

TOWN OF GREENBURGH  
PLANNING BOARD

-----x

ROLL CALL

5. ITEMS FOR PUBLIC HEARING/PUBLIC DISCUSSION

- a) Case No. PB 21-15  
Fountainhead Apartments  
Fountain Lane  
(P.O. Scarsdale, N.Y.)
- b) Case No. PB 21-10  
Parashis  
23 Springwood Avenue  
(P.O. Ardsley, N.Y.)
- c) Case No. PB 19-26  
Kaufmann  
36 Hillcrest Avenue  
(P.O. Ardsley, N.Y.)

ADJOURNMENT.

-----x

Greenburgh Town Hall  
177 Hillside Avenue  
Greenburgh, New York 10607  
October 6, 2021

PLANNING BOARD MEETING CONDUCTED VIA ZOOM

Barbara Marciante,  
Official Court Reporter

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

MICHAEL GOLDEN, Board Member

THOMAS HAY, Board Member

MONA FRAITAG, Board Member

JONATHAN CAMPOZANO, Esq., Prospective Alternate 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

1 CHAIRPERSON SIMON: We will go into Public  
2 Hearing now. Could you take the roll call vote for the  
3 members --

4 DEPUTY COMMISSIONER SCHMIDT: Yes.

5 CHAIRPERSON SIMON: -- for the record.

6 DEPUTY COMMISSIONER SCHMIDT: Chairperson Simon?

7 CHAIRPERSON SIMON: Here.

8 DEPUTY COMMISSIONER SCHMIDT: Mr. Schwartz?

9 VICE CHAIRPERSON SCHWARTZ: Here.

10 DEPUTY COMMISSIONER SCHMIDT: Thank you.  
11 Mr. Golden?

12 BOARD MEMBER GOLDEN: Here.

13 DEPUTY COMMISSIONER SCHMIDT: Mr. Desai?

14 BOARD MEMBER DESAI: Here.

15 DEPUTY COMMISSIONER SCHMIDT: Mr. Hay?

16 BOARD MEMBER HAY: Here.

17 DEPUTY COMMISSIONER SCHMIDT: Ms. Fraitag?

18 BOARD MEMBER FRAITAG: Here.

19 DEPUTY COMMISSIONER SCHMIDT: Please note for the  
20 record that Mr. Snaggs is not here for the Public Hearings  
21 this evening. Thank you.

22 CHAIRPERSON SIMON: Okay. As you can see in the  
23 public record, there is a statement that we make before  
24 Public Hearing. I won't read the whole statement, but I  
25 want to point out two very important facts.

1           The first one, decisions on adjustments to the  
2           proposal plan are based on factual evidence. Factual  
3           evidence. And reviewed for consistency with the Town Code  
4           and Comprehensive Plan. It is based on factual evidence.

5           And the other important thing is the relative  
6           popularity of an application is not a factor in Planning  
7           Board decisions. Decisions are based on the facts  
8           presented. And so we take in the facts, we listen to what  
9           the public has to say on any proposal. But the key thing  
10          is the facts. So ten people stating one fact is not as  
11          powerful as one person stating ten facts. So remember,  
12          it's the facts that count. Thank you.

13           Okay, the first thing on the agenda is Case PB  
14          21-15.

15           DEPUTY COMMISSIONER SCHMIDT: Yes. Thank you,  
16          Chairperson Simon. And before I make an announcement, I  
17          just want to make sure that we have a representative here.  
18          It does look like they are here. Okay, great. So as  
19          Chairperson Simon mentioned, the next case is PB 21-15, the  
20          Fountainhead Apartments, located at Fountain Lane, P.O.  
21          Scarsdale.

22           The request is an amendment to a condition of a  
23          previously approved site plan under Case Number PB 79-01,  
24          which required that a 6-foot high wooden fence be provided  
25          along the entire westerly property line of the development.

1 We have the applicant's representative here this evening.

2 I know we had this on for work session  
3 previously. We've had Board Members out to the site now.  
4 We do have a member of the public that's interested in  
5 speaking. So I just wanted to make the Board aware of  
6 that. And we can turn things over to Mr. Tancredi and  
7 Mr. Carnicelli.

8 MR. RICK TANCREDI: Thanks for having us. So we  
9 just would like some direction on where we're going to go  
10 with the fence at this point. I think the Board had seen  
11 the area that what's of concern and why we would like to  
12 have the code changed. So do we have anything else? I  
13 mean that kind of covers it, right?

14 MR. JAMES CARNICELLI: Yeah.

15 CHAIRPERSON SIMON: Wait a minute, you said the  
16 code change?

17 MR. JAMES CARNICELLI: It's not a code change.

18 MR. RICK TANCREDI: It's not a code change. What  
19 is it?

20 MR. JAMES CARNICELLI: Actually, it's mitigating  
21 the code description.

22 MR. RICK TANCREDI: Right, a description of the  
23 code.

24 DEPUTY COMMISSIONER SCHMIDT: It's an amendment  
25 to the previously required condition of Planning Board

1 approval. I'm going to share the screen so that we can  
2 take a look at an aerial. But yeah, there is really not  
3 much more than that. There is no development.

4 This property is already developed and has been  
5 for a long period of time. The direct, and really, the  
6 only thing that they are seeking relief from is a condition  
7 from 1979 that I've sited. And let me share the screen.

8 DEPUTY TOWN ATTORNEY FRIED: While you are doing  
9 that, Mr. Tancredi, if you can just sort of explain to the  
10 Board and the general public why it is you want relief from  
11 having a wooden fence there. And what it is you are  
12 proposing to put in its place.

13 MR. RICK TANCREDI: Okay, well, we proposed to  
14 put in its place is a chain-link fence. The reason why  
15 we're going to chain-link fence is because there is so much  
16 vegetation in that area that the wood fence seems to  
17 deteriorate quite quick, fast. And it's just a cost  
18 factor. It's a lot of fence. It's sort of like 100 feet.  
19 Right?

20 MR. JAMES CARNICELLI: Yeah, the whole fence  
21 basically is about 700 feet.

22 MR. RICK TANCREDI: 700 feet, yeah. So it's  
23 honestly, I don't see the reason why we would put a wood  
24 fence back, to be honest with you.

25 DEPUTY TOWN ATTORNEY FRIED: Let me ask this

1 question: Next question is, are you proposing for the  
2 entire length fully chain-link that it's see-through or is  
3 there something else that you are proposing, either for the  
4 length, the full length or part of it and why?

5 MR. RICK TANCREDI: Okay. So for a compromise,  
6 we would -- for part of it where the -- I think you guys  
7 had went out and seen it, we would put in a mesh in so it  
8 can't be seen through, a black mesh.

9 MR. JAMES CARNICELLI: Yeah, 75 --

10 CHAIRPERSON SIMON: Okay. Let me interject here  
11 for a minute. A number of Board Members have been out  
12 there to take a look at the property. And the statement  
13 that was made about the wood fence, I think it's valid.  
14 It's dark, a damp area back there. And I think the key is  
15 to, what is the effect of the fence on the adjoining homes?

16 And I think if we show those pictures where those  
17 homes are, where there is, in many portions of that area,  
18 the homeowners already put up a vinyl fence. And so the  
19 chain-link fence, you can't even see.

20 And then another area, all the way to the right  
21 of that area, I think that's lot -- can you go back one.  
22 Could you just scroll back up. That is lot -- what is  
23 this. That's lot -- no, the next one. Go here, go to the  
24 next lot. Well, I can't -- okay.

25 Well, looking at the diagram, the house all the

1 way to the right is at a substantial higher grade than the  
2 fence. So in looking from that property, you're looking  
3 over the fence. And I say, if you just look at the  
4 photographs, here's another one. The fence is below the  
5 vinyl fence.

6 I think the only concern that I had, and maybe  
7 other Members of the Board can talk about, is this home  
8 right there, that they can see in because the vinyl -- it's  
9 a chain-link fence. So if you put those mesh, those vinyl  
10 weaving slats between the fence, you shut that off. Also,  
11 you wouldn't be able to see through it, so just looking at  
12 it.

13 And anybody, any other Board Members who were out  
14 there, you know, please chime in. This was the only area  
15 of concern that I saw. And there is a simple remedy for  
16 dealing with it.

17 DEPUTY COMMISSIONER SCHMIDT: Yes. And  
18 Chairperson Simon, if I may, just continue off of what you  
19 said and piggy back off that. What was discussed in the  
20 field was the potential, along this property line, which is  
21 approximately 87.44 feet, which is from this corner to this  
22 corner where there is currently no vinyl fence in the rear  
23 yard of Lot One here, on Penny Lane, is to retain the  
24 chain-link but add the vinyl netting --

25 CHAIRPERSON SIMON: Right.



1           DEPUTY COMMISSIONER SCHMIDT:  -- that would  
2 provide the screening.  So there are vinyl -- there are  
3 slats or metal slats that were used years ago.  More  
4 recently, I think with the newer material, we used it at a  
5 project adjacent to Captain Lawrence on that roadway a few  
6 years ago where the trucking company, you know, the  
7 property owner was looking to remove a section of fence and  
8 we had some residential neighbors across the street.  And  
9 ultimately to block, in that case, the truck headlights  
10 from shining across into the residential properties across  
11 the street, they put up the vinyl netting within the fence.

12           And we haven't, my office, and to my knowledge,  
13 the Building Department, hasn't gotten any complaints from  
14 that situation.  So I think that was a good remedy and that  
15 could carry as a remedy into this project as well.

16           CHAIRPERSON SIMON:  Would any other Board Members  
17 like to comment on that?

18           DEPUTY COMMISSIONER SCHMIDT:  Michael first, then  
19 Mona.

20           BOARD MEMBER GOLDEN:  All right.  So I was out  
21 there today and I have a couple of questions.  Does the  
22 chain-link fence currently extend the entire 700 feet?

23           MR. JAMES CARNICELLI:  No.  No.  I'm the  
24 engineer, Jim Carnicelli.  75 percent of the fence is lower  
25 than the property, the above property, which is the west

1 property. There's three properties there.

2 The one on the north would be, let's see, the  
3 northwest corner property has the chain-link that was put  
4 back. So about half of the chain-link was put back in and  
5 it was stopped by Greenburgh, I think by the Building  
6 Department. So we have a total of basically 700 feet,  
7 about half of that, all right, is basically, about half of  
8 that is fenced in already with the chain-link.

9 The other half, which is the southwest, is not.  
10 They just have the post that were there before, the piping  
11 that was before without the chain-link. But --

12 BOARD MEMBER GOLDEN: I mean, because I walked  
13 the site today and maybe I didn't go far enough down there.  
14 But I must have gone a couple hundred yards and I saw the  
15 chain-link fence going all the way. But look, I mean, it  
16 seems to me the purpose of the fence is to block the  
17 neighbors' view of the apartment building.

