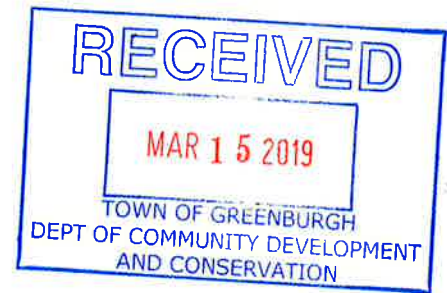


TOWN OF GREENBURGH
PLANNING BOARD

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

- a) Case No. PB 19-02
Metropolis County Club
289 Dobbs Ferry Road
P.O. White Plains, N.Y.



3. ADJOURNMENT
- X

Greenburgh Town Hall
177 Hillside Avenue
Greenburgh, New York 10607
March 6, 2019

B E F O R E:

HUGH SCHWARTZ, VICE CHAIRMAN

THOMAS HAY, Board Member
KIRIT DESAI, Board Member
MOHAMED AYOUB, Board Member
MONA FRAITAG, Alternate Board Member

WALTER SIMON, Chairman (Not Present)
MICHAEL GOLDEN, Board Member (Not Present)
VIOLA TALIAFERROW, 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

Work Session Case No. PB 19-02

1 VICE CHAIRMAN SCHWARTZ: We're still in work
2 session and the reason we're up at the dais is this case,
3 which is Planning Board 19-02, Metropolis Country Club, is
4 on for both Work Session and Public Hearing tonight. So we
5 will start with the work session portion and then go
6 directly into the Public Hearing.

7 So what I would like to do is state your name,
8 tell us about the project. We will ask questions in the
9 Work Session and then I will announce when we go to the
10 Public Hearing and then we will open up the Public Hearing,
11 okay.

12 MR. ZAC PEARSON: Great. Good evening, Chairman,
13 members of the Board, my name is Zac Pearson with Insite
14 Engineering. I'm here on behalf of Metropolis Country
15 Club. With me this evening is David McCaffrey. He's the
16 golf club Superintendent.

17 The project, the club is looking to do, it's an
18 improvement to their existing on-site irrigation pond,
19 which is flagged as a wetland in the Town of Greenburgh.
20 Currently there is a, there is an existing pump house and
21 the club irrigates the entire course from these two ponds.

22 So the southern pond, which is shaded there in
23 blue, we're proposing to come in, excavate out and to
24 provide more storage, to remove the existing pump house,
25 which is kind of in the northwest corner of the pond and

1 install a new pump house on the southern edge of the pond.

2 The club is proposing an access, a paved access,
3 off of Juniper Hill Road for maintenance to be able to get
4 to the pump house. And the two areas there shown in green
5 are the spoils areas from the material dredged out of the
6 pond.

7 The club is going to take that material out, let
8 it dry out and then Dave will work his magic and create in
9 some mounding and plant some high fescue beyond that to
10 kind of shield that and reduce the view shed of the pump
11 house from the course site.

12 There is two trees, two pine trees, that will be
13 coming out as part of this project. They are kind of near
14 the corner where the proposed access road goes out towards
15 Juniper Hill Road.

16 And the club is looking to plant 20 Green Giant
17 Arborvitae along the eastern property line to kind of get
18 some screening in there. It's not shown on the plan, that
19 kind of came up after we submitted and when we talked to
20 Aaron about it.

21 DEPUTY COMMISSIONER SCHMIDT: Right. And just
22 for the benefit of the Board, as a wetland/water course
23 permit, this was referred to the Conservation Advisory
24 Council. The Council met and reviewed the project on
25 February 28th.

1 On March 4th, they issued a positive
2 recommendation with conditions. That recommendation is in
3 your packages. If you have any questions on it, I'll be
4 happy to chip in and answer.

5 VICE CHAIRMAN SCHWARTZ: Aaron, is there any
6 issue, they had a note that the neighbors were never
7 noticed?

8 DEPUTY COMMISSIONER SCHMIDT: Oh, they have, the
9 CAC, in every recommendation has that boilerplate language
10 in the final paragraph. Just because Conservation Advisory
11 Council meetings are not noticed to neighbors within, you
12 know, any particular square footage of a project site. So
13 they just put that language in there.

14 VICE CHAIRMAN SCHWARTZ: Okay.

15 DEPUTY COMMISSIONER SCHMIDT: In every
16 recommendation. I did want to note that Mr. Sven Hoeger is
17 here. He's our environmental consultant or wetland
18 consultant for the project. He's been out on the site. He
19 issued a report. It was provided in your packages.

20 It's been reviewed by the Conservation Advisory
21 Council as well. He's here to answer any questions as part
22 of either the Work Session or the Public Hearing.

23 VICE CHAIRMAN SCHWARTZ: Does any of the Board
24 have any questions on this project?

25 BOARD MEMBER HAY: I have one question. It's not

1 monumental at all, but in looking at the amazing amount of
2 work that went into this relatively small project, I didn't
3 really see much about the retaining wall and the driveway
4 going into this structure, which is an unusual one for us
5 because it's like two-thirds underground, except on the one
6 side.

7 MR. ZAC PEARSON: Right.

8 BOARD MEMBER HAY: So I see you have a driveway.
9 You have retaining wall is mentioned. The trench drain is
10 mentioned, the size of it. And obviously, as you might
11 have heard, we have some interest in retaining walls, what
12 it's made of and all. I would just like a little clarity.

13 MR. ZAC PEARSON: It's proposed to be a precast
14 concrete wall. Those, the detail for that was on the
15 architectural plans, I believe.

16 BOARD MEMBER HAY: I didn't see it. I may have
17 missed it, but if you can just bring me up to speed.

18 MR. ZAC PEARSON: Okay, so yeah, it's going to be
19 a concrete wall. And the reason was, you know, we wanted
20 to get -- it has to do with the design of the pump system
21 inside the building. They are trying to get the pump as
22 low as possible and there is a wet well inside of the
23 building. So they kind of want to slope down.

24 And the other reason that the building is
25 depressed like that is to, is to really kind of get it into

1 the ground a little bit. Really all that's going to be
2 seen above grade is really the roof and a couple feet.
3 It's just to reduce the view shed from basically all around
4 the golf course.

5 BOARD MEMBER HAY: Right. So I guess my concern,
6 not being an engineer --

7 MR. ZAC PEARSON: Sure.

8 BOARD MEMBER HAY: -- is you got, you know, two
9 big holding ponds. You got a building, you know,
10 semi-underground and then you have this hill with the
11 driveway coming down, it just seems to me like it's going
12 to be a water issue. So I'm just trying to understand, you
13 know, that trench drain.

14 MR. ZAC PEARSON: Right.

15 BOARD MEMBER HAY: I've seen a lot of trench
16 drains get clogged so easily.

17 MR. ZAC PEARSON: Yes.

18 BOARD MEMBER HAY: It's your problem in the end.
19 I don't think it's going to bother any one else.

20 MR. ZAC PEARSON: Right. Right. So what you
21 would see there kind of with the spot grading is we did
22 pitch out away from the building. So the trench drain is
23 out, I believe it's 10 feet. So there is a troth there.
24 And I do understand what you are getting at, as far as the
25 trench drains.

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1 But, you know, we have the pipe -- we did size
2 the pipes to ensure that it could handle the flow that's
3 coming down there.

4 BOARD MEMBER AYOUB: But for this, you know, the
5 pump station is low, you know, and the pump is going to be
6 low, you know. When the water go to that station, where is
7 it going to go after that, where is it going to drain?

8 BOARD MEMBER HAY: Well, they got Cultec coming
9 out --

10 MR. ZAC PEARSON: From the trench drain?

11 BOARD MEMBER AYOUB: Yes.

12 MR. ZAC PEARSON: The trench drain is going to
13 drain back into the pond. That's, I mean, I can't even see
14 how many feet it is above the pond.

