

TOWN OF GREENBURGH
PLANNING BOARD

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

- a) Case No. PB 18-03
Nukho
16 Rock Hill Lane
P.O. Scarsdale, New York



3. ADJOURNMENT
- x

Greenburgh Town Hall
177 Hillside Avenue
Greenburgh, New York 10607
June 6, 2018

B E F O R E:

WALTER SIMON, Chairman

VIOLA TALIA FERROW, Board Member
MICHAEL GOLDEN, Board Member
CHET WATSON, Board Member
HUGH SCHWARTZ, Board Member
MOHAMED AYOUB, Board Member

KIRIT DESAI, Board Member (NOT PRESENT)
TOM HAY, Alternate 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

1 CHAIRMAN SIMON: Good evening, and welcome to the
2 June 6th Planning Board meeting. We're now in the Public
3 Hearing section of that meeting. Could you please call the
4 roll?

5 DEPUTY COMMISSIONER SCHMIDT: Yes. Viola Talia
6 Ferrow?

7 BOARD MEMBER TALIAFERROW: Here.

8 DEPUTY COMMISSIONER SCHMIDT: Michael Golden?

9 BOARD MEMBER GOLDEN: Here.

10 DEPUTY COMMISSIONER SCHMIDT: Walter Simon?

11 CHAIRMAN SIMON: Here.

12 DEPUTY COMMISSIONER SCHMIDT: Chet Watson?

13 BOARD MEMBER WATSON: Here.

14 DEPUTY COMMISSIONER SCHMIDT: Mohamed Ayoub?

15 BOARD MEMBER AYOUN: Here.

16 DEPUTY COMMISSIONER SCHMIDT: Hugh Schwartz?

17 BOARD MEMBER SCHWARTZ: Here.

18 DEPUTY COMMISSIONER SCHMIDT: Note for the record
19 that Board Members Kirit Desai and Tom Hay are not present
20 this evening. Thank you.

21 CHAIRMAN SIMON: The application for Public
22 Hearing is PB 18-03, 16 Rock Hill Lane. Representative for
23 the application, please state your name and proceed.

24 MR. THOMAS KOHANY: Thomas Kohany with Hudson
25 Engineer. We are here before you, obviously, for a steep

1 slope disturbance permit. We have a proposed dwelling
2 approximately 3,700 square foot footprint, more or less in
3 the same area where the existing house is.

4 The permit would cover removal of the house,
5 driveway and the pool. The storm water system is designed
6 to the whole site. There is two separate systems. One
7 collects the driveway and the portion of the dwelling and
8 the other collects the remainder of the dwelling.

9 There is a, approximately, 280 foot wall along on
10 the image along the right side, the eastern side of the
11 property. It's a max height of about six feet to level out
12 the backyard.

13 Additionally, there is a rock cut in the rear
14 yard with a vertical rock cut wall approximately 10 feet
15 off the property line.

16 Based on the work session two weeks ago, we made
17 a few alterations to the driveway. And Frank, you want to
18 go through?

19 MR. FRANK GIULIANO: Sure. Can you go to the
20 landscape plan for that.

21 DEPUTY TOWN ATTORNEY FRIED: Can you state your
22 name, please?

23 MR. FRANK GIULIANO: Sure. My name is Frank
24 Giuliano. I'm the landscape architect. Basically, what
25 was at the work session at the last meeting, the change is,

1 the concentration, was on the front motor court.

2 We were to asked to look at enlarging the center
3 circle, which we did; and impervious pavement. You can see
4 the entire driveway now is pervious pavement.

5 And we also created a grass, a section that is
6 going to actually be green. It's a grass-crete, that's
7 where the grass grows through the pavement.

8 So when you look at this court, it will be not
9 only pervious paving, but there'll also be the strip on,
10 that would be the south side, will be -- will look like
11 lawn from the road.

