

TOWN OF GREENBURGH
PLANNING BOARD

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1. ROLL CALL

5. ITEMS FOR PUBLIC HEARING/PUBLIC DISCUSSION

- a) Case No. PB 20-11, Gowran
1048 Dobbs Ferry Road (P.O. White Plains, N.Y.)
- b) Case No. PB 19-25, Gez
25 High Point Lane (P.O. Scarsdale, N.Y.)
- c) Case No. PB 20-08
Greystone-on-Hudson PUD
Carriage Trail (P.O. Tarrytown, N.Y.)

7. ADJOURNMENT

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Greenburgh Town Hall
177 Hillside Avenue
Greenburgh, New York 10607
September 2, 2020

Meeting conducted via Zoom Video Conference

A P P E A R A N C E S:

WALTER SIMON, CHAIRMAN

HUGH SCHWARTZ, VICE CHAIRMAN

JOHAN SNAGGS, Board Member

KIRIT DESAI, Board Member

MONA FRAITAG, Board Member

MICHAEL GOLDEN, Board Member

THOMAS HAY, Board Member

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

DAVID R. FRIED, ESQ.
First Deputy Town Attorney

MATTHEW BRITTON,
Assistant Planner to the Department of
Community Development and Conservation

BARBARA MARCIANTE,
Official Senior Court Reporter

Public Hearing Case PB 20-08

1 CHAIRPERSON SIMON: At this point, we can go into
2 the Public Hearing on two cases, the Gowran and the Gez.

3 There was the Greystone-on-Hudson that was on the
4 agenda. The agreement with the Planning Board was that we
5 would not allow them to come back until everything was in
6 place. The Town of Tarrytown required them to do an
7 inspection of items that led up to the Greystone facility.
8 They did the inspection.

9 They got approval from the engineers and
10 everything was in place. And at that point they asked to
11 put it back on the agenda, which I did.

12 And at the last minute, the Town wanted them to
13 do the same on another set of pipes. They agreed to do
14 that, but now that's why I'm taking it off the agenda.
15 Because up until the last minute, everything was in place.

16 They did everything that Tarrytown asked them to
17 do. And they got all the approval from the engineers, but
18 that's what happened. So that's why it got on the agenda
19 and that's why it's coming off. And any questions?

20 DEPUTY COMMISSIONER SCHMIDT: Chairperson Simon,
21 ultimately after we do the roll call and start the Public
22 Hearings, we will ask that the Board take a vote to
23 adjourn. So I just wanted to note that. Thank you.

24 CHAIRPERSON SIMON: Yes. And then the other case
25 why we got on the Public Hearing was Gowran. And Aaron,

Public Hearing Case PB 20-08

1 sent some background information why, in this case, unlike
2 other cases, we would not do a Public Hearing until we
3 first got Zoning approval.

4 This is an uncoordinated review and so that
5 Order, you know, that Order doesn't really apply, but
6 nevertheless, we have the option, they still, regardless of
7 what the outcome of it, that we can have the hearing, but
8 we do not make a decision until we hear back from the
9 Zoning Board.

10 So that is a procedure that is an approval
11 procedure in cases like this, in a limited case like this.
12 If David or Aaron would like to chime in with additional
13 legal reasons why this practice is acceptable, please do.

14 VICE CHAIRPERSON SCHWARTZ: I have a legal
15 question to David procedurally. If that's the case, we
16 can't close this hearing --

17 CHAIRPERSON SIMON: Exactly.

18 VICE CHAIRPERSON SCHWARTZ: -- until we hear back
19 from the Zoning Board.

20 CHAIRPERSON SIMON: Exactly.

21 VICE CHAIRPERSON SCHWARTZ: We can't even close
22 it or else the 20 days or whatever that time limit starts,
23 the clock starts ticking if we close the Hearing.

24 FIRST DEPUTY TOWN ATTORNEY FRIED: Well, I think
25 there would be sufficient time. But there is no -- and you

Public Hearing Case PB 20-08

1 can close it. You just cannot -- it just doesn't make
2 sense to issue an Order by that point.

3 But given that the ZBA meeting is after, I
4 believe it's after our next meeting, we can hold over the
5 Hearing another, you know, for, I was going to say for
6 another two weeks, it is two weeks, yeah. I'm trying to
7 remember my calendar. And have a continued Public Hearing
8 at the next meeting, if anyone else has any issues or
9 something.

10 VICE CHAIRPERSON SCHWARTZ: But technically,
11 David, I thought the clock starts -- if once we close the
12 Public Hearing, we're required to make a decision within a
13 prescribed period of time.

14 FIRST DEPUTY TOWN ATTORNEY FRIED: From the of
15 close the record. So you can hold the record open for a
16 period of time. It's, you know, it's apples -- I shouldn't
17 say apples, it's one choice or the other. You can do that,
18 you can hold it over --

19 VICE CHAIRPERSON SCHWARTZ: I just wanted to make
20 sure.

21 FIRST DEPUTY TOWN ATTORNEY FRIED: Yes.

22 CHAIRPERSON SIMON: Okay.

23 FIRST DEPUTY TOWN ATTORNEY FRIED: That's a good
24 point. And I think, and I'm sorry, it's off the top of my
25 head, I think it's 60 days.

Public Hearing Case PB 20-08

1 CHAIRPERSON SIMON: Yes, 60 days, okay.

2 FIRST DEPUTY TOWN ATTORNEY FRIED: Yeah.

3 CHAIRPERSON SIMON: Okay, but the key point is
4 that we cannot make a decision until we hear back from the
5 Zoning Board.

6 And the question is, we don't want our hands to
7 be forced if, for whatever reason, the Zoning Board does
8 not make a decision on that, we have to make sure we have
9 an out, that we are not forced to make a decision without
10 the Zoning Board opining on this. So I think Hugh's point
11 is correct. So with that said, let's start with the first
12 application.

13 FIRST DEPUTY TOWN ATTORNEY FRIED: Mr. Desai has
14 a question.

15 BOARD MEMBER DESAI: Yes. My question is
16 twofold. Is the applicant has a request expedite the
17 review or conduct the review from Planning Board and Zoning
18 Board? Or we just are wanted to be do it so that we can
19 have our, doing it quickly, as quickly as possible.

20 Because I think I agree with Hugh's comments that
21 if we have it like next two, three meeting completely
22 backed up, then we can do it, but otherwise why do we have
23 to really rush it, I mean --

24 CHAIRPERSON SIMON: Okay. Well, let me, it's not
25 a case of rushing. It's a case that it came up as an

Public Hearing Case PB 20-08

1 applicant who wished to get a pass with a zoning and
2 normally, our normal procedure is, that you go through
3 Zoning Board and then you come back to us. There is no
4 legal requirement that we take that route. So the question
5 is why not do it. It's not a case of rushing.

6 BOARD MEMBER DESAI: You are right. Why to do
7 it. I mean, and I think Hugh's point is that the last
8 meeting weeks are stacked up so much and then we have to
9 kind of extend the time.

10 So yes, I would do it if the applicant requested
11 it or if there is any other kind of scheduling issue with
12 the future meeting that we cannot wait for Zoning Board to
13 get their approval. I mean, maybe I --

14 CHAIRPERSON SIMON: Okay, I hear you, but the
15 question becomes it's not the matter of -- We follow
16 procedures and the standard procedure is that we don't act
17 until the Zoning Board acts. That's the standard
18 procedure.

19 In this case, the standard procedure does not
20 govern. We could use a standard procedure in this type of
21 case only. The standard procedure in this type of case, we
22 could go through a Public Hearing, don't make a decision
23 and wait.

24 So it's not a question of rushing or not rushing.
25 It's just the case of what makes sense and that was the

Public Hearing Case PB 20-08

1 basis of which I put it on the agenda. So I hear what
2 you're saying, but it's on the Public Hearing tonight. So
3 let's move forward with the Public Hearing, okay.

