it's not as of right?

21 DEPUTY TOWN ATTORNEY FRIED: It's not as of
22 right.

23 CHAIRMAN SIMON: No, no subdivision is not as of
24 right.

25 DEPUTY TOWN ATTORNEY FRIED: I do want to address

1 one other issue. You mentioned potholes. We will check,
2 that obviously is a concern. We will check with our
3 Department of Public Works have them go out and take a
4 look. Have you contacted them recently?

5 MR. MARK MORFOPOULOS: No, but it's been a
6 condition on our block for at least ten years now.

7 DEPUTY TOWN ATTORNEY FRIED: Okay, I just --

8 MR. MARK MORFOPOULOS: Plus, on the other side of
9 the street, I've noticed from the last six months that
10 there's been a steady stream of water that's been coming
11 down roughly 50 feet from that house, the house that's --
12 this house here.

13 DEPUTY TOWN ATTORNEY FRIED: Okay.

14 MR. MARK MORFOPOULOS: That is flooding into the
15 street and no one is ever doing anything about it.

16 DEPUTY COMMISSIONER SCHMIDT: From the opposite
17 side of the road?

18 MR. MARK MORFOPOULOS: On the opposite side of
19 the road.

20 DEPUTY COMMISSIONER SCHMIDT: Which is
21 Hartsbrook.

22 MR. MARK MORFOPOULOS: Right.

23 BOARD MEMBER GOLDEN: Now is a good time to look
24 at one --

25 DEPUTY TOWN ATTORNEY FRIED: So I would encourage

1 you to contact Aaron, or when we finish with the Public
2 Hearing, just talk to Aaron so that we can get specifics
3 from you about those concerns and we can relay them to the
4 appropriate department.

5 MR. MARK MORFOPOULOS: Does he have a card that I
6 can --

7 DEPUTY COMMISSIONER SCHMIDT: Sure.

8 MR. MARK MORFOPOULOS: So what you're saying is
9 even if this is approved and they build two houses here,
10 this doesn't necessarily mean that any other house on the
11 block is going to have any special --

12 CHAIRMAN SIMON: It is not automatic.

13 DEPUTY TOWN ATTORNEY FRIED: There is nothing as
14 of right. They would have to come, as this applicant did,
15 to a Work Session and Public Hearing and make their case
16 for, you know, to subdivide that property.

17 MR. MARK MORFOPOULOS: And where is this drive --

18 DEPUTY COMMISSIONER SCHMIDT: For the record,
19 it's one additional home that's being constructed --

20 MR. MARK MORFOPOULOS: I understand that.

21 DEPUTY COMMISSIONER SCHMIDT: -- as part of this
22 project. I just wanted to clarify for the record.

23 MR. MARK MORFOPOULOS: Where is the driveway
24 going to lead -- is it going to lead out of Maple or is it
25 going to lead out of Hillcrest?

1 DEPUTY COMMISSIONER SCHMIDT: The new home will
2 be situated along Maple with a driveway onto Maple.

3 MR. MARK MORFOPOULOS: On to Maple, right, so.

4 DEPUTY COMMISSIONER SCHMIDT: Correct.

5 MR. MARK MORFOPOULOS: So it's another car
6 pulling in and out and traffic coming in.

7 DEPUTY TOWN ATTORNEY FRIED: Yes.

8 MR. MARK MORFOPOULOS: In and out of that street.

9 DEPUTY TOWN ATTORNEY FRIED: Yes.

10 DEPUTY COMMISSIONER SCHMIDT: Correct.

11 MR. MARK MORFOPOULOS: And that's already been
12 approved.

13 DEPUTY TOWN ATTORNEY FRIED: No.

14 DEPUTY COMMISSIONER SCHMIDT: No, that's the
15 subject of this Public Hearing.

16 MR. MARK MORFOPOULOS: I'm just wondering if and
17 why there hasn't been any kind of study at all as to the
18 impact of any other property owned -- if there is no
19 negative impact, then that's one thing. But if there is, I
20 just am curious as to what that is.

21 DEPUTY TOWN ATTORNEY FRIED: When the public
22 comments are concluded, we will have the applicant's
23 representative come up and address that issue.