15 BOARD MEMBER HAY: It's higher than the pond?

16 MR. ZAC PEARSON: Yes.

17 MR. DAVID McCAFFREY: Oh, yeah, the pump station
18 is significantly --

19 BOARD MEMBER HAY: That was not clear to me.

20 MR. ZAC PEARSON: Yeah. So inside, you know, the
21 reason we started to come down was the wet well inside of
22 the building, I believe is like 14 feet deep, which gets
23 that intake into the, you know, into the pond at the
24 elevation such that we're pulling out of the bottom.

25 That's part of the reason why they are replacing

1 the pump, the pump building now. The intake line is
2 elevated so they can only -- they are drawing off of the
3 top of the pond and they are kind of hamstrung by that.
4 And if we can get the intake line all the way at the
5 bottom, we're pulling --

6 BOARD MEMBER HAY: And dredge out the pond at the
7 same time.

8 MR. ZAC PEARSON: Exactly, right.

9 BOARD MEMBER HAY: I have no other comments.

10 MR. ZAC PEARSON: So the trench drain is, I can
11 look here and tell you. It's seven feet above the
12 elevation of the water in the pond.

13 BOARD MEMBER HAY: Okay.

14 BOARD MEMBER DESAI: I have a couple of
15 questions. Starting with the dredging of the pond there,
16 does it, does it have any kind of report, what kind of
17 materials that came out, considering that there may be a
18 lot of chemicals leached out into the retention basin. I
19 mean is it part of the --

20 MR. DAVID McCAFFREY: Yeah, all the soils have
21 been tested in the pond.

22 BOARD MEMBER AYOUB: That's what I was going to
23 ask.

24 MR. DAVID McCAFFREY: Yeah. Everything in there
25 has been tested so far. We have that report from WSP. We

1 did all the metal testing, the chemical testing of that.
2 There is only about six inches to a foot of silt in the
3 pond.

4 Because there's nothing that really runs into
5 them. They are self-contained. They are stream-fed or
6 anything. So there's very little silt contamination. So
7 that will come out first, stockpiled.

8 There was a request of the meeting on the 26th
9 that that material gets tested once it comes out as to what
10 we can use it for, whether we can use it for topsoil or
11 whatnot when we grade it out.

12 If we can't, then we will come up with a Plan B
13 and if we have to haul it away, we will haul it away.
14 We're hopeful that what comes out of there, we can
15 eventually, once it dries, we can use that and everything
16 else under that is just --

17 BOARD MEMBER AYOUB: Let me ask you a question.
18 Let's say you not going to use it or this material really
19 is not that good or it's contaminated, what are you going
20 to do at that point? Are you going to contact DEC? What
21 is your next step?

22 BOARD MEMBER DESAI: What's your plan, Plan B?

23 MR. DAVID McCAFFREY: Well, if it's contaminated
24 and we have to haul it away, then we will contact the DEC
25 and follow the protocol on removing it.

1 VICE CHAIRMAN SCHWARTZ: You wind up drumming it.

2 MR. ZAC PEARSON: Right. But based on your
3 initial, there is nothing --

4 MR. DAVID McCAFFREY: No, based on the initial
5 testing --

6 MR. ZAC PEARSON: Based on the initial testing,
7 there is nothing.

8 MR. DAVID McCAFFREY: No, there is nothing in
9 there.

10 BOARD MEMBER AYOUB: You tested it already?

11 BOARD MEMBER DESAI: So in the report it says
12 that?

13 MR. DAVID McCAFFREY: It's in the WSP report.
14 Yeah, they have all the, yeah, all the testing is done on
15 it, yeah.

16 BOARD MEMBER DESAI: And the stockpiling of it,
17 you didn't agreed to it?

18 DEPUTY COMMISSIONER SCHMIDT: Yes. Yes, and our
19 consultant issued comments on it as well.

20 VICE CHAIRMAN SCHWARTZ: I see our consultant.
21 Do you like to come up and comment on that?

22 BOARD MEMBER DESAI: Why don't you come up and
23 comment.

24 DEPUTY COMMISSIONER SCHMIDT: There was a
25 recommendation.

1 BOARD MEMBER DESAI: Explain what the applicants
2 are stating.

3 DEPUTY TOWN ATTORNEY FRIED: You know, may I
4 suggest, actually, let Mr. Hoeger speak at the Public
5 Hearing.

6 VICE CHAIRMAN SCHWARTZ: Okay, we can do that,
7 okay. Mr. Hoeger, just wait a couple of minutes. We're
8 going to transition in a second. Is there any other
9 Board's questions?

10 BOARD MEMBER DESAI: Yes. I have other comments
11 in terms of the approach road that you're bringing in, is
12 it just --

13 MR. ZAC PEARSON: It's asphalt, asphalt,
14 pavement.

15 BOARD MEMBER DESAI: How much is the use of it to
16 really service it, how many times a month or how many
17 times --

18 MR. ZAC PEARSON: A couple times a year. Right.
19 That's what we told the CAC. It's not a daily thing. It's
20 a couple times a year. They'll need to get a truck off of
21 Juniper Hill Road and get down to deliver materials to the
22 pump station.

23 BOARD MEMBER DESAI: Did you have look into the
24 option of making it a not impervious surface, but pervious
25 way so that you not really increase the runoff?

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1 MR. ZAC PEARSON: We did talk about that at the
2 CAC meeting, as far as using potentially --

3 VICE CHAIRMAN SCHWARTZ: Pavers.

4 MR. ZAC PEARSON: -- the grass pavers. And what
5 David mentioned is those are really not a great idea to use
6 on golf courses, especially if you've got them where the
7 grass can go through them and the golfers don't know that
8 the rings are there. David explained that at the meeting
9 at the CAC.

10 If that were just a grass paved strip across the
11 course and adjacent to the fairway, somebody can hit their
12 ball in there and not know what's underneath it and hit it
13 and potentially injure themselves. So that's kind of the
14 reason that we shy away from that.

15 BOARD MEMBER DESAI: But there is also option of
16 pervious, which is quite popular. I mean used around the
17 city, New York City has used extensively.

18 MR. ZAC PEARSON: Sure.

19 BOARD MEMBER DESAI: And the Shea Stadium, all
20 the parking lots is permeable pavers.

21 DEPUTY COMMISSIONER SCHMIDT: There's also
22 pervious asphalt.

23 MR. ZAC PEARSON: Sure, absolutely.

24 BOARD MEMBER DESAI: Look into it, please.

25 MR. ZAC PEARSON: Will do.

1 BOARD MEMBER AYOUB: The golf course is a huge
2 area, you know. Do you only have one pump station, like
3 divide in different zoning, you know --

4 MR. DAVID McCAFFREY: Just one pump station.

5 MR. ZAC PEARSON: Yeah, so there's one
6 existing --

7 BOARD MEMBER AYOUB: All that irrigation has to
8 now come out all at the same time?

9 MR. DAVID McCAFFREY: No, no, it's not capable of
10 doing that.

11 BOARD MEMBER AYOUB: That's what I'm saying. Do
12 you have zoning that you divide it to zoning, like the
13 areas?

14 MR. DAVID McCAFFREY: Yeah.

15 MR. ZAC PEARSON: So part of what this project is
16 it's an upgrade of their pump system, right. So the
17 existing pumps are not capable of supporting current
18 standards for pumping. So they are getting a different
19 pump system and a bigger pump system and they are pulling
20 water.

21 You know, the main goal, and I believe we told
22 this to the CAC as well, is, you know, the club uses a fair
23 amount of Town water. The goal for Metropolis and other
24 local golf clubs is to get away, you know, become
25 self-sufficient and get away from the use of Town water to

1 irrigate grass.

