

1 TOWN OF GREENBURGH  
2 PLANNING BOARD

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

4 a) Case No. PB 19-21  
 5 Franco  
 5 6 Westchester View Lane  
 6 P.O. Box White Plains, N.Y.

7 -----x

8 Greenburgh Town Hall  
 8 177 Hillside Avenue  
 9 Greenburgh, New York 10607  
 9 November 20, 2019

10 B E F O R E:

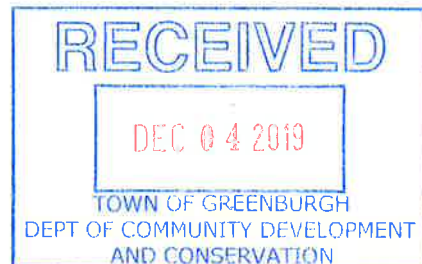
11 WALTER SIMON, CHAIRMAN

- 12 MICHAEL GOLDEN, Board Member
- 13 HUGH SCHWARTZ, Board Member (Not Present)
- 13 THOMAS HAY, Board Member
- 14 KIRIT DESAI, Board member (Not Present)
- 14 MONA FRAITAG, Alternate Board Member
- 15 VIOLA TALIAFERROW, Board Member (Not Present)

16 ALSO PRESENT: AARON SCHMIDT,  
 16 Deputy Commissioner of the Department of  
 17 Community Development and Conservation

18 DAVID R. FRIED, ESQ.  
 19 First Deputy Town Attorney

21 Irene Bindel, RPR, CSR  
 22 Official Court Reporter



1 CHAIRMAN SIMON: Good evening, and  
2 welcome to the public hearing session of  
3 tonight's Planning Board meeting.

4 I would like to start off with -- I am  
5 sorry, with the attendance.

6 DEPUTY COMMISSIONER SCHMIDT: Mona  
7 Fraitag.

8 ALTERNATIVE BOARD MEMBER FRAITAG: Here.

9 DEPUTY COMMISSIONER SCHMIDT: Michael  
10 Golden.

11 BOARD MEMBER GOLDEN: Here.

12 DEPUTY COMMISSIONER SCHMIDT: Walter  
13 Simon.

14 CHAIRMAN SIMON: Here.

15 DEPUTY COMMISSIONER SCHMIDT: Tom Hay.

16 BOARD MEMBER HAY: Here.

17 DEPUTY COMMISSIONER SCHMIDT: Note for  
18 the record that Board Members Hugh Schwartz,  
19 Kirit Desai, and Viola Taliaferrow are not  
20 present this evening.

21 Thank you.

22 CHAIRMAN SIMON: I would like to make a  
23 comment about Hugh Schwartz' absence.  
24 Unfortunately Hugh took a bad fall and injured  
25 his back and he did break some bones but

1           luckily no surgery is required.

2                   He will be going to rehab for -- we  
3           don't know for how long but hopefully he will  
4           be able to join us early next year.

5                   As you know we only have one meeting in  
6           December and he will not be able to be at that  
7           meeting. Hopefully by early next year he will  
8           be able to rejoin us.

9                   We are all very sad of Hugh's injuries.  
10          We always enjoyed working with him and we look  
11          forward for him to return. He is really a  
12          critical part of this Planning Board. He is  
13          very knowledgeable. He could be opinionated  
14          and most of us are. We are not afraid to  
15          express our opinion but one of the things that  
16          I like about Hugh and the members of this  
17          Planning Board that we can take a position on  
18          something, look at the facts, make a decision  
19          based upon the facts and move onto the next  
20          project with no personal animosity.

21                   That's something that we really enjoy  
22          and we miss Hugh and we wish him the best.

23                   With that said, we will go to -- well,  
24          and then the other thing that we found out  
25          this evening that Johan Snaggs will be voted

1 on at the next Planning Board meeting.

2 DEPUTY COMMISSIONER SCHMIDT: Town  
3 Board meeting.

4 CHAIRMAN SIMON: I am sorry, Town Board  
5 meeting I think they moved the day to Monday?

6 DEPUTY COMMISSIONER SCHMIDT: Correct,  
7 Monday November 25th.

8 CHAIRMAN SIMON: They will take vote --  
9 an official vote. We look forward to Johan  
10 joining us afterwards.

11 The first thing on our agenda this  
12 evening is 6 Westchester View Lane.

13 This is a minor wetlands application  
14 earlier in the work session we heard the  
15 application and so now for the benefit of the  
16 public, we would ask the applicant to describe  
17 the project for the public and this Board.

18 DEPUTY COMMISSIONER SCHMIDT: Just for  
19 the record, quickly, this is case number PB  
20 19-21.

21 Thank you.

22 WILLIAM BESHARAT: Again, my name is  
23 William Besharat. I am here representing the  
24 owners.

25 As I stated earlier this is a proposal

1 to install an in-ground swimming pool in the  
2 backyard of an existing house within the  
3 vicinity of an existing fenced in area.