24 MR. MARK MORFOPOULOS: Okay. I'll take your
25 card.

1 DEPUTY COMMISSIONER SCHMIDT: Yes.

2 DEPUTY TOWN ATTORNEY FRIED: Would you like to
3 speak as well?

4 DEPUTY COMMISSIONER SCHMIDT: Thank you for your
5 comments.

6 MR. MARK MORFOPOULOS: Thank you.

7 MRS. MAROFOPOULOUS: One speaker is enough. I
8 just want to --

9 BOARD MEMBER DESAI: What is the size of the
10 street, Maple Avenue, 25 feet?

11 CHAIRMAN SIMON: You feel free to come, you feel
12 free to speak, if you like.

13 MR. MARK MORFOPOULOS: No. Well, my wife is
14 explaining that across the street on Hillcrest, there is a
15 school, daycare and --

16 DEPUTY COMMISSIONER SCHMIDT: There is a
17 children's --

18 MR. MARK MORFOPOULOS: Creative Beginnings. A
19 couple times a year they have events. And based on those
20 events, there's cars parked on both sides of the road,
21 which could cause a health hazard. If there is a fire, I'm
22 not sure that a fire engine can come up and down that
23 street.

24 And we know that this happens, again, every year,
25 several times a year. And it only takes one time for

1 something bad to happen where --

2 DEPUTY TOWN ATTORNEY FRIED: We encourage you
3 that if you are aware of it either happening or it's
4 ongoing to contact us, you know, Aaron or myself, at Town
5 Hall and we will notify the police to have them go out and
6 take a look to see if there are any violations.

7 DEPUTY COMMISSIONER SCHMIDT: Or you can contact
8 the police department directly, if you ever notice
9 something like that.

10 MR. MARK MORFOPOULOS: Okay, thank you very much.
11 I appreciate your time.

12 DEPUTY TOWN ATTORNEY FRIED: Thank you.

13 CHAIRMAN SIMON: Thank you.

14 DEPUTY COMMISSIONER SCHMIDT: Thank you.

15 CHAIRMAN SIMON: Would anyone else like to speak
16 tonight?

17 MR. MATT ROMANO: Hi, my name is Matt Romano. I
18 live at 15 Grey Rock Avenue. So I'm just first time
19 homeowner, been in Hartsdale for under two years. I just
20 want to get a better understanding of what is happening
21 here.

22 Can you show me where Grey Rock is. So I believe
23 I'm behind this pool, which would be, I guess, the straight
24 line.

25 DEPUTY COMMISSIONER SCHMIDT: Yes, so Grey Rock,

1 I'm sorry for the poor imagery, but this is Hillcrest.
2 This is Grey Rock. And this is the corner of the property.

3 MR. MATT ROMANO: Got it. So --

4 DEPUTY COMMISSIONER SCHMIDT: Pool is roughly in
5 this location.

6 MR. MATT ROMANO: And the new home will not be
7 put on top of the pool?

8 DEPUTY COMMISSIONER SCHMIDT: Correct.

9 MR. MATT ROMANO: So can you explain also what
10 turning that pool into a dry well is?

11 DEPUTY COMMISSIONER SCHMIDT: We would have to --

12 DEPUTY TOWN ATTORNEY FRIED: Let the applicant --

13 DEPUTY COMMISSIONER SCHMIDT: -- let the
14 applicant --

15 DEPUTY TOWN ATTORNEY FRIED: Let the applicant's
16 representative tell you what that is.

17 MR. MATT ROMANO: I only ask because I live on a
18 very steep incline from this property and I'm also dealing
19 with --

20 ALTERNATING VOTING MEMBER HAY: Down --

21 MR. MATT ROMANO: -- water damage.

22 ALTERNATING VOTING MEMBER HAY: Down or up?

23 MR. MATT ROMANO: Down. And so I'm dealing with
24 a lot of water coming down this hill. And I'm just curious
25 what the work here could possibly mean for my property as

1 I'm trying to deal with these water issues. And if this is
2 going --

3 DEPUTY TOWN ATTORNEY FRIED: That's fair.

4 CHAIRMAN SIMON: As a matter of code, if someone
5 builds on their property, they cannot -- they have to
6 capture all the water on their property. They can't allow
7 their drain spouts to run down onto your property.

8 And so there are certain things, and we will let
9 the applicant explain some of the engineering technology
10 that they use to prevent the house, if it's eventually
11 built, to run down on your house.

12 MR. MATT ROMANO: Okay.

13 CHAIRMAN SIMON: Could you explain to the
14 gentleman what you're doing to the pool and when a new
15 house is built, what are some of the provisions that will
16 be taken to ensure that water does not run down on his
17 property?

18 DEPUTY TOWN ATTORNEY FRIED: We just want to make
19 sure that you get, before you had any more questions or
20 comments.

21 MR. MATT ROMANO: Just also what will become of
22 this pool, so that will be a backyard for this home?

23 DEPUTY TOWN ATTORNEY FRIED: All right, okay. Is
24 there anyone else speaking from the public.

25 (Whereupon, there was no response.)