4 And then at the end, we can decide what will be
5 the best way of going forward, whether or not we close the
6 Public Hearing or whether or not we do not close it or
7 adjourn the Public Hearing. Okay, so we can make that
8 decision, take a vote --

9 VICE CHAIRPERSON SCHWARTZ: Mr. Chairman? I just
10 have another question about the Public Hearing.

11 CHAIRPERSON SIMON: Yes. Sure.

12 VICE CHAIRPERSON SCHWARTZ: Our Public Hearing,
13 as I understand, is only on the watercourse, wetlands
14 watercourse permit, correct?

15 CHAIRPERSON SIMON: Right, that's right.

16 DEPUTY COMMISSIONER SCHMIDT: Right. So I was
17 going to announce that when we get into the project after
18 we do roll call, which I would suggest we do at this point
19 and make sure that Barbara is ready to start transcribing
20 for us.

21 CHAIRPERSON SIMON: Yes.

22 VICE CHAIRPERSON SCHWARTZ: My point is that the
23 testimony we should hear tonight should be related to the
24 wetland watercourse. Anything else, site line and things
25 like that are really a subject for the Zoning Board.

1 CHAIRPERSON SIMON: Right.

2 DEPUTY COMMISSIONER SCHMIDT: I agree.

3 CHAIRPERSON SIMON: So with that said, do we have
4 a representative?

5 BOARD MEMBER GOLDEN: I think we have to take
6 roll call.

7 DEPUTY COMMISSIONER SCHMIDT: Why don't I take
8 the roll call.

9 (Whereupon, a short discussion was held between
10 the Board and the Court Reporter.)

11 CHAIRPERSON SIMON: Okay. Now, David, just for
12 the record, because in terms of taking the roll call, we
13 did it at the beginning and so we should do it again at the
14 hearing?

15 FIRST DEPUTY TOWN ATTORNEY FRIED: Yes, we
16 decided that --

17 CHAIRPERSON SIMON: Be consistent.

18 FIRST DEPUTY TOWN ATTORNEY FRIED: -- at a couple
19 meetings back we will do it at the beginning of the meeting
20 and when we start Public Hearing.

21 CHAIRPERSON SIMON: Okay, fine. Let's take the
22 roll call again.

23 DEPUTY COMMISSIONER SCHMIDT: Very good.
24 Chairperson Walter Simon?

25 CHAIRPERSON SIMON: Here.

1 DEPUTY COMMISSIONER SCHMIDT: Vice Chairperson
2 Hugh Schwartz?

3 VICE CHAIRPERSON SCHWARTZ: Here.

4 DEPUTY COMMISSIONER SCHMIDT: Michael Golden?

5 BOARD MEMBER GOLDEN: Here.

6 DEPUTY COMMISSIONER SCHMIDT: Kirit Desai?

7 BOARD MEMBER DESAI: Here.

8 DEPUTY COMMISSIONER SCHMIDT: Mona Fraitag?

9 BOARD MEMBER FRAITAG: Here.

10 DEPUTY COMMISSIONER SCHMIDT: Thomas Hay?

11 BOARD MEMBER HAY: Here.

12 DEPUTY COMMISSIONER SCHMIDT: Just note for the
13 record that Mr. Johan Snaggs is running a bit behind. He
14 should with us shortly. Thank you.

15 So the first case, as mentioned by Chairperson
16 Simon, is Case Number PB 20-11, the Gowran project at 1048
17 Dobbs Ferry Road, P.O. White Plains, New York. The case
18 before this Planning Board this evening is a Planning Board
19 wetland watercourse permit that's been requested by the
20 applicant.

21 We have Mr. Gowran as well as his design
22 professional, Mr. Michael McGarvey, here to present the
23 project. And I am going to share the screen to put the
24 plans on the overhead or on the video so that everyone can
25 see them.

1 FIRST DEPUTY TOWN ATTORNEY FRIED: I just have
2 one request of the applicant, is that Mr. McGarvey, if you
3 speak, you identify yourself. If Mr. Gowran speaks, you
4 identify yourself. Because in this format, it's very hard
5 for the court reporter in this situation to see who is who.

6 MR. MICHAEL MCGARVEY: We will. I'm going to try
7 to do most of the talking. So -- just lost digital. There
8 you go. I'm going to do most of the talking. If I need
9 anything from Mr. Gowran, I'll ask him and he will respond
10 to me and I will reply to you.

11 CHAIRPERSON SIMON: You already violated the
12 rule, you didn't identify yourself.

13 MR. MICHAEL MCGARVEY: Okay, for the record, my
14 name is Michael McGarvey. I'm a New York State licensed
15 professional engineer. I'm here tonight representing Mr.
16 and Mrs. Gowran for the application of 1048 Dobbs Ferry
17 Road, a new garage in the rear right-hand side of the
18 property line.

19 CHAIRPERSON SIMON: Thank you.

20 DEPUTY COMMISSIONER SCHMIDT: Mr. McGarvey, can
21 you walk us through the project? And then we will see if
22 any Board Members have any follow-up questions. And then I
23 believe there may be a member or more of the public that
24 may wish to speak.

25 MR. MICHAEL MCGARVEY: Absolutely. Again, this

1 is Michael McGarvey, design professional. As you can see
2 on the overhead, we have the green area is the proposed
3 garage. The blue line is the re-located stream or
4 watercourse that runs through the property.

5 Now, I don't want you to think of this as a
6 stream or a watercourse. It's just a drainage ditch. It
7 only runs after or during a rainstorm or after the
8 rainstorm once all the water sheds from the roadway itself.
9 There is no continuous feed for this brook or anything
10 else. Once it stops raining, the brook dries up.

11 But anyhow, as I was saying, if you look at the
12 garage -- I'm sorry, if you look at the site plan, you can
13 see where the old -- or there is a ditch that actually runs
14 from right where the blue line comes into the property,
15 that's right, goes right through the caddy corner to the
16 property and enters in the back of the property right by
17 the garage on the property behind us.

18 That, unfortunately, is located right where we
19 need to put this garage. We will be coming down the
20 driveway, turn into the garage.

21 Now, the zoning, we also require height variance,
22 but that's not you guys. We will require a height variance
23 with the Zoning Board and we have applied to them and we
24 will meet with them shortly. We did the runoff for the
25 whole area, an 18-inch drainpipe was more than enough.

1 We said okay, you know what, I'm just going to be
2 put in a 24-inch drainpipe just to be sure, just to cover
3 ourselves, and make sure nothing backs up onto the property
4 or onto the State right of way. Everything comes from
5 Dobbs Ferry Road, which obviously is a State owned road.

6 I do have four Cultec in the proposed, in the
7 existing driveway to handle the stormwater runoff from the
8 new impervious surface. What else. We did speak with
9 the --

10 DEPUTY COMMISSIONER SCHMIDT: I just want to
11 interrupt for one second. I'm sorry, Mr. McGarvey. I just
12 want to announce that Mr. Johan Snaggs, our other Planning
13 Board Member, has now joined in on this session. So I just
14 wanted to note that. Thank you. Continue, please. Sorry
15 for the interruption.

16 BOARD MEMBER SNAGGS: Thank you, Aaron.

17 MR. MICHAEL MCGARVEY: We have received six
18 letters from the neighbors in support of this application.
19 You should have at least five of them. One of them came in
20 today. Is that correct, Aaron?

21 DEPUTY COMMISSIONER SCHMIDT: Yes, and I did
22 circulate it to the Board Members.

23 MR. MICHAEL MCGARVEY: Okay. So you should have
24 six letters from the neighbors in support of this
25 application. In fact, one of them, the one you received

1 today, originally was not in support, but I believe
2 Mr. Gowran went down and spoke with them and now he is in
3 support.

4 Maybe he didn't understand what was going on. I
5 don't know. But he's the guy who just sent in that letter
6 today.

7 DEPUTY COMMISSIONER SCHMIDT: Okay. I just
8 wanted to make a couple of points, if I may.

9 CHAIRPERSON SIMON: Go ahead.

10 DEPUTY COMMISSIONER SCHMIDT: Just, you know, we
11 had seen this in work session before. We did have two
12 members of the Planning Board go out to the site,
13 Ms. Fraitag and Mr. Snaggs. I know at that time the owner
14 of the property had indicated that one tree, which had been
15 proposed for removal, is instead going to be relocated with
16 another tree to the other side of the property.

