

TOWN OF GREENBURGH
PLANNING BOARD

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

- a) Case No. TB 18-22/PB 18-17
Maria Regina School
500 West Hartsdale Avenue
P.O. Hartsdale, New York

3. ADJOURNMENT
- X

Greenburgh Town Hall
177 Hillside Avenue
Greenburgh, New York 10607
January 16, 2019

B E F O R E:

WALTER SIMON, CHAIRMAN

HUGH SCHWARTZ, Board Member

THOMAS HAY, Board Member

VIOLA TALIAFERROW, Board Member

MICHAEL GOLDEN, Board Member

KIRIT DESAI, Board Member (Not Present)

MOHAMED AYOUB, Board Member (Not Present)

ALSO PRESENT: AARON SCHMIDT,
Deputy Commissioner of The Department of
Community Development and Conservation

DAVID R. FRIED, ESQ.
First Deputy Town Attorney

BARBARA MARCIANTE,
Official Senior Court Reporter



1 CHAIRMAN SIMON: Good evening. Welcome to the
2 January 16th Public Hearing Session of the Planning Board's
3 meeting. Aaron, could you call the attendance, please?

4 DEPUTY COMMISSIONER SCHMIDT: Sure. Viola
5 Taliaferrow?

6 BOARD MEMBER TALIAFERROW: Here.

7 DEPUTY COMMISSIONER SCHMIDT: Michael Golden?

8 BOARD MEMBER GOLDEN: Here.

9 DEPUTY COMMISSIONER SCHMIDT: Walter Simon?

10 CHAIRMAN SIMON: Here.

11 DEPUTY COMMISSIONER SCHMIDT: Hugh Schwartz?

12 BOARD MEMBER SCHWARTZ: Here.

13 DEPUTY COMMISSIONER SCHMIDT: Tom Hay?

14 BOARD MEMBER HAY: Here.

15 DEPUTY COMMISSIONER SCHMIDT: Note for the record
16 that Board Members Kirit Desai and Mohamed Ayoub are not
17 present this evening. Thank you.

18 CHAIRMAN SIMON: The application before this
19 Board is TB 18-22, which is the Planning Board 18-17, Maria
20 Regina High School, new track and field and tennis courts.
21 Could you identify yourself and submit your application?

22 MR. RON TETELMAN: My name is Ron Tetelman. I'm
23 a landscape architect with Barton & Loguidice. And I
24 represent Maria Regina High School for this site plan
25 application. We resubmitted drawings to the Planning Board

1 and we took into consideration comments that we received at
2 the previous Public Hearing. We have relocated the tennis
3 courts to the north side of the building.

4 At this map you can see, they are now located
5 just to the west of the existing parking lot. This enabled
6 us to pivot the new track, or the proposed track and field,
7 an additional 25 feet away from Keats Avenue which
8 increases the buffer to about 75 feet off the curb line of
9 Keats. In the process we were able to maintain 17 large
10 trees in the front of the property and along Keats Avenue.

11 The construction of the tennis courts will remove
12 an additional 23 trees, six or seven of which are
13 considered large, greater than 30-inches. We also
14 responded to individual comments and we created a letter
15 and presented it to the Board with our responses to
16 comments received.

17 If you have any questions about those comments, I
18 know I saw two neighbors responding to our comments. I
19 think we had, 13, 12 or 13 responses. If you have your
20 comments, please ask them today. And if you have comments
21 on the plan, of course, let us know.

22 The plan that Aaron just provided to you is a
23 revised grading plan. We lowered the finished grade of the
24 track and field by 24 inches. This balances the cut and
25 fill on the site. Previously we had estimated about 15,000

1 cubic yards of fill to be imported to the site.

2 Now, that number is balanced so that 15,000 yards
3 of trucking will not be necessary. What we had to do to
4 accommodate that was to rebuild an existing gas service
5 main to the school, but it worked out, a win/win for both.

6 CHAIRMAN SIMON: Now, you said you lowered the
7 field one foot?

8 MR. RON TETELMAN: Two feet.

9 CHAIRMAN SIMON: Two feet. Now, what does that
10 do to the slopes surrounding that?

11 MR. RON TETELMAN: The slopes around the track
12 and field remain the same. It just pushes it -- if we have
13 a two on one slope to get back down to grade, the two feet
14 of difference makes about four, five feet less grading.
15 That's really all that amounts to.

16 The greatest impact was not importing fill onto
17 the site. That was the purpose of it. It wasn't to save
18 much grading.

19 It does save four to five feet of buffer that
20 doesn't get graded, but we also pushed the field 25 feet
21 further away from Keats, which accomplishes, probably an
22 effective clearing or less clearing of 30 feet.

23 CHAIRMAN SIMON: Okay.

24 BOARD MEMBER SCHWARTZ: What is the position,
25 your current position, on the fencing around the track?

1 MR. RON TETELMAN: We called for a 48-inch black
2 vinyl chain link fence around the field.

3 BOARD MEMBER HAY: You said 42-inch in your memo
4 I thought.

5 MR. RON TETELMAN: 42-inch, 42-inch fence around
6 the track, not a six-foot fence, as some of the neighbors
7 think it is.

8 BOARD MEMBER SCHWARTZ: That will be locked, so
9 it won't be --

10 MR. RON TETELMAN: We have gates that are
11 lockable. So I imagine it will be locked when it's closed.

12 BOARD MEMBER HAY: Is the fence a must from you
13 and your client's point of view? There seems to be no
14 interest in it outside of the school and --

15 MR. RON TETELMAN: I would imagine if it's a deal
16 breaker, we can eliminate the fence, but it does keep
17 vehicles -- it controls the use of the field. So the
18 school would prefer to have the fence. But if that's the
19 only issue, we can speak to our clients and determine
20 whether it goes or not.

21 BOARD MEMBER SCHWARTZ: You just said two
22 different things. And I want to know which one is more
23 important. You said keeps vehicles off there. There are
24 other ways of keeping vehicles off there that don't include
25 a fence, obviously, bollards, or whatever could keep

1 vehicles off of there. The other one was unauthorized use.
2 Which is it or is it both?

3 MR. RON TETELMAN: It's both. It's both, plus
4 the fence around the perimeter will stop some errant balls,
5 soccer balls from leaving. So those are the three
6 benefits. The two most obvious benefits are control of use
7 of the field and from the parking lot any cars jumping the
8 curb and damaging the track or the field.

9 BOARD MEMBER GOLDEN: Can I ask you about that?
10 A three and a half foot fence isn't going to keep anybody
11 off the track, even me.

12 MR. RON TETELMAN: Right.

13 BOARD MEMBER GOLDEN: Errant soccer balls, it's
14 not a big deal. What are the vehicles that you're worried
15 about? I don't understand that.

16 MR. RON TETELMAN: It would be ATVs. We've seen
17 kids with motorbikes. Those type of vehicles that are
18 difficult to pull over a fence.

19 DEPUTY TOWN ATTORNEY FRIED: When you say you
20 have seen them --

21 MR. RON TETELMAN: We've seen them in other
22 projects that we've done. We've seen damage to the track
23 from kids bringing bicycles, skateboards, motorbikes onto
24 the track.

25 DEPUTY TOWN ATTORNEY FRIED: You haven't seen

1 those issues on the field at all at this point, have you?

2 MS. VALERIE REIDY: Yes. Yes.

3 CHAIRMAN SIMON: Please --

4 MR. RON TETELMAN: My client, Valerie Reidy,
5 President, is saying that she does see this type of
6 activity on the field.

7 CHAIRMAN SIMON: I think I have a question here.

8 BOARD MEMBER GOLDEN: Let me go back to the
9 tennis courts. What is the advantage of moving the tennis
10 courts from the proposed location to this new location
11 north of the school?

12 And the reason I ask that is because in the
13 prior, prior land, I thought you were going to remove seven
14 or nine trees. And in the new plan you're going to remove,
15 I thought you said 20 odd something trees.

16 MR. RON TETELMAN: Let me go over that.

17 BOARD MEMBER GOLDEN: Just tell me what the
18 advantage of moving it is.

19 MR. RON TETELMAN: The advantage was I was able
20 to pivot the track to save 17 large trees from the original
21 proposal. However, we have to remove about 23 trees with
22 the creation of the tennis courts on that side. But the
23 trees are smaller. There are only six or seven large trees
24 equivalent to the 17 that we were able to save in the front
25 of the property.

1 BOARD MEMBER SCHWARTZ: Does it also have an
2 affect how far it is from Keats, isn't that what you said?

3 MR. RON TETELMAN: Obviously, the neighborhoods
4 on Keats were very concerned about the tennis courts. You
5 heard their concerns.

6 BOARD MEMBER SCHWARTZ: Right, right.

7 MR. RON TETELMAN: So, and one of the neighbors
8 or several of the neighbors suggested, one of the
9 suggestions was to move it to the north side of the
10 building.