1 DEPUTY TOWN ATTORNEY FRIED: Okay.

2 MR. PAUL PETRETTI: All right, so one thing at a
3 time, okay. This is a two lot subdivision, residential
4 area, dead-end street. There is no through traffic. There
5 really doesn't warrant a traffic study, okay, for the
6 addition of one house, okay. The level of service would
7 remain essentially the same.

8 So, you know, in the environmental review, the
9 long form, okay, I addressed traffic that way, okay.

10 DEPUTY TOWN ATTORNEY FRIED: Since you're on
11 traffic, though, and because, you know, the people who come
12 out aren't necessarily as familiar as the Board is, can you
13 explain a little bit as to how much traffic a, you know,
14 one house in a subdivision like this would generate,
15 quantitatively.

16 MR. PAUL PETRETTI: Okay, so I think, if my
17 memory serves me right, I haven't done this in awhile with
18 traffic, okay, I think it generates maybe four trips a day,
19 which is not a lot of trips for a road like this, okay.

20 So we speak about levels of service, okay. This
21 would not degrade the level of service, okay, in terms of
22 the traffic issues.

23 CHAIRMAN SIMON: Could you speak to the issue of,
24 I don't know if the gentleman is familiar with the concept
25 of the dry well and what's being done, what will be done if

1 a house is ever built on it, to prevent run off onto this
2 gentleman's property.

3 MR. PAUL PETRETTI: Yeah. Well, this one is kind
4 of easy to deal with, okay, because it's a level piece of
5 property. The soil is very good there. The original idea,
6 okay, was to put some dry wells in.

7 The construction plans shows some dry wells,
8 okay, and the water would go into the dry wells. It's
9 flat. It's almost as flat as a pancake. So water would
10 not run down that way, okay. The dry well is a very far
11 removed from the property line, so they would be more than
12 adequate to deal with the drainage.

13 DEPUTY TOWN ATTORNEY FRIED: Can you explain what
14 a dry well does, though, because I don't think the
15 gentleman fully understands that.

16 MR. PAUL PETRETTI: Okay, so a dry well is a
17 configured structure, you put underneath the ground --

18 CHAIRMAN SIMON: Please speak into the
19 microphone.

20 MR. PAUL PETRETTI: It's either made out of some
21 plastic devices or Cultec chambers or concrete dry wells,
22 okay. You take your roof leaders and you take the
23 impervious area from the driveway and the roof and you put
24 it into the dry well and it goes into the ground it
25 percolates into the ground. And that soil up there is

1 pretty good, okay. In fact, what is happening across the
2 street is it's seeping, okay.

3 CHAIRMAN SIMON: Can you talk into the microphone
4 and also for the public's and for the Board's --

5 DEPUTY COMMISSIONER SCHMIDT: And the Board.

6 MR. PAUL PETRETTI: So the gentleman brought up,
7 okay, that the fact there is some drainage seepage on the
8 road and it's constant, okay.

9 At first, I called the Department of Public
10 Works. I thought maybe it was a water main that was
11 leaking. So somebody should go out and take a look at it,
12 okay. It's constantly, but there is a hill going up into
13 the preserve over there.

14 DEPUTY COMMISSIONER SCHMIDT: The park, right.

15 MR. PAUL PETRETTI: The park. So it's probably a
16 side hill seep, okay, which means the soil there is very
17 permeable. So that's the situation with that.

18 BOARD MEMBER DESAI: Is there any, I think the
19 other concern was the screening of the property in the
20 back. You have landscape plans?

21 DEPUTY COMMISSIONER SCHMIDT: There is.

22 CHAIRMAN SIMON: Isn't that an open area?

23 DEPUTY COMMISSIONER SCHMIDT: That wasn't brought
24 up, but you're bringing it up so it should be addressed.
25 There is a landscaping plan. It's shown here.

1 There is existing vegetation along the rear
2 that's not going to be touched. So there is a tree here, a
3 tree here, a tree here, tree here. The house is situated
4 quite a ways from the rear property line.

5 DEPUTY TOWN ATTORNEY FRIED: And not where the
6 pool is.

7 DEPUTY COMMISSIONER SCHMIDT: Not where the pool
8 currently is, correct. And there is vegetation, actually,
9 proposed between the new home and the existing home on the
10 lot.

11 BOARD MEMBER DESAI: But what about the back, can
12 they put more screening in the back? I think that was your
13 concern.

14 MR. PAUL PETRETTI: Can I speak to that for a
15 minute, okay. Those are very mature trees in the back.
16 They are all 12, 16, 18-inch. Even if you planted
17 something underneath there, there is no sunlight. So I
18 don't think it's necessary to do that.