12 BOARD MEMBER GOLDEN: Frank, just a quick
13 question.

14 MR. FRANK GIULIANO: Sure.

15 BOARD MEMBER GOLDEN: What's those hash marks to
16 the northeast of that side?

17 MR. FRANK GIULIANO: That's Belgium Block paving.
18 That's an actually solid surface.

19 BOARD MEMBER GOLDEN: So everything is pervious
20 except for the Belgium Block.

21 MR. FRANK GIULIANO: Right.

22 BOARD MEMBER GOLDEN: Just out of curiosity, why
23 are you proposing Belgium Block?

24 MR. FRANK GIULIANO: Only because -- first of
25 all, it's a design element. The other thing is it's easier

1 to walk on than the pervious pavers are. The rest of it
2 will basically be driving on. There is a car, will park
3 there, let someone off and then go around the circle and
4 around.

5 BOARD MEMBER GOLDEN: Okay.

6 MR. FRANK GIULIANO: And it serves -- the house
7 has no real front walk. It also serves as a more visual
8 element to create a front walk look.

9 BOARD MEMBER GOLDEN: And the pavers where the
10 grass is growing through, what's the purpose of that?

11 MR. FRANK GIULIANO: Basically to add some
12 greenery to that motor court, extend it over --

13 BOARD MEMBER GOLDEN: Why don't you just put
14 grass?

15 MR. FRANK GIULIANO: Where?

16 CHAIRMAN SIMON: But you can park cars there.

17 BOARD MEMBER GOLDEN: Is that for parking cars
18 along the side there?

19 MR. FRANK GIULIANO: It would be run off --
20 there's really no other place to park without blocking the
21 garage. So if there was a place to park, that would be the
22 spot.

23 BOARD MEMBER GOLDEN: Via the grass would go
24 through pavers.

25 MR. FRANK GIULIANO: Right.

1 BOARD MEMBER GOLDEN: Okay. That's for like
2 guest parking.

3 MR. FRANK GIULIANO: That's right, guest parking.
4 So it would look like lawn most of the time.

5 BOARD MEMBER GOLDEN: I know what it looks like
6 most of the time.

7 MR. FRANK GIULIANO: Yes.

8 BOARD MEMBER GOLDEN: If it's maintained, it
9 looks pretty good.

10 MR. FRANK GIULIANO: It does. And the circle got
11 much bigger from the last time. That's a pretty big
12 18-foot circle, with one large tree in the middle of it to
13 break the mass of the house from the front.

14 The screen as you can see is quite extensive.
15 Not only is the screening extensive on the north side of
16 the lot, but also screening the wall on top and on the
17 bottom of the wall.

18 BOARD MEMBER GOLDEN: I compliment you on the
19 pervious pavers. I think that's nice.

20 MR. FRANK GIULIANO: Yeah, I think it's really
21 going to work out well there.

22 DEPUTY COMMISSIONER SCHMIDT: I want to note for
23 the Board's attention, and I brought it up to the Chair and
24 the Vice Chair yesterday. We did have three members of the
25 public, actually four members of the public, come in and

1 meet with my office late last week.

2 They had a number of questions. I would say 99
3 percent of which I could answer for them. They were
4 satisfied. They understood that there would be rock
5 removal and steep slope disturbance associated with the
6 project, a new, approximately, 280 linear foot wall going
7 in with extensive landscaping.

8 The only question, and I thought they would be
9 here this evening, that I was unable to answer was related
10 to the outside of the wall where there is landscaping going
11 in, particularly in the section I'm panning over on the
12 screen. You can see that?

13 CHAIRMAN SIMON: Yeah.

14 DEPUTY COMMISSIONER SCHMIDT: There is a
15 residence over here.

16 MR. FRANK GIULIANO: That dotted area is the
17 house.

18 DEPUTY COMMISSIONER SCHMIDT: Right. And the
19 gentleman who lives in this house asked about what the
20 ground cover. So there is trees and other landscaping and
21 existing woodland areas off this side of the wall.

22 The question was, is there any -- what is the
23 ground cover, if any, associated with that. And I could
24 not answer that question.

25 BOARD MEMBER GOLDEN: Before you get to that,

1 though, what are you building the wall from, with?

2 MR. FRANK GIULIANO: You want to answer that?

3 BOARD MEMBER GOLDEN: What's the wall going to
4 be?

5 MR. THOMAS KOHANY: It's going to be a Redi-Rock
6 wall. So they are basically big concrete blocks that you
7 interlock together to --

8 BOARD MEMBER GOLDEN: What do they look like? Do
9 they have color to them? Do they have texture, or do they
10 look like concrete blocks?