11 BOARD MEMBER GOLDEN: And why don't you want to
12 put it in front of the Rectory?

13 MR. RON TETELMAN: The client does not desire it
14 there. The Rectory --

15 BOARD MEMBER GOLDEN: Why?

16 CHAIRMAN SIMON: Why?

17 MR. RON TETELMAN: It's a convent. Maybe, would
18 you allow the client to speak?

19 CHAIRMAN SIMON: Yes, sure.

20 MS. VALERIE REIDY: Good evening. The
21 proposed --

22 DEPUTY COMMISSIONER SCHMIDT: Your name, please?

23 BOARD MEMBER SCHWARTZ: Give us your name,
24 please.

25 DEPUTY TOWN ATTORNEY FRIED: Your name for the

1 record?

2 MS. VALERIE REIDY: I'm sorry, Valerie Reidy,
3 President of Maria Regina High School.

4 DEPUTY COMMISSIONER SCHMIDT: Thank you.

5 MS. VALERIE REIDY: The proposed positioning of
6 the tennis courts on the front lawn of the convent would
7 impose a sports facility in front of a residence that are
8 nuns who live there. And this is their private residence.
9 This is their private front lawn. So it would be an
10 imposition for them and it would be an inappropriate move
11 on our part.

12 BOARD MEMBER HAY: And it's approximately, the
13 fence would be approximately how far from the front of the
14 building?

15 MR. RON TETELMAN: I have a sketch. I have a
16 sketch --

17 BOARD MEMBER HAY: Because I'm sure people on
18 Keats will be saying oh, well, it's going to be my front
19 yard now.

20 MR. RON TETELMAN: Right. The fence is about
21 15 feet from the building. I did bring a sketch of that to
22 show you.

23 BOARD MEMBER GOLDEN: Which fence is 15 feet from
24 what building?

25 MR. RON TETELMAN: The 10-foot fence around the

1 tennis court would be 15 feet off of the building face of
2 the convent.

3 BOARD MEMBER SCHWARTZ: If you put it --

4 CHAIRMAN SIMON: If you put --

5 MR. RON TETELMAN: If we move --

6 BOARD MEMBER HAY: If you put --

7 BOARD MEMBER GOLDEN: Okay, I see.

8 MR. RON TETELMAN: Can I bring this up, Aaron?

9 BOARD MEMBER SCHWARTZ: Yes, please.

10 DEPUTY COMMISSIONER SCHMIDT: Sure.

11 MR. RON TETELMAN: I think you had asked us the
12 last time.

13 BOARD MEMBER GOLDEN: I may have.

14 MR. RON TETELMAN: Here's the convent.

15 BOARD MEMBER GOLDEN: Yes, I visited the site. I
16 mean, look, I wouldn't want to be looking at the tennis
17 court either if I were living there.

18 CHAIRMAN SIMON: Okay, this is the 15 --

19 BOARD MEMBER GOLDEN: That's the convent.

20 CHAIRMAN SIMON: Okay, and this would be 15-foot.

21 BOARD MEMBER GOLDEN: Except if you put it this
22 way, it's a little more -- it's still in the front lawn. I
23 respect that. Can I ask a few more questions?

24 CHAIRMAN SIMON: Sure.

25 DEPUTY COMMISSIONER SCHMIDT: Please.

1 BOARD MEMBER GOLDEN: The track is a big issue.
2 Does Maria Regina currently have a track team?

3 MR. RON TETELMAN: Paul?

4 MS. VALERIE REIDY: Yes.

5 MR. RON TETELMAN: Yes, it does.

6 BOARD MEMBER GOLDEN: Do you want to her to --

7 MR. RON TETELMAN: Since they are here, yes.

8 BOARD MEMBER SCHWARTZ: They can come up.

9 CHAIRMAN SIMON: Could you, perhaps you can stand
10 next to him and so you'd be in a position to answer.

11 MR. RON TETELMAN: Thank you.

12 MS. VALERIE REIDY: Yes, we do. We have a
13 competitive track team.

14 BOARD MEMBER GOLDEN: Where do they practice?

15 MS. VALERIE REIDY: On rainy days in the building
16 and on other days out and about. They run around the
17 field, which is very uneven. And we, while this will not
18 be a competitive track, we will not be holding track meets
19 here. It would give our girls a more realistic exercise
20 area to practice on.

21 BOARD MEMBER GOLDEN: But when you say you have a
22 track team, would you say this is a track team that runs a
23 quarter mile, a half-mile race, a mile race, a medley and
24 sprints and stuff like that?

25 MS. VALERIE REIDY: I can't answer which ones

1 they are running, but they are running competitively, yes.

2 BOARD MEMBER GOLDEN: They don't practice on any
3 other tracks in the neighborhood?

4 MS. VALERIE REIDY: It's very hard to get time on
5 other tracks. As you know, all the surrounding schools all
6 have their own teams. And so you know, you can beg and you
7 can genuflect as much as you want, but it's very hard.
8 Your teams take precedence.

9 BOARD MEMBER GOLDEN: What grades participate in
10 the track team?

11 MS. VALERIE REIDY: I'm sorry?

12 BOARD MEMBER GOLDEN: Which grades --

13 MR. RON TETELMAN: All grades.

14 MS. VALERIE REIDY: All grades.

15 BOARD MEMBER GOLDEN: Nine through 12?

16 MS. VALERIE REIDY: Yes, nine through 12.

17 BOARD MEMBER GOLDEN: I am not familiar with
18 that.

19 MS. VALERIE REIDY: Nine through 12.

20 BOARD MEMBER GOLDEN: How many girls on the track
21 team now?

22 MS. VALERIE REIDY: I honestly can't answer that.

23 It's probably one of the largest teams that we have.

24 Because girls like to run and it's something that, while
25 you may not be able to hit a tennis ball or play soccer,

1 running is something they can do.

2 BOARD MEMBER GOLDEN: Now, one of the neighbors,
3 I don't remember which one, suggested that Woodlands High
4 School has a track that you can practice on. Your reaction
5 to that?

6 MS. VALERIE REIDY: Well, my reaction is that we
7 can't always get time on these tracks. That Woodlands has
8 its own teams and their teams take precedence, whether they
9 are competing or whether they are practicing.

10 MR. RON TETELMAN: Remember, it's not just a
11 track team using the track, if there is a lacrosse. Track
12 is in the spring. So there is lacrosse games, varsity,
13 junior/varsity girls and boys. So the field is active and
14 they can't have competitive track meets during a lacrosse
15 game.

16 So that's why scheduling -- high school has
17 scheduling problems on its own. And to lend it out to
18 another school would be -- would have issues. I don't know
19 if they have been successful with working out at Woodlands.

20 MS. VALERIE REIDY: Again, we have not. That's
21 why we would like a track.

22 BOARD MEMBER GOLDEN: And why, why a track now?
23 What was the precipitating factor, you know, to decide to
24 spend, you know, a significant amount of money and go
25 through the process to build a track now? Has anything

1 changed in the last year or two?

2 MS. VALERIE REIDY: Well, I think what's changed
3 is that we decided to embark on this project. We raised
4 funds for this project and we want a beginning and an end
5 to it. And we would like to have a sports facility that
6 our girls deserve.

7 We have what is tantamount to what I would call a
8 rock quarry right now. And you know, we do have a
9 competitive team. And I think, you know, we want to give
10 them the best we possibly can. Remember, this is not going
11 to be a competitive track.

12 So there will be no more noise than there usually
13 is when our girls are out there running on the field.
14 We're not going to have events on this track. We would
15 have to go -- we would have to go to other schools to have
16 competitions.

17 BOARD MEMBER GOLDEN: Let me challenge you on
18 that. And I don't want to drag this out. But I know you
19 are proposing a four-lane track. The standard is six to
20 eight lanes. You can have a track meet on a four-lane
21 track.

22 For example, you can run -- you can have four
23 schools running medleys. You can have distance races. You
24 can't have too many girls on a four-lane track. But in my
25 experience, well, I have no experience on a four-lane

1 track, I have to admit that. Where there is a will there
2 is a way.

3 I believe you can have track meets on a four-lane
4 track. And I simply don't understand how you can insert
5 unequivocally that you never will. I just want to say
6 that. I'm not sure if it calls for a response. I mean --
7 that's it.

8 CHAIRMAN SIMON: Just to follow up on that, would
9 you have any objection in making that a condition should
10 this proposal be approved?

11 MR. RON TETELMAN: Valerie says no. She would
12 accept it.

13 CHAIRMAN SIMON: Okay. Just to speak to
14 Michael's point, okay. Are there any other questions on
15 this?

16 I would like to open up for public comment.
17 Anyone from the public would like to speak on this?

18 DEPUTY COMMISSIONER SCHMIDT: Can we have a show
19 of hands of the members of public that intend to speak this
20 evening just so that we can gauge?

21 DEPUTY TOWN ATTORNEY FRIED: And we also have
22 received the comments that anyone has already sent. Those
23 have been received by the Board. They are already included
24 in the record. So you don't need to repeat them.

25 If you want to refer to them, that's fine. But

1 those have already been received as well as the previous
2 comments that were made.

3 CHAIRMAN SIMON: Okay. We welcome anyone from
4 the public to speak.

5 MR. NAT FETTERICCI: Good evening. My name is
6 Nat Fettericci. I'm co-president of the Poet's Corner
7 Civic Association. And I'm going to be reading some
8 comments or I guess from a letter that one of my fellow
9 board members on the Poet's Corner Civic Association has
10 already sent.