18 Now, that northwest property, you know, up at the  
19 top, I know it's got only a chain-link fence. It seems to  
20 me what you guys should do is ask that property owner what  
21 they want, okay, and build it for them. You know, most --  
22 there is hundreds of feet of that plastic, ugly kind of  
23 faux wooden fence.

24 But, I guess, the property owners built it. I  
25 mean, if that property owner with just the chain-link wants

1           that kind of a fence, I think you should build it for them.

2                     You know, I don't know what this, you know, what  
3           this vinyl strip through the chain-link looks like. But  
4           I'm trying to imagine it and all I can imagine is something  
5           ugly, okay. So we'd like to see what that is or show the  
6           property owner what it is.

7                     Now, down towards the south side, I mean as far  
8           as I can see, you know, there were these white plastic  
9           fences, six to eight feet, whatever it was, and I guess, I  
10          mean it just seems there is one issue. And Aaron, have any  
11          of the neighbors complained?

12                    DEPUTY COMMISSIONER SCHMIDT: Let me just chime  
13          in for a second. And I appreciate that. First, I think  
14          it's important that you have all the Board Members ask  
15          their questions first. And I think Mona has a question.  
16          But we do have a member of the public that wishes to speak.  
17          I think, I believe it's the property owner where we've had  
18          most of the questions, in the northwest corner.

19                    So we can hear from them, hear what their  
20          questions are, what their concerns are. This is a Public  
21          Hearing so I think that will be very helpful. But first we  
22          want to hear the remainder of the Board Members's  
23          questions. So, Michael, unless you have any others, we  
24          will turn it over to Mona.

25                    BOARD MEMBER GOLDEN: No, I'm done.

1           DEPUTY TOWN ATTORNEY FRIED: Just to finish up  
2 Aaron's answer, there was some correspondence in the file  
3 as well. You asked about objections. So there is someone  
4 who is going to speak. I believe they sent correspondence,  
5 but I think there was additional correspondence also that  
6 came in.

7           CHAIRPERSON SIMON: Okay. Let Mona speak and  
8 then -- Go ahead, Mona.

9           BOARD MEMBER FRAITAG: I was out there two weeks  
10 ago with Hugh and Aaron. And there is that one property  
11 that Walter referenced that has no fencing up there. And  
12 I'm pretty sure they are the ones that are not happy. And  
13 they are saying they want the wood fence and they are  
14 talking about noise. They hear a lot of noise, and blah,  
15 blah, blah.

16           But I don't think that this is going to help,  
17 really, like the metal fencing is not going to help with  
18 noise control. So if you put up white fence to the one  
19 property that doesn't have that white plastic fencing, will  
20 that help with noise control? I don't know.

21           CHAIRPERSON SIMON: Okay. Any other --

22           BOARD MEMBER FRAITAG: There is only one property  
23 that doesn't have that white plastic fencing. Will that  
24 help with noise control?

25           MR. JAMES CARNICELLI: It's about, from the

1 north, the north property, the northwest property, which is  
2 about 87 feet long has the chain-link, all right. And the  
3 distance from Penny Lane to Central Avenue is over  
4 600 feet. And there is two buildings -- there are two  
5 buildings in between, which is the complex that is putting  
6 up that fence, which is the Fountainhead Complex  
7 Apartments. So 600 feet to Central Avenue.

8 BOARD MEMBER FRAITAG: But there is a wood fence  
9 there. Does the wood fence do anything for a noise  
10 control? Like how does that give the noise --

11 MR. JAMES CARNICELLI: No. I don't think it  
12 does. Okay.

13 BOARD MEMBER FRAITAG: Okay.

14 CHAIRPERSON SIMON: Okay. Kirit. Kirit?

15 BOARD MEMBER DESAI: Yeah. I think the real  
16 question is that they accepted the Planning Department's  
17 condition and they want to go back to change that. And the  
18 only reason is not anything else but showing the hardship  
19 and the cost.

20 So it kind of sets a wrong precedent by allowing  
21 particularly a large property owner. If it's a small  
22 house, small property owner or a house owner, it's  
23 understand. But this is a big corporation that are earning  
24 this property.

25 And one last question about the noise. I think

1        what they are really looking for is less of it. I  
2        understand it's not going to be anything kind of  
3        soundproof. But having a solid fence is definitely better  
4        than the chain-link fence.

5                The last point I want to make is that, Aaron, and  
6        I mean whoever proposing this plastic insert into the  
7        chain-link fence is ugly. And nobody mentions it and I  
8        don't think going from a nice wooden fence to a ugly,  
9        chain-link fence with a plastic insert is an insult to the  
10       whatever the decision at the time the Board made.

11               DEPUTY COMMISSIONER SCHMIDT: Okay. So --

12               BOARD MEMBER DESAI: Let me just finish. What I  
13       think we should really ask the applicant to go back and  
14       talk to the neighbor and kind of come up with a solution  
15       that is appropriate. So I think I leave it up to the  
16       property owners and the applicant to decide, like, what  
17       kind of fence. That's my --

18               DEPUTY COMMISSIONER SCHMIDT: Thank you, Kirit.

19               CHAIRPERSON SIMON: Hugh?

20               VICE CHAIRPERSON SCHWARTZ: Aaron, was there  
21       anything else you wanted to say before I talk?

22               DEPUTY COMMISSIONER SCHMIDT: I just kind of want  
23       to quickly respond to Kirit's comments. First off, is that  
24       I wasn't suggesting the ugly slats. I thought I was very  
25       direct and specific about the vinyl netting, which is not

1 ugly. And I actually can pull up an image. I did ask --

2 CHAIRPERSON SIMON: That would be good.

3 DEPUTY COMMISSIONER SCHMIDT: -- to have it  
4 prepared for the meeting. But as we move into the other  
5 Board Member comments, I will pull one off the internet and  
6 be able to show it to you all.

7 Second, I would say that the developer of the  
8 site, 40-plus years ago, agreed to the condition of the  
9 Planning Board to put in a wooden fence, I guess, for  
10 somewhat aesthetic purposes. But we did read through the  
11 minutes and there wasn't as much vegetation in that area  
12 42, 43 years ago. Now, there is quite a bit of vegetation,  
13 if you've been back there.

14 There is also quite a change in elevation and I  
15 think it's possible Mr. Schwartz or one of the other  
16 Members who will speak to that who were out at the site  
17 when we had that meeting.

18 So I just wanted to respond briefly. And I'll  
19 turn it over to the Board Members. I'll look to pick up  
20 and find that vinyl netting on the internet to be able to  
21 share that with you. So Mr. Schwartz first and then I  
22 think Mr. Golden second.

23 CHAIRPERSON SIMON: Okay, go ahead.

24 VICE CHAIRPERSON SCHWARTZ: Thanks, Aaron. Yes,  
25 I did walk the property. First of all, it's really quiet

1 back there. You don't hear Central Avenue at all. The  
2 engineer is absolutely right. We were there in the late  
3 morning and it was like you were in some forest back there.  
4 It's very quiet.

5 Second of all, in terms of the elevation, there  
6 really is no issue. To put back a wooden fence on the  
7 entire length of the property just because something was  
8 decided 40 years ago, to me, is a terrible idea. There is  
9 no reason for it. They can't, the neighbors with the vinyl  
10 fences cannot see the fence whatsoever.

11 The only issue is the fence on the right. I  
12 think the answer there, and I don't think Michael is wrong  
13 there either, I think Michael has a good suggestion. Give  
14 them some alternatives for that 87 feet. That's all. And  
15 come up with an alternative that's acceptable, because it's  
16 the only place where they really see the fence.

17 CHAIRPERSON SIMON: Michael?

18 BOARD MEMBER GOLDEN: Yes, just one quick  
19 comment. The reason it's mainly quiet back there, and I  
20 agree with Hugh, is the apartment buildings block the  
21 noise. You know, the roofs are pretty high and the noise  
22 bounces off the front of the apartment buildings from  
23 Central Avenue. Except for that northern property, that  
24 87 feet we're talking about, because they are opposite the  
25 driveway coming up to the parking garage.



1           Now, I don't know what the noise is. I have no  
2           idea. But if there is noise, if there are loud mufflers, a  
3           fence will help, you know, mitigate it somewhat. I'm done.

4           CHAIRPERSON SIMON: Okay. I'll comment that I  
5           would like to make, this is in response to one of the  
6           comments that Kirit made, is that it's a large corporation  
7           so they can eat the cost. But that is not a factor for,  
8           you know, like I said at the beginning, we have to make the  
9           decision based upon the facts. And that's it.

10          Whether or not the corporation has deep pockets  
11          or whether or not an individual homeowner have to pay for  
12          it, the question is, is a fence justified, period. That's  
13          the only question that we should address.

14          Is a fence justified? Would a wood fence cut  
15          down the noise more than what is being proposed or a vinyl  
16          fence? Now, that's the issue here. And I think that's  
17          what we should stay on, is whether or not, whatever fencing  
18          is put up there, is not a noise barrier, it will not be a  
19          noise barrier, it will be for aesthetic value.

20          So that's why I would agree with Michael that,  
21          you know, that you speak to that neighbor and see what you  
22          could come up with that has, you know, cost-effective,  
23          aesthetic value, you know. We don't expect them to put up  
24          a fence that is substantially more than the other fences  
25          there, I mean within reason, to come up with. And I think

1           that's the only issue we have here. Go ahead.

2                   DEPUTY COMMISSIONER SCHMIDT: I was just going to  
3           jump in. You mentioned the neighbors and we do have a  
4           member of the public and I think it would be appropriate to  
5           hear from that member of the public --

6                   CHAIRPERSON SIMON: Yes.

7                   DEPUTY COMMISSIONER SCHMIDT: -- should they wish  
8           to speak at this time.

9                   CHAIRPERSON SIMON: Go ahead. I'm sorry.

10                  DEPUTY COMMISSIONER SCHMIDT: I don't know if  
11           there is a comment or question first, but I just want to  
12           acknowledge the member of the public. And the other member  
13           of the public, because there were two, as David pointed  
14           out, there was also correspondence received, which was sent  
15           to the Planning Board Members and also sent to the  
16           applicant.

17                  The other member of the public indicated that  
18           they were not going to speak, but they would be watching at  
19           home. So I just wanted the Board to be aware of that.

20                  CHAIRPERSON SIMON: Okay, thank you. David, and  
21           then we will start with the neighbor who would like to  
22           speak.

23                  DEPUTY TOWN ATTORNEY FRIED: Okay. And so to the  
24           neighbor who is watching at home, if we close the Public  
25           Hearing, there will be a record kept open and they can

1 submit something during the record period.