11 MR. THOMAS KOHANY: They look like concrete
12 blocks.

13 BOARD MEMBER GOLDEN: So that's not so good.

14 BOARD MEMBER TALIAFERROW: But they will be
15 landscaped?

16 BOARD MEMBER SCHWARTZ: They look like concrete
17 blocks?

18 MR. FRANK GIULIANO: They're exposed aggregate in
19 the front of them. So they are exposed aggregate -- the
20 aggregate is exposed on the block itself.

21 BOARD MEMBER GOLDEN: It's like washed.

22 MR. FRANK GIULIANO: It almost looks sand
23 blasted, heavily sand blasted.

24 BOARD MEMBER GOLDEN: Okay, so it doesn't look
25 like concrete blocks?

1 MR. FRANK GIULIANO: No, it doesn't look like a
2 solid concrete wall.

3 BOARD MEMBER GOLDEN: All right.

4 MR. FRANK GIULIANO: It's made to mimic stone.
5 The good thing about it is that compared to a stone wall,
6 the durability of it without failing is much higher than a
7 stone wall.

8 BOARD MEMBER GOLDEN: How high is the wall in the
9 middle roughly?

10 MR. FRANK GIULIANO: What's the highest point?

11 BOARD MEMBER GOLDEN: Not the highest point, the
12 average.

13 MR. FRANK GIULIANO: The average.

14 MR. THOMAS KOHANY: So for most of the property,
15 it's six feet.

16 BOARD MEMBER GOLDEN: Six feet, okay, so that's
17 good.

18 MR. THOMAS KOHANY: Yes. And it tapers down at
19 the ends.

20 BOARD MEMBER GOLDEN: Oh, we got a picture of
21 this. Oh, that's not bad. That doesn't look like a plain
22 concrete wall. It looks like a concrete wall that's
23 masquerading as stone blocks.

24 MR. FRANK GIULIANO: Stone. It's actually used
25 more than stone nowadays because of its durability and it

1 doesn't fail. It's so engineered compared to a stone wall.

2 BOARD MEMBER GOLDEN: So that's not bad.

3 BOARD MEMBER TALIAFERROW: It's impressive.

4 CHAIRMAN SIMON: So going back to the original
5 question, is, what will be the ground cover on the --

6 MR. FRANK GIULIANO: What we were proposing on
7 that lower level was sod, to just grass it. If they wanted
8 some kind of a ground cover, which is hard to maintain, I'm
9 afraid that it's going to turn to weeds. I rather see
10 something of a native material or native ground cover, like
11 a native grass planted.

12 CHAIRMAN SIMON: Yeah.

13 MR. FRANK GIULIANO: But to plant something
14 that's ornamental like pachysandra, it's going to be
15 nothing but weeds.

16 So we were proposing that that was just a nice,
17 clean lawn area that would run right into their lawn,
18 basically. Because there is lawn from their house to the
19 property line right now.

20 BOARD MEMBER GOLDEN: I have two thoughts --

21 CHAIRMAN SIMON: Wait a minute, let me finish my
22 point. Okay, so you would have lawn and you'd be
23 maintaining?

24 MR. FRANK GIULIANO: Yes.

25 CHAIRMAN SIMON: Okay. But that lawn on the

1 other side of the wall, would the applicant view that? Can
2 the applicant view that and how would they have access to
3 the other side of the walls in order for them to maintain
4 it?

5 MR. FRANK GIULIANO: The wall, if you see it in
6 the front there, that's access right through there and also
7 at the top. You'd be able to get around the wall on both
8 ends with no problem.

9 DEPUTY COMMISSIONER SCHMIDT: With a mower?

10 MR. FRANK GIULIANO: See where it says both ends,
11 that area is very accessible. That's where the wall is
12 only two feet high anyway. So that's a slope going down.
13 So the mowers would be able to enter from that end.