2 So that's, really, this is the first step towards
3 that, you know, getting more volume in the irrigation pond,
4 upgrading the pump system, getting the intake at the bottom
5 of the irrigation pond. And then from there, there will be
6 irrigation system improvements across the course to update
7 heads and reroute lines and things like that.

8 But this is the meat of it so that they can
9 eventually become, hopefully, self-sustainable. And that
10 goes with, you know, WSP is working to define on-site wells
11 to be able to, you know, feed this irrigation pond and in
12 the hopes of getting away from the Town water.

13 VICE CHAIRMAN SCHWARTZ: Aaron, Mr. Simon before
14 he left --

15 DEPUTY COMMISSIONER SCHMIDT: Yes.

16 VICE CHAIRMAN SCHWARTZ: -- had a few comments.
17 Can you read them into the record, please?

18 DEPUTY COMMISSIONER SCHMIDT: Yes, he did. So
19 Chairman Simon, who is unable to be here tonight, provided
20 a couple of comments by email. I did forward those along
21 to the applicant. I believe one of them has already
22 essentially been addressed with respect to the spoils.

23 MR. ZAC PEARSON: The testing, yeah. The other
24 comment had to do with a coating on the inside of the
25 building. And there is a proposed epoxy coating that goes

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1 on the floor and up the walls of the inside of the building
2 to prevent any potential contaminants from leaching through
3 the concrete.

4 BOARD MEMBER HAY: That's a good point.

5 VICE CHAIRMAN SCHWARTZ: Okay. Anything else
6 from the Board?

7 ALTERNATE BOARD MEMBER FRAITAG: I have a
8 question.

9 VICE CHAIRMAN SCHWARTZ: Sure, go ahead, Mona.

10 ALTERNATE BOARD MEMBER FRAITAG: I have a
11 question about Olivia Hooker Road that you're looking to
12 pave.

13 MR. ZAC PEARSON: Juniper Hill Road?

14 ALTERNATE BOARD MEMBER FRAITAG: The portion from
15 Juniper Hill Road that's also known as Olivia Hooker Road.

16 MR. ZAC PEARSON: Okay.

17 ALTERNATE BOARD MEMBER FRAITAG: Is all of that
18 road part of land that's owned by the Metropolis or some of
19 it Town roadway?

20 MR. DAVID McCAFFREY: It's all Town roadway until
21 you get to our gate, which is right on the property line.
22 So we have a gate, yeah, that's where we're proposing to
23 pave from and a little bit further back in.

24 ALTERNATE BOARD MEMBER FRAITAG: So it's part
25 of --

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1 BOARD MEMBER HAY: So there is a road there now,
2 right?

3 MR. ZAC PEARSON: Yeah.

4 ALTERNATE BOARD MEMBER FRAITAG: But it's gravel,
5 from what I understand.

6 MR. ZAC PEARSON: Yes.

7 MR. DAVID McCAFFREY: Yeah.

8 DEPUTY COMMISSIONER SCHMIDT: It's chewed up
9 asphalt.

10 MR. ZAC PEARSON: Yeah, yeah.

11 ALTERNATE BOARD MEMBER FRAITAG: So you're going
12 to pave part of the Town portion as well; is that correct?

13 MR. ZAC PEARSON: Yes. We are going to pave what
14 is shown in purple there, yeah.

15 ALTERNATE BOARD MEMBER FRAITAG: Okay.

16 MR. ZAC PEARSON: Actually, we're going to pave,
17 can you see the dotted, the dots?

18 ALTERNATE BOARD MEMBER FRAITAG: Yeah.

19 MR. ZAC PEARSON: We're going to pave that whole
20 thing. That's our stabilized construction entrance, which
21 is hatched there. That's the temporary entrance for the
22 construction.

23 ALTERNATE BOARD MEMBER FRAITAG: Okay. So the
24 portion that belongs to the Town will all be --

25 MR. ZAC PEARSON: It's going to be paved all the

1 way to Juniper.

2 ALTERNATE BOARD MEMBER FRAITAG: -- will all be
3 paved, okay.

4 MR. ZAC PEARSON: Absolutely.

5 ALTERNATE BOARD MEMBER FRAITAG: Okay. Thank
6 you.

7 DEPUTY TOWN ATTORNEY FRIED: The portion that's
8 up through the dots --

9 MR. ZAC PEARSON: Yeah, the purple is supposed to
10 extend --

11 BOARD MEMBER HAY: Yes, makes more sense.

12 MR. ZAC PEARSON: Right, exactly.

13 ALTERNATE BOARD MEMBER FRAITAG: Right, that's
14 what I was trying to ascertain.

15 DEPUTY TOWN ATTORNEY FRIED: Only because of the
16 record, I want to make it clear.

17 ALTERNATE BOARD MEMBER FRAITAG: Yes, thank you.

18 VICE CHAIRMAN SCHWARTZ: Okay.

19 BOARD MEMBER DESAI: What is the total square
20 foot of the road that you are putting onto coming to the
21 pump house?

22 MR. ZAC PEARSON: I --

23 BOARD MEMBER DESAI: You can tell us later on.

24 MR. ZAC PEARSON: Yeah. I can find it for you.
25 I don't, I mean it's 10 feet, it's 10 feet wide by --

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1 BOARD MEMBER DESAI: 200 feet, about 400 feet?

2 MR. ZAC PEARSON: Call it 500 feet, 5,000 square
3 feet. I mean it's just a ballpark.

4 DEPUTY TOWN ATTORNEY FRIED: We will have a
5 Public Hearing and then after the Public Hearing, the
6 record is kept open. If there are a couple of other
7 things, also if staff has some questions on --

8 MR. ZAC PEARSON: Sure, we can clarify.

9 DEPUTY TOWN ATTORNEY FRIED: That was mentioned
10 in the Public Hearing, and then during the comment period,
11 you can provide that information.

12 BOARD MEMBER HAY: Are we ready?

13 DEPUTY COMMISSIONER SCHMIDT: Ready to
14 transition?

15 VICE CHAIRMAN SCHWARTZ: Okay, any other
16 questions from the Board?

17 (Whereupon, there was no response from Board
18 members.)

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Public Hearing Session Case No. PB 19-02

1 VICE CHAIRMAN SCHWARTZ: Okay, what we will do
2 now is transition this into the Public Hearing.

3 So Aaron, could you call the roll, please?

4 DEPUTY COMMISSIONER SCHMIDT: Sure. Mona
5 Fraitag, present?

6 ALTERNATE BOARD MEMBER FRAITAG: Yes, present.

7 DEPUTY COMMISSIONER SCHMIDT: Hugh Schwartz?

8 VICE CHAIRMAN SCHWARTZ: Here.

9 DEPUTY COMMISSIONER SCHMIDT: Tom Hay?

10 BOARD MEMBER HAY: Here.

11 DEPUTY COMMISSIONER SCHMIDT: Mohamed Ayoub?

12 BOARD MEMBER AYOUB: Here.

13 DEPUTY COMMISSIONER SCHMIDT: Kirit Desai?

14 BOARD MEMBER DESAI: Here.

15 DEPUTY COMMISSIONER SCHMIDT: Note for the record
16 that Walter Simon, Michael Golden and Viola Talia Ferrow
17 are not present.

18 VICE CHAIRMAN SCHWARTZ: And Mona Fraitag is a
19 voting member of our Board this hearing.

20 This is the Public Hearing portion of the
21 continuation of the case we just talked about in Work
22 Session, PB 19-02 Metropolis Country Club.

23 At this point we should have our consultant come
24 up and give his comments on this project, please.

25 MR. SVEN HOEGER: Good evening. Sven Hoeger for

1 the record.

2 DEPUTY TOWN ATTORNEY FRIED: If you can speak a
3 little louder into the mic. Thank you.

4 MR. SVEN HOEGER: Okay. I don't know if you saw
5 my report. I hope. There were a couple of points that I
6 think are important to understand.