19 BOARD MEMBER DESAI: Well, but the neighbor has a
20 concern about it.

21 MR. PAUL PETRETTI: Okay, well, I don't think
22 there is a visual impact, okay, to screen.

23 DEPUTY COMMISSIONER SCHMIDT: Is that at a higher
24 elevation as well?

25 MR. PAUL PETRETTI: It's a much higher elevation.

1 And it's really, the trees back there, in fact, one of the
2 funny things about this pool is it's well shaded by the
3 trees. I don't think the pool would be useful in the
4 future, okay. And we're not planning to take any trees
5 down there. It's pretty well vegetated, Kirit.

6 BOARD MEMBER DESAI: There's bushes and other
7 stuff?

8 MR. PAUL PETRETTI: Yes.

9 DEPUTY COMMISSIONER SCHMIDT: Yes, correct.

10 CHAIRMAN SIMON: Okay. Anyone else who would
11 like to speak on this project?

12 MR. MATT ROMANO: Just another question.

13 DEPUTY TOWN ATTORNEY FRIED: Sure, go ahead.

14 CHAIRMAN SIMON: Yes.

15 DEPUTY COMMISSIONER SCHMIDT: Your name again for
16 the record.

17 MR. MATT ROMANO: Yeah, Matt Romano, 15 Grey
18 Rock.

19 DEPUTY COMMISSIONER SCHMIDT: Thank you.

20 MR. MATT ROMANO: So the pool will be a backyard
21 now for this property?

22 CHAIRMAN SIMON: Yes.

23 MR. MATT ROMANO: And I don't know if this is
24 also related, but the fencing around this pool that borders
25 my property now has become delapidated and the recent storm

1 has now broken into my property. Will this also be
2 addressed by the construction and that fence will be
3 replaced?

4 MR. PAUL PETRETTI: Yes, there is some fencing
5 back there. And it's kind of all over the place. So it
6 should be replaced.

7 DEPUTY COMMISSIONER SCHMIDT: You're agreeable to
8 a condition of that effect?

9 MR. PAUL PETRETTI: Yes.

10 CHAIRMAN SIMON: Okay.

11 BOARD MEMBER GOLDEN: I mean you are not going to
12 replace it, you're just going to remove it?

13 MR. PAUL PETRETTI: I would suggest, I'll take a
14 look at it. It's partially chain-linked fence and
15 partially another kind of fence, okay. And we can put, if
16 you're going to take a fence down, you don't want a fence,
17 you can leave it fenceless. You don't have to have a
18 fence.

19 BOARD MEMBER GOLDEN: I thought there was a
20 fencing around the pool.

21 DEPUTY COMMISSIONER SCHMIDT: No.

22 BOARD MEMBER GOLDEN: Then, you know, I
23 misunderstood.

24 DEPUTY COMMISSIONER SCHMIDT: There is a
25 chain-linked fence before where the cursor is now and then

1 behind that there is a wire fence.

2 MR. PAUL PETRETTI: Yeah.

3 DEPUTY COMMISSIONER SCHMIDT: And I believe they
4 are in poor condition.

5 BOARD MEMBER GOLDEN: Okay.

6 DEPUTY COMMISSIONER SCHMIDT: Especially after
7 the recent storms.

8 MR. PAUL PETRETTI: I believe it's in the
9 applicant's, whoever buys this, best interest to take the
10 fence down and actually put it in the right place.

11 BOARD MEMBER DESAI: I agree.

12 DEPUTY COMMISSIONER SCHMIDT: Right.

13 MR. PAUL PETRETTI: I don't think the fence is in
14 the right place.

15 DEPUTY COMMISSIONER SCHMIDT: Right.

16 MR. PAUL PETRETTI: Being a land surveyor, I know
17 it's a good idea to put the fence where it should be.

18 DEPUTY COMMISSIONER SCHMIDT: Right. The other
19 thing is that at that point, while the property is
20 represented as flat, the rear portion begins the slope down
21 to Grey Rock. So I think from the safety perspective,
22 replacing the fence and having a sturdy fence --

23 BOARD MEMBER DESAI: Makes sense.

24 DEPUTY COMMISSIONER SCHMIDT: -- in that location
25 makes sense.

1 THE COURT: Let's be clear here. Are we talking
2 about replacing the fence concurrent with the filling of
3 the pool or the replacement of a fence when a new house is
4 being built, another house? The house might not be built
5 for five years or more.