17 In addition to the four trees, which they still
18 propose to plant, which are going to kind of screen some of
19 the garage from Dobbs Ferry Road and then they have some
20 plantings going around the side of the garage.

21 They also indicated to the Conservation Advisory
22 Council, which issued a positive recommendation, that they
23 were in the process of essentially of installing a number
24 of Evergreens around the property as well. And there is a
25 large solid fence along this rear property line that

1 separates the property to the rear.

2 As Mr. McGarvey indicated, the new stormwater
3 runoff from the garage is proposed to be placed into a
4 Cultec stormwater management system, which will be situated
5 underneath the existing driveway area. Thank you.

6 CHAIRPERSON SIMON: Okay. As a general rule,
7 what I would like to do, when we have a Board Member who
8 visited the site, I would like the comments from Board
9 Members to start with the Board Member who actually saw the
10 site.

11 So I would like to start off with either Mona or
12 Johan as to any comments that they have about this
13 application seeing how they were there.

14 BOARD MEMBER FRAITAG: I'll start, Walter. We
15 both went to the site, Johan and I, and I think we were
16 both very pleased with the plan that Mr. Gowran had for
17 this project. It was very well thought out. And we
18 believe that it will be a successful plan once he completes
19 it.

20 It seemed to have -- he had spoken with the
21 neighbors when we were there. We asked him if he had been
22 in touch with them and he said he had, which we were
23 pleased to hear. And we think it will be a good addition.

24 It's going to be screened from the roadway. We
25 were pleased all and all with what was going on and that he

1 was taking care of the runoff. It was very dry. It's a
2 dry bed. It's a dry bed, it only seems to fill up when
3 there is a big storm from what Aaron was telling us.

4 There doesn't seem to be any running water. It
5 was completely dry when we were there, as I recall. Does
6 it ever get filled up, Aaron?

7 DEPUTY COMMISSIONER SCHMIDT: So it does convey
8 water, but I'm going to let the applicant's engineer speak
9 to that.

10 I did want to make one note for the record just
11 to clarify. So while the channel does keep water off of
12 Dobbs Ferry Road, there is a small channel on the opposite
13 side of Dobbs Ferry Road that runs through a few of the
14 rear yard properties up there, but it does appear to just
15 convey stormwater.

16 BOARD MEMBER FRAITAG: Okay.

17 DEPUTY COMMISSIONER SCHMIDT: During and shortly
18 after rain events.

19 CHAIRPERSON SIMON: Okay. Johan, did you have
20 any additional comments?

21 BOARD MEMBER SNAGGS: I would just second
22 everything Mona just said. It's a well thought-out plan.
23 The mitigation probably wouldn't even be necessary, but the
24 Cultec that he's going to put under the driveway to deal
25 with any of the runoff is well thought out.

1 The plan looks to be consistent with the esthetic
2 of the neighborhood. The way he is going to hide it with
3 the trees and the trees that he plans on planting on the
4 other side of the yard as well.

5 I don't see it as being an intrusion at all for
6 the neighbors. And I'm glad that they signed off on it.
7 So it seems to be -- I'm in favor of it because it's in
8 compliance and it stays consistent with the esthetic of the
9 neighborhood.

10 BOARD MEMBER FRAITAG: Yeah, I think we both left
11 with a good feeling about it.

12 CHAIRPERSON SIMON: Okay. Are there any other
13 Boards Members who would like to comment on this plan?

14 (Whereupon, there was no response.)

15 CHAIRPERSON SIMON: If not, is there anyone of
16 the public who would like to comment on this plan? No?

17 DEPUTY COMMISSIONER SCHMIDT: I know, Mr. Bodin,
18 did you have any -- did you want to speak to this project
19 or were you just interested in the other one?

20 MR. MURRAY BODIN: You said I couldn't speak on
21 this one. I'll speak just on the other side at the
22 appropriate time.

23 CHAIRPERSON SIMON: You can speak on it.

24 DEPUTY COMMISSIONER SCHMIDT: In your email, you
25 had not indicated you had interest in this project. So on

1 the three that you had expressed, three or four you
2 expressed interest, the only one that was going to be on
3 for Public Hearing was the 25 High Point Road, High Point
4 Lane project. Thank you.

5 CHAIRPERSON SIMON: Okay.

6 MR. MURRAY BODIN: I have no comments at this
7 time.

8 CHAIRPERSON SIMON: Okay. And Mr. Bodin, I just
9 want to make it clear, because you did not indicate that
10 you wanted to speak on a specific application, once you
11 join the Planning Board meeting, when it comes to public
12 comment, you can comment on any application, okay.

13 So you don't have to pre-register to specifically
14 speak on an application. I just want to make that clear,
15 okay.

16 MR. MURRAY BODIN: Thank you very much. I'm
17 having trouble understanding the rules of the various
18 meetings I go to because they are not consistent.

19 CHAIRPERSON SIMON: Well, now, that I would
20 differ that we don't have consistent rules. But we won't
21 get into a debate on that.

22 MR. MURRAY BODIN: Well, your rules are
23 consistent. The other ones aren't the same.

24 VICE CHAIRPERSON SCHWARTZ: Walter, with all due
25 respect, our rules are different than the Town Board. Town

1 Board needs to speak to a specific project, that's true.
2 True, Murray, yes. They do have a different set of rules
3 than we do.

4 CHAIRPERSON SIMON: Okay. So we don't -- okay.

5 MR. MURRAY BODIN: I'm very happy with the
6 information I get from Chairman Simon. It's been very
7 accurate. And one of the reasons I come to these meetings
8 is to learn how to do things right.

9 CHAIRPERSON SIMON: Okay. Now, with that said,
10 the question before us, we have two options. One is to
11 adjourn the Public Hearing to a date after the Zoning
12 Board, date uncertain, but after the Zoning Board made a
13 decision.

14 We can close the Hearing, keep the record open
15 and not make a decision until the Zoning Board make a
16 decision. We can do it either way. My only concern is
17 that regardless which way we go, we're not caused to make a
18 decision prior to the Zoning Board making a decision.

19 So whichever one guarantees that, it doesn't
20 matter to me. That's my concern. That we're not forced to
21 make a decision before the Zoning Board.

22 DEPUTY COMMISSIONER SCHMIDT: I have a
23 suggestion --

24 CHAIRPERSON SIMON: Yes.

25 DEPUTY COMMISSIONER SCHMIDT: -- if the Board

1 wants to consider it. I also want to note that before you
2 do close the Hearing, that you consider classifying this as
3 a Type II Action under SEQRA, which would effectively close
4 out the SEQRA process with respect to this project before
5 the Planning Board.

6 My suggestion in terms of procedure, if the Board
7 was inclined to close the Public Hearing, you could leave
8 the written record open until October 7th, which would be
9 your next Board meeting after the ZBA meeting.

10 And if we reported back to the Planning Board
11 that evening that the Zoning Board had not made a decision,
12 and, David, please correct me if I'm wrong, the Planning
13 Board could, at that time, vote to extend the written
14 record period, if it wished to.

15 FIRST DEPUTY TOWN ATTORNEY FRIED: That is
16 correct.

17 CHAIRPERSON SIMON: Okay. So that's fine with
18 me. I just want to make sure we're not stuck in a point,
19 like I said, that may force us to make a decision before
20 the Zoning Board. So let's do the first thing. I make a
21 SEQRA determination that this is a --

22 BOARD MEMBER FRAITAG: Type II.

23 CHAIRPERSON SIMON: Pardon me? You said this is
24 a Type I?

25 DEPUTY COMMISSIONER SCHMIDT: Type II.

1 FIRST DEPUTY TOWN ATTORNEY FRIED: Type II.

2 CHAIRPERSON SIMON: Of course not Type I. It has
3 to be a Type II.

4 BOARD MEMBER GOLDEN: So moved.

5 BOARD MEMBER DESAI: Second.

6 CHAIRPERSON SIMON: Moved by Michael. Second by?

7 FIRST DEPUTY TOWN ATTORNEY FRIED: Kirit.

8 VICE CHAIRPERSON SCHWARTZ: Kirit.

9 DEPUTY COMMISSIONER SCHMIDT: Mr. Desai.

10 CHAIRPERSON SIMON: All in favor? Aye.

11 VICE CHAIRPERSON SCHWARTZ: Aye.

12 BOARD MEMBER FRAITAG: Aye.

13 BOARD MEMBER GOLDEN: Aye.

14 BOARD MEMBER HAY: Aye.

15 BOARD MEMBER DESAI: Aye.

16 BOARD MEMBER SNAGGS: Aye.

17 BOARD MEMBER GOLDEN: I move we close the Public
18 Hearing and leave the record open until, what date was
19 that, Aaron?