11 BOARD MEMBER GOLDEN: What's the date of the
12 letter, please?

13 CHAIRMAN SIMON: Which letter are you referring
14 to?

15 MR. NAT FETTERICCI: It's January 16th.

16 BOARD MEMBER HAY: That's today.

17 MR. NAT FETTERICCI: Yes.

18 BOARD MEMBER GOLDEN: January 16, is this from
19 Rebecca and Alan Sunshine?

20 MR. NAT FETTERICCI: No, it is not. It's from
21 Richard Newhouse.

22 DEPUTY COMMISSIONER SCHMIDT: You would have
23 received that by email today.

24 BOARD MEMBER HAY: Yes, we got it.

25 CHAIRMAN SIMON: Okay.

1 DEPUTY TOWN ATTORNEY FRIED: It's by email today.
2 It's part of the record.

3 CHAIRMAN SIMON: It's considered part of the
4 record.

5 MR. NAT FETTERICCI: Oh, it is part of the
6 record?

7 DEPUTY TOWN ATTORNEY FRIED: Yes.

8 CHAIRMAN SIMON: Yes, we could but --

9 BOARD MEMBER HAY: Go ahead.

10 DEPUTY TOWN ATTORNEY FRIED: If you want to
11 highlight.

12 CHAIRMAN SIMON: I would like for him to read it.
13 Not everyone downloaded it from their email today.

14 MR. NAT FETTERICCI: Sure. Richard would be here
15 today, but he's in Austin, Texas with his grandchildren.

16 DEPUTY COMMISSIONER SCHMIDT: He's lucky.

17 MR. NAT FETTERICCI: Yes. He is going to miss
18 the storm.

19 So we would like to thank the members of the
20 Planning Board for giving us the opportunity to express our
21 concerns regarding Maria Regina's proposed track, soccer
22 field and tennis courts at the December 5th hearing.

23 We would like to take this opportunity to respond
24 to questions raised by members of the Board. Correct
25 misstatements made by the applicant and offer an

1 alternative to the current plan, which we believe addresses
2 many of the environmental noise, visual, property value and
3 quality of life impacts on the Poet's Corner Civic
4 Association neighbors while allowing the school to expand
5 its facilities.

6 An alternative to the current plan completely
7 eliminates the track, which currently surrounds the entire
8 soccer field thereby allowing the soccer field to be
9 relocated, realigned and reduced in size away from Keats
10 Avenue and Spencer Court with use limited to daytime hours,
11 Monday through Friday on school days.

12 This would eliminate the need to remove all of
13 the 77 regulated trees, those over six inches, on which in
14 reality actually eliminates the removal of about 100 trees.
15 This would eliminate the issue of the track being as close
16 as 50 feet from Keats Avenue.

17 It would eliminate removal of all trees along
18 Keats and Spencer, reduce the noise generated from the
19 field, retain a wooded habitat, which provides screening
20 along both Keats and Spencer as well as a home to varied
21 wildlife and reduce the negative impact on property values
22 along Keats and Spencer.

23 We would like to reference our written and verbal
24 comments made on December 5th hearing. We want to say that
25 we fully support all the comments from that hearing made by

1 the speakers from our community. The applicant misstated
2 that the four-foot high black chain link fence proposed to
3 be constructed around the outside of the track was at the
4 request of the community. This was never the case.

5 In fact, the applicant made it clear that the
6 purpose of the fence was to keep motorized vehicles, bikes
7 and pedestrians off the track. The community does not want
8 to be walled off within their own neighborhood, a situation
9 that would negatively impact our property values.

10 The applicant stated that the track could and
11 would only be used for practice and could not be used for
12 competition because it only had four lanes without
13 providing any factual supporting data.

14 We see nothing to prevent the track from being
15 used for competition by the school or camp, if authorized
16 under a special use permit, which has been using the school
17 property for the past several years, the camp has. This
18 would negatively impact our property values as well.

19 The applicant acknowledged that the school was
20 being used as a camp over the summer months without what we
21 believe is a needed special use permit to operate a private
22 camp.

23 The applicant's only response is that they are
24 working on it or looking into it. It would seem to us and
25 appropriate that the applicant appears before the Planning

1 Board with outstanding violations --

2 CHAIRMAN SIMON: Please, excuse me. Michael,
3 please, let's pay attention to the applicant, please.

4 BOARD MEMBER GOLDEN: I'm reading his letter.

5 CHAIRMAN SIMON: Okay.

6 DEPUTY COMMISSIONER SCHMIDT: Please continue.

7 MR. NAT FETTERICCI: -- regarding a special use
8 permit at the same time that the applicant is requesting
9 another special use permit.

10 The applicant appears to have submitted this
11 application for a special use permit as a tenant of the
12 property without authorization from the property owner. If
13 that were the case, it would seem that a new application
14 should be properly submitted.

15 The applicant also stated that the soccer field
16 and track would only be used during daytime hours, weekends
17 and on Saturdays. It is important to point out that we,
18 residents, live here everyday and we would be subjected to
19 the increased noise levels during the week when, you know,
20 we're trying to enjoy our property outside. This situation
21 would negatively impact our property values as well.

22 The community is very much open -- oh, I'm sorry.
23 Much opposed to construction of a sound wall along the
24 outside of the track along Keats and Spencer while we have
25 been subjected to increased noise level for the past

1 several years, during the summer camp's sessions held on
2 this property without a special use permit. We do not want
3 to be walled off within our own neighborhood.

4 We support efforts to reduce or eliminate the
5 number of old growth trees to be removed by proposed
6 construction of the two tennis courts by relocating to the
7 area by the Rectory and placing them lengthwise in front of
8 one another instead of intended side by side.

9 Another location option to be studied on is on
10 the north side of the school. The number of tennis courts
11 can also be reduced from two to one to accommodate the
12 space available without cutting down any trees.

13 We call your attention to the misstatements in a
14 short Environmental Assessment Form, Appendix B, Items
15 eight and 14, and the Town Environmental Clearance Form, as
16 noted in our December 5th written and hearing verbal
17 comments. The application -- the applicant on presentation
18 stressed the importance of the soccer field and noted that
19 the soccer field dimensions determine the track layout.

20 Again, we believe misstating that the track could
21 and would only be used for practicing and could not be used
22 for competition because it only had four lanes.

23 We believe an alternative plan that removes the
24 track from the plan and relocates, realigns, reduces in
25 size the soccer field a way from Keats and limits the

1 summer to daytime, Monday through Friday on school days,
2 could mitigate significant amount of the environmental, and
3 noise and property value, and negative quality of life
4 impacts.

5 In short, we believe that Maria Regina High
6 School, after making a good faith effort to accommodate our
7 concerns, if it is unable to do so, and if the size of the
8 property available for their proposed track, soccer field,
9 tennis courts is insufficient to carry out their plan, this
10 application should not be approved. Respectively, Richard
11 Newhouse. Thank you.

12 DEPUTY COMMISSIONER SCHMIDT: Thank you.

13 CHAIRMAN SIMON: Anyone else who would like to
14 speak to the issue? I would ask that if you agree with the
15 previous speaker, state that and don't repeat it, because
16 that's already in the record. We welcome additional
17 information.

18 MR. GLENN COTTEN: Unfortunately, I only had a
19 chance to look at the new plan yesterday. So what I plan
20 to do tonight is to hit on some of the comments and I'll
21 submit a formal document within a next couple days.

22 CHAIRMAN SIMON: Okay, fine.

23 DEPUTY TOWN ATTORNEY FRIED: Before you go
24 forward, if the Board closes the hearing tonight, there
25 will be an opportunity for everyone to submit additional

1 information into the record.

2 MR. GLENN COTTEN: Like what, two weeks or ten
3 days?

4 DEPUTY TOWN ATTORNEY FRIED: The Board will
5 determine, probably in that time frame, yes.

6 MR. GLENN COTTEN: Couple days I figure I will
7 put it together.

8 DEPUTY TOWN ATTORNEY FRIED: Yes.

9 BOARD MEMBER GOLDEN: Do it on the weekends.

10 MR. GLENN COTTEN: Let's see, in response to the
11 wildlife concerns --

12 BOARD MEMBER GOLDEN: Name?

13 CHAIRMAN SIMON: Give us your name.

14 MR. GLENN COTTEN: Oh, sorry, Glenn Cotten.

15 BOARD MEMBER GOLDEN: Say it again.

16 MR. GLENN COTTEN: Glenn Cotten.

17 DEPUTY COMMISSIONER SCHMIDT: Your address,
18 please?

19 CHAIRMAN SIMON: And could you give your address
20 also?

21 MR. GLENN COTTEN: Sure. 36 Baxter Court,
22 Mahopac, former resident, related to residents.

23 CHAIRMAN SIMON: Okay.

24 MR. GLENN COTTEN: The applicant's response in
25 terms of their response in one, to wildlife concerns

1 doesn't take into consideration the habitat that's going to
2 be lost, that would be lost with the reduction of the
3 trees, the removal of the mature trees.