6 MR. PAUL PETRETTI: That's correct.

7 CHAIRMAN SIMON: So what is the situation of the
8 fence? Will that fence be removed?

9 ALTERNATING VOTING MEMBER HAY: Is a fence
10 required, though?

11 CHAIRMAN SIMON: No, it's --

12 ALTERNATING VOTING MEMBER HAY: Does there have
13 to be a fence?

14 CHAIRMAN SIMON: If it's in a delapidated
15 condition, and it's facing that gentleman's property --

16 ALTERNATING VOTING MEMBER HAY: Correct.

17 DEPUTY COMMISSIONER SCHMIDT: As long as there is
18 a pool on the property, there has to be fencing.

19 ALTERNATING VOTING MEMBER HAY: Understood. But
20 once the pool --

21 DEPUTY COMMISSIONER SCHMIDT: Once the pool is
22 eliminated --

23 CHAIRMAN SIMON: Once the pool out, there is no
24 need to have a delapidated --

25 DEPUTY COMMISSIONER SCHMIDT: -- then there's no

1 obligation for a fence, unless the Board feels that due to
2 the slope in the rear that there ought to be a fence.

3 BOARD MEMBER DESAI: It should be replaced
4 because we don't know what the time frame is.

5 DEPUTY TOWN ATTORNEY FRIED: Well, I don't think
6 there's a way we can -- I mean we're not making a decision
7 now. We are having a Public Hearing. I think may be the
8 best approach, unless there are further questions with
9 respect to the fence --

10 CHAIRMAN SIMON: No. My question is, what is the
11 condition when you deal with the fence. That's my
12 question.

13 DEPUTY TOWN ATTORNEY FRIED: Right. And I think
14 that's something we need -- and the applicant should be
15 ready to address.

16 DEPUTY COMMISSIONER SCHMIDT: Right.

17 MR. PAUL PETRETTI: So it's in the best interest
18 of the applicant, whether the applicant sells it to
19 somebody else, okay, or keeps it for a couple of years to
20 take down the fence, okay.

21 Because the fence is probably, it appears to be,
22 it is in the wrong place. I'm the surveyor, you see the
23 fence over there, okay. So it should be taken down, okay.
24 There is no reason to put another fence up, okay.

25 DEPUTY COMMISSIONER SCHMIDT: Well --

1 MR. PAUL PETRETTI: Now, let me add one caveat to
2 that. The pool should be filled in, okay, because we have
3 building code issues with pools. Even though it's covered
4 all the time, it's been covered for, you know, 20 years,
5 okay. It's my opinion that it should be filled in. And
6 then the issue of a pool around the fence goes away.

7 DEPUTY COMMISSIONER SCHMIDT: Fence around the
8 pool.

9 MR. PAUL PETRETTI: Pool, fence, whatever, yeah.
10 Makes sense?

11 CHAIRMAN SIMON: Yes. Except another issue was
12 raised. I totally agree, if you don't have a pool, you
13 don't need a fence. But the issue was raised, you have the
14 land and depending upon how steep that slope is, that could
15 be an argument for a fence. I don't know.

16 BOARD MEMBER GOLDEN: Look, it seems to me that,
17 it does seem to be that if it's steep enough to need a
18 fence, the building code will require a fence. If it's
19 just a little steep slope --

20 DEPUTY COMMISSIONER SCHMIDT: No.

21 CHAIRMAN SIMON: No.

22 DEPUTY COMMISSIONER SCHMIDT: Not necessarily.

23 BOARD MEMBER SCHWARTZ: The fence is at the
24 bottom of the hill, how is it a safety issue? I'm
25 confused.

1 MR. PAUL PETRETTI: To me, it's not a safety
2 issue, okay. You can -- to me it's not a safety issue. I
3 mean people can walk on 20 percent slopes.

4 BOARD MEMBER SCHWARTZ: I do have a suggestion
5 here. If the fence is in disrepair, I would suggest that
6 the fence, that maybe as a condition of the subdivision
7 that that fence be removed as soon as the pool is filled
8 in.

9 MR. PAUL PETRETTI: I agree with that.

10 CHAIRMAN SIMON: Okay.

11 MR. PAUL PETRETTI: Okay.

12 BOARD MEMBER SCHWARTZ: Okay.

13 MR. PAUL PETRETTI: For other reasons, okay.

14 BOARD MEMBER SCHWARTZ: Hold on, you'll get --

15 DEPUTY COMMISSIONER SCHMIDT: You said removed,
16 you did not say replace.

17 BOARD MEMBER SCHWARTZ: I did not say replace.

18 MR. PAUL PETRETTI: Just remove it.

19 BOARD MEMBER GOLDEN: And if somebody buys the
20 lot, and they want to build a house and they want a fence,
21 let them put a fence up.