20 DEPUTY COMMISSIONER SCHMIDT: October 7th.

21 CHAIRPERSON SIMON: October 2nd.

22 DEPUTY COMMISSIONER SCHMIDT: 7th.

23 BOARD MEMBER HAY: 7th.

24 CHAIRPERSON SIMON: October 7th.

25 BOARD MEMBER GOLDEN: That's my motion.

1 CHAIRPERSON SIMON: Do we have a second?

2 BOARD MEMBER HAY: Second.

3 CHAIRPERSON SIMON: Second by Tom. All in favor?

4 Aye.

5 BOARD MEMBER FRAITAG: Aye.

6 VICE CHAIRPERSON SCHWARTZ: Aye.

7 BOARD MEMBER HAY: Aye.

8 BOARD MEMBER DESAI: Aye.

9 BOARD MEMBER GOLDEN: Aye.

10 BOARD MEMBER SNAGGS: Aye.

11 CHAIRPERSON SIMON: Oppose? Abstain?

12 (Whereupon, there was no response.)

13 CHAIRPERSON SIMON: So moved.

14 MR. MICHAEL MCGARVEY: Thank you all.

15 CHAIRPERSON SIMON: Now a motion to close --

16 FIRST DEPUTY TOWN ATTORNEY FRIED: No.

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1 CHAIRPERSON SIMON: Now, the other one on is PB
2 19-25, Gez at 25 High Point Lane, preliminary subdivision.

3 MR. EMILIO ESCALADAS: Yes, we are here.

4 DEPUTY COMMISSIONER SCHMIDT: So that's a
5 preliminary subdivision and the tree removal permit
6 application request. We have Mr. Emilio Escaladas here on
7 behalf of the owner. He is the engineer and surveyor on
8 the project. He can walk us through it. I do have the
9 availability of sharing the drawings.

10 I wanted to just note quickly that following the
11 last work session or coming out of the last work session,
12 there was a request by the Planning Board for the applicant
13 to put forth two alternate design plans for the cul-de-sac,
14 the conventional cul-de-sac layout that was initially
15 proposed.

16 The applicant's engineer has done that. It was
17 submitted to the Board. I have those plans, if we need to
18 put them on the screen for everyone, but Mr. Escaladas will
19 walk us through those.

20 He did submit a narrative that accompanied those
21 drawings. So I will let him speak to those. But first, if
22 you would, Mr. Escaladas, if you would, for the benefit of
23 the members of the public that are watching either live or
24 at home to walk us through the proposal in some detail,
25 okay.

1 MR. EMILIO ESCALADAS: Yes, sure. Can you hear
2 me?

3 CHAIRPERSON SIMON: Yes.

4 DEPUTY COMMISSIONER SCHMIDT: Thank you.

5 MR. EMILIO ESCALADAS: Okay, good. Well, thank
6 you, everybody. This, as Aaron explained, it's a
7 subdivision of an oversized parcel where one house, one
8 present house, to stay. So after if this approval is
9 successful, we will be able to have three houses on the
10 same parcel.

11 So we're creating two new lots, building lots.
12 We meet all of the Zoning criteria. One small 250-foot
13 long cul-de-sac, the area shown in green, will be paved as
14 per the Town standards, a line of water, pressurized water,
15 will be built into the cul-de-sac pending in a hydrant.
16 And again, a sanitary sewer will also service the homes
17 emanating from the center of cul-de-sac to the sanitary
18 sewer that's on the street.

19 There are improvements to the drainage to the top
20 of the page there. There is a significant number of
21 drywells that will handle the storage of the 25-year storm.
22 And it is way at the back of the parcels.

23 There are a significant number of trees being
24 cut. Every bit of, I believe, Aaron, remind me, if it's 20
25 or 40, I forget the number. But it's significant.

1 DEPUTY COMMISSIONER SCHMIDT: Let me just take a
2 quick look here.

3 MR. EMILIO ESCALADAS: And but we're proposing --

4 DEPUTY COMMISSIONER SCHMIDT: It's 49 regulated
5 trees proposed.

6 MR. EMILIO ESCALADAS: 49. Some of them are
7 sickly. Some of them probably need to be taken down, but
8 by definition, we have to count them as healthy trees. We
9 also are, like always, we propose a planting diagram and
10 before the building permit is issued, a very exhaustive
11 landscaping plan, there it is, has to be adhered to prior
12 to any certificate of occupancy issuance.

13 So it is an inescapable fact that the trees that
14 are there will mostly be substituted by newer, healthier,
15 younger trees. That's it. In essence, it will be a new
16 mini neighborhood. 2,000, probably 3,000 plus square foot
17 homes occupying a space that is now pretty much open land
18 without any purpose.

19 I feel it's a very successful subdivision. It
20 fits in with the scale and the nature of the neighborhood.
21 And I'm very hopeful that it will go through.

22 Anyway, just quickly mention to repeat what you
23 said, we all felt that the excessive amount of pavement
24 that is always needed for a turn-around for the vehicles,
25 fire chief vehicles and the garbage and all that, it turns

1 out to be a 92-foot diameter paved surface.

2 And there are geometries that have been proposed
3 and accepted by the Town of Greenburgh, I'm glad to say,
4 that minimize the amount of pavement. And I truly
5 encourage that. And I always think of doing that.

6 In this particular case, I did not think of it at
7 the beginning, but one of the Members of the Board
8 suggested that we try it. We did. And unfortunately, both
9 the Y and the T intersections destroy the viability because
10 of the setbacks, as you can see in that corner, destroys --
11 there's absolutely no area left to build a house. That's
12 the T and the Y, which is another attempt, different
13 geometry, does the same type of intrusion into that second
14 lot.

15 As you can see, it doesn't make it. The land,
16 the shape of the land, is just not the right one for these
17 types of intersections. Otherwise, I would, you know, it
18 would -- if this was a squarer piece of land, it probably
19 would work, but not with this unusual shape that we're
20 dealing with. So we have --

21 DEPUTY COMMISSIONER SCHMIDT: Can I ask a
22 question?

23 MR. EMILIO ESCALADAS: Yes, yes, of course.

24 DEPUTY COMMISSIONER SCHMIDT: And you may have
25 mentioned this, I'm sorry. Is it due to basically the

1 stems that come out from either the Y or the T, that length
2 of those that intrude into these lots?

3 MR. EMILIO ESCALADAS: Correct. They have to be
4 60 feet. Because, in essence, that's the needed geometry.
5 I researched it. California, Idaho, Virginia, they all
6 have this very same dimension that we -- that we were -- I
7 spoke to other engineers to see what they have done and we
8 have the same dimensions, all of us.

9 So I'm sure to say that this is the option that
10 is being explored in many places. But it doesn't fit in
11 our geometry, certainly not.

12 CHAIRPERSON SIMON: Okay.

13 BOARD MEMBER GOLDEN: Can I make a comment?

14 CHAIRPERSON SIMON: Yes.

15 BOARD MEMBER GOLDEN: Okay, Aaron, could you put
16 on the screen, you know, the image with the green showing
17 the pavement and the turn-around. Right. So I was out
18 there with Aaron a few weeks ago.

19 I mean everybody can see that the amount of
20 pavement for this 92-foot diameter turn-around, you know, I
21 would say is obscene. It requires the removal of many more
22 trees, obviously, to have a lot more impervious surface.
23 It requires, you know, substantially increased drainage. I
24 think I made my point.

25 I'm disappointed, and I'm not blaming you. I'm

1 sure you tried. I'm disappointed that we couldn't do a
2 hammer head or anything like that.