2 My one comment is, I appreciate Mr. Desai's  
3 concerns about what happened 40 years ago. I would urge  
4 the Board, and I said this prior, to read the transcript  
5 from that Public Hearing to show what concerns were at that  
6 time and not to speculate about other things that might  
7 have happened somewhere along the line, but to read why the  
8 fence was put in at that time.

9 CHAIRPERSON SIMON: Okay.

10 DEPUTY COMMISSIONER SCHMIDT: Thank you, David.

11 We have --

12 CHAIRPERSON SIMON: Okay, just a minute. Wait a  
13 minute. Just for the benefit of the public who might not  
14 have that, can you quickly summarize what was in that,  
15 David?

16 DEPUTY TOWN ATTORNEY FRIED: I am not going to  
17 read the whole thing. But I think the primary or the big  
18 concern at the time as to why the wood fence was put in at  
19 that time is, it was because they were concerned about, and  
20 they were specific about the timing of it, they wanted that  
21 fence in prior to the construction so that the neighbors  
22 all along the ridge up there would not be disturbed during  
23 the construction.

24 But I don't want to prejudge it. Everyone should  
25 read the whole language that's there and not just rely on

1           what I said.

2                   CHAIRPERSON SIMON:   Okay, good.   Thank you.   And  
3           the other issue, I would add, that the vegetation 40 years  
4           ago was not as dense as it is today.   Okay, with that said,  
5           could the member of the public who wishes to speak, speak.  
6           Can you recognize --

7                   DEPUTY COMMISSIONER SCHMIDT:   Would you like to  
8           speak at this time?

9                   MR. ARUN JHAVERI:   Hello, I am here.   I would  
10          like to speak.   Can I speak?

11                   DEPUTY COMMISSIONER SCHMIDT:   Yes.

12                   CHAIRPERSON SIMON:   Yes.

13                   DEPUTY COMMISSIONER SCHMIDT:   Just please  
14          announce your name and your address for the record.   And if  
15          you have a camera, please turn on your camera.

16                   MR. ARUN JHAVERI:   All right.   I don't have a  
17          camera here.   But I am going to speak.   All right.

18                   DEPUTY TOWN ATTORNEY FRIED:   That's fine.

19                   MR. ARUN JHAVERI:   My name is Arun Jhaveri.   My  
20          address is 26 Penny Lane, Scarsdale, New York.   I am living  
21          right behind the complex, you know.   Let me start my  
22          speech.

23                   Hello, everyone, at the Town Planning Board  
24          meeting.   My name is Arun Jhaveri.   I'm living at 26 Penny  
25          Lane since October 1995.   I believe that the Fountainhead

1           Complex had agreed to build and maintain the wooden fence  
2           before they were given permission to build the complex. I  
3           have been living at this address for almost 26 years.

4                     They were trying to remove the wooden fence about  
5           ten years ago. And the Town forced them to put it back,  
6           the wooden fence. Without the fence, there is no privacy.  
7           We can see through and hear the Central Avenue traffic. I  
8           believe you should look into it and get them and force them  
9           to put back the wooden fence. Hello?

10                    CHAIRPERSON SIMON: Yes.

11                    MR. ARUN JHAVERI: Do you hear me?

12                    CHAIRPERSON SIMON: Yes, we hear you.

13                    DEPUTY COMMISSIONER SCHMIDT: Yes.

14                    CHAIRPERSON SIMON: Aaron, can you put -- do you  
15           have a picture of the property so we could see what's  
16           behind the gentleman's property? He lives in the -- go  
17           ahead.

18                    DEPUTY COMMISSIONER SCHMIDT: Yes. So I just, I  
19           put up the tax map, which shows 26 Penny in relation to the  
20           development. So it is that northwesterly lot that  
21           currently does not have the vinyl, the white vinyl fence.  
22           It only has the chain-link. So I'm going to stop this  
23           share and then I'm going to pull up the visual that we had  
24           from the applicant. So just bear with me just for a  
25           moment.

1                   And I want to speak to this real quick. And  
2                   Mr. Carnicelli can add to it, and if need be, and the  
3                   members of the public -- I mean the members of the Board  
4                   that I was out with on the property.

5                   CHAIRPERSON SIMON: Okay.

6                   DEPUTY COMMISSIONER SCHMIDT: This photo shows  
7                   the chain-link fence and shows the rear property of 26  
8                   Penny Lane. What it doesn't show is that at grade level,  
9                   at the rear of the building, when you're out at grade on  
10                  the small little patios that are out back of the units that  
11                  are at grade, is about 15 to 20 feet lower than this image.

12                 So this image was taken with a 15-foot ladder and  
13                 a camera on top of the ladder to try and just show as much  
14                 as possible between the fence and the rear property. But  
15                 if you're standing down outside the patio, there is about a  
16                 12 to 15-foot wall or terrace wall with boulders, and there  
17                 is vegetation and whatnot.

18                 So I just wanted all the Board Members to be  
19                 aware of that. At this height, you're probably looking  
20                 into the second or third story of the building.

21                 VICE CHAIRPERSON SCHWARTZ: Aaron, there is a  
22                 picture with the ladder that he showed. It may be next  
23                 door, but at least it gives you the idea of the height.  
24                 There you go.

25                 CHAIRPERSON SIMON: No, but that not's the back

1 of the property.

2 VICE CHAIRPERSON SCHWARTZ: That is the back, the  
3 next property. What that does is show you the grade,  
4 though.

5 CHAIRPERSON SIMON: Right, right. Okay, okay.  
6 What I'm proposing to do right now, the whole issue is with  
7 this particular piece of property. And I think, and you  
8 know, and you can chime in if you want.

9 I don't think there is an issue of noise. Noise  
10 is not the issue here. I don't think -- Yes, we put the  
11 fence in as wood 40 years ago, but the conditions 40 years  
12 ago is substantially different than the issues are today.

13 So I think the only issue here is a visual one.  
14 And I would say that that the applicant sit down and figure  
15 out what type of fencing should be there, you know,  
16 consistent with what is already in that area.

17 And that we should, I would propose, we just  
18 adjourn, not close it, but adjourn the Public Hearing so we  
19 could come back and review that. And then at that point,  
20 we close the Public Hearing and leave it for discussion.  
21 Because to me, this is the only issue. So, any comments  
22 from the other Board Members?

23 BOARD MEMBER GOLDEN: Yeah. Walter, I don't know  
24 if we have to adjourn the Public Hearing. I think we could  
25 close the Public Hearing with a very strong suggestion to

1 the applicant that he sit down, I guess it's Mr. Jhaveri?

2 MR. ARUN JHAVERI: Yes, sir.

3 CHAIRPERSON SIMON: Yes.

4 BOARD MEMBER GOLDEN: I'm sorry?

5 MR. ARUN JHAVERI: Yes, my name is Mr. Jhaveri,  
6 right.

7 BOARD MEMBER GOLDEN: Yes. I think the  
8 applicant, Mr. Jhaveri, I think you -- Well, first, let me  
9 ask you this. Mr. Jhaveri, are you willing to sit down and  
10 talk with the applicant and agree on a reasonable fence for  
11 the back of your property?

12 MR. ARUN JHAVERI: Yeah. I understand that, but  
13 with the wire fence, there is no privacy. That is my main  
14 concern. There is no privacy --

15 BOARD MEMBER GOLDEN: All I'm saying is -- Okay,  
16 so look, here's what I suggest. We close the Public  
17 Hearing and we strongly urge the applicant to sit down with  
18 Mr. Jhaveri and come up with a mutually agreeable solution  
19 for a fence.

20 Mr. Jhaveri doesn't like the, you know,  
21 chain-link fence, neither would I, okay. I'm not sure I  
22 like that ribbon stuff going through it. So I'm sure the  
23 two, both parties, can come up with something reasonable.  
24 And if they do, by the time, you know, we have our next  
25 work session, it's resolved.



1 CHAIRPERSON SIMON: Okay.

2 BOARD MEMBER GOLDEN: If there is no solution,  
3 then we will have to make a decision.

4 CHAIRPERSON SIMON: Okay. That's reasonable.  
5 David, can we keep the Public Hearing, the record, open for  
6 an extended -- for two meetings to make sure that's  
7 resolved?

8 So instead of closing the Public Hearing, prior  
9 to the next meeting, we close the Public Hearing prior to  
10 the meeting after that and that will give the applicant and  
11 the neighbor sufficient time to come to a conclusion. We  
12 can do that, right?

13 DEPUTY TOWN ATTORNEY FRIED: That was my  
14 recommendation was to --

15 CHAIRPERSON SIMON: Okay. So --

16 DEPUTY TOWN ATTORNEY FRIED: -- put it over.

17 CHAIRPERSON SIMON: So what will be the date,  
18 what will be the date that we keep the record open to  
19 accomplish that?

20 DEPUTY TOWN ATTORNEY FRIED: I'm going to defer  
21 to Aaron, but I would guess it would be around the 10th of  
22 November or so.

23 CHAIRPERSON SIMON: Okay, let's -- Well, give me  
24 a date because I'm going to make a motion.

25 DEPUTY COMMISSIONER SCHMIDT: I'll give you a

1 date. October 26th, which would be 20 days from today,  
2 that's practically three weeks.

3 CHAIRPERSON SIMON: Okay.

4 DEPUTY COMMISSIONER SCHMIDT: Our next meeting  
5 following the 26th would be November 3rd. So I think that  
6 would work, but Mr. Schwartz does have a comment before you  
7 go to your motion.

8 CHAIRPERSON SIMON: Yes.

9 DEPUTY COMMISSIONER SCHMIDT: You're on mute,  
10 Hugh.

11 CHAIRPERSON SIMON: Go ahead, Hugh. You're on  
12 mute.

13 VICE CHAIRPERSON SCHWARTZ: Yeah, okay. What is,  
14 if we close the Hearing tonight, how much time do we have  
15 before we have to make a decision?

16 CHAIRPERSON SIMON: That's I just said that,  
17 that's why I asked David the question.

18 VICE CHAIRPERSON SCHWARTZ: No, no. It's  
19 different leaving the record open for another 20 days. The  
20 question I have is, if we officially close the Hearing  
21 tonight, okay --

22 DEPUTY TOWN ATTORNEY FRIED: It's from the point  
23 that the record is closed, Hugh.

24 VICE CHAIRPERSON SCHWARTZ: So when the record is  
25 closed, not when the Hearing is closed?

1 DEPUTY TOWN ATTORNEY FRIED: Yeah.

2 CHAIRPERSON SIMON: Yeah. Okay?

3 VICE CHAIRPERSON SCHWARTZ: Yup.

4 CHAIRPERSON SIMON: Okay. So I make a motion  
5 that we close the Public Hearing and we keep the record  
6 open until October 26th.