4 And much of the existing wildlife would wind up,
5 the disturbance occurs during the construction would
6 actually wind up with the exiting of most of, a lot of that
7 wildlife because they are not going to be able to continue
8 to function there during the construction period.

9 They discuss mainly deer and rabbits with the
10 hope that many people will consider them a nuisance and
11 ignore the many arboreal species that habitat these trees.
12 Habitat and the food sources would be greatly reduced by
13 the reduction of the trees.

14 The pivoting of the track to allow additional
15 distance is not going to make any significant difference in
16 the sound. Another 25 feet is not going to make much
17 difference in terms of the sound level coming on. The
18 four-foot chain fence, chain link fence, and the 10-foot
19 high lacrosse netting, that's going to be at either end --
20 proposed at either end of the fence, end of where the track
21 is, have not been altered.

22 They are going to provide negative aesthetics and
23 also additionally reduce the mobility of the wildlife
24 across the property that is there currently.

25 BOARD MEMBER GOLDEN: Can I ask you, did you say

1 10-foot lacrosse netting, what is that?

2 MR. GLENN COTTEN: Yeah. It's something we
3 didn't notice before the first hearing. At either end of
4 the track, there is a ten-foot high lacrosse netting
5 proposed. I assume to catch balls and things. There is a
6 series --

7 BOARD MEMBER GOLDEN: This is outside the
8 perimeter --

9 MR. RON TETELMAN: No, it's behind --

10 MR. GLENN COTTEN: Inside of the fence, I
11 believe, right?

12 MR. RON TETELMAN: It's behind the goal post,
13 behind the goal soccer post.

14 BOARD MEMBER GOLDEN: Inside the track?

15 MR. RON TETELMAN: Inside the track.

16 MR. GLENN COTTEN: Inside the four-foot track.

17 BOARD MEMBER GOLDEN: To catch errant balls.

18 MR. RON TETELMAN: Yes.

19 MR. GLENN COTTEN: Right.

20 BOARD MEMBER GOLDEN: Okay.

21 MR. GLENN COTTEN: Let's see. That, and the
22 four-foot fence will reduce the mobility of the existing
23 wildlife -- Oh, actually, the sound barrier, gladly we seem
24 to all agree that the sound barrier is not going to be
25 effective and horrible.

1 BOARD MEMBER GOLDEN: Wait, that was my idea.

2 MR. GLENN COTTEN: The height of the sound
3 barrier it would have to be, you might as well put a whole
4 building out here, might put an inside track.

5 BOARD MEMBER GOLDEN: 40 feet, okay, I got it.

6 MR. GLENN COTTEN: I guess I will skip that since
7 Richard already hit on that one, the new fencing not being
8 requested.

9 Storm water. They failed to take into
10 consideration the loss of all the mature trees that are
11 actually going to soak up a lot of the ground water that's
12 on the field now and additional slopes that are at the end
13 of the track are actually going to increase the rate of
14 flow thereby additionally reducing the permeability in that
15 area.

16 They also don't acknowledge the presence of the
17 fields at Woodlands. I guess that was actually also
18 discussed previously and other nearby sites. Relating to
19 the parking and the side streets which has been --

20 BOARD MEMBER GOLDEN: Let me ask you about that.
21 I specifically asked about Woodlands. And Ms. Reidy, is
22 it?

23 MR. RON TETELMAN: Yes.

24 MS. VALERIE REIDY: Correct.

25 BOARD MEMBER GOLDEN: Said that, you know, it's

1 not a practical place to practice because it's not always
2 available. And they have to beg, borrow and steal track
3 time. Do you know anything other than that?

4 MR. GLENN COTTEN: Well, it has been working and
5 their track team has not increased in size supposedly. So
6 what's changed?

7 BOARD MEMBER GOLDEN: Well, Ms. Reidy says they
8 are not practicing there. They are practicing around the
9 school grounds.

10 MR. GLENN COTTEN: No. They have been using
11 alternate fields from what I understand from other
12 discussions.

13 BOARD MEMBER GOLDEN: Well, what do you know
14 about that?

15 MR. GLENN COTTEN: There were a couple of
16 meetings at the school and the previous meeting, from the
17 information at the last hearing.

18 BOARD MEMBER GOLDEN: Well, which tracks are they
19 using?

20 MR. GLENN COTTEN: Specifically, I don't know.

21 CHAIRMAN SIMON: Okay, well, let's --

22 DEPUTY TOWN ATTORNEY FRIED: The applicants can
23 address that after --

24 MR. GLENN COTTEN: I haven't had a chance to have
25 a one-on-one --

1 DEPUTY TOWN ATTORNEY FRIED: -- after everyone
2 speaks --

3 CHAIRMAN SIMON: Yes. Let the applicant respond
4 to these issues. They are in the best place to answer the
5 question.

6 MR. GLENN COTTEN: Yeah. The situation's been
7 functioning with the existing track team size, as far as I
8 understand, that team is not being increased in size. So
9 it's hard to understand what's changed to get them to need
10 this new large track that's going to effect the whole
11 neighborhood.

12 Regarding parking on the side streets, there's
13 been ample time for them to address the issue. And they
14 have -- their failure to do so indicates they are not
15 inclined to rectify the situation. And that's become a
16 very big issue with many times during the day; a lot of
17 parking, restriction of the use of the roads, et cetera.

18 Regarding to the trees that were previously
19 removed from the north parking lot. The permits report on
20 the condition of these trees should have been submitted
21 before they removed the trees. And an application for a
22 permit should have been applied before they removed the
23 trees.

24 This shows a lack of consideration for the
25 community, for rules and regs of the community and makes me

1 wonder after, if they were to be approved, would they
2 confine and comply to the rules that they have agreed to.
3 And once the tree is removed, any -- you can't plant the
4 same amount of trees that got taken down. So the damage is
5 done. You can't really rectify it.

6 The additional -- actually Richard mentioned they
7 have not yet corrected the inaccuracies on the
8 Environmental Clearance Form. One thing I noted, the
9 aerial view that they included in the new set of plans is
10 kind of misleading.

11 They still show a lot of the existing trees that
12 will be removed. So that plan is very misleading. That is
13 not the way it's going to look after it's done.

14 Also, it's been brought to our attention that
15 they incorrectly claim that Maria Regina High School
16 themselves was the owner of the property. Where it seems
17 to be the Archdiocese of New York is the owner and they are
18 just a tenant.

19 And they still have not yet applied for the
20 special use permit that's been discussed previously. In
21 addition, there is omissions and inaccuracies that require
22 a submission with correct information, if not an outright
23 rejection because they have been misleading with their
24 information.

25 And the bottom line really is that a track of

1 that size on a property that's in a residential
2 neighborhood just does not fit with the neighborhood. And
3 it just, it would be nice for them to have a track, but
4 unfortunately their size of the property and the location
5 of the property really doesn't support that possibility.

6 And as I said, I will create a formal letter and
7 submit an email to you folks in the next few days.

8 CHAIRMAN SIMON: Thank you.

9 MR. GLENN COTTEN: Thank you.

10 DEPUTY COMMISSIONER SCHMIDT: Thank you.

11 CHAIRMAN SIMON: The next speaker, please.

12 MS. REBECCA SUNSHINE: Hi, good evening. My name
13 is Rebecca Sunshine. I have notes and I had sent
14 responses, comments after the first hearing, December 5th,
15 and now I have additional comments based on the responses
16 that we received just yesterday from Maria Regina High
17 School. So just bear with me because I'm trying to -- I
18 don't want to be too repetitive, but I just want to cover
19 everything.

20 CHAIRMAN SIMON: Please make a good faith attempt
21 not to repeat what was already on the record.

22 MS. REBECCA SUNSHINE: Right, I know. Some
23 things, I'll do my best, but some things need to be
24 stressed, okay.

25 Unfortunately Maria Regina's responses to the

1 comments made at the December 5, 2018 Planning Board
2 Meeting indicate that they are not taking our concerns
3 seriously and don't really seem to care about the
4 detrimental impact their plan will have on the environment
5 or neighborhood, property values and our quality of life.

6 First, I want to address, I know Mr. Cotten
7 addressed the wildlife. But I just would like, this is
8 also mentioned that the habitat of these animals must be
9 preserved and wildlife must not be removed or harmed.

10 The proposed construction and destruction of this
11 wooded area will scare and flush many of these animals into
12 the streets and our yards and this is not good for the
13 animals. And unfortunately, it may result in complaints
14 from homeowners.

15 In response -- we appreciate the attention that
16 Maria Regina is trying to give to this topic, but the fact
17 remains that this plan will still be disruptive and harmful
18 to the animals on the property. Trees do not only provide
19 cover and food for these animals, but where they nest and
20 live.

21 Removing close to 100 trees is equivalent to
22 tearing down 100 homes or condos. The construction
23 activities will frighten wildlife away as well and new
24 trees planted will take years to mature.

25 Now, to address the response to number two, the

1 relocation of the tennis courts on the north side of the
2 property. This is not acceptable. Instead of the first
3 unacceptable proposal of removing 17 large trees, this is
4 another unacceptable proposal that will remove even more.
5 It was just stated 23 trees.

6 This is a densely wooded area, close to where
7 trees were already removed by the parking lot without a
8 permit. This would negatively alter the character of this
9 area.