14 CHAIRMAN SIMON: Thank you. Someone else had a
15 question?

16 BOARD MEMBER GOLDEN: Yes. I just want to finish
17 my point. The wall isn't that bad looking. So the
18 neighbors might actually like the wall and they may not
19 want screening. You know, you can screen it with
20 forsythia. They grow like weeds. It's probably kind of
21 sunny over there.

22 But I think this is another issue that should be
23 left to the good faith of you and the applicant and the
24 neighbors. I mean, the neighbors aren't here tonight,
25 maybe they are happy with this plan.

1 CHAIRMAN SIMON: Yeah.

2 BOARD MEMBER GOLDEN: Or if they are still trying
3 to figure out what to do with that. I mean, I don't know,
4 it's the kind of thing that, you know, once you build it,
5 if they really don't like looking at the wall.

6 You know, for a thousand bucks you can put in a
7 dozen forsythias or some other thing like that. I mean,
8 that to me is the way to solve the issue, if it's an issue.

9 DEPUTY COMMISSIONER SCHMIDT: Okay. I mean, the
10 comment that was brought up was there was some mild concern
11 about any storm water, you know, on the opposite or the
12 east side, I guess it is, of the wall running down the
13 slope onto the neighbor's property.

14 And I understand you've proposed, you know, a
15 significant storm water management system. But what he was
16 saying is there is going to be a slope still down to the
17 property line and, you know. And he understood that trees,
18 you know, a significant number of trees were going to be
19 proposed, what was the ground cover going to be.

20 MR. FRANK GIULIANO: Right.

21 DEPUTY COMMISSIONER SCHMIDT: You've responded to
22 that.

23 CHAIRMAN SIMON: Yeah. And if the ground cover
24 is the only outstanding issue, the record will be open for
25 another week. If for whatever reason they couldn't make it

1 here this evening, then they can register that interest or
2 complaint or whatever during, before the record is closed.

3 But as you said, if you felt that 98 percent of
4 their questions were answered so and they still have --

5 BOARD MEMBER GOLDEN: Which is probably why they
6 are not here.

7 CHAIRMAN SIMON: Yeah, okay.

8 DEPUTY COMMISSIONER SCHMIDT: I do try.

9 DEPUTY TOWN ATTORNEY FRIED: You did your job
10 well.

11 DEPUTY COMMISSIONER SCHMIDT: I do try. Thank
12 you.

13 CHAIRMAN SIMON: Are there any other questions?
14 (Whereupon, there was no response from The
15 Board.)

16 CHAIRMAN SIMON: There being no other questions,
17 are there any questions from the public? No one from the
18 public.

19 (Whereupon, there was no response from the
20 public.)

21 DEPUTY TOWN ATTORNEY FRIED: Ms. Gerris(ph), no?

22 CHAIRMAN SIMON: No? Seeing there is no other
23 additional questions from The Board or from the public,
24 I'll entertain a motion to close the hearing and keep the
25 record open to next Wednesday, which is June 13th.

PB 18-03

1 BOARD MEMBER GOLDEN: So moved.
2 BOARD MEMBER AYOUB: Second.
3 CHAIRMAN SIMON: All in favor? Aye.
4 BOARD MEMBER TALIAFERROW: Aye.
5 BOARD MEMBER GOLDEN: Aye.
6 BOARD MEMBER WATSON: Aye.
7 BOARD MEMBER AYOUB: Aye.
8 BOARD MEMBER SCHWARTZ: Aye.
9 CHAIRMAN SIMON: You're fine.
10 MR. FRANK GIULIANO: Thank you.
11 DEPUTY COMMISSIONER SCHMIDT: Thank you.
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 CHAIRMAN SIMON: Now, before we close the Public
2 Hearing section of this meeting, there was a -- I asked
3 Garrett to draft some information about the access, our
4 ability to provide the information to the public during the
5 open, during the period where the record is left open.

6 They are normally, if someone comes in and asks
7 for additional information and it's in our record, we can
8 respond quite well and provide that information.

9 The problem that it sometimes arrives or if
10 someone FOIL the information and that information is not in
11 our files and staff have to go and search for that
12 information, other files, Zoning Board, Planning, whatever
13 files.

14 And to assemble FOIL information and get it back
15 to the applicant, or to the requester rather, and then have
16 the requester respond to that information and get it back
17 by the closing of the comment period is quite challenging.