7 These are not regular wetlands that you are
8 normally dealing with when you're developing a property.
9 These are manmade ponds. There is very little vegetation
10 around the ponds themselves.

11 I didn't get -- the wetland report that was
12 included with the materials that I received did not have
13 any indication that the consultant that delineated this
14 wetland examined the soils. The soils are important when
15 you determine as a wetland.

16 So I have a feeling this is not really a wetlands
17 but more water course in your regulatory assessment,
18 assessment of the site. There is no natural drainage out
19 of these ponds. And there are significant water level
20 fluctuations. I think that's an important point that from
21 my experience.

22 I also deal with streams and ponds and lakes.
23 The edge, the shoreline, is very susceptible when the water
24 level changes drastically and very abruptly. You get a lot
25 of erosion and then fluctuations, the water level

1 fluctuates.

2 If they are using this water for irrigation, that
3 is the zone where you get some erosion, where the water
4 level changes abruptly from high to low as they are taking
5 the water out.

6 So my recommendation was, to the applicant, that
7 they look at stabilizing the slope, in this particular
8 case, that particular edge where the water level changes.

9 I made the suggestion to either use stone, like
10 they have done in certain parts of the ponds. There is
11 some stone remittance there or they could use plants. And
12 I'll be prepared to help them out in making suggestions
13 there.

14 I made also a comment about the soils. You asked
15 me about that, the soil tests. I just referenced the
16 materials here again. The soils are primarily somewhat
17 heavy in metals. Now, metals don't relocate very easily,
18 but if you have a stockpile of soil and it dries out and
19 the wind blows against it, then you get these metals
20 dispersed.

21 They are not dangerous levels, but they are
22 highly elevated, in some cases up to 50 times of the
23 regulatory limits; primarily zinc, I can see some Mercury,
24 some other metals.

25 And I recommended that if they want to reuse this

1 material, it's not terribly dangerous material, it's just
2 if it erodes, and if it blows away in the wind, it could
3 cause some harm.

4 I recommended that the golf course, once they use
5 this material for grading and making the humps or whatever
6 they make out of it, that they cap it with clean topsoil.
7 That should really suffice.

8 There aren't really any, what do you call these
9 guys, benzine and other chemicals in it that are volatile,
10 volatile components in there that I can see. They examined
11 that, too. It's not in there.

12 There are a few, actually some elevated levels of
13 pesticides in there. It's probably from golf course
14 treatments that washed into the pond at some point, the
15 residue that washed into the ponds. Well, we spray
16 acaricides, too, we spray pesticides.

17 So as long as, I think, this material is capped,
18 I don't think there is any significant danger for the
19 surrounding properties or the people that use the golf
20 course, the golfers.

21 BOARD MEMBER DESAI: I have a question. When you
22 say it's 50 times --

23 MR. SVEN HOEGER: In some cases, yeah, more than
24 50 times, yeah, the metals. There are regulatory limits
25 that the regulatory agencies have set for safe use of that

1 particular material, the soil. And if something is, let me
2 see if I can give you an example.

3 BOARD MEMBER DESAI: Can you explain what's that
4 50 because that's sounds a lot, 50 times.

5 ALTERNATE BOARD MEMBER FRAITAG: Yeah.

6 MR. SVEN HOEGER: Yeah, it is, but it's primarily
7 the zinc. And it's a metal that stays in the ground. It's
8 not like it's washing away in the water or -- once it's in
9 a layer of soil, you cap it with clean soil, it stays
10 there.

11 You just have to be careful that it doesn't blow
12 away when the stockpile is drying. Once you've graded it
13 out and capped it and planted it as plants, it's not going
14 any place.

15 DEPUTY COMMISSIONER SCHMIDT: Right. So it
16 wouldn't leach and then migrate towards, you know, natural
17 water body and contaminate that.

18 MR. SVEN HOEGER: So I just randomly took page 39
19 of 47 here. Looking at the level of Zinc, it says result
20 86. The regulatory limit is 2.5. You multiply that out,
21 it's 30, 40 times, 40 times as much.

22 BOARD MEMBER DESAI: What page on the report?

23 MR. SVEN HOEGER: 39 of 46. It's from the WSP
24 report addressed to the golf course.

25 BOARD MEMBER DESAI: Page 39?

1 MR. SVEN HOEGER: 39.

2 DEPUTY TOWN ATTORNEY FRIED: That figure though
3 is for someone who would be using it, is that what he said?

4 MR. SVEN HOEGER: It's just a chemical analysis
5 of the soil says it's this much in there. And the
6 regulatory limit says, the regulatory limit says this is
7 what we recommend is safe.

8 DEPUTY TOWN ATTORNEY FRIED: Is safe for what?

9 MR. SVEN HOEGER: Safe for usage.

10 DEPUTY TOWN ATTORNEY FRIED: For usage?

11 MR. SVEN HOEGER: For usage.

12 VICE CHAIRMAN SCHWARTZ: But they are using it.
13 I'm just as confused as Kirit now. Because they are using
14 it, okay. I mean, and in construction on a windy day, I
15 guess the stuff could be blown some place.

16 I don't know -- what I'm concerned about is us
17 authorizing the use of material that sounds like is beyond
18 the limit of material that is allowed to be used by the
19 DEC, from what you're saying. Then I'm confused.

20 MR. SVEN HOEGER: I think if you're -- I don't
21 know the exact terminology there. There are levels of
22 reuse, different levels of usage. If you want to use it
23 near a residential area and you have your picnic, if you
24 use it on top of a picnic area, it's probably not the
25 recommended material.

1 But if you bury it under a protective layer of
2 soil where the material -- the metals don't get away from
3 there. They don't leach out, they don't blow away, then
4 it's pretty safe.

5 BOARD MEMBER AYOUB: I just I don't want to
6 create a problem. Because, you see, I am doing for this
7 work dredging by Jamaica Bay. And guess what, DEC doesn't
8 accept. The matter, the old days, as long as you keep it
9 on the site, there is no problem.

10 Now it's a different story. They want you, as
11 long as contaminated, you have to truck it out. Because
12 you see, you have to give us approval from DEC it's okay to
13 use this material on the site.

14 Because some of this material is very dangerous.
15 The people who is going to grade this site, they have to
16 may be to wear specific suits, you know. It's a really,
17 it's not that easy one.

18 And therefore, like I said, it's a story with
19 DEC, it change a lot. I see it. Before like I said, I've
20 been doing a lot of marine work all the time. Guess what,
21 I did a lot of dredging. We used, as long as you use on
22 the site, guess what, no problem. Now, as long as you
23 dredge it, you have to truck it out.

24 And therefore, if you're going to use it on the
25 site, we need the piece of paper from DEC to say, yeah, you

1 can use it on the site. We need approval for that. We
2 don't want to danger anybody do grading.

3 I don't know what kind of material, you're
4 talking about 50 Zinc, that's very high, you know. And
5 again, I can't really say that's -- I'm not DEC. I'm a guy
6 just work in construction.

7 What I'm doing right now, like I said I have
8 65,000 cubic yard of contaminated soil, different material.
9 And guess what, even the regular contaminated soil, I have
10 to truck it out. I have to replace it.

11 MR. SVEN HOEGER: It depends on what kind of
12 contamination.

13 BOARD MEMBER AYOUB: But you see, that is not for
14 me or you to say that. That is for DEC to say so. That's
15 my point.

16 DEPUTY COMMISSIONER SCHMIDT: Let me just respond
17 two quick things. One, the applicant, as part of the
18 Conservation Advisory Council's review of the project asked
19 if the applicant was agreeable to having the spoils tested
20 post dredging. They certainly are. That could become a
21 condition of any approval --

22 BOARD MEMBER AYOUB: Yeah, yeah.

23 DEPUTY COMMISSIONER SCHMIDT: -- of the project
24 by this Board. Further, I think the applicant wants to
25 chime in with the response as well.