4 The house completely and the backyard  
5 completely exists within the 100-foot wetlands  
6 buffer. The proposed action has been  
7 carefully designed to create the minimum  
8 impact on the wetlands during the construction  
9 and afterwards. As I stated, the swimming  
10 pool is a fiberglass one-piece unit which  
11 minimizes the duration of the construction  
12 substantially actually versus a concrete or  
13 steel wood liner swimming pool.

14 The brick pavers that we are proposing,  
15 we are proposing also a cultec system to  
16 accommodate the runoff water and creek before  
17 it goes into the wetlands. As stated earlier,  
18 the wetland buffer is completely protected  
19 with the permanent fence that is existed and  
20 will have to exist for the life of the  
21 swimming pool.

22 So the swimming pool has actually a  
23 positive impact on the wetlands.

24 CHAIRMAN SIMON: Any questions from the  
25 Board Members?

1                   DEPUTY COMMISSIONER SCHMIDT: I just  
2                   want to note for the record and for the  
3                   public, again, that this project was referred  
4                   to the Conservation Advisory Council as  
5                   required under Chapter 280 of the Town Code.  
6                   The Conservation Advisory Council on  
7                   October 1, 2019 issued a positive  
8                   recommendation back on this project with  
9                   recommendation that the pool and related patio  
10                  and proposed cultec recharger units are not  
11                  located within the conservation easement area  
12                  which has been done by the applicant. And  
13                  also that if pool water is to be removed, it  
14                  be trucked off site and appropriately disposed  
15                  of.

16                  WILLIAM BESHARAT: Correct, that has  
17                  been addressed already.

18                  CHAIRMAN SIMON: I would also like to  
19                  add a comment that I said in work session that  
20                  the applicants has a physical fence between  
21                  their usable property and the conservation  
22                  area and what that does is that many times you  
23                  have a separation between conservation area  
24                  and useable area but no physical barrier and  
25                  over years you get what I call "lawn creep"

1 that the lawn gets wider and wider and wider  
2 into the conservation area.

3 The benefit of this particular design  
4 that they have a physical fence. Was it a  
5 six-foot fence I believe?

6 WILLIAM BESHARAT: Yes, it is.

7 CHAIRMAN SIMON: That's around their  
8 useable property that divides that piece of  
9 property from the conservation area.

10 So there is really -- you would not  
11 have access to the conservation area from your  
12 backyard and from the original design there  
13 was part of the original design was the  
14 planting of vegetation in the conservation  
15 area which was done and it is in very good  
16 shape so it is a well-maintained conservation  
17 area that I saw plus it has a fenced to divide  
18 it.

19 So I have no -- absolutely no problem  
20 with this application and I have no objection  
21 to it. Is there anyone in the audience that  
22 would like to speak to this application?

23 If not --

24 DEPUTY COMMISSIONER SCHMIDT: I would  
25 just recommend to the Board that it considers





1 BOARD MEMBER HAY: Aye.

2 BOARD MEMBER GOLDEN: Aye.

3 And I move we give it to Aaron to deal  
4 with.

5 CHAIRMAN SIMON: Who is the town  
6 Wetland's Inspector?

7 ALTERNATIVE BOARD MEMBER FRAITAG:  
8 Aaron.

9 BOARD MEMBER GOLDEN: Did we vote on the  
10 last one?

11 DEPUTY COMMISSIONER SCHMIDT: We had a  
12 second one, right? Please vote.

13 CHAIRMAN SIMON: Aye.

14 BOARD MEMBER GOLDEN: Aye.

15 BOARD MEMBER HAY: Aye.

16 ALTERNATIVE BOARD MEMBER FRAITAG: Aye.

17 WILLIAM BESHARAT: Do we need to close  
18 the public hearing?

19 CHAIRMAN SIMON: You're fine. Do we  
20 have a motion to close the Public Hearing?

21 ALTERNATIVE BOARD MEMBER FRAITAG: So  
22 moved.

23 MR. HAY: Second.

24 CHAIRMAN SIMON: All in favor?

25 ALTERNATE BOARD MEMBER: Aye.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

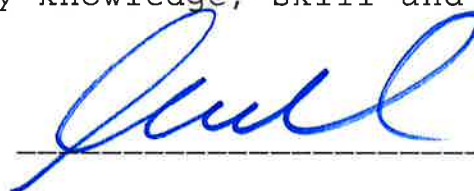
BOARD MEMBER GOLDEN: Aye.

BOARD MEMBER HAY: Aye.

(Whereupon, the Public hearing was  
concluded.)

\* \* \* \*

I , Irene Bindel, a Certified Shorthand  
Reporter in and for the State of New York, do  
hereby certify that the foregoing portion of  
the transcript is true and accurate to the  
best of my knowledge, skill and ability.



Irene Bindel, RPR, CSR