7 BOARD MEMBER GOLDEN: Second.

8 CHAIRPERSON SIMON: All in favor? Aye.

9 VICE CHAIRPERSON SCHWARTZ: Aye.

10 BOARD MEMBER HAY: Aye.

11 BOARD MEMBER GOLDEN: Aye.

12 BOARD MEMBER FRAITAG: Aye.

13 BOARD MEMBER DESAI: Aye.

14 CHAIRPERSON SIMON: Oppose?

15 (Whereupon, there was no response.)

16 CHAIRPERSON SIMON: None. Okay, fine. Okay,  
17 let's move on to --

18 MR. ARUN JHAVERI: Thank you very much.

19 CHAIRPERSON SIMON: Pardon me. Let's move on to  
20 Case PB 19-26.

21 BOARD MEMBER GOLDEN: Walter, just one thing.

22 CHAIRPERSON SIMON: Yes.

23 BOARD MEMBER GOLDEN: I hope it's clear both to  
24 the applicant and Mr. Jhaveri that we expect them to get  
25 together and talk about this before, you know.

## Public Hearing Case PB 21-10

CHAIRPERSON SIMON: Yes. I think you made that quite clear. But I'm glad you brought it up again to re-emphasize it.

BOARD MEMBER GOLDEN: Talk, talk.

DEPUTY COMMISSIONER SCHMIDT: Thank you. So the next case actually is, and I just want to remind the Board that there are still three items on the agenda.

CHAIRPERSON SIMON: That's right.

DEPUTY COMMISSIONER SCHMIDT: Two Hearings, work session item and it's now 9:16 p.m.

CHAIRPERSON SIMON: Right.

\* \* \* \* \*

DEPUTY COMMISSIONER SCHMIDT: The next case is PB 21-10, Parashis, located at 23 Springwood Avenue, P.O. Ardsley. And it's for Planning Board steep slope permit in connection with the proposed construction of a two-car garage, as well as front and rear additions to an existing residence.

The Planning Board has already discussed this multiple times. Members have gone out to the site as well. And the request at the last meeting, was the suggestion was that, it may make sense to open the Public Hearing to see

## Public Hearing Case PB 21-10

1 if there are members of the public that have any comments  
2 before the Planning Board decides the next procedural step,  
3 which is to make a recommendation to the ZBA.

4 So, from a procedural standpoint, the Planning  
5 Board should understand that the next step is to make a  
6 recommendation to the Zoning Board. Then adjourn the  
7 Public Hearing probably for a month and a half. I can tell  
8 you that the Zoning Board has this project scheduled for  
9 October 21st.

10 Is it possible that the Zoning Board makes a  
11 decision on the 21st, sure. I do not know what the  
12 intentions of the Zoning Board are at that time. But they  
13 are certainly waiting on a recommendation from the Planning  
14 Board.

15 The next Planning Board meeting following the  
16 21st of October is November 3rd. So if you were going to  
17 adjourn the Public Hearing, it would be to at least  
18 November 3rd. And I'll turn it over to Mr. Parashis and  
19 Mr. Davenport. But the Planning Board has already heard  
20 and understand the project quite well.

21 I think just for the benefit of any members of  
22 the public in attendance or watching at home, that you go  
23 through it in detail, but quickly enough with the  
24 understanding that we have other projects on this evening.  
25 So thank you. And I will turn it over.

## Public Hearing Case PB 21-10

1 CHAIRPERSON SIMON: Yes, thank you, Aaron.

2 That's a very good procedural suggestion so we could move  
3 through this agenda.

4 MR. ERIC DAVENPORT: Hello, everybody. I'm going  
5 to share my screen for the first just introductory diagram  
6 based on the site meeting that the Board Members went out  
7 to. And Nick and Josie will just walk through that  
8 diagram.

9 And then I'm going to specifically address all  
10 the questions that were asked by the Board Members for the  
11 record. So bear with me while I pull up the image. Is  
12 that visual?

13 CHAIRPERSON SIMON: Yes.

14 MR. ERIC DAVENPORT: Okay. All right, Nick,  
15 Josie.

16 MR. NICHOLAS PARASHIS: Okay. So I was a little  
17 embarrassed by my hand sketch last time. So what I decided  
18 to do is kind of show you my quick learning skills on my  
19 computer. And show you a basic street with Springwood  
20 Avenue as you're approaching right here.

21 On the left side you see 13.8 as the bottle neck  
22 and it opens up to -- up to my property where you start to  
23 see that blocked out where it says 29 there, that's 29 feet  
24 wide on my street. That's where the proposed garage will  
25 kind of like be, in that 29-foot width of the street. And

## Public Hearing Case PB 21-10

1 it will open up to 33 feet wide.

2 The Board Members that came out to my house, I  
3 was able to show them everything. I sketched out some  
4 stuff on the street, street width, so that they can see.  
5 And basically, I guess the point of this was to show that  
6 when cars are coming down the street, or my car  
7 specifically, when you pull into the garage, you can go  
8 directly right into the garage without making any turns or  
9 anything like that.

10 So if you look on the picture on the right, there  
11 is a truck with bike rack on the back of it with a car  
12 parked behind it. And the truck is about three feet away  
13 from the retaining wall. And the proposed garage, which we  
14 altered, from on street at zero where the retaining wall  
15 is, after speaking with the Board, we moved it back to  
16 2.4 feet to accommodate the Board and try to, you know,  
17 work with the members that had concerns as far as could you  
18 pull right into the garage, is it safe and whatnot.

19 So we moved that back as per the Board's request  
20 as far as we think we can feasibly do without disturbing  
21 too much of the environment and, you know, staying as ECCO  
22 as possible. So that's basically it right there.

23 There were some Board Members that asked for us  
24 to move it back further, could we move it back. The issue  
25 is that we really didn't want to impact the environment as

## Public Hearing Case PB 21-10

1 much. We wanted to keep it minimal as possible. And  
2 therefore, that's where we came up with the conclusion of a  
3 2.4 foot or 2.5 foot back on the garage.

4 Now, when this house was built, there was not  
5 off-street parking. Therefore, when you look at the rest  
6 of the street, meeting up into our houses where there is no  
7 parking, you'll notice that the whole Springwood Avenue is  
8 18 to 20 feet wide, right.

9 As soon as there's houses on the Town of  
10 Greenburgh Springwood Avenue that don't have off-street  
11 parking, there is a six and a half foot reduction to their  
12 front property line. So that's where you see the dotted  
13 lines.

14 Can you show that cursor on there, Eric, where  
15 that dotted line is, that six and a half feet back. Right,  
16 there you go. So this dotted line is six-and-a-half feet  
17 back, right. So if there was parking, like a garage or a  
18 driveway, this six-and-a-half foot line would be property.  
19 It would not be open space for cars to park on the street.  
20 But because of the situation, that's what it is.

21 Now, when we look at the garage at two and a half  
22 feet back off of the retaining wall, it's not really two  
23 and a half feet. It's really nine feet back, if you look  
24 at that number.

25 So looking at that kind of diagram, that's kind



## Public Hearing Case PB 21-10

1 of the case that we're trying to show, that it's not just  
2 two and a half feet off the street, it's really like nine  
3 feet. Because when they built this house, they built it  
4 for on-street parking.

5 So, and that's basically it. I don't really have  
6 that much more unless there is a question regarding that.  
7 But I think we're pretty familiar with the property by now.

8 CHAIRPERSON SIMON: Okay.

9 DEPUTY COMMISSIONER SCHMIDT: Let me just state  
10 one thing, Walter. I'm sorry.

11 CHAIRPERSON SIMON: Go ahead.

12 DEPUTY COMMISSIONER SCHMIDT: Because I think it  
13 would be helpful for members of the public to understand  
14 that what exactly is, you know, being requested of the  
15 Planning Board. And what that is is a steep slope permit,  
16 to disturb some steep slopes on the property in connection  
17 of the construction of this two-car garage, the additions  
18 at the front and the rear of the property. The applicant,  
19 let's see, you know, currently do not have a driveway and  
20 that was indicated.

21 There is excavation that's proposed in connection  
22 with the property. So they'll be removing some earth to  
23 put in the garage. And they are proposing stormwater  
24 management in the form of two drywell units to capture  
25 water from additional impervious surfaces. They do need

## Public Hearing Case PB 21-10

1 five area variances.

2 And I can go through those for the Board and the  
3 public, possibly after all of your questions are answered,  
4 asked and answered I should say. And there is, I believe,  
5 one tree proposed to be removed in connection with the  
6 project.

7 So I'll turn it over to the Board Members if  
8 there are any questions.

9 MR. NICHOLAS PARASHIS: Right. And also three  
10 like species trees are planted in the back to make up for  
11 that one proposed removal. And I'm going to try to save  
12 that tree, hopefully. I don't know. I'm going to try my  
13 best.

14 BOARD MEMBER DESAI: Aaron, could you put up the  
15 drawing so that what you explained be surely understood?

16 DEPUTY COMMISSIONER SCHMIDT: Okay. So  
17 Mr. Davenport has the plans here.

18 BOARD MEMBER DESAI: Yes, please, show what it  
19 looks like, okay.

20 CHAIRPERSON SIMON: Okay.

21 MR. ERIC DAVENPORT: So on the left is the plan,  
22 the site plan, with the garage in the lower right-hand  
23 corner.

24 BOARD MEMBER DESAI: Okay. Do you have an  
25 analysis of the slopes that you are impacting on it?

## Public Hearing Case PB 21-10

1 CHAIRPERSON SIMON: If I can interrupt you for a  
2 minute, Kirit. If you, one of the things we wanted to say  
3 is, okay, let's push it back further. And if you push it  
4 back further in that red outlined box, that's the amount of  
5 additional rock you have to dig into to the slope, which  
6 is, I think, if the numbers, I think, correct me if I'm  
7 wrong, this was about 75 square feet of rock.

8 If you do it this way, it's about 200. It's  
9 about three and a half times more rock you would have to  
10 excavate to move that further back because that was the  
11 original question that we posed. Why don't you just move  
12 it back.

13 Well, that is the reason why you don't -- Well,  
14 this is the consequence of moving it back, plus you have to  
15 build a wall for your neighbor, plus, you know, there is a  
16 whole list of reasons I think the applicant gave to the  
17 Board Members so they can quantify what will be the effect  
18 of moving that back.

19 What I would like to do, if there is anyone from  
20 the public who wants to comment so that will be additional  
21 information that this Board would have in making any sort  
22 of recommendation to the public. Is there a member of the  
23 public who wish to speak? And I apologize for cutting you  
24 off, Kirit, because I'm trying to --

25 BOARD MEMBER DESAI: Walter, I had asked specific

## Public Hearing Case PB 21-10

1 three questions.