3 MR. EMILIO ESCALADAS: I agree. I feel like I
4 was very surprised it didn't work. And it's because --

5 BOARD MEMBER GOLDEN: It's all right, you
6 explained it. And I accept at face value of what you said.
7 Here's what I think. I think we just do a common driveway,
8 which splits off, you know, to both of the houses.

9 And like in probably three or four dozen streets,
10 in Edgemont, and probably in at least that many more in
11 Greenburgh, let the garbage trucks back in or back out.
12 Let the fire trucks go in head first and somebody will back
13 them out.

14 I am completely opposed to this arrangement. And
15 I don't care what the fire department says. I've seen the
16 fire department get in spaces you couldn't -- you didn't
17 think you can get a Volkswagen bug into. They can do it.
18 And they can do it here. There is plenty of room. So I am
19 very much opposed to this 90-foot diameter turn-around.

20 CHAIRPERSON SIMON: Any other Board Members have
21 a comment? I have a comment on this also, okay. I'll
22 speak first. And then I will let the other Board Members.

23 You know, I'm in total agreement with Michael,
24 that this 96-foot turn-around is just obscene. But I would
25 like to see if something can be done so you don't have this

1 circle and the trucks don't have to back out.

2 So one of the objects is that in the middle of
3 the circle, you plant a tree and then you have mountable
4 curbs around it. So the trucks will still be able to go
5 around in that area without backing in. And you have --
6 you just don't have this massive piece of empty circle
7 there, that you have a tree in the middle, a mountable
8 curb. So that's another way we can go. Any other Board
9 Members have an idea?

10 VICE CHAIRPERSON SCHWARTZ: Yeah, first of all,
11 Aaron, refresh my memory, we have an issue with a
12 cul-de-sac in one spot where the fire district wanted
13 something. It wasn't a Greenburgh Fire Department, it was
14 Ardsley, I think, wanted something much larger than, I
15 think it was this size, and we did something to mitigate
16 that. Could you refresh our memory what we did, please?

17 DEPUTY COMMISSIONER SCHMIDT: Yes. So I believe
18 that was in the Village of Irvington. It was a cul-de-sac
19 to service, I think, four or five new homes. Actually, you
20 know, our Town Code says that cul-de-sac diameter shall be
21 80 feet.

22 What that particular fire department had
23 indicated was that there is actually a requirement in the
24 Fire Code for a 96-foot diameter and 90-foot diameter paved
25 cul-de-sac.

1 What the Planning Board did with respect to that
2 application was, it did request and the applicant agreed,
3 to put in a center island with mountable curbs similar to
4 what Chairperson Simon had mentioned as a potential
5 alternative here with vegetation in the center to break up
6 some of the, you know, pavement, the 96 or 92-foot diameter
7 pavement, and break it up with some landscaping and reduce
8 the impervious coverage with respect to that. So that is
9 an option.

10 VICE CHAIRPERSON SCHWARTZ: One other option I
11 think we have is grass pavers. You can reduce a diameter
12 significantly if around the edge of the cul-de-sac you use
13 grass pavers. The complaint we normally get about grass
14 pavers is when we try to do them in a parking lot is the
15 maintenance.

16 This isn't going to be utilized that heavily that
17 you couldn't do grass pavers, except to the entrance to the
18 driveway, for example, and still have that same effect. So
19 maybe you do a combination of the two. Because Michael and
20 Walter are 100 percent right on this, I believe. For three
21 houses, this is absolutely just too much, too much asphalt.

22 BOARD MEMBER GOLDEN: It's actually two houses.
23 The third existing house has its own driveway.

24 VICE CHAIRPERSON SCHWARTZ: Okay, then I stand
25 corrected, Michael, thank you. So it's only two houses.

1 But what about using grass pavers?

2 FIRST DEPUTY TOWN ATTORNEY FRIED: If I may make
3 one comment just in general. The way this is proposed is
4 to be a street that is going to be dedicated to the Town.
5 So I just want the Planning Board to be aware that
6 maintenance, if it's dedicated to the Town, it will become
7 Town responsibility.

8 VICE CHAIRPERSON SCHWARTZ: Still shouldn't be
9 that hard.

10 FIRST DEPUTY TOWN ATTORNEY FRIED: I'm just
11 talking to you about cost.

12 VICE CHAIRPERSON SCHWARTZ: I understand.

13 FIRST DEPUTY TOWN ATTORNEY FRIED: I want the
14 Board to be fully aware.

15 BOARD MEMBER GOLDEN: David, how could that be a
16 street. It's on private property. That's not a street.

17 FIRST DEPUTY TOWN ATTORNEY FRIED: It could be
18 the cul-de-sac. The intent is for it to be a cul-de-sac
19 and the subdivision lines show that this would be, that
20 this is going to be a public street from what I understand.

21 BOARD MEMBER GOLDEN: I stand by my original
22 point. I think it should be a driveway. I think it should
23 be a normal size and, you know, any truck going in there
24 can figure out how to do it.

25 MR. EMILIO ESCALADAS: I can suggest one item,

1 Michael, with respect to what you just said. And it's up
2 to legal to respond to it in the sense that we can adjust
3 the driveway significantly so that the portion that is
4 paved from the main stem for the so-called road would
5 almost give me the same geometry as that Y intersection of
6 60 feet from the center if I allowed the driveways to be
7 part of that geometry.

8 The only negative aspect of that is that God
9 forbid there is a fire and there are cars parked on the
10 driveway legally, then it would be blocking the turn-around
11 possibility of the larger vehicle.

12 Also, I think that the fire chiefs will not go
13 into shallow driveways like this. And they fight the fire
14 from the road. That's my understanding of other fire
15 people I've spoken to. They will not go into the
16 cul-de-sac.

17 BOARD MEMBER GOLDEN: I don't believe that for a
18 second. They'll get as close as they can particularly to
19 the hydrant. There will be a new hydrant in there.

20 VICE CHAIRPERSON SCHWARTZ: Aaron, don't we have
21 an issue at that point with the length of the driveway,
22 which code? Which code to the driveway?

23 MR. EMILIO ESCALADAS: 250, I would have to
24 have --

25 DEPUTY COMMISSIONER SCHMIDT: Right. We will

1 look at the code. I believe it's six times. I'll have to
2 double-check it and I can report that back to the Board and
3 communicate that with Mr. Escaladas.

4 One thing I did want to speak to with respect to
5 what Mr. Escaladas had suggested is that the Planning Board
6 in a prior subdivision did permit an applicant to utilize a
7 portion of its hammer head as within a private driveway
8 subject to an easement. And that may be something that
9 could be done in this instance as well. And I'll be happy
10 to share that information with Mr. Escaladas.

11 CHAIRPERSON SIMON: Okay. Moving forward, we
12 have about three suggestions that were made. The one that
13 you said about the hammer head. The other is to just makes
14 the streets and let the trucks back in and out.

15 And the other one is to make the turn-around
16 80 feet and with some planting and mountable curb or grass
17 pavers in the middle to make it porous and allow the trucks
18 to go over.

19 I know fire chiefs said, well, porous pavers,
20 they are not strong enough, but how often is a fire truck
21 going around that. It's not as if they are traveling back
22 and forth. I would like to see, you know, I think we
23 have -- if the Board feels comfortable, I do, is to put
24 this on for Public Hearing, that prior to the Public
25 Hearing you provide plans for an 80-foot driveway with the

1 porous pavements and the trees in the middle. The other
2 plan which connecting the driveways. And the other one is
3 with the idea of the hammer head.

4 And then we will have that information. And at
5 the Public Hearing, you can present it and then the Board
6 will have the opportunity to review it. And then we can
7 indicate which one we feel is best suited for this site.

8 DEPUTY COMMISSIONER SCHMIDT: Okay, thank you,
9 Chairperson Simon. I just want to mention two things. So
10 one being that we do have members of the public that are
11 here and, I believe, wish to speak.

12 CHAIRPERSON SIMON: Yes.

13 DEPUTY COMMISSIONER SCHMIDT: Also, Mr. Desai has
14 indicated that he did have a question as well.

15 CHAIRPERSON SIMON: Okay, fine.

16 FIRST DEPUTY TOWN ATTORNEY FRIED: I also, if I
17 can, the one question that I will have for Mr. Escaladas is
18 that the proposal mentioned, if any of the proposals change
19 the dimensions of the subdivision, such as the one for a
20 driveway or something, that should be addressed as we go
21 forward, not today.