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1 BOARD MEMBER AYOUB: Okay, I don't have a
2 problem. Make it a condition --

3 VICE CHAIRMAN SCHWARTZ: Hold on. Did you have
4 something to say? Does the applicant have something to say
5 on this?

6 DEPUTY TOWN ATTORNEY FRIED: Yes.

7 ALTERNATE BOARD MEMBER FRAITAG: Yes.

8 MR. ZAC PEARSON: Yes. I mean the applicant is
9 going to dredge or -- the applicant. Metropolis -- which
10 is me.

11 DEPUTY TOWN ATTORNEY FRIED: Very impressive.

12 MR. ZAC PEARSON: Metropolis, they are going to
13 dredge upon and those two green areas that you see on the
14 plans are where the spoils are going to go. The golf
15 course Superintendent is going to regrade those areas and
16 cap it with topsoil and plant high fescue over it in an
17 area of the course that's not -- it's rough, it's a un --

18 MR. DAVID McCAFFREY: Naturalized area.

19 MR. ZAC PEARSON: It's a naturalized area. It's
20 all rough. So we're not, you know, we can certainly
21 topsoil those mounds to cap that. Zinc is a metal, I don't
22 know that that's -- I don't know that Zinc is volatile --

23 BOARD MEMBER AYOUB: How many yards you're
24 talking about?

25 MR. ZAC PEARSON: 3500.

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1 BOARD MEMBER AYOUB: It's a lot.

2 MR. DAVID McCAFFREY: No, it's not 3500. Only
3 the -- we're only talking about contamination gets soiled
4 into the top, six to --

5 DEPUTY COMMISSIONER SCHMIDT: Just come speak
6 into the mic.

7 BOARD MEMBER AYOUB: We're talking about whatever
8 excavate, how many cubic yards --

9 MR. DAVID McCAFFREY: You have to remember, when
10 you look at golf courses, like all the old fungicides that
11 we use on golf course were all metal based fungicides. So
12 you can pull, we pull soil samplings out of the greens
13 three times a year.

14 You can look at soil samples for every golf
15 course in the entire area. Every one of those golf courses
16 have metal composites in the soil that are 10, 20, 30, 40,
17 50 times higher than they were because they are metals and
18 they do not leach through the soil.

19 So all of the past hundred years of putting
20 fungicides in the golf courses has created this buildup in
21 the soils.

22 BOARD MEMBER AYOUB: That is --

23 BOARD MEMBER DESAI: But we are here to approve
24 this application.

25 BOARD MEMBER AYOUB: Yeah, we want to help.

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1 BOARD MEMBER DESAI: We want to --

2 VICE CHAIRMAN SCHWARTZ: One at a time.

3 MR. DAVID McCAFFREY: We're happy to excavate it
4 out and have it tested. I mean, if that's the
5 recommendation, then we will have it tested.

6 VICE CHAIRMAN SCHWARTZ: Hold on, though, that's
7 nice to have it tested. But you already had some of it
8 tested and you want to reuse it. So we need to find out
9 from somehow what the law says.

10 I mean the problem is, we're a public body, okay.
11 We can't approve something that would it would be a direct
12 conflict with the DEC. And I want to make sure that
13 whatever decision we make here is in coordinate -- is in
14 concert with --

15 MR. SVEN HOEGER: Can I make a suggestion?

16 DEPUTY COMMISSIONER SCHMIDT: Go ahead.

17 MR. SVEN HOEGER: I mean I do have contacts with
18 the DEC and I could make a contact for you and ask them
19 what is appropriate with these levels of contamination.

20 VICE CHAIRMAN SCHWARTZ: I would appreciate that.
21 That would be very helpful.

22 BOARD MEMBER AYOUB: Yes, thank you.

23 DEPUTY COMMISSIONER SCHMIDT: Yes. I mean the
24 alternative I was going to suggest is that the Board, and
25 we've done this on other projects, where the Board could

1 condition that the testing report get sent to the DEC and
2 the applicant be required to comply with any requirements
3 of the DEC.

4 BOARD MEMBER AYOUB: That's fine.

5 ALTERNATE BOARD MEMBER FRAITAG: Yes.

6 DEPUTY COMMISSIONER SCHMIDT: You know, and I
7 mean that covers --

8 VICE CHAIRMAN SCHWARTZ: Would you like to take
9 the look at the reaction of the applicant from what you
10 just said. I don't know how much -- we could potentially
11 slow it down. I'd rather try to -- I think let's research
12 it upfront.

13 It could make life much easier for the applicant.
14 If it's a non-issue, it's a non-issue and it goes away,
15 great. And then we can do exactly what your recommendation
16 is. And it's simple. I rather do that than open a can of
17 worms that nobody wants to open.

18 MR. SVEN HOEGER: Sure.

19 VICE CHAIRMAN SCHWARTZ: Because I can tell you
20 having closed plants that were there for years. We didn't
21 hear anything about the plants or all the heavy metals they
22 have in the floor of that plant until I closed the plant.
23 And then I had to write a closure plan and then I had to
24 dig a monitoring well.

25 So it's, you know, what they don't see, they

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1 don't anything about. But when you start digging things up
2 is when there gets to be concern. I just want to make sure
3 that your recommendation is in line with what the DEC says.
4 And then that's fine.

5 BOARD MEMBER AYOUB: Yes.

6 MR. SVEN HOEGER: Okay.

7 BOARD MEMBER DESAI: Or maybe you should look
8 into having it, dig up the new retention pump for
9 additional water rather than digging it up.

10 VICE CHAIRMAN SCHWARTZ: You're going to have the
11 same problem.

12 MR. SVEN HOEGER: Going to have the same problem.

13 VICE CHAIRMAN SCHWARTZ: You're going to have the
14 same problem, it's everywhere. Okay, any other questions?

15 BOARD MEMBER HAY: Anyone from the public?

16 VICE CHAIRMAN SCHWARTZ: Public? Okay, name,
17 please.

18 BOARD MEMBER HAY: Please.

19 MR. MANNY ARECES: Hi, how are you. My name is
20 Manny Areces. I'm a neighbor. I live at 127 Juniper Hill
21 Road. I'm also the president of the Juniper Hill Civic
22 Association.

23 I came with a couple concerns as well as to find
24 out more information about the access road that is intended
25 to be used by the golf course.

1 Currently, there are some projects in the work
2 with the school district as well as the traffic concerns
3 that Juniper Hill Civic Association had over the years.
4 We're very concerned about any access that's created that
5 didn't exist before and to potentially bring more traffic.

6 I heard the comments by the engineer that it was
7 only going to be used a few times a year. But as you well
8 know, once an access is made and the curb cut is created to
9 a street, future projects and future usage might -- could
10 happen and the access is already there.

11 Last we've seen, the Metropolis is already
12 proceeded to do a couple of changes on their property,
13 including trying to sell or selling some property off to
14 develop on the Dobbs Ferry side.

15 Looking into the future, we're concerned that
16 some of the projects that they might look at into the
17 future would be other build out in the golf course. And
18 then our residential area, which is already burdened with a
19 lot of traffic, future traffic, to the school campus, as
20 well as cut-through traffic from people using it as a
21 shortcut would be aggravated.

22 It's already a C. The roads have no side lines.
23 They have very -- they are narrowed at places. But we want
24 to be a good neighbor and we want, and one other request we
25 want to make is that certain assurances are made and as

1 well as maybe a little help in paving Dr. Olivia Hooker Way
2 a little further us.

3 And what else. Oh, width of the paving. We want
4 to find out what the width of the paving on Juniper Hill
5 Road or Olivia Hooker Way will be, how wide it's going to
6 be --

7 VICE CHAIRMAN SCHWARTZ: Talk to us.

8 DEPUTY TOWN ATTORNEY FRIED: Address us and then
9 after you raise all those questions, the applicant will
10 have the opportunity to respond.