10 In addition, this would raise the same noise
11 issues for those residing on Shaw Place and Rogers Avenue
12 that bordered that area. The same issue, we're just moving
13 it from Keats to Shaw and Rogers Avenue.

14 These residents are not even aware of this plan.
15 And we would like to know why Maria Regina has not
16 responded to the placements, which was addressed, near the
17 residency as suggested.

18 Just want to -- sorry, okay. At the meeting,
19 they said the proposal, that the courts be moved between
20 the existing field and the residency. They would not do
21 that due to safety concerns and because it would be too
22 close to the residency building.

23 So the question is we would like clarification
24 exactly how the placement of the tennis courts at this new
25 location will impact safety or where the current emergency

1 exits of the school and how would the tennis courts block
2 these exits. That was never explained.

3 And again, it was asked why is it okay for Maria
4 Regina to reject this proposal due to concerns regarding
5 noise levels in proximity to their residents while it is
6 okay for them to impose it on their neighbors.

7 As was proposed, there was a suggestion that the
8 tennis courts be arranged end to end instead of side by
9 side. And this should not cause any safety concerns and
10 would save many large trees.

11 Going back to their response to number three,
12 pivot the track further from Keats -- pivot the track
13 further from Keats properties. Again, this solution is
14 based on the relocation of the tennis courts to the north,
15 which is unacceptable. In addition, 25 feet is negligible,
16 would not make any noticeable difference regarding noise
17 levels or aesthetics.

18 Again, it was discussed, but if this new track
19 will not be used for competition and track meets will be
20 continued to be held else where, I don't know why there
21 would be a major objection to reducing the size of the
22 track.

23 In response to the sound barrier, to reiterate,
24 no sound barriers are wanted. And the same in response to
25 the chain link fence. It was made clear at the site visit

1 as well as the December 15th meeting that the residents do
2 not want a chain link fence.

3 This is the third time we are emphasizing this.
4 It is ugly and it will be an eyesore that will make the
5 proposed alterations to the landscape even worse.

6 Okay, I covered the fences. Next topic is tennis
7 court fencing. Again, just to reiterate, this was based on
8 tennis court fencing on the north side, which again should
9 not be relocated to the north side, which again would
10 involve the removal of many more trees. And it would be an
11 issue for those living on Shaw and Rogers Avenue.

12 And again, the tennis courts should be relocated
13 adjacent to each other near the residency.

14 In response, next one is the athletic facilities
15 at Solomon Schechter. Again, this was discussed, and I'm
16 just wondering if Maria Regina maybe sat down, I don't
17 know, I'm taking their word that it's hard to get.

18 But maybe they can have a meeting where Woodlands
19 and Maria Regina can meet and try to work out a schedule
20 that would be beneficial. There has to be some time that
21 the track is open.

22 I know I walked there and I've run there, and
23 many times I go there and there is no one, the track is not
24 being used.

25 And the next, I'm sorry, the next response is

1 enrollment in the school and the summer camp. Despite
2 promises made by Maria Regina, there is no guarantee that
3 there will not be additional programs or events added after
4 school hours, on weekends and during summer camp resulting
5 in more noise, traffic and overflow street parking.

6 I would like to know how the Town would monitor
7 and stop this if there are, how would they know if there
8 are additional events and how would they be monitoring it,
9 putting an end to it. And also, if they are, as it is they
10 are already operating a summer camp without the proper
11 permit and there is no oversight on that.

12 I'm sorry. Yes, and also they said there
13 wouldn't be any additional enrollment in the school. I
14 don't know if that could be -- will be believed or not. We
15 take their word for it. But also, will there be an
16 increase in the number of children coming to the day camp,
17 is that going to increase.

18 The next issue is in response to the concern of
19 added lights in the north parking lot. These lights in the
20 north lot are a problem for residents on Rogers Avenue and
21 on the south side of the property. Lights are a problem
22 for residents on Keats Avenue.

23 Whether they were added or repaired is not the
24 issue. The issue is that these lights are too bright,
25 invasive and are on from dusk to dawn. They must be either

1 dimmed, turned off by a certain hour or both.

2 However, commercial lighting does not belong in a
3 residential area. At the last hearing, I know the Town
4 Board was going to see if these lights met regulations for
5 lighting and whether they do, even if they do, this is not
6 acceptable.

7 This really impacts on our homes. I see the
8 lights from my, coming into my living room and bedroom and
9 this has to be addressed. I know it's not related to this
10 project, but it's still an issue.

11 The last response to the comments were concern of
12 parents parking on side streets to pick up students. And
13 we hope the school would advise parents to please use the
14 school's parking lot when picking up students instead of
15 our streets as their parking lot.

16 And we would like to have this resolved amicably.
17 But if it isn't, we will start calling the police that the
18 cars are loitering and blocking our driveways and our
19 roads.

20 And I just want to go back to a few other --

21 CHAIRMAN SIMON: Could I, you know, we don't have
22 time limit here. And I asked, for the sake of giving
23 everyone time to speak, that we do not repeat something
24 that someone already said.

25 And quite a bit of your testimony was repeated of

1 what the gentleman said. So I would really would like for
2 you to focus on those areas that is not already in the
3 record.

4 MS. REBECCA SUNSHINE: Okay, all right. Then I'm
5 going on to the Short Environmental Assessment Form to
6 state that these proposed changes would not result in
7 substantial increase of traffic above present levels.

8 Now, I would like to know what this assessment
9 considers substantial. Any increase in traffic at this
10 point is not viable. And I would like to know how this
11 assessment form response accounts for the traffic that
12 additional soccer, lacrosse and field hockey events held at
13 Maria Regina will bring or the additional campers that may
14 enroll in the summer camp.

15 I also would like to know, the assessment form,
16 this may have been mentioned, but in response taking into
17 an account where these additional cars will park. There is
18 already overflow parking in the surrounding the streets not
19 only during events, but on a daily basis when the students
20 are picked up from school.

21 And also, consideration must be given to the
22 additional traffic that a possible Woodlands High School
23 consolidation would cause as well. So we can't look at
24 just this project, you know, in a vacuum. There is a lot
25 of other, you know, projects going on that are impacting

1 this neighborhood.

2 As of now, when Solomon Schechter lets out, the
3 northbound traffic on Hartsdale Avenue is backed up from
4 Pat Capone to Dobbs Ferry Road and southbound traffic is
5 backed up from Dobbs Ferry to Keats as well as all side
6 streets.

7 And this has an impact. And I would like to know
8 if the traffic, this is rhetorical, but did the traffic
9 study that was done when Solomon Schechter applied for
10 their building permits perceive this terrible congestion.
11 The proximity of these three schools is clogging our roads.

12 To finish up, it is, as discussed at the
13 public -- December 5th Public Hearing, it is ironic that
14 while the Town of Greenburgh is working on an ordinance to
15 protect trees in this area, this project is proposing to
16 eliminate close to 100 trees, a small forest.

17 To prevent this destruction, at the very least,
18 this project should be modified with a smaller track and
19 the tennis courts placed between existing fields and
20 residency arranged back to back. If not, the Planning
21 Board should reject this application. Thank you.

22 CHAIRMAN SIMON: Thank you.

23 DEPUTY COMMISSIONER SCHMIDT: Thank you.

24 CHAIRMAN SIMON: Is there anyone else who would
25 like to speak to this application? Please do.

1 MR. PAUL THOMAS: Good evening. My name Paul
2 Thomas. I'm on the Board of Trustees of Maria Regina. I'm
3 a Yonkers resident. I just want to speak to a couple of
4 things that were said tonight.

5 First of all, Maria Regina doesn't have field
6 hockey or lacrosse. We don't anticipate any teams growing,
7 you know, enrollment on the teams might get bigger, but
8 right now we're not looking to add any teams or any sports.

9 We are a single-gender school. The two other
10 schools, Schechter and Woodlands, are co-ed. So they are
11 going to have bigger schools, bigger teams.

12 I work at Stepinac High School. I know for a
13 fact that when we needed to go to a field, no one is going
14 to give you prime time to use their facilities. The woman
15 spoke sometimes it's open, but it's not optimum maybe at
16 7:00 o'clock at night.

17 We want to do it when the girls are in school.
18 They get out at 2:30. They want to practice and get home.
19 That's prime time.

20 So to speak to that, we do use Woodlands'
21 property for cross country because basically we're just
22 running through the hills around the property. We don't go
23 down there for regular track teams.

24 As Ms. Reidy stated, we run the hallways in
25 inclement weather. We run our property and occasionally we

1 go down to Van Cortlandt Park in the fall for cross
2 country. But as far as that goes, we're self-sufficient on
3 the property.

4 I hear people say the noise. We're not growing
5 any sport or any activity right now. I am not going to lie
6 to you and put something on the record. I'm not going to
7 say in ten years, it happens.

8 But right now, there is no anticipation. We
9 don't see where traffic is going to be impacted, the noise
10 level is going to grow, I don't see it. And I just, I had
11 to say that. Thank you.