2 CHAIRPERSON SIMON: Okay.

3 BOARD MEMBER DESAI: And I wanted to have the  
4 applicant answer it. That's all.

5 CHAIRPERSON SIMON: Okay. But were they  
6 questions that were not in the writeup that the applicant  
7 made?

8 BOARD MEMBER DESAI: Correct.

9 CHAIRPERSON SIMON: Okay, fine.

10 BOARD MEMBER DESAI: Correct.

11 BOARD MEMBER GOLDEN: Walter, may I --

12 BOARD MEMBER DESAI: So if you answer the  
13 question, the architect is here so he can sort of answer  
14 the question, that would be fine.

15 MR. ERIC DAVENPORT: I think, Mr. Desai, the  
16 questions that you sent, we received them this afternoon.

17 BOARD MEMBER DESAI: Yes.

18 MR. ERIC DAVENPORT: And the first question was a  
19 clarification about the numbers that we're talking about  
20 for the removals?

21 BOARD MEMBER DESAI: Correct.

22 MR. ERIC DAVENPORT: And I can see why there is  
23 confusion. The number that we gave was just for the  
24 garage, the location comparison. The 178 cubic yards  
25 that's in the report includes the entire project of the

## Public Hearing Case PB 21-10

1 front entry steps, rear addition, et cetera.

2 So the garage is -- we used those numbers just as  
3 a comparison to answer the question about, you know, moving  
4 it back further from the proposed area.

5 BOARD MEMBER DESAI: But I'm reading your things  
6 that you submitted and that confuse me. Because you have  
7 75 cubic yards included 39 for garage, 36 yards for the  
8 steps to the front entry. So which one is right? What you  
9 say now is right or what was originally submitted, which is  
10 like, according to the report, was it 200 and -- it's  
11 100 -- where that thing is at.

12 MR. ERIC DAVENPORT: 178 --

13 BOARD MEMBER DESAI: That's one question I have.  
14 So, and that's what I'm really having a continuous problem  
15 is that you say something but you turn up is different.  
16 And so please explain. That's what I want to have --

17 CHAIRPERSON SIMON: Okay.

18 BOARD MEMBER DESAI: An informant. So because  
19 you say --

20 CHAIRPERSON SIMON: Okay, let him answer the  
21 question.

22 BOARD MEMBER DESAI: Yeah, okay. So please  
23 clarify. And that's all my questions there. So Eric,  
24 would be good to compare what's there and what you are  
25 saying now. And I understand that --

## Public Hearing Case PB 21-10

1 CHAIRPERSON SIMON: Well, Kirit, let him answer  
2 the question. You have your questions. Let the applicant  
3 provide you with the answers.

4 MR. ERIC DAVENPORT: Okay. So the current  
5 proposal with the garage and, you know, closer to the  
6 street, that would be the 178 cubic yards removal for the  
7 entire project, the garage, the steps, the front entry and  
8 the rear addition.

9 If we are to move -- so leave that alone for a  
10 minute. If we are to move the garage back, and just the  
11 garage, just talking, it's about 261 cubic yards of  
12 removal, is that what you had said. But it's not. There  
13 is a -- like that 261 would include everything else as  
14 well.

15 So what we did, to help clarify, is just show the  
16 difference in just the yards of the garage and only the  
17 garage. Because there are other things that impact these  
18 removals, like driveway and steps that would have to be  
19 different in order to -- Like we basically have to design  
20 two projects to give you a full answer for all the  
21 variables.

22 So the easiest solution, to answer that question,  
23 like why don't we move the garage back, was this one, and  
24 just say, hey, there's quite a bit more removals and --

25 DEPUTY COMMISSIONER SCHMIDT: So there is 79

## Public Hearing Case PB 21-10

1 additional with the garage being pushed back, from 39 to  
2 118. Is that accurate?

3 MR. ERIC DAVENPORT: Yeah, yeah, because the  
4 steps would have to be different. And then there is  
5 driveway and the retaining walls on the side of the  
6 driveway, you know, so it's --

7 CHAIRPERSON SIMON: Okay. Could you answer the  
8 second question. Could you address the second question?

9 BOARD MEMBER DESAI: So let me just, so it's  
10 80 -- So it's not like what you said. It's a one-third,  
11 right. It's 80, right, so it's 80 cubic yard more than  
12 what is --

13 DEPUTY COMMISSIONER SCHMIDT: Because they are  
14 just focused on the garage with these figures.

15 BOARD MEMBER DESAI: Yeah, no, I understand.

16 DEPUTY COMMISSIONER SCHMIDT: Okay.

17 BOARD MEMBER HAY: So it's three times the amount  
18 is what it is. It's 200 percent more from 40 to about 120.

19 CHAIRPERSON SIMON: Yes. And that's not the  
20 total amount because you have to include the steps and  
21 everything else. So this is just --

22 BOARD MEMBER HAY: This is just for the garage.

23 CHAIRPERSON SIMON: Right.

24 MR. ERIC DAVENPORT: Correct.

25 CHAIRPERSON SIMON: Yes. Okay, okay, could we

## Public Hearing Case PB 21-10

1 move on to the second question then?

2 MR. ERIC DAVENPORT: So the second question was  
3 about costs. And Nick and Josie were able to provide two  
4 quotes that a contractor had done for them originally in  
5 looking at -- sorry. Each quote has two pages.

6 So what you're seeing is the first quote with  
7 site work and then the garage totally \$56,000. And that's  
8 the proposed garage nearer more close to the street. If it  
9 were to be moved back, the price provided by the contractor  
10 is almost 150. So about three times the amount.

11 CHAIRPERSON SIMON: Okay.

12 MR. ERIC DAVENPORT: That's just for excavation  
13 and the foundation. That doesn't include --

14 MR. NICHOLAS PARASHIS: Right. So like the site  
15 prepared work is more than three times, you know, when you  
16 just look at break it down, it's more.

17 MR. ERIC DAVENPORT: Yeah, and they did that for  
18 them, which was really great, without much to do so --

19 CHAIRPERSON SIMON: Okay, then.

20 MR. ERIC DAVENPORT: -- it was pretty quick.

21 CHAIRPERSON SIMON: Okay, and the third question,  
22 there was a --

23 MR. ERIC DAVENPORT: Where is the stormwater  
24 management analysis for the proposed design and also for  
25 the alternate. So the current proposed design shows the,



## Public Hearing Case PB 21-10

1       you know, submitted to the Planning Board and the Building  
2       Department has on it the calcs for the preliminary metrics  
3       and the sizing of the cisterns that are there.

4               MR. NICHOLAS PARASHIS: Can you show that slide?

5               MR. ERIC DAVENPORT: One moment.

6               CHAIRPERSON SIMON: Michael, I see your hand.  
7       I'm trying to get through this. So you can make your  
8       comment.

9               BOARD MEMBER GOLDEN: I know no you do.

10              MR. ERIC DAVENPORT: Bare with me guys. I'm  
11       sorry. Okay.

12              MR. NICHOLAS PARASHIS: That's the one, yup,  
13       right there.

14              MR. ERIC DAVENPORT: Okay. So the two circles in  
15       the front are the cisterns that are sized for the tanks  
16       with some runoff into the metric counts. So we need two of  
17       them to get the cubic feet of retainage that we need for  
18       the impervious surfaces. So that's there and was reviewed  
19       by the Town engineers already, as far as I know.

20              MR. NICHOLAS PARASHIS: Yes.

21              MR. ERIC DAVENPORT: To answer the second part of  
22       that question, did we do a stormwater design for an  
23       alternate. No, we did not. But I did do a quick  
24       calculation that if, you know, that an alternate location  
25       pushing it back would adds another 486 square feet of

## Public Hearing Case PB 21-10

1 impermeable surface.

2 So it would increase the runoff, but, you know,  
3 by whatever rainfall would land on that area. And that's  
4 mainly just because of the driveway, you know, like more  
5 land would be exposed and paved.

6 CHAIRPERSON SIMON: Okay.

7 BOARD MEMBER DESAI: So you keep the existing  
8 drywell in place and then additionally you going to have  
9 two more --

10 MR. ERIC DAVENPORT: Correct. Yeah, so we're  
11 going to keep the existing drywell because it's kind of up  
12 in elevation next to the side of the house. And that takes  
13 care of all of the runoff in the back. The two in the  
14 beginning are just for the garage roof, driveway and steps  
15 and entryway roof. That's going to be part of like the  
16 front part of the house.

17 MR. NICHOLAS PARASHIS: Right. And I would just  
18 like to add that during the last hurricane that we had, and  
19 that immense amount of rainfall where everything flooded,  
20 we were good on our house. Everything filtered out very  
21 nicely. No neighbors complained about any of our water  
22 runoff and it held up perfectly with that amount of water.

23 MR. ERIC DAVENPORT: With that existing drywell  
24 on the side.

25 CHAIRPERSON SIMON: Okay. I think we covered

## Public Hearing Case PB 21-10

1 these three questions. Michael?

2 BOARD MEMBER GOLDEN: Yeah, Walter, question for  
3 you.

4 CHAIRPERSON SIMON: Yes.

5 BOARD MEMBER GOLDEN: Do I recall correctly that  
6 the main concern of the Planning Board, you know, with  
7 respect to pushing the garage back was the safety on  
8 entering the garage when it was so close to the street?

9 CHAIRPERSON SIMON: Yes. That was one of the  
10 concerns. But after, but when you go out there and look at  
11 his property line, the street widens, you see, and so that,  
12 at least from my part, that concern evaporated.

13 BOARD MEMBER GOLDEN: Okay. So that was the main  
14 concern, I take it, whether it was warranted or not. Have  
15 we received any reports from the police or anybody else  
16 about the safety of the turning into this garage from the  
17 street?

18 MR. NICHOLAS PARASHIS: No. I have --

19 MR. ERIC DAVENPORT: I'm pulling them up right  
20 now, both the police and the fire department signed off on  
21 the plan without comment.

22 BOARD MEMBER GOLDEN: Okay. So I guess my  
23 question is, why are we arguing about this? I mean if it's  
24 safe, if the police and fire department say it's safe, if  
25 Walter says it's safe, frankly, I haven't been there, I'm

## Public Hearing Case PB 21-10

1       sorry.

2               And if it costs three times as much and much more  
3       disturbance to the slopes to move it back, you know, 15 or  
4       20 feet, why are we even discussing this?