11 MR. MANNY ARECES: Okay, yeah. We want to find
12 out about it. And how, asking the Planning Board to make
13 assurances, to get assurances, that it's not going to be
14 used in the future development to access the golf course
15 and to throw traffic into our residential neighborhood.

16 That's about it. If I have other questions --

17 DEPUTY TOWN ATTORNEY FRIED: Well, actually, if
18 you have anything more, you know, unless something else
19 comes up, we prefer that you conclude your comments.

20 And then obviously you also have the
21 opportunity -- I mean I just don't want a back and forth
22 between you and the applicant.

23 MR. MANNY ARECES: I'll put in a couple more
24 comments.

25 DEPUTY TOWN ATTORNEY FRIED: Okay.

1 MR. MANNY ARECES: We have become a little
2 sensitive by the lack of communication from the school
3 board, as well as the Town, in some of the projects and
4 conversations they have been having.

5 And as a stakeholder and a neighbor, like you
6 just talked in the last project, that you had the guy
7 building the wall to fill in, you asked him to come and
8 speak and communicate to the community. We deserve the
9 same thing.

10 As a Civic Association President, Juniper Hill
11 Civic Association deserves that. As a neighbor, I deserve
12 that. I never got any of that.

13 I never got any communication previously to the
14 legal requirements that the Planning Board has to do when
15 they are having a public meeting and the hearing. There
16 was no reaching out to us when they are talking about
17 opening access to Juniper Hill Road. Thank you.

18 DEPUTY COMMISSIONER SCHMIDT: Thank you.

19 VICE CHAIRMAN SCHWARTZ: Thank you.

20 DEPUTY TOWN ATTORNEY FRIED: Thank you.

21 VICE CHAIRMAN SCHWARTZ: Two questions that came
22 out of that. I think that they are important to answer.
23 First of all, would the applicant agree to a covenant in
24 the approval that this road be only be used for access of
25 the pump house and nothing more?

1 MR. ZAC PEARSON: Absolutely.

2 VICE CHAIRMAN SCHWARTZ: Okay. Which means that
3 any other use, you'll have to come back to this Board.

4 MR. ZAC PEARSON: Right. I mean that paved
5 driveway is the access to that pump house only, that cuts
6 through the second hole of the golf course and there is no
7 path from that pump house --

8 VICE CHAIRMAN SCHWARTZ: Okay, but understand --

9 MR. ZAC PEARSON: Yes, it's for pump house use
10 only.

11 VICE CHAIRMAN SCHWARTZ: If it's used for
12 anything else that you would need to come back --

13 MR. ZAC PEARSON: Understood.

14 VICE CHAIRMAN SCHWARTZ: -- or we can shut it
15 down.

16 MR. ZAC PEARSON: Absolutely.

17 VICE CHAIRMAN SCHWARTZ: Okay, that's number one.
18 Two, what is the width of the pavement?

19 BOARD MEMBER HAY: I think he said 10 feet
20 earlier.

21 MR. ZAC PEARSON: I believe it's 10 feet. I can
22 check the detail.

23 VICE CHAIRMAN SCHWARTZ: I think that's what you
24 said, it's ten feet, okay.

25 BOARD MEMBER DESAI: I think my, Hugh -- okay,

1 let him check.

2 VICE CHAIRMAN SCHWARTZ: Yeah. You said it was
3 10 feet.

4 MR. ZAC PEARSON: It's 10 feet.

5 VICE CHAIRMAN SCHWARTZ: Okay. And one other
6 question. We have in the past when businesses, successful
7 businesses, reside in the neighborhood, we've have a had
8 very wonderful results from this in terms of things like
9 building sidewalks, for example.

10 Is there any possibility of working with the
11 Civic Association in helping them with the paving that they
12 need to do since you're going to be doing a little bit of
13 it any way.

14 MR. ZAC PEARSON: We don't really know what the
15 extent of the pavement is. I don't want to speak for the
16 club.

17 VICE CHAIRMAN SCHWARTZ: I am not asking you to
18 commit tonight, but would you be at least willing to have a
19 conversation with the neighbor association about it?

20 MR. DAVID McCAFFREY: Yeah, I mean we can have a
21 conversation.

22 VICE CHAIRMAN SCHWARTZ: You don't have to say
23 yes to doing it, but at least have a conversation with
24 them.

25 MR. DAVID McCAFFREY: My only question, if we're

1 talking about that section of road that's a paper street or
2 however it's kind of labeled right now, it goes no where
3 except to our pump station. It goes to our gate and it
4 goes to the caretaker's house on the school property.

5 ALTERNATE BOARD MEMBER FRAITAG: Oh.

6 MR. DAVID McCAFFREY: Because where it breaks off
7 there is, that's kind of where the Town finishes --

8 DEPUTY COMMISSIONER SCHMIDT: Its maintenance.

9 MR. DAVID McCAFFREY: Putting millings down.

10 VICE CHAIRMAN SCHWARTZ: I just didn't know
11 what's going to happen with the, you know, once the bond
12 issue goes through, if the bond issue goes through, what's
13 going to happen with the activity at the school. That's
14 not something that I'm totally privy to.

15 So, but at this point, I mean I can understand
16 their concern, that's why we're asking for a limit. If
17 there is a possibility of helping them out, at least
18 talking to them and being good neighbors, that's all I ask.

19 MR. DAVID McCAFFREY: Yeah, we could. I don't
20 know how it benefits those neighbors living in that,
21 because it does nothing for the rest of the -- nobody goes
22 down there to drive down there, but we will talk, we can
23 talk to them.

24 VICE CHAIRMAN SCHWARTZ: That's fine. If the
25 answer is now, that's fine. They should -- it's always

1 better, okay, to communicate with the neighbors. Okay,
2 you're going to have neighbors that will say no to pulling
3 out one blade of grass.

4 And then you will have neighbors, most of which
5 who have some concerns or reasonable concerns or they'll be
6 reasonable about it, okay. But let them know what is going
7 on is always the best thing.

8 In fact, that's why we're now putting out signage
9 the way we are and really trying to get developers and
10 anybody, any applicant, to reach out to the neighbors
11 earlier than later. I like to solve problems before they
12 happen not afterwards, not after they are created.

13 DEPUTY COMMISSIONER SCHMIDT: And from staff's
14 point of view, I did give my business card to the Civic
15 Association leader. We will try and do a better job of
16 identifying neighboring civic associations to project
17 sites --

18 VICE CHAIRMAN SCHWARTZ: Right.

19 DEPUTY COMMISSIONER SCHMIDT: -- and creating
20 contact and communication with the Civic Association
21 leaders.

22 VICE CHAIRMAN SCHWARTZ: Okay.

23 BOARD MEMBER HAY: I have one quick question.
24 The current pump house, is that ever serviced now, is there
25 any traffic going to that pump house?

1 MR. DAVID McCAFFREY: Yeah, yeah, same thing, two
2 or three times a year.

3 BOARD MEMBER HAY: So do you see an increase, or
4 it's the same traffic, it's just going to go down a
5 different road?

6 MR. DAVID McCAFFREY: It's the same. Right now
7 it impacts five or six golf holes when we use the blacktop
8 comp pass to get to that pump station. So with the new
9 one, we will only impact one golf hole on the golf course.

10 BOARD MEMBER HAY: So now you come in through the
11 back?

12 MR. DAVID McCAFFREY: We can come in through the
13 back road because we have the access gate at the end of
14 that road, yeah.

15 MR. ZAC PEARSON: And the other thing important
16 thing to note is, you know, the golf course has made, they
17 can get to that pump house via golf cart any time from the
18 course.

19 We're talking about deliveries to the pump
20 station where you need to get a truck there, if there's any
21 maintenance to any pumps, things like that. That's the
22 only reason that that access would be used.