12 DEPUTY COMMISSIONER SCHMIDT: Thank you.

13 BOARD MEMBER SCHWARTZ: Before you go, the
14 practice schedule of the track team, they practice on
15 Saturdays?

16 MR. PAUL THOMAS: I don't know. They have meets.

17 BOARD MEMBER SCHWARTZ: Meets, they wouldn't be
18 there. The practices.

19 MR. PAUL THOMAS: Correct. My daughter ran cross
20 country. They practice Monday through Friday. This is
21 fall. Cross country is fall.

22 BOARD MEMBER SCHWARTZ: Five days a week?

23 MR. PAUL THOMAS: And then traditionally --

24 CHAIRMAN SIMON: Wouldn't the principal be able
25 to answer that?

1 MS. VALERIE REIDY: I'm not the principal. I'm
2 the President.

3 MR. PAUL THOMAS: The President.

4 CHAIRMAN SIMON: President, I apologize.
5 Wouldn't you be able to answer that?

6 MS. VALERIE REIDY: No, I wouldn't because I
7 would need to look at their schedule. I am not going to
8 say that they never have a practice on a Saturday, but not
9 that I'm aware of.

10 CHAIRMAN SIMON: Okay.

11 BOARD MEMBER SCHWARTZ: Does the field get used
12 on Saturday for anything?

13 MS. VALERIE REIDY: Occasionally, there may be a
14 softball game.

15 DEPUTY COMMISSIONER SCHMIDT: Can you step up to
16 the mic, please. Thank you.

17 MS. VALERIE REIDY: Occasionally. It depends on
18 scheduling of events and there may be a softball game on a
19 Saturday morning or Saturday afternoon.

20 BOARD MEMBER SCHWARTZ: Soccer game?

21 MS. VALERIE REIDY: Yes. Yes.

22 BOARD MEMBER SCHWARTZ: Okay, Walter, before we
23 go on, I just want to say something about the comments that
24 were made. There's been a lot of comments made about the
25 camp.

1 The camp, I believe, David, and correct me if I'm
2 wrong, really is not part of this project. That is a very
3 separate issue. One that I can understand your concern, by
4 the way, about the camp. And it clearly needs a permit. I
5 think that's been made clear.

6 DEPUTY COMMISSIONER SCHMIDT: It's been brought
7 to the attention --

8 BOARD MEMBER SCHWARTZ: The issuing of that
9 permit is a separate process. It's really not related to
10 what we're looking at here. So I just want to kind of
11 separate that out, if that makes sense.

12 DEPUTY TOWN ATTORNEY FRIED: Yes, that's correct.
13 The one issue, and it has been raised by the residents and
14 I think it is that if the camp, and I don't know, you know,
15 what the future is, but if the camp is allowed to continue,
16 then it will be using those fields, instead of just during
17 school days, also during the summer months.

18 BOARD MEMBER SCHWARTZ: Right, I understand that.
19 But that's something that will be discussed during the
20 review of the special permit.

21 DEPUTY TOWN ATTORNEY FRIED: Permit, not --

22 BOARD MEMBER SCHWARTZ: Special use permit.

23 DEPUTY COMMISSIONER SCHMIDT: Special permit for
24 the camp.

25 BOARD MEMBER SCHWARTZ: Special use permit for

1 the camp, okay.

2 DEPUTY TOWN ATTORNEY FRIED: Right.

3 BOARD MEMBER SCHWARTZ: Really is not relevant to
4 what we're discussing here. I just want to make that
5 clear. It doesn't mean -- I understand it's being an issue
6 for the community. I'm not saying it isn't. Okay, but
7 we're not discussing that part.

8 CHAIRMAN SIMON: Well, legally, we can't connect
9 it to.

10 BOARD MEMBER SCHWARTZ: Right.

11 CHAIRMAN SIMON: So we can discuss the court and
12 as David said, when it comes time for the special permit,
13 that's the appropriate venue to bring these points up.

14 DEPUTY COMMISSIONER SCHMIDT: And just to
15 clarify, I have had a discussion with the Town Building
16 Inspector. If Maria Regina wants to operate the summer
17 camp this coming summer, a special use permit will be
18 required from the Town.

19 So if they want to operate it, they are going to
20 have to come before the Town to obtain the special use
21 permit, which would entail a Public Hearing and involve
22 public comment and input.

23 DEPUTY TOWN ATTORNEY FRIED: Walter, there was
24 someone, another person --

25 BOARD MEMBER SCHWARTZ: There was another person

1 from the community, right there.

2 DEPUTY TOWN ATTORNEY FRIED: -- who would like to
3 speak.

4 CHAIRMAN SIMON: Okay.

5 MS. MAUREEN WILLIAMS: My name is Maureen
6 Williams. I live at 121 Keats Avenue, right across the
7 street from Maria Regina. And I just want to say that the
8 field is used on Saturdays. I don't know, they have men's
9 soccer league that play in the fall. I don't know how that
10 happens, but the field is used.

11 We've been good neighbors. I know the camp is
12 used all summer long. This is, you know, field is used a
13 lot. And I just think this, it's just outrageous what they
14 want to do.

15 And also talking about the track team, I'm sure
16 Woodlands High School has a lower enrollment than Maria
17 Regina does in terms of, you know, where they can practice,
18 if, you know, they need practice time. That's it.

19 DEPUTY TOWN ATTORNEY FRIED: Thank you.

20 DEPUTY COMMISSIONER SCHMIDT: Thank you.

21 CHAIRMAN SIMON: All right. There was several
22 issues that I just took notes on and I would like the
23 applicant to respond to.

24 One was the parking situation for parents picking
25 up the cars. Some of the residents, that seems to be a

1 problem with the parking. Could you speak to that?

2 MS. VALERIE REIDY: Yes. And I do apologize for
3 that. We have a protocol for picking up students. And
4 that is through our property. We actually have our
5 custodial staff out there training parents on how to come
6 in to the property. They drive in. We have a circular
7 driveway. They pick up their child in front of the school
8 and they are to drive out.

9 Parents, if they are circumventing that process,
10 I can certainly speak to that issue at a parent evening, a
11 parents association evening. We have been very clear as to
12 how they are to pick up their students, their children.
13 But monitoring them is another issue.

14 But we have addressed the issue in that I know we
15 have cones. We have men out there that we have directing
16 traffic. And people want to cut lines. They don't want to
17 wait on lines. So if they are parking out there, I
18 apologize.

19 BOARD MEMBER GOLDEN: Let me just --

20 CHAIRMAN SIMON: Wait, let me finish. Let me
21 follow up on my question.

22 Yes, but at the end of the day, it's creating a
23 problem for the residents. So whatever you have in place
24 apparently isn't working effectively to keep the cars out
25 of people's driveways. So that I see is an issue. That,

1 you know, that needs to be addressed.

2 MS. VALERIE REIDY: Yeah, I'm agreeing with you.
3 And as I said, I can actually monitor it by going out and
4 looking at the end of a day to see what the issues are and
5 speak to the residents.

6 CHAIRMAN SIMON: And the other issue was whether
7 or not the lights that you currently have on your property
8 meets the current code for the Town. Because you know,
9 there is a whole different -- well, I don't know how old
10 those lights are, but if they are old lights, they probably
11 do not meet the current codes in terms of how much glare
12 they reflect in the neighborhood.

13 MS. VALERIE REIDY: I can look into that, sure.

14 CHAIRMAN SIMON: And that's something that needs
15 to be corrected.

16 MS. VALERIE REIDY: Sure.

17 DEPUTY COMMISSIONER SCHMIDT: If I can add to
18 that. There was a comment that they are on from dusk to
19 dawn, if you can look into that.

20 MS. VALERIE REIDY: Definitely.

21 BOARD MEMBER SCHWARTZ: There are two options you
22 can look at. First of all, I don't know if they are LED.
23 LED lights generally have a much -- don't spill over like
24 would not go into the young lady's living room that she
25 talked about.

1 If you have LED, they do not spill off the
2 property, generally. That's one of advantages of LED.
3 Secondly, you can also do activated lights.

4 MS. VALERIE REIDY: Motion detector lights.

5 CHAIRMAN SIMON: Correct.

6 BOARD MEMBER SCHWARTZ: So they are not bright
7 all the time. If there is somebody still in the building
8 late, they come out and enough will go on. That would
9 mitigate the problem.

10 MS. VALERIE REIDY: Definitely.

11 BOARD MEMBER SCHWARTZ: To be a good neighbor,
12 that would be a good thing for Maria Regina to consider.

13 MS. VALERIE REIDY: Definitely.

14 CHAIRMAN SIMON: Okay, Michael, did you want to
15 follow up?

16 BOARD MEMBER GOLDEN: No, it's okay.

17 CHAIRMAN SIMON: Okay. Any other questions?

18 BOARD MEMBER HAY: I have actually a question
19 probably for you, someone representing Maria Regina, going
20 back to the 42-inch fence. I'm wondering, is it something
21 that might be required by your insurance company in order
22 to have the fields?

23 I'm thinking, if I had a pool, I need to have a
24 fence. You have a property with a big field, you know. We
25 talked about the possibility of eliminating it. What do

1 you think would be required?

2 MS. VALERIE REIDY: I believe, but I don't know
3 for sure, and I can find that out, whether we have a
4 liability issue if we don't have a fence there.