5               CHAIRPERSON SIMON: Well, we have to discuss it  
6       to get the information on the record, but now that --

7               BOARD MEMBER GOLDEN: It's a rhetorical question.

8               CHAIRPERSON SIMON: -- it's on the record, I  
9       think it's appropriate for us to make a decision what type  
10      of recommendation we should give to the Zoning Board.  
11      Right?

12              DEPUTY COMMISSIONER SCHMIDT: Right.

13              CHAIRPERSON SIMON: So now we have this  
14      information. We know what the cost of the alternatives  
15      are. I make a motion that we give a positive  
16      recommendation to the Zoning Board.

17              BOARD MEMBER GOLDEN: Okay. But we have to give  
18      reasons.

19              CHAIRPERSON SIMON: Yeah. The reasons why it's a  
20      positive recommendation is what we just discussed, that you  
21      would have to make a significant amount of steep slope  
22      disturbance. The distance at that particular property  
23      widens. So actually his place is -- it would be quiet safe  
24      in terms of the turning ratio and everything else.

25              BOARD MEMBER GOLDEN: Okay. So the application,

## Public Hearing Case PB 21-10

1 it's a safe plan, according to the police and fire  
2 department.

3 CHAIRPERSON SIMON: Right.

4 BOARD MEMBER GOLDEN: And any alternative, you  
5 know --

6 CHAIRPERSON SIMON: Is costly and --

7 BOARD MEMBER GOLDEN: -- and it would be  
8 environmentally gruesome.

9 CHAIRPERSON SIMON: Right.

10 BOARD MEMBER GOLDEN: I second the motion.

11 CHAIRPERSON SIMON: Any discussion on the motion  
12 before I ask for a vote?

13 VICE CHAIRPERSON SCHWARTZ: Let's vote.

14 CHAIRPERSON SIMON: Okay.

15 DEPUTY COMMISSIONER SCHMIDT: I feel comfortable  
16 in putting together a recommendation for the Board if you  
17 vote.

18 VICE CHAIRPERSON SCHWARTZ: Okay, let's vote,  
19 guys.

20 CHAIRPERSON SIMON: All in favor? Aye.

21 BOARD MEMBER GOLDEN: Aye.

22 VICE CHAIRPERSON SCHWARTZ: Aye.

23 BOARD MEMBER HAY: Aye.

24 BOARD MEMBER FRAITAG: Aye.

25 BOARD MEMBER DESAI: Aye.

## Public Hearing Case PB 21-10

1 CHAIRPERSON SIMON: Oppose?

2 (Whereupon, there was no response.)

3 CHAIRPERSON SIMON: Carried. Thank you.

4 DEPUTY COMMISSIONER SCHMIDT: Okay, procedurally,  
5 I think you would want to adjourn the Public Hearing to  
6 November 3rd as a place holder. So if the ZBA makes a  
7 decision on October 21st, you'd be in a position to pick  
8 this matter up on the 3rd. If for any reason the ZBA does  
9 not make a decision, then on the 3rd, we will just bump it  
10 to the next available date.

11 CHAIRPERSON SIMON: Fine.

12 VICE CHAIRPERSON SCHWARTZ: Sounds good.

13 BOARD MEMBER HAY: Did no one want to speak on  
14 this from the public?

15 CHAIRPERSON SIMON: No. We offered.

16 BOARD MEMBER HAY: Okay, I just wanted to  
17 confirm.

18 CHAIRPERSON SIMON: Okay. So I will make a  
19 motion that we, this is the last thing on the Public  
20 Hearing, so close the record on --

21 DEPUTY TOWN ATTORNEY FRIED: No. No.

22 CHAIRPERSON SIMON: No we are not closing the  
23 record. We are just making a recommendation to the Zoning  
24 Board.

25 VICE CHAIRPERSON SCHWARTZ: And we're adjourning

## Public Hearing Case PB 21-10

1 this Hearing to November. Do we need a motion for that,  
2 Aaron, or just adjourn it?

3 DEPUTY TOWN ATTORNEY FRIED: You do.

4 DEPUTY COMMISSIONER SCHMIDT: Please. Please.

5 VICE CHAIRPERSON SCHWARTZ: I make a motion.

6 DEPUTY COMMISSIONER SCHMIDT: Thank you.

7 BOARD MEMBER GOLDEN: Second it.

8 DEPUTY COMMISSIONER SCHMIDT: November 3rd.

9 BOARD MEMBER GOLDEN: Second.

10 VICE CHAIRPERSON SCHWARTZ: Right, to  
11 November 3rd.

12 CHAIRPERSON SIMON: All in favor? Aye.

13 VICE CHAIRPERSON SCHWARTZ: Aye.

14 BOARD MEMBER GOLDEN: Aye.

15 BOARD MEMBER FRAITAG: Aye.

16 BOARD MEMBER HAY: Aye.

17 BOARD MEMBER DESAI: Aye.

18 CHAIRPERSON SIMON: Okay.

19

20

21

22

23

24

25

## Public Hearing Case PB 19-26

1 BOARD MEMBER HAY: One more.

2 VICE CHAIRPERSON SCHWARTZ: One more Public  
3 Hearing.

4 DEPUTY COMMISSIONER SCHMIDT: Correct.

5 CHAIRPERSON SIMON: Okay. I just want to make an  
6 announcement, Case PB 21-23, in a pre-conference meeting, I  
7 would just like to indicate that looking at the time, we  
8 will not be able to get to that tonight.

9 So I apologize for the applicant who is here  
10 looking for that to take place tonight. But we just don't  
11 have enough time to do it. Because we still have the  
12 Public Hearing Case PB 19-26.

13 VICE CHAIRPERSON SCHWARTZ: Aaron wanted to say  
14 something.

15 DEPUTY COMMISSIONER SCHMIDT: I did. So  
16 Chairperson Simon, my suggestion would be, and Members of  
17 the Board, I'm going to announce Case Number 19-26,  
18 depending, you know, if it's a six-minute Public Hearing,  
19 perhaps there may be time to briefly go through the other  
20 project.

21 CHAIRPERSON SIMON: Yeah, we will see.

22 DEPUTY COMMISSIONER SCHMIDT: Mr. Escaladas is  
23 representing both applicants.

24 CHAIRPERSON SIMON: Okay.

25 DEPUTY COMMISSIONER SCHMIDT: And we already had



## Public Hearing Case PB 19-26

1 a Public Hearing on the next project earlier. So they  
2 don't have to go through the whole project.

3 CHAIRPERSON SIMON: Okay.

4 DEPUTY COMMISSIONER SCHMIDT: Mr. Escaladas  
5 prepared a response to --

6 CHAIRPERSON SIMON: We will give it a try.

7 DEPUTY COMMISSIONER SCHMIDT: -- comment. Right.  
8 Thank you. So PB 19-26, Kaufmann, located at 36 Hillcrest  
9 Avenue, P.O. Ardsley. This is a preliminary subdivision  
10 Planning Board steep slope permit and tree removal permit  
11 application in connection with a proposal to subdivide  
12 three existing tax lots for the purposes of creating two  
13 buildable lots to construct one new single-family home  
14 fronting on Springwood Avenue.

15 I'll turn it over to Mr. Escaladas to explain the  
16 response to comments. And I think he made some revisions  
17 to the landscape plan, which I can bring up.

18 MR. EMILIO ESCALADAS: Okay. Good evening,  
19 everybody. As Aaron said, the lot is, as of right, there  
20 were certain issues and questions that were raised in terms  
21 of five issues. I'm going to go through them quickly.

22 One was the actual narrowness of the existing  
23 private road. For that particular instance, we have  
24 submitted a widening scheme that will allow a safer  
25 passage, a safer, wider conditions of parking and thorough

1 traffic. The drawings show the wedge that is being  
2 considered. We spoke to the Village of Ardsley that will  
3 inherit a piece of this widening and they were in  
4 contact -- in complete --

5 CHAIRPERSON SIMON: Excuse me for a minute, Aaron  
6 can you just show -- okay, thank you. Go ahead, I'm sorry  
7 to interrupt.

8 MR. EMILIO ESCALADAS: That wedge is for purposes  
9 of widening. That was item one.

10 Item two, it goes along with the pavement, about  
11 the type of loss that the neighbors would incur by losing  
12 20-foot of driveway, meaning the entrance to a house will  
13 eliminate the possibility of anybody parking there. And  
14 that is true, and that's of course true for all the  
15 residences that have a driveway on to that street. That's  
16 the same situation. So we're not asking for anything that  
17 is not a requirement or a necessity for all the houses that  
18 may have a driveway.

19 In addition, the fact that we have a driveway and  
20 two-car garage, we are able to store four vehicles onto our  
21 property. Something that, unfortunately, some of the other  
22 homes cannot do. So we are adding four parking spots. And  
23 again, it's a positive to the neighbors, I believe.

24 The size of the house and the type of the house.  
25 The house is a single-family house. There was some

1 concerns whether we were going to rent it. No. This will  
2 be built. It will be sold to a family that will move in  
3 and enjoy that neighborhood, like the rest of the  
4 neighbors. So it's a single-family situation. And it  
5 won't be more than 2,200, 2,300 square feet.

6 The drainage was also another concern. We have  
7 installed and submitted plans for 30 to 40 percent more  
8 drainage capacity than is required by 100-year storm in  
9 Town. In addition to that, which we didn't count into the  
10 computations, is the volume that we're going to be able to  
11 store underneath any patios that we do in the back of the  
12 house.

13 It's going to be eight inches of gravel.  
14 30 percent of that volume will be available for storage.  
15 So it's an absolute positive, positive in terms of removing  
16 additional stormwater.

17 I made a comment in my response in saying that  
18 whatever we cover with, in terms of house and driveway and  
19 patio, is basically eliminated from the areas that would be  
20 shedding water into this, onto the street. Because that  
21 area that we're covering is being collected by our systems  
22 of drainage and basically being distributed into our  
23 underground storage system. So we are benefiting, just by  
24 building, we are benefiting the overall mass excess of  
25 water onto the street.

1           And the big item that was emotional for everyone,  
2           and as well as it is for us, is the amount of trees that  
3           have to be cut. And we have a new site plan that was  
4           submitted with the advice of staff that increases the  
5           population of new proposed trees by, I believe, five not  
6           seven, plus the additional ones that we had.

7           I think the total number of trees that we're  
8           planting are 22. So it's an increment. It's a species  
9           that would make good flanking with neighbors and secure the  
10          soil and so on. So we also did rope the trees that were to  
11          be taken down. A lot of them are invasive species and some  
12          of them were dead and leaning on their sides. The roping  
13          was done two days ago.

14          And then I also promised the neighbors that I  
15          would give them a copy of the plans. And I did. I made  
16          five set of copies that I put them in the mailboxes. And  
17          invited them to call me at any time. I would personally  
18          walk them through the project, sit in their homes and  
19          explain the process that's going to be used in the  
20          construction and the edifications of the structure. That's  
21          it, basically.