22 I haven't heard evidence that that's a dangerous
23 condition. It's not an eight-foot drop off or a six-foot
24 drop off. It's not a four-foot drop off into a 20-foot
25 deep well. I haven't heard any of that.

1 CHAIRMAN SIMON: Okay.

2 MR. PAUL PETRETTI: Hey, guys, I'm 70 years old
3 in July and I walked on that slope.

4 BOARD MEMBER SCHWARTZ: Okay, but you also
5 paddled down the river --

6 MR. PAUL PETRETTI: Those days are gun.

7 CHAIRMAN SIMON: Okay, let's move on. Okay,
8 let's move on.

9 BOARD MEMBER SCHWARTZ: Walter, Walter, there is
10 somebody else.

11 CHAIRMAN SIMON: Okay. Let's see if we can
12 finally --

13 MR. MARK MORFOPOULOS: This is Mark Morfopoulos
14 again. I just now I'm visioning a house being built on my
15 block with construction vehicles coming in and out of my
16 block for six, eight, ten months. I can see this as
17 being -- you're saying there is no traffic impact, but for
18 me personally, I don't think that that impact is de
19 minimis.

20 And I don't know if anyone really thought about
21 it, especially on that block with that street being as
22 narrow as it is and the steep hill that is there,
23 especially in the wintertime, which is one of the steepest
24 slopes in Hartsdale.

25 I think that that could be creating a dangerous

1 situation that can last six, eight, ten months. I don't
2 know how long that the construction is going on, with
3 heavy, huge vehicles.

4 It's not just going to be cars. You got dump
5 trucks, and what have you, coming up and down the street on
6 a regular basis, especially with children on that street,
7 who are young and could be adversely affected.

8 DEPUTY COMMISSIONER SCHMIDT: Thank you for your
9 comment. And my recommendation to this Board would be that
10 we do have traffic safety management conditions that
11 sometimes --

12 CHAIRMAN SIMON: Right.

13 DEPUTY COMMISSIONER SCHMIDT: -- we include as
14 part of conditions of any decision. And if the Board
15 wishes, you know, if staff is directed --

16 CHAIRMAN SIMON: You should definitely put that
17 in as a condition.

18 DEPUTY COMMISSIONER SCHMIDT: Staff --

19 BOARD MEMBER SCHWARTZ: Well, specifically --

20 CHAIRMAN SIMON: Just so you understand what we
21 have requirements to address, issues such as that, in terms
22 of requirement for flagman to direct traffic. There
23 will -- there will be a temporary disruption any time you
24 build a house on a block.

25 MR. MARK MORFOPOULOS: This, but this is going

1 to --

2 CHAIRMAN SIMON: But there are base mitigating
3 things that you can do. And we have a, what we call
4 traffic construction steps that we can take in terms of
5 having flagmen and so forth to make the -- move the traffic
6 along in a safe pattern.

7 DEPUTY TOWN ATTORNEY FRIED: If warranted.

8 CHAIRMAN SIMON: If warranted.

9 MR. MARK MORFOPOULOS: I don't think this is a
10 temporary --

11 BOARD MEMBER SCHWARTZ: Hold on. I hear
12 something else from this gentleman. And I can feel for
13 you. I live at the end of a very small dead-end street so
14 I understand your pain.

15 MR. MARK MORFOPOULOS: And a narrow street.

16 BOARD MEMBER SCHWARTZ: I have the same thing.

17 MR. MARK MORFOPOULOS: And you know Hillcrest.
18 You know what Hillcrest is all about.

19 BOARD MEMBER SCHWARTZ: I understand your pain.
20 One of the things, Paul, correct me if I'm wrong. I would
21 suspect we can do this. As you're building -- I really
22 wish the people in the back would stop talking. It's all
23 night and it's been quite annoying.

24 You seem to have enough property that you can put
25 a construction entrance and make sure the vehicles are

1 parked off the street at least, yes? Please.

2 MR. PAUL PETRETTI: Okay, fortunately, like I
3 said before, the front of this lot is flat as a pancake.
4 There is plenty of room to build this house, okay.

5 We've built houses on tighter lots, okay. And
6 this road is reasonably a good road. It's not that highly
7 trafficked. And so I don't think, I mean, listen, we have
8 to build a house. Okay, I think we have to do that. The
9 Department of Public Works and the Engineering Department
10 monitor the construction that's going on.

11 BOARD MEMBER SCHWARTZ: I don't think you
12 answered my question, though. A lot of times what we've
13 done in tight situations like this is request that the
14 first thing you do is you build a construction entrance so
15 that the construction vehicles don't sit on the road. And
16 it can be put on the property, which I think would at least
17 help this gentleman and the other people on the street. Is
18 that possible in this case?