5 My concern was twofold when we discussed that.
6 Most of the tracks -- I've lived in Edgemont. I lived, by
7 the way, behind the school at Lytton Avenue. I was a
8 member of the association. I lived behind Maria Regina for
9 years until I moved.

10 And I know that most schools with tracks and turf
11 fields do have a fencing. Turf is a very expensive
12 surface, as you know. We now have an issue with dog
13 walkers on our field.

14 We want to eliminate that. We have had an issue
15 where an arrant weekend evening some young people have
16 driven across our track with cars.

17 DEPUTY COMMISSIONER SCHMIDT: The fields, you
18 mean?

19 MS. VALERIE REIDY: Our field, sorry, not a
20 track. We don't have one. Our field. And so we're trying
21 to, you know, we want to protect the surface. We want to
22 protect ourselves from liability.

23 Obviously, somebody wants to get over that fence,
24 they are going to get over that fence, but at least we made
25 a good faith effort to protect it.

1 BOARD MEMBER HAY: I played -- well, my son
2 played soccer in a lot of places. I've never seen one turf
3 field without a fence. So it seems to me it's probably
4 almost a requirement, if you're going to get insurance.

5 BOARD MEMBER SCHWARTZ: One follow-up question to
6 what Tom said. We're talking about the netting at the end
7 to catch the balls. Is there any reason why that netting
8 can't be raised and lowered when there's a game?

9 MR. RON TETELMAN: It is. It's removable. It
10 goes --

11 DEPUTY COMMISSIONER SCHMIDT: Ron, can you step
12 up just for the folks at home listening. Thank you.

13 MR. RON TETELMAN: I'm sorry. Lacrosse netting
14 is designed to be removed. You wouldn't do it everyday.
15 It's a little bit of manpower to do that. But it would
16 probably go up when practice starts in August and come down
17 in November.

18 Because you don't want to keep it up during the
19 winter because it gets icy. It will destroy it. So it
20 will be up during the sports seasons, but taken down all
21 other times.

22 BOARD MEMBER SCHWARTZ: It's kind of a broad
23 mesh, though, it's not very visual from far away.

24 MR. RON TETELMAN: It's black. It's like the
25 Yankee Stadium, the mesh they have behind home plate,

1 similar to that.

2 DEPUTY TOWN ATTORNEY FRIED: Well, the mesh that
3 they have, you know, in recent years, because what major
4 league baseball did they actually made it so that it's very
5 transparent, you can see through. I don't know if that's
6 different from what you're --

7 BOARD MEMBER SCHWARTZ: Right.

8 MR. RON TETELMAN: It's pretty similar. It's
9 very similar.

10 BOARD MEMBER SCHWARTZ: So from a distance, I'm
11 not sure how much you can even see it.

12 MR. RON TETELMAN: You're correct. And black,
13 the color black is very invisible from a distance.

14 BOARD MEMBER SCHWARTZ: Okay.

15 MR. RON TETELMAN: I just want to let you know,
16 the width of the track, it's four lanes. Each lane is
17 three and a half feet. So the width of the track is
18 14 feet. If you got two sides of the field, that's 28 feet
19 wide. So if 25 feet doesn't make a difference, I don't
20 know if 28 feet makes a difference either.

21 DEPUTY COMMISSIONER SCHMIDT: While you're up
22 there, there were a couple of other comments.

23 One related to the application indicating that
24 Maria Regina was the owner. I would like you to address
25 that, and if that requires an update of any documentation.

1 And if it does, when it will be submitted. If you can
2 speak to that.

3 MR. RON TETELMAN: Right. It's my understanding
4 that the Arch Diocese had these plans available to them and
5 an authorization letter will be signed by them authorizing
6 this project.

7 And I was told we might get it tomorrow?

8 MS. VALERIE REIDY: Yes.

9 MR. RON TETELMAN: It will be received by the
10 school tomorrow and hopefully you will get it then or the
11 following day.

12 DEPUTY COMMISSIONER SCHMIDT: Okay. And any
13 other related documentation can be updated as appropriate.

14 DEPUTY TOWN ATTORNEY FRIED: Yes. If you have
15 information, because this was new to me, just stating forth
16 or setting forth what the lease provision is or something,
17 the term, essentially.

18 DEPUTY COMMISSIONER SCHMIDT: We do have that.
19 We have that on record.

20 DEPUTY TOWN ATTORNEY FRIED: We do, okay.

21 DEPUTY COMMISSIONER SCHMIDT: I think it's
22 through July 2019, the current lease.

23 MS. VALERIE REIDY: I believe so, yes.

24 CHAIRMAN SIMON: Also lease from the Diocese?

25 DEPUTY COMMISSIONER SCHMIDT: Yes.

1 MS. VALERIE REIDY: The Archdiocese.

2 DEPUTY COMMISSIONER SCHMIDT: The Arch
3 Bishopric.

4 BOARD MEMBER SCHWARTZ: Well, technically,
5 David, if the Diocese is the owner, shouldn't they be the
6 applicant?

7 DEPUTY COMMISSIONER SCHMIDT: No, not always does
8 an applicant have to be the owner. What we do need is an
9 affidavit or a letter of authorization from the owner
10 permitting the applicant to submit its application on
11 behalf of the owner.

12 MR. RON TETELMAN: I think I'm the applicant in
13 this lease. Some of the forms --

14 BOARD MEMBER SCHWARTZ: The thing that concerns
15 me about them not signing onto this, if we put conditions
16 in there, these conditions need to be binding on the owner
17 of the property. Their lease only runs -- I hope you're
18 around forever, I really do.

19 MS. VALERIE REIDY: So do we.

20 BOARD MEMBER SCHWARTZ: But the lease only runs
21 for a period of time. What happens if --

22 DEPUTY TOWN ATTORNEY FRIED: The approval letter
23 will refer to owner and --

24 BOARD MEMBER SCHWARTZ: Okay, it has to be
25 binding on the Diocese.

1 DEPUTY TOWN ATTORNEY FRIED: Absolutely.

2 DEPUTY COMMISSIONER SCHMIDT: Right.

3 BOARD MEMBER SCHWARTZ: Okay, that's all I'm
4 saying.

5 DEPUTY TOWN ATTORNEY FRIED: Yes.

6 BOARD MEMBER SCHWARTZ: I didn't mean to make you
7 nervous or anything like that.

8 MS. VALERIE REIDY: Can I just say, the
9 confusion --

10 DEPUTY TOWN ATTORNEY FRIED: Please stand.

11 MS. VALERIE REIDY: I apologize. The confusion
12 over ownership was probably, and I'll take responsibility
13 for it. When I went into the maps and documents, there are
14 two -- there is a document, which I accessed, which says
15 Maria Regina is the owner.

16 And then I was informed by Mr. Tetelman that that
17 is not accurate. So you obviously have access to this and
18 perhaps you can correct forward.

19 DEPUTY COMMISSIONER SCHMIDT: Somewhat confusing
20 in the record, but it does indicate both.

21 MS. VALERIE REIDY: Yes, it does.

22 DEPUTY COMMISSIONER SCHMIDT: The Arch
23 Bishopricric of New York as well as a reference to Maria
24 Regina.

25 MS. VALERIE REIDY: Right.

1 DEPUTY COMMISSIONER SCHMIDT: We wanted
2 clarification on that. It was brought to our attention.
3 It seems like we have that clarification. We just need the
4 documentation.

5 MS. VALERIE REIDY: Okay, and the documentation
6 will be forthcoming.

7 BOARD MEMBER SCHWARTZ: Okay.

8 CHAIRMAN SIMON: I just like to, do we have the
9 picture of the tennis courts next to the residency? I
10 would just like to take another look at that.

11 BOARD MEMBER SCHWARTZ: Next to a residents?

12 BOARD MEMBER HAY: If it was in front of the
13 convent you mean?

14 BOARD MEMBER TALIAFERROW: Right here.

15 MR. RON TETELMAN: No, you have it. That's the
16 only --

17 CHAIRMAN SIMON: That's what I'm saying, it's not
18 up on the --

19 BOARD MEMBER SCHWARTZ: I thought one of the
20 residents --

21 DEPUTY TOWN ATTORNEY FRIED: The handout?

22 BOARD MEMBER TALIAFERROW: We have that.

23 CHAIRMAN SIMON: Yeah, I have that. I thought it
24 was up --

25 BOARD MEMBER SCHWARTZ: Is it the residency, you

1 have one with the residency?

2 DEPUTY COMMISSIONER SCHMIDT: Oh, to the
3 residency.

4 BOARD MEMBER SCHWARTZ: Where it's end to end,
5 their proposal.

6 CHAIRMAN SIMON: Right. I just thought of it.

7 MR. RON TETELMAN: You can see it doesn't fit
8 very well. It has to reroute that access road. It's very
9 close to the property.

10 BOARD MEMBER SCHWARTZ: But that wasn't what they
11 did. Their proposal, if I recall, I don't know who drew it
12 from the last time. It was that gentleman in the back, our
13 guest from Mahopac.

14 DEPUTY TOWN ATTORNEY FRIED: Cotten.

15 BOARD MEMBER SCHWARTZ: Our guest from Mahopac.
16 It was similar to that, but it had them end to end. They
17 were not side by side. Right?