22               CHAIRPERSON SIMON: Are there any questions on  
23               this from the Board Members? If not, and Aaron is anyone  
24               from the public --

25               BOARD MEMBER HAY: I have a question.

## Public Hearing Case PB 19-26

1 CHAIRPERSON SIMON: Does anyone in the public  
2 wish to --

3 DEPUTY TOWN ATTORNEY FRIED: Mr. Hay has a  
4 question. And it looks like Mr. Parashis.

5 CHAIRPERSON SIMON: Okay, go ahead, Tom.

6 BOARD MEMBER HAY: Emilio, I don't know if this  
7 drawing is outdated or if this is current. In your written  
8 comments, you said that the width of the road would be  
9 widened, the entire length of the lot in question. You  
10 said the entire edge along the property would be improved.

11 But the drawing here looks as if you are widening  
12 the road up to the property line where it divides between  
13 Greenburgh and Ardsley and not beyond that. So it doesn't  
14 look like it's the entire length.

15 MR. EMILIO ESCALADAS: There is a drawing that I  
16 submitted to Aaron today that increases the wedge and it  
17 increases the transition into Ardsley. I didn't want -- I  
18 didn't -- I don't know, Aaron, did you -- are you able  
19 to -- it was a second -- no, it was the second mailing I  
20 sent to you.

21 DEPUTY COMMISSIONER SCHMIDT: Oh, I didn't see  
22 that. I only saw the first one with the landscaping. But  
23 I can share that with members of the public. I'm sorry, I  
24 mean with Members of the Board and we can post it on the  
25 website, too.

## Public Hearing Case PB 19-26

1           What I do recall is there was conversation with  
2           Mr. Tomaso from the Village of Ardsley and we do have  
3           documentation that his office and the Village do not have  
4           any objections to the proposed widening beyond and into the  
5           Village subject to all necessary permits with the Village.

6           MR. EMILIO ESCALADAS:   Correct.   Correct.  
7           Correct.

8           DEPUTY COMMISSIONER SCHMIDT:   So they are  
9           completely fine with it, but obviously, much like there  
10          would be in Greenburgh, there is going to be permits that  
11          the applicant will need to obtain from the Village in order  
12          to carry that out.

13          DEPUTY TOWN ATTORNEY FRIED:   All right.   So  
14          you'll make it available to Board Members and we will put  
15          it up on the website so it could be reviewed during the  
16          comment period.

17          MR. EMILIO ESCALADAS:   Yes.   Yes.

18          DEPUTY COMMISSIONER SCHMIDT:   Yes.

19          BOARD MEMBER HAY:   Great.   That's fine.   Thank  
20          you.

21          CHAIRPERSON SIMON:   Any other questions from  
22          Board Members before we turn it over to the public?

23          (Whereupon, there was no response.)

24          CHAIRPERSON SIMON:   Okay, Aaron, could you  
25          recognize members of the public who wish to speak?

## Public Hearing Case PB 19-26

1                   DEPUTY COMMISSIONER SCHMIDT: Yes. Parashis and  
2 then we will turn it over to Mr. Dixon.

3                   CHAIRPERSON SIMON: Okay.

4                   MR. NICHOLAS PARASHIS: Hi. Thank you,  
5 Mr. Escaladas, for providing those forms yesterday. I did  
6 receive them at 5:00 p.m., which was great for me to look  
7 at and I appreciate that very much. There was definitely a  
8 lot of concerns about like the property, especially the  
9 trees and stuff like that.

10                   I noticed one question that I did ask was, is it  
11 possible for you guys to look at an entranceway from  
12 Hillcrest Avenue to work downhill instead of working  
13 uphill. And so that this street will not be disturbed.  
14 And if that is possible, you may be able to save a lot more  
15 trees as well.

16                   I'm not an arborist. I don't really know a lot  
17 about trees, except for the stuff that I had to go through  
18 with my own planning. And I am trying to save as much of  
19 the environment on my personal property that I can. You  
20 know, obviously, this is your property. You guys can do  
21 what you want on the Kaufmann's property.

22                   But I do have somebody who is somewhat of an  
23 expert on trees. And I just wanted to hand that time over  
24 to him, because -- by the way, I'm Nicholas Parashis, 23  
25 Springwood Avenue and this is Omar Diaz and he's my

1 relative.

2 And I would like to have my time devoted to him.  
3 So if he can just do some explaining as far as species of  
4 trees, replacement of species of trees and so on and so  
5 forth. So please, go ahead, Omar.

6 MR. OMAR DIAZ: Yes, hi. Good evening. So I  
7 would just like to preface --

8 DEPUTY TOWN ATTORNEY FRIED: Please state your  
9 name for the record.

10 MR. OMAR DIAZ: Yes. My name is Omar Diaz. I'm  
11 related to Parashis family.

12 DEPUTY TOWN ATTORNEY FRIED: Okay.

13 MR. OMAR DIAZ: Yes. So just to preface that  
14 there's not an issue with the subdivision or the creation  
15 of anything proposed on the property itself.

16 The main concern is the environmental impact and  
17 implications as it relates to the community and the  
18 wildlife. The proposed project involves removing 24 trees  
19 as noted. Although, I just recently heard that, the  
20 previous gentleman stated that most of them were invasive.

21 However, on the proposal, it showed that most of  
22 them are Oak trees, which are being removed. I don't know  
23 of any that are invasive. And these trees, you know, there  
24 is quite a bit of significance to the community and to the  
25 wildlife.



1 I know there was also a mentioning of water  
2 runoff. And that's something I'm going to touch upon as  
3 well. You know, one of the benefits of having so many of  
4 these types of trees in the vicinity is that they cut down  
5 on heating and cooling costs for the surrounding area and  
6 for the homes. And also, removing them will potentially  
7 increase water runoffs, soil erosion, even possible  
8 flooding.

9 I'm not sure of the calculations that the  
10 previous gentleman stated about increasing the water  
11 collection by 30 or 40 percent than originally estimated  
12 would be enough. However, I'll continue, that, you know,  
13 by removing all of these trees and only adding a select  
14 few, which really doesn't seem to benefit, like I said, the  
15 community or the wildlife.

16 I mean you're considering that even just one of  
17 these large Oaks in combination of all the other trees that  
18 are there can potentially hold thousands of gallons of  
19 water and hold on to tens of thousands over the course of a  
20 year. Removing --

21 CHAIRPERSON SIMON: Excuse me, may I interrupt  
22 you for a minute?

23 MR. OMAR DIAZ: Sure.

24 CHAIRPERSON SIMON: Are you aware of the Tree  
25 Ordinance that we adopted, what, a year ago, that take the

1 things that you mention into account? Are you familiar  
2 with that code?

3 MR. OMAR DIAZ: No, I am not aware of any new  
4 ordinances.

5 CHAIRPERSON SIMON: Okay, okay. Well, Aaron,  
6 could you speak to that because some of the issues that  
7 were raised, you know, that the purpose of that new Tree  
8 Code was to address that exact things he's talking about,  
9 the number of trees, the type of trees, the condition of  
10 trees. So could you speak to that so maybe that will --

11 DEPUTY COMMISSIONER SCHMIDT: Absolutely, yes.  
12 So the new Town Tree Ordinance was adopted, or actually  
13 took effect January 4th of this year. And it does take  
14 into account stormwater absorption by the trees that are  
15 being removed versus the trees that are being planted. It  
16 also has diversity requirements.

17 So this is something that's actively being worked  
18 on between the applicant and Town staff to ensure that the  
19 applicant is meeting the requirements of the new code.  
20 When they initially submitted the project, it was under the  
21 old Ordinance.

22 And that was drastically different. It didn't  
23 take into account the environmental factors, such as, as I  
24 mentioned, stormwater absorption, but also CO2 removal from  
25 the atmosphere. The new Ordinance does and the applicant

1 must comply with the new Ordinance because it didn't have  
2 approvals in place prior to the Ordinance taking effect.

3 So the applicant is aware of that. The applicant  
4 has modified its drawings and revised it to meet the  
5 diversity requirements. And they do believe, and staff  
6 does believe, although it hasn't been confirmed, that it  
7 will meet the stormwater absorption requirements. And if  
8 the current plan does not, then it will have to be an  
9 enhancement so that it does.

10 That's something that is probably going to be  
11 finalized next week. Certainly, before the Planning Board  
12 continues or closes, if it were to close before the written  
13 record would close, that would be ironed out. So that's an  
14 important thing.

15 The Stormwater Management Ordinance that the Town  
16 has does not take into account the tree removal and the  
17 gallons of water that trees absorb. That's part of the  
18 reason why it was built into the Tree Ordinance so that we  
19 are covering it, just under a separate code. So I want you  
20 to be aware of that.

21 If you do take a look at our Tree Ordinance and  
22 have any questions, I'm available in my office and happy to  
23 answer any questions.

24 MR. OMAR DIAZ: Well, I would like to say  
25 that based on --

1 DEPUTY TOWN ATTORNEY FRIED: Hold on. Hold on.  
2 I have basically two questions. First of all, are you an  
3 arborist or what are your qualifications?

4 BOARD MEMBER FRAITAG: Yeah.

5 DEPUTY TOWN ATTORNEY FRIED: And secondly, have  
6 you done any studies? And if you have not done any  
7 studies, there is a written comment period that if you have  
8 not, that we would encourage you to do. So the Board can  
9 take a look at scientific data, not just simply saying  
10 you're not sure if it will cover this.

11 MR. OMAR DIAZ: I'm a biologist with a background  
12 of field biology, plant anatomy and physiology and plant  
13 morphology.

14 DEPUTY TOWN ATTORNEY FRIED: Okay, so you'll put  
15 that in --

16 CHAIRPERSON SIMON: Your comments.

17 DEPUTY TOWN ATTORNEY FRIED: Yes.

18 MR. OMAR DIAZ: I'd be more than happy to. But  
19 can I get some clarification? And can I complete what I  
20 was trying to say before?

21 DEPUTY TOWN ATTORNEY FRIED: Absolutely.

22 CHAIRPERSON SIMON: Okay. Well, in the interest  
23 of time, we want to make sure that you're familiar with the  
24 current code before you opine on whether or not the  
25 standards are addressing all of your concerns.

1           And that if you are not familiar with the current  
2           code, a conversation with Aaron Schmidt would be helpful.  
3           And then based upon that, you'd be in -- Hey, you're a  
4           scientist. I'm a scientist. We know we operate on facts,  
5           okay, and on data. So --

6           MR. OMAR DIAZ: Yeah, and I --

7           CHAIRPERSON SIMON: Yes, okay. So rather than  
8           having that discussion now whether or not it's applicable  
9           without being familiar with the code, why don't you sit  
10          down with Deputy Commissioner Schmidt and make sure you  
11          understand what is in the code. And then you'd be in a  
12          better position to make a comment based upon the facts,  
13          okay.