18 So we want to make it clear to the public that
19 for information that is in our records, we could quite
20 readily provide that information during the comment period.
21 But if someone FOIL information, staff will do it utmost to
22 get it back to them in a timely fashion, but it's just a
23 matter of timing.

24 If the records are not in our file and the staff
25 have to seek that file elsewhere, our attorney will have to

1 look at the file to see if there is anything in there that
2 should legitimately be redacted. All that takes time. So
3 I think that the information was distributed in our file.

4 DEPUTY COMMISSIONER SCHMIDT: The statement?

5 CHAIRMAN SIMON: Yes.

6 DEPUTY COMMISSIONER SCHMIDT: I provided it
7 directly to you. I can run and get another copy. It
8 hasn't been put on the record, but it can be added to the
9 agenda I think if we --

10 CHAIRMAN SIMON: Okay. So what we've seen, how
11 the rest of the Board did not have the chances to read it,
12 let's put that over to the next meeting. But my intent is
13 to have that statement in the agenda right at the --

14 DEPUTY COMMISSIONER SCHMIDT: That's it.

15 DEPUTY TOWN ATTORNEY FRIED: Yes. Actually, this
16 is it. We can either read it now or --

17 CHAIRMAN SIMON: Okay. I can read it.

18 DEPUTY TOWN ATTORNEY FRIED: Okay.

19 CHAIRMAN SIMON: So the statement I would like to
20 have inserted in the agenda right in the section, that
21 public discussion section. So when someone sees this
22 agenda, they will be fully aware of how we're treating a
23 request for information.

24 So the statement will read:

25 "Please be advised that following the close of

1 the Public Hearing, adjourn the period on which the record
2 period remains open, members of the public who wish to
3 inspect the project file are encouraged to contact the
4 Department of Community Development and Conservation so
5 that the complete physical file maybe made available for
6 review in their office.

7 If a FOIL, Freedom of Information Request, is
8 submitted during the period which the written record is
9 open, while the staff will respond within the required
10 five-day period, it cannot be guaranteed that all the
11 documents requested, particularly those documents that are
12 not part of the Planning Board record will be provided
13 prior to the closure of the written record period."

14 So that is the statement I would like to include
15 in our agenda. If the Board feels that they would like to
16 review it further and we take a vote on it at the next
17 meeting, that's fine. If you wish to take a vote on it
18 this evening, that's fine. So what is the pleasure of the
19 Board?

20 BOARD MEMBER GOLDEN: I would like to discuss it
21 at our next meeting in the discussion after I've had a
22 chance to look at it.

23 CHAIRMAN SIMON: Fine.

24 BOARD MEMBER GOLDEN: I have various questions
25 about the timing and this and that.

1 CHAIRMAN SIMON: Okay, that's fine. That's what
2 we will do. So I will make sure that that is in your
3 packet for the next meeting and then we could discuss that
4 at the following meeting.

5 DEPUTY TOWN ATTORNEY FRIED: Now, we can --

6 CHAIRMAN SIMON: Now --

7 DEPUTY TOWN ATTORNEY FRIED: We can close the
8 Public Hearing.

9 BOARD MEMBER WATSON: I'll move to close --

10 CHAIRMAN SIMON: I'll move to close the Public
11 Hearing return back to work session.

12 BOARD MEMBER WATSON: So moved.

13 BOARD MEMBER TALIAFERROW: Second.

14 CHAIRMAN SIMON: All in favor? Aye.

15 BOARD MEMBER TALIAFERROW: Aye.

16 BOARD MEMBER GOLDEN: Aye.

17 BOARD MEMBER WATSON: Aye.

18 BOARD MEMBER AYOUB: Aye.

19 BOARD MEMBER SCHWARTZ: Aye.

20 (Whereupon, the Public Hearing Session was
21 concluded.)

22

23

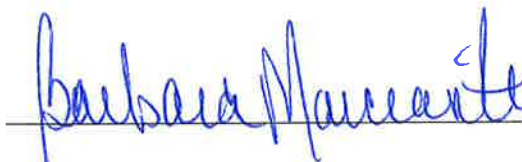
24

25

* * * * *

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