19 MR. PAUL PETRETTI: Yeah, it's very possible. We
20 will have to provide some tree protection for the one tree
21 that's out in the public right away, but you can actually
22 put dual entrances on it. You got 75 feet. It's flat.

23 CHAIRMAN SIMON: Okay.

24 BOARD MEMBER SCHWARTZ: Thank you. That's what I
25 wanted. I think that will help. Thank you.

1 CHAIRMAN SIMON: Okay.

2 ALTERNATING VOTING MEMBER HAY: One more.

3 MR. MATT ROMANO: Sorry, Matt Romano, again.

4 Don't want to take too much more of your time, this is my
5 last comment. Just with all due respect, the cliff that is
6 on my property is pretty steep and it's all rock. It's not
7 grass like we're literally sitting on a big rock.

8 CHAIRMAN SIMON: Could you quantify pretty steep.
9 Do you have any idea, is it eight feet, four feet?

10 MR. MATT ROMANO: Well, it's steep in the sense
11 that like, you know, the property comes up to an edge and
12 really just immediately falls towards down.

13 DEPUTY TOWN ATTORNEY FRIED: Is that on your
14 property or the neighboring property?

15 MR. MATT ROMANO: The steep is on my property.
16 So like his property, that property comes to a flat and
17 then starts to steep down on mine.

18 ALTERNATING VOTING MEMBER HAY: Okay.

19 DEPUTY TOWN ATTORNEY FRIED: Okay.

20 MR. MATT ROMANO: So I'm just saying, you know,
21 it's hard to explain without a picture or anything, but you
22 know, like it could be, you know, an issue, a safety issue,
23 especially if this becomes a backyard.

24 And there is children on this property and they
25 are going to run and fall off, you know, down that incline

1 down onto my property.

2 ALTERNATING VOTING MEMBER HAY: Unfortunately, I
3 think if the flat part is on their property, the slope is
4 not something that they are required to deal with, I
5 wouldn't think. I'm new.

6 MR. MATT ROMANO: Sure. And it very well could
7 be mine. I would just like to know. And if this fence
8 could be removed and if this is going to become my problem,
9 then I just would like to know that.

10 DEPUTY TOWN ATTORNEY FRIED: Okay, well, I think
11 the intention seems to be that they are going to remove the
12 fence. What we generally do at a Public Hearing is we
13 close the record, but we leave, I mean, we close the
14 comment --

15 CHAIRMAN SIMON: We close the Hearing and record
16 open.

17 DEPUTY TOWN ATTORNEY FRIED: But we leave the
18 comment period open for about a week or so. I would
19 encourage you, if you wanted, at least maybe take some
20 pictures and send that to us so that the Board in looking
21 at making a determination will have that information in its
22 account.

23 MR. MATT ROMANO: Okay, great. Who do I send the
24 information to?

25 DEPUTY COMMISSIONER SCHMIDT: To me.

1 CHAIRMAN SIMON: You can send the pictures, and
2 any other comments you wish to make.

3 BOARD MEMBER SCHWARTZ: I have another suggestion
4 for you. See this gentleman behind you, why don't you walk
5 the property together and maybe you can come up to an
6 agreement, if it does need a mitigation.

7 Because I assume that Paul knows where the meets
8 and bounds are. I would guess. I don't know, just a lucky
9 guess.

10 DEPUTY COMMISSIONER SCHMIDT: I think that's a
11 good idea.

12 BOARD MEMBER WATSON: Yeah.

13 BOARD MEMBER SCHWARTZ: He could show you where
14 the property ends and then maybe there could be some kind
15 of compromise, if necessary, or no compromise at all. But
16 at least you'll know what you're dealing with.

17 And my suspicion is, if it is close to the
18 property line and somebody builds a new house and they have
19 children, they would be nuts not to put up their own fence
20 at that point. That's not a decision that needs to be made
21 while the property is still vacant.

22 MR. MATT ROMANO: Okay, thank you.

23 BOARD MEMBER SCHWARTZ: I would think that Paul
24 would be willing to walk that part of the property with
25 you. He likes planning cliffs and so that would be a good

1 idea.

2 MR. MATT ROMANO: Thank you, I really appreciate
3 your efforts.

4 DEPUTY COMMISSIONER SCHMIDT: Good idea.

5 DEPUTY TOWN ATTORNEY FRIED: Thank you.

6 CHAIRMAN SIMON: If there are no other comments,
7 I'll entertain a motion to close the Hearing and keep the
8 record open until May 24th?