22 But we're going to hear from the public now, and
23 maybe have a road map of where we're going to go or maybe
24 have different alternatives. So if that's going to change
25 anything with respect to the lot line, we should know that.

1 MR. EMILIO ESCALADAS: What do you mean by that?
2 I don't get it.

3 FIRST DEPUTY TOWN ATTORNEY FRIED: Well,
4 Mr. Golden had suggested a one driveway that runs off. In
5 that case, we would not have the cul-de-sac of the road.
6 Those would be normally private driveways and that would
7 change presumably the lot lines.

8 MR. EMILIO ESCALADAS: Yes, but we were doing
9 that with an easement, which makes sense to me.

10 FIRST DEPUTY TOWN ATTORNEY FRIED: Well, I just
11 want clarification on that.

12 CHAIRPERSON SIMON: Yes.

13 MR. EMILIO ESCALADAS: Yes. By definition, the
14 lots may even increase its size because now the paved
15 surface, it goes down. It goes further away and the
16 property line, the right of way, increases for the lot. So
17 I understand that. I understand what you're saying, yes.

18 FIRST DEPUTY TOWN ATTORNEY FRIED: Okay.

19 CHAIRPERSON SIMON: Okay.

20 DEPUTY COMMISSIONER SCHMIDT: Mr. Desai had a
21 question.

22 CHAIRPERSON SIMON: Is there any more questions
23 by the Board? Kirit, yes.

24 BOARD MEMBER HAY: I would like to speak after
25 Kirit.

1 CHAIRPERSON SIMON: Okay. Go ahead.

2 BOARD MEMBER DESAI: Emilio, can you go back to
3 the tree removal plan, please?

4 MR. EMILIO ESCALADAS: Okay.

5 DEPUTY COMMISSIONER SCHMIDT: Sure. I will do.

6 BOARD MEMBER DESAI: Yeah. Okay, Aaron, yeah.
7 My concern is that why you are removing all the trees all
8 along that corner?

9 DEPUTY COMMISSIONER SCHMIDT: Up here?

10 BOARD MEMBER DESAI: Yeah.

11 MR. EMILIO ESCALADAS: That's all drainage. All
12 the drainage is going there. That's the low point of the
13 property.

14 BOARD MEMBER DESAI: Yeah, but the trees are
15 there now and it will remain there so why --

16 MR. EMILIO ESCALADAS: We have to put subsurface
17 features, Cultec. So we have to excavate three to
18 four feet in that area in order to place the volume of
19 these devices.

20 BOARD MEMBER DESAI: But if I look at the plan,
21 you have a Cultec on the left-hand side.

22 MR. EMILIO ESCALADAS: They are all over the
23 place. So some for the homes and some for the road.

24 BOARD MEMBER DESAI: So why can't you --

25 DEPUTY COMMISSIONER SCHMIDT: Right. So

1 Mr. Desai, so one of the requirements is when you construct
2 a new roadway, and this could change if they are able to
3 cut down on the pavement. But with the new roadway, the
4 Town Code says well, you can't, the runoff coming off this
5 new pavement, it can't just be directed out into the
6 existing property, he has to capture it and treat it.

7 So what he's proposing was to put in catch
8 basins, then tie it through an easement and put it into a
9 series of drywells. Correct me if I'm wrong.

10 MR. EMILIO ESCALADAS: Correct.

11 BOARD MEMBER DESAI: My question is, why can't he
12 put some Cultec where your left of that. That's all. I
13 mean, it's yeah, over there, yeah. So that he do not have
14 to remove some of the trees.

15 MR. EMILIO ESCALADAS: I always, I always try to
16 keep the water as far away from the future homes and the
17 basement. The longer the horizontal distance and the more
18 soil I have between the source of water and the basement,
19 the better for the home. It's a longterm issue, but I like
20 to address it now.

21 And a lot of those trees, by the way, are not in
22 very good or excellent shape. They are kind of pines.
23 They are not in good health. I'm not at all -- I love
24 trees, I would not -- if those were 38-inch Oaks, I would
25 do my best to stay away from them, but they are not. They

1 are sickly trees and I don't have any sadness to replace
2 them.

3 Actually, we are going to be replacing a lot of
4 these trees with newer trees. The amount of planting is
5 significant. And as we all know, when we introduce a newer
6 tree, it's a betterment for all of the area. I just
7 feel -- and also, in a way, it gives that backyard a little
8 bit more of an esthetic openness. That's the other issue
9 that took over my design.

10 But I guess I could, if the Board insists, I
11 could. I just don't like to put water sources near any of
12 the houses, it doesn't make any sense.

13 BOARD MEMBER DESAI: But if I understand
14 correctly, the side slopes away from the proposed house.
15 So but anyway, I was trying to save some more trees.

16 MR. EMILIO ESCALADAS: I understand. I
17 understand.

18 BOARD MEMBER DESAI: And to kind of accommodate
19 the drainage issue, but --

20 MR. EMILIO ESCALADAS: It's a big footprint for
21 the drainage issue. I think even if we push it over to the
22 left, by the time we excavate, and we may not even be able
23 to save it because then the roots of the trees will be cut.
24 So I think we're wishing something we probably may not
25 achieve.

1 CHAIRPERSON SIMON: Okay.

2 DEPUTY COMMISSIONER SCHMIDT: I believe Mr. Hay
3 had a question.

4 CHAIRPERSON SIMON: Tom?

5 BOARD MEMBER HAY: Yes, hi. Two things. One, I
6 want to be clear on the options that we're asking
7 Mr. Escaladas to do. And the second --

8 MR. EMILIO ESCALADAS: Me too, me too, by the
9 way.

10 BOARD MEMBER HAY: -- is to understand, you know,
11 how realistic it is that we can get those approved with the
12 fire department. Because I don't want any applicant to do
13 unnecessary work. So what I heard for the options was one,
14 where it's just a long driveway that extends from the
15 street to the two homes.

16 CHAIRPERSON SIMON: Right.

17 BOARD MEMBER HAY: One was a smaller cul-de-sac
18 closer to 80 feet than the 90 plus.

19 CHAIRPERSON SIMON: Right.

20 BOARD MEMBER HAY: The third I heard hammer head,
21 but I'm not sure what that one is. And whoever proposes
22 it, if you could repeat that.

23 MR. EMILIO ESCALADAS: Let me repeat that one. I
24 believe that the hammer head would be similar geometry to
25 that or that, but that the end edge would become, in

1 essence, the driveways to the homes. So we doubled up in
2 function. We have the geometry that we need for the fire
3 truck and the width. So that geometry stays.

4 But the property line ends where we have it, and
5 the setbacks, which is the offensive aspect of this
6 proposal doesn't decrease the buildable envelope of the
7 lots. So, in essence, we would leave the property right of
8 way lines where they are and the driveway, and the
9 driveway, in essence, will be the Y geometry for the
10 turn-around. That we can achieve.

11 BOARD MEMBER HAY: Okay.

12 MR. EMILIO ESCALADAS: That's the drawing, that's
13 in the drawing that we're looking at right now, could serve
14 as that option, that third option, where the lot that is to
15 the right will be -- that driveway will end at the garage
16 of the house.

17 I think I can squeeze a house with that
18 particular geometry. I'll try it. I'll look at it from
19 the point of view how I would build a house with that road
20 geometry, but I think we can do that.

21 BOARD MEMBER HAY: Okay, that makes sense to me.
22 That was my thought when I looked at this because that
23 would save you the setback question. Then, my next
24 question, which is probably to David Fried, okay, the fire
25 department, from what I'm understanding I'm hearing

1 tonight, the fire department prefers or requires, requests
2 a big cul-de-sac turn-around. We're going to propose a
3 couple of things that are not that. Who has jurisdiction
4 here?