23 DEPUTY TOWN ATTORNEY FRIED: Can you quantify,
24 you know, during a season, you know, how frequently that
25 would happen?

1 MR. DAVID McCAFFREY: We can guarantee a spring
2 start up when we prime the system and we can guarantee a
3 full shut down when we winterize the system. And then
4 probably guarantee two deliveries of fertilizer product
5 into the building.

6 DEPUTY COMMISSIONER SCHMIDT: And again, that
7 access is gated and shall not be accessed by any members.

8 MR. ZAC PEARSON: No.

9 MR. DAVID McCAFFREY: No.

10 DEPUTY COMMISSIONER SCHMIDT: Just for the
11 record.

12 MR. ZAC PEARSON: Yes.

13 MR. DAVID McCAFFREY: No, you cannot get to any
14 of the other facilities on the property from that gate.

15 DEPUTY TOWN ATTORNEY FRIED: But you don't have a
16 problem with the condition about it being, about that being
17 gated and locked?

18 MR. DAVID McCAFFREY: Oh, no, no. Yeah, we would
19 keep it that way for securing the golf course.

20 DEPUTY TOWN ATTORNEY FRIED: I understand.

21 MR. DAVID McCAFFREY: Yeah.

22 DEPUTY TOWN ATTORNEY FRIED: The other question
23 that staff had was that you indicate that and you mention
24 that about the planting of green giant arborvitae trees as
25 replacement.

1 Can you get, before this Board closes the Public
2 Hearing or the comment period following the Public Hearing,
3 can you provide a plan for that?

4 MR. DAVID McCAFFREY: Yeah, that's easy.

5 MR. ZAC PEARSON: Yes.

6 DEPUTY TOWN ATTORNEY FRIED: You will have that
7 available and that anyone can take a look at?

8 MR. ZAC PEARSON: Yes.

9 MR. DAVID McCAFFREY: Yes.

10 VICE CHAIRMAN SCHWARTZ: Did you have one other
11 comment?

12 MR. MANNY ARECES: Yes. Can I?

13 VICE CHAIRMAN SCHWARTZ: Yes, briefly because we
14 would like to move on.

15 MR. MANNY ARECES: Yes. The reason I needed to
16 know the width of the road is there is a certain assumption
17 that was made that Juniper Hill Road is not only -- not a
18 paper street, it's just unpaved.

19 Just because a road is not paved, doesn't make it
20 a paper street. I mean in Bedford and other locations,
21 there are lots and lots of roads that people choose not to
22 put asphalt on. That doesn't make them a paper road.

23 And they proceeded to improve or, I don't believe
24 improve, part of the Juniper Hill Road as it was part of
25 their driveway.

1 BOARD MEMBER HAY: They who? I'm sorry.

2 MR. MANNY ARECES: In their --

3 VICE CHAIRMAN SCHWARTZ: The applicant.

4 MR. MANNY ARECES: The applicant, the applicant.

5 That's the applicant, by putting a 10-foot driveway, like

6 they have on their property. It's a road. And it's a

7 two-way road all the way to the fence of the property.

8 It's a two-way road. You don't put a 10-foot road on a

9 two-lane road.

10 It doesn't end at that driveway into the houses.

11 It completes right to the end. The dead end is the fence

12 at Metropolis.

13 So the other part, the other part is during

14 construction, as your environmental engineer, we are going,

15 if they have to cart the stuff out or bring materials in,

16 it's going to go to Juniper Hill.

17 We also need to make sure that whatever materials

18 get carted out if necessary or carted in, it's done in a

19 conscientious fashion. We have a lot of traffic in the

20 morning --

21 VICE CHAIRMAN SCHWARTZ: Sir, if those have to be

22 carted out, they have to be done by a licensed carter --

23 MR. MANNY ARECES: I got it.

24 VICE CHAIRMAN SCHWARTZ: -- or this man ends up

25 in jail.

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1 MR. MANNY ARECES: I got it. Also the
2 construction, the construction traffic has to be managed
3 correctly because we experience very heavy traffic because
4 of the Jackson School as well as people using it as a
5 cut-through in the morning for commuting purpose. Thank
6 you.

7 VICE CHAIRMAN SCHWARTZ: Thank you.

8 DEPUTY COMMISSIONER SCHMIDT: Thank you.

9 VICE CHAIRMAN SCHWARTZ: Did you want to respond
10 to --

11 BOARD MEMBER HAY: -- the width of the road?

12 VICE CHAIRMAN SCHWARTZ: -- the width of the
13 road?

14 MR. ZAC PEARSON: Yeah. I think the confusion
15 and the whole paper street, you know, David mentioned a
16 paper street. Juniper Hill Road ends and then there is a
17 broken up asphalt slash item four that continues and then
18 there's the gate.

19 I mean we're paving up to the existing pavement.
20 There is existing pavement there, right, David?

21 MR. DAVID McCAFFREY: Yeah. So where it breaks
22 off and goes to the school, caretaker's onto the school
23 property --

24 DEPUTY COMMISSIONER SCHMIDT: Just come to the
25 mic, David. Thanks.

1 MR. DAVID McCAFFREY: Where it goes under the
2 school property after that it's really, from there, it's
3 just maintained by dumping millings in there, when they had
4 a couple trucks loads of millings, that kind of filled in
5 the gate.

6 And we actually, we'd asked a couple years ago if
7 the Town, Department of Works, would put something there
8 just so that we could, because we have the bathroom there.

9 So every now and then, we will have a plumber
10 come down and do some work on the bathroom, winterize it.
11 So they can at least get a little bit closer to the gate.

12 And that's really how that last piece actually
13 even got some sort of contracting material in there.

14 DEPUTY COMMISSIONER SCHMIDT: Thank you.

15 VICE CHAIRMAN SCHWARTZ: Thank you. Kirit, you
16 had one other thing to say?

17 BOARD MEMBER DESAI: Yes. I'm just wondering
18 what you say is what's in the purple is what you're going
19 to improve and then what's in the black is going to leave
20 it as it is?

21 MR. ZAC PEARSON: No, the purple --

22 DEPUTY COMMISSIONER SCHMIDT: No, the purple
23 doesn't extend all the way. I prepared it --

24 DEPUTY TOWN ATTORNEY FRIED: It's going to go all
25 the way --

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1 DEPUTY COMMISSIONER SCHMIDT: It would extend to
2 where the cursor is.

3 BOARD MEMBER HAY: To where the actual road is.

4 MR. ZAC PEARSON: Right.

5 BOARD MEMBER DESAI: That's the question from the
6 association to the boundaries of the purple.

7 DEPUTY TOWN ATTORNEY FRIED: Beyond the purple.

8 BOARD MEMBER DESAI: Does that answer your
9 question?

10 VICE CHAIRMAN SCHWARTZ: The question was about
11 the width.

12 ALTERNATE BOARD MEMBER FRAITAG: Yeah. I think
13 there is a question as to whether that part is part of
14 Juniper Hill Road or whether it is not part of Juniper Hill
15 Road.

16 And we need some clarification on that. They
17 seem to think it's a paper street and the Civic Association
18 seems to think it is not.

19 VICE CHAIRMAN SCHWARTZ: No, the applicant
20 actually says it wasn't. Did you get the Highway
21 Department agreement that you're allowed to pave that
22 already?

23 DEPUTY COMMISSIONER SCHMIDT: They would need a
24 road opening permit to do that work, which is always
25 something that would come after any decision by the

1 Planning Board.

2 VICE CHAIRMAN SCHWARTZ: But actually, but if you
3 take a look at that drawing, to answer your question, it
4 only affects them and nobody else. Because at that point
5 once you get beyond that corner, the only access is to
6 their property so.