9 BOARD MEMBER SCHWARTZ: So moved.

10 ALTERNATING VOTING MEMBER HAY: Second.

11 CHAIRMAN SIMON: All in favor? Aye.

12 BOARD MEMBER GOLDEN: Aye.

13 BOARD MEMBER DESAI: Aye.

14 BOARD MEMBER WATSON: Aye.

15 ALTERNATING VOTING MEMBER HAY: Aye.

16 BOARD MEMBER SCHWARTZ: Aye.

17 MR. MATT ROMANO: Thank you very much.

18 DEPUTY COMMISSIONER SCHMIDT: Have a good
19 evening.

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PB 18-05

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DEPUTY COMMISSIONER SCHMIDT: Next on the agenda, case number PB 18-05, 367 Evandale Road, Planning Board steep slope permit.

Just want to note for the Board in your packages this evening, the applicant had provided a few, I want to say three, emails --

ALTERNATING VOTING MEMBER HAY: Three.

DEPUTY COMMISSIONER SCHMIDT: -- that we printed out that are supportive of the project from three of the neighbors. So that was in your packages this evening.

UNANIMOUS SPEAKER: There are more today, whatever.

DEPUTY COMMISSIONER SCHMIDT: Anything that's received would be in the record.

MR. ELIOT SENOR: Good evening, members of the Planning Board, Chairman. This is an application steep slope disturbance for 347 --

DEPUTY COMMISSIONER SCHMIDT: 367.

MR. ELIOT SENOR: 367 Evandale Road. As you see outlined behind you there, in that circular area, there is a area of slopes in the 15 to 25 percent range. About a 1100 square feet that we want to even out or evenly grade up to the house from the street. So we have about 1100 square feet of, 1167 square feet, of steep slope

1 disturbance.

2 The house was put in this position, basically
3 it's an average of the setbacks from the house on the left
4 and the house on the right. Originally, it didn't disturb
5 the slopes, but then in looking at the neighborhood, the
6 houses have a nice even slope from the curb to the house
7 and we want to have that same look.

8 CHAIRMAN SIMON: Any questions from the Board on
9 this project?

10 ALTERNATING VOTING MEMBER HAY: I think we
11 covered it thoroughly in the last session.

12 BOARD MEMBER DESAI: Yeah.

13 CHAIRMAN SIMON: Anyone from the public wish to
14 make a comment on this project?

15 (Whereupon, there was no response.)

16 DEPUTY COMMISSIONER SCHMIDT: Note for the Board
17 that from a SEQRA standpoint, the project qualifies as a
18 Type II Action.

19 CHAIRMAN SIMON: I entertain a motion to declare
20 this a Type II action?

21 BOARD MEMBER SCHWARTZ: So moved.

22 CHAIRMAN SIMON: Second?

23 BOARD MEMBER WATSON: Second.

24 CHAIRMAN SIMON: All in favor? Aye.

25 BOARD MEMBER GOLDEN: Aye.

PB 18-05

1 BOARD MEMBER DESAI: Aye.

2 BOARD MEMBER WATSON: Aye.

3 ALTERNATING VOTING MEMBER HAY: Aye.

4 BOARD MEMBER SCHWARTZ: Aye.

5 CHAIRMAN SIMON: Do we have a motion to close the
6 hearing and keep the record open to May 24th?

7 BOARD MEMBER DESAI: So moved.

8 BOARD MEMBER WATSON: Second.

9 CHAIRMAN SIMON: All in favor? Aye.

10 BOARD MEMBER GOLDEN: Aye.

11 BOARD MEMBER DESAI: Aye.

12 BOARD MEMBER WATSON: Aye.

13 ALTERNATING VOTING MEMBER HAY: Aye.

14 BOARD MEMBER SCHWARTZ: Aye.

15 CHAIRMAN SIMON: Thank you.

16 MR. ELIOT SENOR: Thank you.

17 CHAIRMAN SIMON: Next on the agenda --

18 DEPUTY TOWN ATTORNEY FRIED: That's it.

19 DEPUTY COMMISSIONER SCHMIDT: That's it for the
20 Public Hearings.

21 CHAIRMAN SIMON: Do I have a motion to close the
22 Public Hearing?

23 BOARD MEMBER DESAI: So moved.

24 CHAIRMAN SIMON: All in favor? Aye.

25 BOARD MEMBER GOLDEN: Aye.

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BOARD MEMBER DESAI: Aye.

BOARD MEMBER WATSON: Aye.

ALTERNATING VOTING MEMBER HAY: Aye.

BOARD MEMBER SCHWARTZ: Aye.

(Whereupon, the Public Hearing session 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 stenographic minutes of proceedings taken by the
undersigned, to the best of her ability.



Barbara Marciante,
Official Court Reporter