18 MR. RON TETELMAN: Right.

19 BOARD MEMBER SCHWARTZ: The second one, as I
20 recall, and you can nod your head yes or no on this, went
21 closer to the Rectory?

22 MR. GLENN COTTEN: Yes.

23 BOARD MEMBER SCHWARTZ: Right?

24 MR. GLENN COTTEN: The bottom, from end to end
25 there --

1 CHAIRMAN SIMON: Wait, wait.

2 BOARD MEMBER SCHWARTZ: Could you come up and
3 answer that so we understand what the community, what your
4 proposal was originally.

5 BOARD MEMBER GOLDEN: Remind the reporter what
6 your name is.

7 MR. GLENN COTTEN: Sure. Glen Cotten. Based on
8 the original site location of the track, there was enough
9 space to put the two tennis courts end to end and still
10 give decent space between those tennis courts and the
11 Rectory.

12 BOARD MEMBER SCHWARTZ: Do you have any idea how
13 much space?

14 MR. GLENN COTTEN: Which I don't have that file
15 with me, but I did email you the drawings.

16 BOARD MEMBER HAY: Well, if it was 15 feet for
17 two courts, I mean how much are you going to pick it up, if
18 you lose one?

19 BOARD MEMBER SCHWARTZ: It's actually less.

20 MR. GLENN COTTEN: I think it was closer to 30,
21 50 feet between the courts and --

22 BOARD MEMBER HAY: What I'm saying is, if you
23 have the two side by side, you're saying it's 15.

24 BOARD MEMBER SCHWARTZ: I see.

25 BOARD MEMBER HAY: I'll take that. So if you

1 eliminate one and it's down to the width of one. I don't
2 know how wide a tennis court is.

3 MR. RON TETELMAN: 60 feet.

4 BOARD MEMBER HAY: You're adding another 15,
5 20 feet, it's still pretty close. It's like almost off the
6 street on the curb.

7 BOARD MEMBER SCHWARTZ: I understand.

8 CHAIRMAN SIMON: Yes, okay.

9 DEPUTY TOWN ATTORNEY FRIED: All right.

10 BOARD MEMBER SCHWARTZ: Thank you.

11 DEPUTY COMMISSIONER SCHMIDT: Thank you.

12 DEPUTY TOWN ATTORNEY FRIED: Thank you.

13 CHAIRMAN SIMON: Anyone else would like to speak
14 to this? If not --

15 BOARD MEMBER SCHWARTZ: I have one other question
16 for the applicant. Either one of you or your esteemed
17 Board of Directors can speak, I don't really care on this.
18 If we put a condition in that no lights are allowed to be
19 built as part of this project, would you be amenable to
20 that?

21 DEPUTY TOWN ATTORNEY FRIED: You're referring to
22 the field?

23 BOARD MEMBER SCHWARTZ: To the fields.

24 MR. RON TETELMAN: Sports lighting?

25 BOARD MEMBER SCHWARTZ: Any kind of lighting. It

1 goes dark, when it gets dark, it goes dark.

2 MR. RON TETELMAN: They agreed. They would agree
3 to that.

4 DEPUTY COMMISSIONER SCHMIDT: I have one other
5 point that I want to make. There was a comment related to
6 a special use permit being required in connection with the
7 current proposal that was read in a letter this evening.

8 I just want to clarify that there is no special
9 use permit required in connection with this proposal.
10 Rather, there is an amended site plan application which was
11 referred by the Town Board to this Board for a
12 recommendation. And that's why we're having both a public
13 discussion and a Public Hearing tonight.

14 We're having a public discussion on the amended
15 site plan referral from the Town Board. If and when this
16 Board makes a recommendation back to the Town Board, the
17 Town Board will be holding a Public Hearing on the amended
18 site plan application.

19 The other aspect of the project that this Board
20 will deal with is a steep slope permit application. If the
21 Town Board, at some future point, moves forward with an
22 approval on the amended site plan application, the Public
23 Hearing, there will still be another Public Hearing with
24 the Planning Board on the steep slope permit application at
25 some future point.

1 So the Board, if it decides to close the public
2 discussion tonight, it would not close the Public Hearing.
3 We would adjourn that Public Hearing to a future date. So
4 I just wanted everyone to be aware of that and to
5 understand it. Hopefully, I made it clear.

6 CHAIRMAN SIMON: Yes, that would make it clear.
7 I'm glad that you pointed that out, that we could not close
8 it, well, at this time.

9 DEPUTY COMMISSIONER SCHMIDT: Not the hearing,
10 just the discussion.

11 DEPUTY TOWN ATTORNEY FRIED: You can close the
12 public discussion.

13 CHAIRMAN SIMON: But what is the difference
14 between that and adjourning it?

15 DEPUTY TOWN ATTORNEY FRIED: So what you would
16 do, if the Board is ready, you close the public discussion
17 tonight and you leave the record open for a period of time.
18 With the Public Hearing, I would suggest that you would --

19 BOARD MEMBER SCHWARTZ: Adjourn it.

20 DEPUTY TOWN ATTORNEY FRIED: -- adjourn it.

21 CHAIRMAN SIMON: To unknown?

22 DEPUTY TOWN ATTORNEY FRIED: If you do, I would
23 suggest --

24 DEPUTY COMMISSIONER SCHMIDT: March 6th we are
25 looking at or March 20th.

1 DEPUTY TOWN ATTORNEY FRIED: I would go with
2 March 20th.

3 CHAIRMAN SIMON: That's right, because it has to
4 go back.

5 DEPUTY TOWN ATTORNEY FRIED: You need time for
6 the Town Board.

7 BOARD MEMBER GOLDEN: When are we going to make
8 recommendations to the Town Board?

9 DEPUTY TOWN ATTORNEY FRIED: Presumably at the
10 next meeting.

11 CHAIRMAN SIMON: At the next meeting.

12 DEPUTY COMMISSIONER SCHMIDT: If you close.

13 DEPUTY TOWN ATTORNEY FRIED: If you close
14 tonight.

15 BOARD MEMBER GOLDEN: Okay.

16 DEPUTY TOWN ATTORNEY FRIED: I would say
17 March 20th would probably be a good date for the Public
18 Hearing. And then if for some reason the Town Board has
19 not acted by that point on March 20th, we can adjourn the
20 meeting.

21 CHAIRMAN SIMON: Go out further, okay. So in
22 short, this is not your last opportunity to express your
23 concerns to this Board and to the Town Board. Just want to
24 make that --

25 BOARD MEMBER SCHWARTZ: Walter, in the interest

1 of time, we do have, I would like to move to close the
2 public discussion and keep the record open for two weeks.

3 CHAIRMAN SIMON: Let's put a specific date.

4 DEPUTY TOWN ATTORNEY FRIED: I was going to
5 suggest the 25th so that the Board could possibly reach a
6 recommendation.

7 BOARD MEMBER SCHWARTZ: That's fine, through the
8 25th.

9 BOARD MEMBER GOLDEN: Of what month?

10 DEPUTY COMMISSIONER SCHMIDT: January.

11 CHAIRMAN SIMON: January.

12 BOARD MEMBER SCHWARTZ: This is just on the
13 public discussion, Michael.

14 CHAIRMAN SIMON: Second?

15 BOARD MEMBER HAY: Second.

16 CHAIRMAN SIMON: All in favor? Aye.

17 BOARD MEMBER TALIAFERROW: Aye.

18 BOARD MEMBER GOLDEN: Aye.

19 BOARD MEMBER SCHWARTZ: Aye.

20 BOARD MEMBER HAY: Aye.

21 DEPUTY COMMISSIONER SCHMIDT: To adjourn the
22 Public Hearing?

23 CHAIRMAN SIMON: So this is to close the Public
24 Hearing, of this part of the Hearing. Is there a motion to
25 adjourn the Public Hearing to March 20th?

1 BOARD MEMBER SCHWARTZ: So moved.

2 BOARD MEMBER TALIAFERROW: Second.

3 CHAIRMAN SIMON: All in favor? Aye.

4 BOARD MEMBER TALIAFERROW: Aye.

5 BOARD MEMBER GOLDEN: Aye.

6 BOARD MEMBER SCHWARTZ: Aye.

7 BOARD MEMBER HAY: Aye.

8 BOARD MEMBER SCHWARTZ: I move that we close the
9 Public Hearing portion of tonight's meeting.

10 CHAIRMAN SIMON: Do we have a second?

11 BOARD MEMBER HAY: Second.

12 CHAIRMAN SIMON: All in favor? Aye.

13 BOARD MEMBER TALIAFERROW: Aye.

14 BOARD MEMBER GOLDEN: Aye.

15 BOARD MEMBER SCHWARTZ: Aye.

16 BOARD MEMBER HAY: Aye.

17 Thank you. Thank you for everyone who came out
18 tonight.

19 DEPUTY COMMISSIONER SCHMIDT: Thank you.

20 (Whereupon, the Public Hearing 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.

A handwritten signature in cursive script, reading "Barbara Marcianti", written over a horizontal line.

Barbara Marciante,
Official Court Reporter