7 DEPUTY COMMISSIONER SCHMIDT: Right, that corner
8 is merely a driveway.

9 VICE CHAIRMAN SCHWARTZ: No, I understand, but
10 I'm saying there is no other --

11 DEPUTY COMMISSIONER SCHMIDT: It's beyond.

12 VICE CHAIRMAN SCHWARTZ: Only for business onto
13 the golf course.

14 DEPUTY COMMISSIONER SCHMIDT: Correct.

15 VICE CHAIRMAN SCHWARTZ: What they are doing. It
16 has nothing to do with anybody else. Anybody else going up
17 there is going up there for non-golf course reasons.

18 MR. DAVID McCAFFREY: If there is --

19 BOARD MEMBER DESAI: But that doesn't matter, it
20 is a Town road.

21 VICE CHAIRMAN SCHWARTZ: They have to get a
22 permit, we just agreed.

23 DEPUTY COMMISSIONER SCHMIDT: I just said that.

24 MR. DAVID McCAFFREY: That section before we get
25 into our property on the gate, if we have --

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1 DEPUTY COMMISSIONER SCHMIDT: If they don't get a
2 road opening permit, then --

3 MR. DAVID McCAFFREY: If you want us to match the
4 width of the existing road, which it wouldn't really be a
5 two-lane road. Because if you come down, someone can't get
6 past you going the other way. But if we want to match that
7 up to our gate, we have no problem doing that.

8 VICE CHAIRMAN SCHWARTZ: We can discuss that with
9 the Town.

10 DEPUTY TOWN ATTORNEY FRIED: I think they should
11 discuss that with the Town. There may be a reason not to
12 do that also.

13 VICE CHAIRMAN SCHWARTZ: Any other comments
14 because I would like to move on?

15 BOARD MEMBER DESAI: I think this is something
16 that's, I think needs a lot more attention considering that
17 they did not really talk to the neighbors and understand
18 their concern.

19 But this is a technical question, if the Town
20 allows them to build it 10-foot width --

21 VICE CHAIRMAN SCHWARTZ: That's what we're going
22 to check.

23 DEPUTY COMMISSIONER SCHMIDT: It's subject to a
24 road opening permit, which gets reviewed by the Department
25 of Public Works and the Commissioner and Deputy

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1 Commissioner.

2 VICE CHAIRMAN SCHWARTZ: Can I ask a question,
3 who was noticed to this Public Hearing? Were neighborhoods
4 noticed to the Public Hearing?

5 DEPUTY TOWN ATTORNEY FRIED: Yes.

6 MR. ZAC PEARSON: Yes.

7 DEPUTY COMMISSIONER SCHMIDT: Absolutely, yes.

8 VICE CHAIRMAN SCHWARTZ: Anybody within 500 feet,
9 right?

10 DEPUTY COMMISSIONER SCHMIDT: Yes.

11 DEPUTY TOWN ATTORNEY FRIED: Yes. I think the
12 complaint and, you know, I just happen to hear the
13 gentleman speak yesterday, you know, with respect to the
14 school is that the first notification came as a result of
15 the Public Hearing and what the gentleman was saying was
16 when we have --

17 VICE CHAIRMAN SCHWARTZ: In the future we should
18 do it earlier.

19 DEPUTY TOWN ATTORNEY FRIED: -- when we had the
20 prior application with Mr. Petretti, we made it a point
21 before the Public Hearing and that is what the gentleman
22 was saying.

23 VICE CHAIRMAN SCHWARTZ: Generally, one of the
24 reasons that happened this time is we did the work session
25 and the Public Hearing at the same time because we felt

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1 that, truthfully, this had very limited or no impact on the
2 surrounding community.

3 Because we are trying to encourage more and more
4 people to reach out before these hearings to give you an
5 opportunity to be prepared when you come to this hearing.
6 That is the objective of this Board. And we're pushing for
7 things like signage early on to do that, okay.

8 In this particular case, I don't see any traffic
9 that it's going to cause. They are agreeing to the
10 restrictions that we just discussed. That the one issue in
11 terms of this road is got to talk to the Town, it's a Town
12 road there.

13 But again, nobody else goes on unless they are
14 going up there, parking at night and they are teenagers. I
15 don't know who else would go up that road. And you know
16 what, they probably like dirt roads so, you know, what
17 difference does it make.

18 But seriously, it's only for your business and
19 nobody else's. So what I would recommend is that we close
20 the Public Hearing --

21 DEPUTY TOWN ATTORNEY FRIED: Just want to make
22 sure that there is no one else.

23 VICE CHAIRMAN SCHWARTZ: Is there anybody else?
24 (Whereupon, there was no response.)

25 VICE CHAIRMAN SCHWARTZ: I'd asked that already,

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1 I believe, okay. If there is nobody else, I would like to
2 close the Public Hearing, leave the record open through the
3 16th?

4 DEPUTY COMMISSIONER SCHMIDT: Through the 13th or
5 14th.

6 VICE CHAIRMAN SCHWARTZ: Okay, to the 14th and
7 put it on for decision on the 20th?

8 DEPUTY COMMISSIONER SCHMIDT: Correct.

9 VICE CHAIRMAN SCHWARTZ: Okay. Can I have a
10 motion?

11 BOARD MEMBER DESAI: I think you should really,
12 there's a lot of issues that it seems like need to answer.
13 So these some environmental issues and some of the Town
14 road things --

15 VICE CHAIRMAN SCHWARTZ: Can all of those be
16 issued before the 20th?

17 DEPUTY COMMISSIONER SCHMIDT: By the 14th, excuse
18 me, by the 14th.

19 VICE CHAIRMAN SCHWARTZ: Can you contact the DEC
20 for us before the 14th?

21 MR. SVEN HOEGER: I can't guarantee that they are
22 going to answer that quickly.

23 VICE CHAIRMAN SCHWARTZ: I know.

24 MR. ZAC PEARSON: I will do some research as
25 well.

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1 VICE CHAIRMAN SCHWARTZ: Okay. Whatever
2 information you get, please try to get it in before the
3 14th. If we don't have it, we won't make a decision on the
4 20th.

5 Can I have a motion then to close the Public
6 Hearing on this project and leave the record open to the
7 14th of March?

8 BOARD MEMBER AYOUB: So moved.

9 VICE CHAIRMAN SCHWARTZ: Can I have a second?

10 BOARD MEMBER DESAI: I think it's wise we get all
11 the information.

12 ALTERNATE BOARD MEMBER FRAITAG: Second.

13 VICE CHAIRMAN SCHWARTZ: We're closing the Public
14 Hearing. It doesn't mean we're voting on the 20th, Kirit.
15 We have a second. All in favor? Aye.

16 ALTERNATE BOARD MEMBER FRAITAG: Aye.

17 BOARD MEMBER HAY: Aye.

18 BOARD MEMBER AYOUB: Aye.

19 BOARD MEMBER DESAI: Aye.

20 VICE CHAIRMAN SCHWARTZ: All oppose?

21 (Whereupon, there was no response.)

22 VICE CHAIRMAN SCHWARTZ: Okay. Can I have a
23 motion to close the Public Hearing portion of tonight's
24 hearing?

25 ALTERNATE BOARD MEMBER FRAITAG: I make a motion

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1 to close the Public Hearing.

2 VICE CHAIRMAN SCHWARTZ: Yay, first time. Do I
3 hear a second?

4 BOARD MEMBER HAY: Second.

5 VICE CHAIRMAN SCHWARTZ: All in favor? Aye.

6 ALTERNATE BOARD MEMBER FRAITAG: Aye.

7 BOARD MEMBER HAY: Aye.

8 BOARD MEMBER AYOUB: Aye.

9 BOARD MEMBER DESAI: Aye.

10 (Whereupon, the Public Hearing was concluded.)
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14 * * * * *
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16 C E R T I F I C A T I O N
17

18 Certified to be a true and accurate transcript
19 of the stenographic minutes of proceedings taken by the
20 undersigned, to the best of her ability.
21

22 

23 Barbara Marciante,
24 Official Court Reporter
25