5 FIRST DEPUTY TOWN ATTORNEY FRIED: Okay, well,
6 let's start with -- I'm not sure that the fire department
7 proposed. What was proposed was a cul-de-sac. And in
8 order to do the cul-de-sac, the applicant has to be
9 consistent with New York State Law, which requires that,
10 and the fire department is rather, you know, adheres to
11 that.

12 If Mr. Escaladas prepares a different diagram, we
13 do want to hear from the fire department to determine what
14 their view is. If, however, everything is to code, if the
15 fire department is not thrilled with it, but it meets
16 New York Code, we can approve in the fashion that that is
17 part of the application.

18 DEPUTY COMMISSIONER SCHMIDT: That is correct.
19 That's my understanding as well.

20 BOARD MEMBER HAY: Right. Thank you.

21 MR. EMILIO ESCALADAS: I took an area of the --
22 and keep this drawing. If you look at this drawing and you
23 see the difference between the circular pattern of the
24 cul-de-sac, that one, and you visually compare it to the
25 dark area that sticks in to the lot to the right, the Y

1 went from there.

2 That area, if you subtract it from the quarter
3 pie area on the left, it only leaves you a savings -- in
4 other words, the savings that we would do was not
5 significant. It was probably around 1500 square feet,
6 which is no joke. It does save us about that much and four
7 trees. I did not say that at the beginning. The advantage
8 of having this type of arrangement.

9 And if we can now make this a little bit not as
10 wide and treat this as the driveway, I may be able to, and
11 maybe push it forward, and reshape all three lots, I may be
12 able to incorporate this geometry and leave a buildable
13 envelope for homes. I think we can do it. Let me try it.

14 CHAIRPERSON SIMON: Okay. Would any other Board
15 Member like to speak on this issue? If not, is there
16 anyone from the public who would like to speak on this
17 issue?

18 MR. MURRAY BODIN: Yes.

19 CHAIRPERSON SIMON: Yes.

20 MR. MURRAY BODIN: My name is Murray Bodin. I
21 live at 101 Joyce Road in Hartsdale, which is at the end of
22 the cul-de-sac that has ten houses on it. Been here over
23 40 years. In the 40 years that we've been here, no garbage
24 truck has ever turned around. Everyone has backed up the
25 hill, up a hill, with a curve, successfully. Never saw an

1 accident.

2 I agree with Michael that a cul-de-sac in this
3 area just is not appropriate. This is a post-virus world
4 we live in. And many of the rules that were established 50
5 years, 100 years ago, are no longer applicable. A short
6 driveway, garbage truck would pull in and back out. Even
7 the new one-armed garbage trucks, the cans would be on one
8 side and they would successfully do it.

9 The newer garbage truck is the only one that can
10 turn around in our cul-de-sac. And it takes him five
11 minutes to make six different things until he gets around
12 it because he has to have the arm on the other side.

13 The other question I have is whether or not
14 you're going to put in curbs and sidewalks. It is my
15 opinion that curbs are racist. They serve no useful
16 purpose. They hinder a walker. And this issue of curbs
17 especially on the 119 be construction.

18 I have started to challenge New York State DOT on
19 their regulations on the roads. The small of that driveway
20 without a cul-de-sac would work very well. It has worked
21 in 100s of locations in Westchester County.

22 We have to think new. We have less resources
23 than we had before. There are fire districts and no
24 consistency between fire districts. What one fire district
25 finds acceptable, the next one doesn't, which now raises

1 the question is why we have any fire districts. Because in
2 Hartsdale we have one police department, multiple fire
3 districts and the cost of money paying for these additional
4 chiefs is outrageous.

5 CHAIRPERSON SIMON: Mr. Bodin, could you --

6 FIRST DEPUTY TOWN ATTORNEY FRIED: Mr. Bodin,
7 please --

8 MR. MURRAY BODIN: Do I have the floor or do I
9 have the floor?

10 FIRST DEPUTY TOWN ATTORNEY FRIED: With respect
11 to this application, please.

12 CHAIRPERSON SIMON: Mr. Bodin --

13 MR. MURRAY BODIN: My question is --

14 CHAIRPERSON SIMON: Please.

15 MR. MURRAY BODIN: With my request --

16 CHAIRPERSON SIMON: Please. Okay, just please
17 talk to the issue that's before us.

18 MR. MURRAY BODIN: Yes. Before us --

19 CHAIRPERSON SIMON: On this application, okay.

20 MR. MURRAY BODIN: Yes. Before us is a driveway.
21 My question is there curbs and sidewalks involved with
22 whatever is put in?

23 MR. EMILIO ESCALADAS: The design submitted does
24 not show sidewalls. However, the curbs are needed to
25 create a causeway for the stormwater and direct it to the

1 drainage low point. It's really a control of the flow of
2 the water. If we didn't have the curb, the water then
3 would exfiltrate on to each individual property creating
4 maybe water problems and icy problems in the winter.

5 So there is a real engineering issue about that.
6 The sidewalks, of course, that's a social issue to be
7 decided by each buildings. I have not been required to
8 have one here. So we didn't put one in. That's a social
9 issue, that depends on the Board how they feel about this.

10 But the curb is, unfortunately, I wouldn't know
11 how to direct the water to where I have to take it if I
12 didn't have a curb flow on the edge of the road.

13 CHAIRPERSON SIMON: Okay. Are there any other,
14 anyone else --

15 MR. MURRAY BODIN: Can I ask another question?
16 Is it possible for me to have a visit to the site?

17 MR. EMILIO ESCALADAS: Sure.

18 MR. MURRAY BODIN: Who do I have to see to
19 arrange a visit?

20 CHAIRPERSON SIMON: Speak to Aaron Schmidt.

21 DEPUTY COMMISSIONER SCHMIDT: You may speak with
22 me. You can send me an email about that, Mr. Bodin.

23 MR. MURRAY BODIN: Thank you, Aaron.

24 CHAIRPERSON SIMON: Okay. Anyone else who would
25 like to speak to this issue?

1 (Whereupon, there was no response.)

2 CHAIRPERSON SIMON: If not, I would like to make
3 that we don't close the hearing but adjourn the hearing and
4 give Mr. Escaladas the opportunity to look at the three
5 different plans that we had in front of us.

6 And how long do you think, how much work is
7 involved to do that, if you do the consolidation, if you
8 will, of those driveways into a so-called hammer; the idea
9 of 80-foot turn-around with porous pavers, mountable curbs
10 and a tree in the middle?

11 MR. EMILIO ESCALADAS: Well, yeah, I understand.
12 It's a question of just starting. I can have it, I
13 believe, by the next meeting. You'll have a chance to
14 review it so that you can opine on the next meeting. I'll
15 do my best.

16 DEPUTY COMMISSIONER SCHMIDT: Would you be able
17 to have it into us within one week from this evening?

18 MR. EMILIO ESCALADAS: I have to say yes because
19 my client is listening.

20 BOARD MEMBER GOLDEN: Emilio, please don't forget
21 my idea of the simple shared driveway where trucks have to
22 back up.

23 MR. EMILIO ESCALADAS: I would prefer that one.

24 BOARD MEMBER GOLDEN: What?

25 MR. EMILIO ESCALADAS: I would prefer that one.

1 I will shoot for that one myself. If I have the power,
2 that's what we would do.

3 BOARD MEMBER GOLDEN: Good.

4 CHAIRPERSON SIMON: Okay. So if you can prepare
5 those three --

6 MR. EMILIO ESCALADAS: Yes.

7 CHAIRPERSON SIMON: -- examples, and, you know,
8 you tell and you give us the reason why you prefer --

9 MR. EMILIO ESCALADAS: I will.

10 CHAIRPERSON SIMON: -- one above the other, and
11 the reasons why.

12 MR. EMILIO ESCALADAS: I'm of the opinion --

13 CHAIRPERSON SIMON: And you will have all the
14 information, the plus and minuses, and then we can go from
15 there, okay?

16 MR. EMILIO ESCALADAS: I'm 72 years old. I've
17 done a lot of subdivisions. I agree with the zeal, that
18 the subdivisions should be done in scale for two houses to
19 have this gigantic pavement, I do agree with the Board,
20 it's too much. We are simply trying to find a way to
21 satisfy the fire chiefs and I think we can satisfy
22 ourselves, if it was left to us.