14          So I think that's the better way of doing it  
15          because we're not going to accomplish that in the next few  
16          minutes. So I think that's the best way to proceed.

17          MR. OMAR DIAZ: Well, like I said, my comments  
18          were going to just be more so general --

19          CHAIRPERSON SIMON: Well, like I said --

20          MR. OMAR DIAZ: -- concerning what you said.  
21          Then go into some of the specifics. I can hold off on some  
22          of the specifics, but can I at least make concerning  
23          comments?

24          CHAIRPERSON SIMON: We don't have time -- I must  
25          insist, we don't have time to debate what one thinks or

1 believes. We should be debating based upon the Code. But  
2 if you haven't, if you are not familiar with the Code, how  
3 could you have that conversation?

4 So again, I repeat, the best way is to give  
5 Deputy Commissioner Schmidt, who is a Certified Arborist,  
6 who is the author of the Tree Ordinance, to make sure you  
7 understand what is in there. Because what is in there  
8 might or might not answer your questions.

9 So I think that's a much more effective way of  
10 doing it, okay.

11 BOARD MEMBER HAY: Walter, he may have other --

12 MR. OMAR DIAZ: Again, this is a community forum  
13 and --

14 CHAIRPERSON SIMON: Yes, it is.

15 MR. OMAR DIAZ: -- if this is going to be voted  
16 on in a week, then I think it's just some general  
17 statements should be put out there for those who are of  
18 concern.

19 VICE CHAIRPERSON SCHWARTZ: Walter, honestly, I  
20 think he has a right to at least get his, not the specific  
21 comments, sir, because --

22 MR. OMAR DIAZ: Okay, so I won't go into the  
23 specifics.

24 CHAIRPERSON SIMON: Because --

25 VICE CHAIRPERSON SCHWARTZ: -- because if he has

## Public Hearing Case PB 19-26

1 other things to say for a couple of minutes, I think it's  
2 fair.

3 CHAIRPERSON SIMON: It might be fair, but we're  
4 running out of time. It's 10:00 o'clock.

5 MR. NICHOLAS PARASHIS: No, it shouldn't --

6 CHAIRPERSON SIMON: Hold on. And that's what I  
7 was hoping that we can focus on, you know, and not run the  
8 clock out, which we just did.

9 VICE CHAIRPERSON SCHWARTZ: Then we have to -- we  
10 should just adjourn the Public Hearing.

11 DEPUTY COMMISSIONER SCHMIDT: If we all speak at  
12 the same time --

13 MR. OMAR DIAZ: Well, you were just speaking for  
14 the past five minutes, that's why the clock just ran out.

15 CHAIRPERSON SIMON: Okay, fine.

16 DEPUTY TOWN ATTORNEY FRIED: Please proceed.

17 CHAIRPERSON SIMON: Nonetheless, it has run out.

18 MR. OMAR DIAZ: Well, that's just --

19 CHAIRPERSON SIMON: The only thing that we can do  
20 now is to, again, the way we did it in the other  
21 application, we can keep the public record open for an  
22 extended period of time to give you the opportunity to meet  
23 with Deputy Commissioner Schmidt.

24 And then if you feel that it's not appropriately  
25 answering your concerns, then you could submit that and

1           that would be added to the record.

2                   VICE CHAIRPERSON SCHWARTZ:  Walter, I don't think  
3           that, with all due respect, I don't think that's correct.  
4           I hate to disagree with you, and I normally don't.  But I  
5           think the public has a right to speak.  I don't think he  
6           finished his speech.

7                   So if he, if we don't extend the time tonight and  
8           it is 10:00 o'clock, and we all have other things to do,  
9           I'm sure, I think that we need to keep the -- adjourn the  
10          Hearing and continue the Hearing at the next meeting, not  
11          close the Hearing tonight.

12                   DEPUTY COMMISSIONER SCHMIDT:  Thank you, Vice  
13          Chair Schwartz.  Chairperson Simon, sorry, I accidentally  
14          meant to unmute myself, but muted you.  So we can't hear  
15          you.

16                   But my suggestion to the Board, if it's  
17          agreeable, is to run the meeting for other five or six  
18          minutes, hear from Mr. Parashis's representative very  
19          quickly.  And then also we do have Mr. Dixon, who has been,  
20          you know, patiently waiting, hasn't interrupted and I think  
21          we should give him a few minutes of our time as well, if  
22          it's agreeable to the Board.

23                   CHAIRPERSON SIMON:  Okay.  Early on, the Board  
24          made the decision that we end on time, unless there is an  
25          agreement among the Board to extend.  That was the rule



## Public Hearing Case PB 19-26

1           that we made and that's the rule I intend to follow.

2                     If we get an agreement to extend additional 15  
3 minutes, then we will do that. If we don't have an  
4 agreement to extend that time, then we will, I think, you  
5 know, adjourn the meeting and then we can do it at the next  
6 meeting. Okay, all those in favor in extending the meeting  
7 an additional 15 minutes, please indicate?

8                     BOARD MEMBER HAY: Aye.

9                     CHAIRPERSON SIMON: Okay.

10                    BOARD MEMBER GOLDEN: Aye.

11                    CHAIRPERSON SIMON: Is there any objection to  
12 that?

13                    VICE CHAIRPERSON SCHWARTZ: I don't think we  
14 should because I don't think we are going to finish this in  
15 15 minutes. I don't think it's enough time to --

16                    CHAIRPERSON SIMON: Okay, then.

17                    VICE CHAIRPERSON SCHWARTZ: -- get this man, get  
18 his comments orally because -- and then start the other one  
19 for two minutes. That makes no sense to me. It's a waste  
20 of time.

21                    CHAIRPERSON SIMON: Okay. So then the other  
22 thing is if we're not going to extend, the other thing is  
23 to adjourn the Public Hearing to the next date to --

24                    DEPUTY TOWN ATTORNEY FRIED: October 20th.

25                    CHAIRPERSON SIMON: -- October 20th.

## Public Hearing Case PB 19-26

1 VICE CHAIRPERSON SCHWARTZ: Walter, what I rather  
2 do is adjourn the Public Hearing, this Public Hearing, to  
3 the next meeting. Extend the meeting for 15 minutes to  
4 hear the pre-submission of the final applicant. That makes  
5 more sense. If this applicant needs to --

6 CHAIRPERSON SIMON: Okay, fine. We need to vote  
7 on both. We need to vote on both, okay. The first one is  
8 a vote to extend the Public Hearing to October, the 20th,  
9 do we have a motion to do that?

10 VICE CHAIRPERSON SCHWARTZ: So moved.

11 CHAIRPERSON SIMON: Do we have a second?

12 BOARD MEMBER FRAITAG: Second.

13 CHAIRPERSON SIMON: All in favor? Aye.

14 BOARD MEMBER GOLDEN: Aye.

15 BOARD MEMBER FRAITAG: Aye.

16 BOARD MEMBER HAY: Aye.

17 VICE CHAIRPERSON SCHWARTZ: Aye.

18 BOARD MEMBER DESAI: Aye.

19 CHAIRPERSON SIMON: Okay, fine. And the next  
20 thing is a vote to extend the Public Hearing for -- not the  
21 Public Hearing, to extend tonight's meeting until, you  
22 know, for ten minutes, to 10:15, just so the gentleman can  
23 finish what he's saying.

24 BOARD MEMBER GOLDEN: You know, it's --

25 DEPUTY COMMISSIONER SCHMIDT: Okay, we don't need

## Public Hearing Case PB 19-26

1 Barbara for this, for the Public Hearing session. What you  
2 want to do is take a vote to close the Public Hearing  
3 session and go back into work session.

4 VICE CHAIRPERSON SCHWARTZ: I think Walter had --  
5 let me explain, I think what I said was that we get the  
6 pre-submission conference out of the way tonight.

7 BOARD MEMBER GOLDEN: Yes.

8 VICE CHAIRPERSON SCHWARTZ: And just extend the  
9 Public Hearing. I'm sorry, adjourn the Public Hearing to  
10 the 20th, Walter. So we close the Public Hearing --

11 CHAIRPERSON SIMON: Okay, I agree, okay.

12 DEPUTY TOWN ATTORNEY FRIED: Still, we made the  
13 motion to extend it.

14 CHAIRPERSON SIMON: The question is how long will  
15 we stay here tonight?

16 VICE CHAIRPERSON SCHWARTZ: Fifteen minutes.

17 BOARD MEMBER GOLDEN: Don't we have to close the  
18 Public Hearing first?

19 DEPUTY TOWN ATTORNEY FRIED: Yes.

20 VICE CHAIRPERSON SCHWARTZ: Yes, sir, we do.  
21 Move to do it, Michael.

22 BOARD MEMBER GOLDEN: I move that we close the  
23 Public Hearing.

24 VICE CHAIRPERSON SCHWARTZ: Second.

25 CHAIRPERSON SIMON: All in favor?

## Public Hearing Case PB 19-26

1 VICE CHAIRPERSON SCHWARTZ: And adjourn it to the  
2 20th.

3 DEPUTY TOWN ATTORNEY FRIED: We already did that  
4 part.

5 VICE CHAIRPERSON SCHWARTZ: Okay.

6 DEPUTY TOWN ATTORNEY FRIED: So we're closing the  
7 Public Hearing.

8 BOARD MEMBER FRAITAG: Okay.

9 VICE CHAIRPERSON SCHWARTZ: Okay. Second.

10 CHAIRPERSON SIMON: We're closing the Public  
11 Hearing.

12 VICE CHAIRPERSON SCHWARTZ: Second.

13 CHAIRPERSON SIMON: All in favor? Aye.

14 VICE CHAIRPERSON SCHWARTZ: Aye.

15 BOARD MEMBER GOLDEN: Aye.

16 BOARD MEMBER FRAITAG: Okay. Aye.

17 BOARD MEMBER DESAI: Aye.

18 BOARD MEMBER HAY: Aye.

19 CHAIRPERSON SIMON: Okay.

20 (Whereupon, the Public Hearings were concluded.)  
21  
22  
23  
24  
25

1

2

3

\* \* \* \* \*

4

5

## C E R T I F I C A T I O N

6

7

8

Certified to be a true and accurate transcript  
of the stenographic minutes taken via Zoom  
by the undersigned, to the best of her ability.

9

10

11

12

Barbara Marciante  
Barbara Marciante,  
Official Court Reporter

13

14

15

16

17

18

19

20

21

22

23

24

25