23 But the fire chiefs are very specific and I don't
24 want to put legal into a difficult position or the Town
25 Public Works in a difficult position. We have to be wise

1 about that. And we have to get their nod as well. I'm
2 ready to miniaturize this pavement, absolutely.

3 DEPUTY COMMISSIONER SCHMIDT: Thank you,
4 Mr. Escaladas.

5 CHAIRPERSON SIMON: Okay. I have a motion to
6 adjourn this Public Hearing until --

7 VICE CHAIRPERSON SCHWARTZ: September 16th.

8 CHAIRPERSON SIMON: -- the 16th?

9 BOARD MEMBER GOLDEN: So moved.

10 CHAIRPERSON SIMON: You feel you'd be prepared by
11 that?

12 MR. EMILIO ESCALADAS: Yes.

13 CHAIRPERSON SIMON: I can make it later.

14 MR. EMILIO ESCALADAS: Yes, no, we're good.

15 CHAIRPERSON SIMON: Okay. I make a proposal to
16 adjourn the Public Hearing to September 16th.

17 BOARD MEMBER GOLDEN: So moved.

18 FIRST DEPUTY TOWN ATTORNEY FRIED: Michael
19 already made the motion. We need a second.

20 BOARD MEMBER FRAITAG: Second.

21 CHAIRPERSON SIMON: Mona second. All in favor?
22 Aye.

23 VICE CHAIRPERSON SCHWARTZ: Aye.

24 BOARD MEMBER GOLDEN: Aye.

25 BOARD MEMBER FRAITAG: Aye.

Case No. PB 19-25

BOARD MEMBER SNAGGS: Aye.

BOARD MEMBER DESAI: Aye.

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Case No. PB 20-08

CHAIRPERSON SIMON: Okay. Motion to close the
Public Hearing?

FIRST DEPUTY TOWN ATTORNEY FRIED: No, we have
not discussed --

CHAIRPERSON SIMON: Oh, okay, we have to
adjourn --

DEPUTY COMMISSIONER SCHMIDT: We still have
Greystone.

CHAIRPERSON SIMON: We have to adjourn Greystone,
right. Okay.

FIRST DEPUTY TOWN ATTORNEY FRIED: If you want to
set it up.

1 DEPUTY COMMISSIONER SCHMIDT: Yes. So this is --

2 CHAIRPERSON SIMON: Okay. We went through the
3 background, how it came about being on the agenda after we
4 had said that we would not put something on the agenda
5 until the applicant is ready. When the applicant feels
6 that they would absolutely be able to have a written
7 document that says that the Town of Tarrytown is satisfied.

8 DEPUTY COMMISSIONER SCHMIDT: Right. So
9 Chairperson Simon and Members of the Board, just for the
10 record, this is Case Number PB 20-08.

11 CHAIRPERSON SIMON: Okay.

12 DEPUTY COMMISSIONER SCHMIDT: The
13 Greystone-on-Hudson. As indicated by the Chairman, the
14 applicant did submit a letter and requesting an
15 adjournment. It was under everyone's impression that they
16 had satisfied the Village of Tarrytown's request.

17 Only after Town staff reaching out to the Village
18 to see if they had any interest in joining in on this
19 Public Hearing did we find out that the Village of
20 Tarrytown was now requesting additional information or
21 additional testing by the applicant.

22 So the applicant indicated to me that the testing
23 will start tomorrow. It's a two-week testing period. And
24 he requested in his email that, you know, just so that
25 there is enough time, he's not asking to be put on two

1 weeks from now. He's asking to be put on five weeks from
2 now, which is October 7th. He's already re-noticed for
3 this meeting and that was the request of the applicant.

4 BOARD MEMBER GOLDEN: So I move that we adjourn
5 it to October 7th.

6 CHAIRPERSON SIMON: Michael moved that we adjourn
7 to October 7th. Do we have a second?

8 BOARD MEMBER HAY: Second.

9 CHAIRPERSON SIMON: Tom second. All in favor?

10 VICE CHAIRPERSON SCHWARTZ: Can we have a
11 discussion first, Walter? I disagree.

12 CHAIRPERSON SIMON: Okay.

13 VICE CHAIRPERSON SCHWARTZ: And the reason I
14 disagree is very simple. We have now postponed this, I
15 think, five times. I think that's how many times we've
16 done it. I don't think we should schedule this until there
17 is a letter, period. It's gone on and on and on.

18 So I think this a very bad idea to schedule it
19 now. It should be open until we get written confirmation
20 from the Village of Tarrytown that they've accomplished
21 whatever they need to do with the Village of Tarrytown.

22 BOARD MEMBER GOLDEN: Let me ask Aaron something.
23 Can we adjourn it to a date to be determined?

24 VICE CHAIRPERSON SCHWARTZ: Yes.

25 DEPUTY COMMISSIONER SCHMIDT: Well, and I believe

1 that's what Mr. Schwartz is asking the Board to consider.
2 The Board can do that. It would require the applicant to
3 re-notice a third time.

4 Now, which, you know, the Board may absolutely
5 put it off to a date uncertain. The concern I have is that
6 I'm just, I'm not 100 percent sure that we will get
7 something in writing from the Village. And if it carries
8 on so long, it's going to hurt this applicant in trying to
9 move forward. So that's just a concern that I wanted to
10 bring to the Board's attention.

11 BOARD MEMBER GOLDEN: Hold on. I hear what you
12 say. On the other hand, I don't think this is the
13 applicant's fault. I stand by my original motion, if they
14 are not ready on October, whatever it is, 16th.

15 VICE CHAIRPERSON SCHWARTZ: 7th.

16 BOARD MEMBER GOLDEN: 7th, it will take two
17 minutes to adjourn it again. This is not a burden on us.
18 And I think the applicant has already been burdened enough.
19 You know, maybe justifiably so, I have no idea. I don't
20 know what's going on.

21 I would just adjourn it to October 7th. If the
22 applicant isn't ready, it will take us one minute, we don't
23 spend 15 minutes discussing it, to adjourn it to another
24 date.

25 DEPUTY COMMISSIONER SCHMIDT: We do have a motion

1 in effect.

2 CHAIRPERSON SIMON: Wait a minute. Any other
3 comment before we move the motion?

4 (Whereupon, there was no response)

5 CHAIRPERSON SIMON: If not, I call all those in
6 favor to adjourning it to October 7th?

7 BOARD MEMBER GOLDEN: Aye.

8 BOARD MEMBER HAY: Aye.

9 BOARD MEMBER FRAITAG: Aye.

10 BOARD MEMBER SNAGGS: Aye.

11 BOARD MEMBER DESAI: Aye.

12 CHAIRPERSON SIMON: All right, aye. All those
13 oppose?

14 VICE CHAIRPERSON SCHWARTZ: No.

15 CHAIRPERSON SIMON: Hugh Schwartz opposed.
16 Abstain?

17 (Whereupon, there was no response.)

18 CHAIRPERSON SIMON: Okay, motion carried. Okay,
19 motion to now close the Public Hearing?

20 BOARD MEMBER HAY: So moved.

21 CHAIRPERSON SIMON: Moved by Thomas Hay. Do we
22 have a second?

23 BOARD MEMBER GOLDEN: Second.

24 CHAIRPERSON SIMON: Second by Michael Golden.

25 All those in favor in closing the Public Hearing, please

1 indicate?

2 BOARD MEMBER HAY: Aye.

3 BOARD MEMBER GOLDEN: Aye.

4 BOARD MEMBER DESAI: Aye.

5 BOARD MEMBER FRAITAG: Aye.

6 BOARD MEMBER SNAGGS: Aye.

7 VICE CHAIRPERSON SCHWARTZ: Aye.

8 CHAIRPERSON SIMON: Oppose?

9 (Whereupon, there was no response.)

10 CHAIRPERSON SIMON: Abstain?

11 (Whereupon, there was no response.)

12 CHAIRPERSON SIMON: Okay.

13 (Whereupon, the Planning Board Public Hearing was
14 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 conducted via Zoom taken
by the undersigned, to the best of her ability.

Barbara Marciante

Barbara Marciante,
Official Court Reporter