

TOWN OF GREENBURGH  
PLANNING BOARD

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ROLL CALL

5. ITEMS FOR PUBLIC HEARING/PUBLIC DISCUSSION

- a) Case No. PB 19-26  
Kaufmann  
36 Hillcrest Avenue  
(P.O. Ardsley, N.Y.)
- b) Case No. PB 21-11  
Grolier  
6 Chauncey Circle  
(P.O. Ardsley, N.Y.)
- c) Case No. PB 21-07  
Greystone PUD Lots 4-7  
Carriage Trial  
(P.O. Tarrytown, N.Y.)

ADJOURNMENT.

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Greenburgh Town Hall  
177 Hillside Avenue  
Greenburgh, New York 10607  
October 20, 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(Not Present)

THOMAS HAY, Board Member

MONA FRAITAG, Board Member

JONATHAN CAMPOZANO, Esq., 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 DEPUTY COMMISSIONER SCHMIDT: So we're actually  
2 going to go into Public Hearing at this point. So  
3 chairperson Simon, I'm happy to call the roll.

4 CHAIRPERSON SIMON: Please do.

5 DEPUTY COMMISSIONER SCHMIDT: Chairperson Simon?

6 CHAIRPERSON SIMON: Here.

7 DEPUTY COMMISSIONER SCHMIDT: Mr. Schwartz?

8 VICE CHAIRPERSON SCHWARTZ: Here.

9 DEPUTY COMMISSIONER SCHMIDT: Mr. Desai?

10 BOARD MEMBER DESAI: Here.

11 DEPUTY COMMISSIONER SCHMIDT: Mr. Hay?

12 BOARD MEMBER HAY: Here.

13 DEPUTY COMMISSIONER SCHMIDT: Ms. Fraitag?

14 BOARD MEMBER FRAITAG: Here.

15 DEPUTY COMMISSIONER SCHMIDT: Mr. Snaggs?

16 BOARD MEMBER SNAGGS: Here.

17 DEPUTY COMMISSIONER SCHMIDT: Mr. Campozano?

18 ALTERNATE BOARD MEMBER CAMPOZANO: Here.

19 DEPUTY COMMISSIONER SCHMIDT: Thank you. Just  
20 note for the record that Board Member, Michael Golden, is  
21 not present this evening. The first Public Hearing on  
22 tonight's agenda is Case Number PB 19-26, Kaufmann, located  
23 at 36 Hillcrest Avenue, P.O. Ardsley in the R-75 one-family  
24 residence district.

25 The applicant seeks preliminary subdivision,

1 Planning Board steep slope permit and tree removal permit  
2 approvals for a proposal consisting of the subdivision of  
3 three existing tax lots into two buildable lots to allow  
4 for the construction of one new single-family home fronting  
5 on Springwood Avenue.

6 The project involves regulated steep slope  
7 disturbance as well as regulated tree removals. The  
8 applicant has prepared a tree removal permit application  
9 and has worked with staff on its landscaping proposal,  
10 which it will review with the Board and members of the  
11 public.

12 On June 17th, 2021, the Zoning Board of Appeals  
13 granted an area variance related to the newly proposed lot  
14 not having frontage onto a roadway built to Town standard.  
15 The Planning Board last discussed this matter at its  
16 October 6th, 2021 meeting as part of a Public Hearing.

17 The applicant's representative is present this  
18 evening to provide a brief overview of the project for the  
19 benefit of the public. Following this, unless Board  
20 Members have any questions, I believe the intent is to hear  
21 from the members of the public as part of this Public  
22 Hearing that we were unable to hear from at our last  
23 meeting. Thank you. Mr. Escaladas.

24 MR. EMILIO ESCALADAS: Is my mic on? Yeah. Can  
25 you hear me, guys?

1 CHAIRPERSON SIMON: Yes.

2 MR. EMILIO ESCALADAS: Okay.

3 CHAIRPERSON SIMON: And as Deputy Commissioner  
4 Schmidt said, that this is a continuation of the last one.  
5 So it isn't necessary to go into the full details, which  
6 you did at the last meeting, but just to give us -- give  
7 the public a refresher will do.

8 MR. EMILIO ESCALADAS: Thank you, Mr. Simon.  
9 Okay, the presentation was very brief -- to be very brief.  
10 It's a three-lotter of different sizes. It's an existing  
11 residence in the higher portion of the lot. And we're  
12 proposing for the development of the lower section of that  
13 lot. It fronts with Springwood Avenue, which has a very  
14 narrow portion at the point of entry.

15 We have -- I have met with a couple of the  
16 neighbors. And their major concern is that, and I agree  
17 with them 100 percent, and I expressed to them that we have  
18 added, officially, the requirement of enlargement at the  
19 point of entry and as long as we can along the entrance,  
20 the property line, that parallels Springwood.

21 And we can only do the enlargement up to the  
22 property line. And although, I don't show the improvements  
23 to the property line, I've said that verbally to the  
24 neighbors. And I will express my desire to do that. But  
25 there is some rock at the onset of the lot. And I can't

1 draw any more than what I drew to the flatness of the road.  
2 Anymore than that shadowed line involves rock excavation.

3 But like I said to everyone, these are things  
4 that probably will end up being done during the  
5 construction. I can only agree with their grief, with  
6 their desire to enlarge it. I think it's a betterment for  
7 every one of us, and certainly a betterment for our  
8 driveway. And I will endeavor to, if I'm involved in the  
9 construction, to enlarge it even wider than what I'm  
10 showing here.

11 But what I'm showing here is the three or three  
12 and a half feet that I can up to the face of the rock that  
13 emanates from the surface of the ground. So that's  
14 something that I understand, but there is nothing more than  
15 what I've drawn that I can show as a pavement enlargement.

16 But I'm sure that in the construction of this,  
17 because it benefits the lot as well, that the excavation  
18 will probably be done in such a way that the pavement will  
19 be able to profit from this additional excavation and may  
20 be even made it larger at the narrowest gap there, number  
21 one.

22 Number two, the trees, the tree, we've gone over  
23 the concern of the trees that are there. Some of the trees  
24 there, I would say the majority of the trees there, are not  
25 in excellent health. However, there are trees that

1 everyone is used to enjoying them and so on. The proposal  
2 that we have is cutting down, I believe, 26, am I correct,  
3 Aaron, 26?

4 DEPUTY COMMISSIONER SCHMIDT: So it's 26 total  
5 trees of which 21 regulated.

6 MR. EMILIO ESCALADAS: Okay. So I tallied -- the  
7 only way that I can mathematize the advantages,  
8 disadvantages, the unfairness of what we're proposing or  
9 the fairness of what we're proposing is to mathematize it.  
10 And the Town's Code helps us into taking a quick look of  
11 what we're taking away and what we're replanting.

12 And if I propose -- I gave Aaron an analysis  
13 based on the latest tree ordinance that gives a value to  
14 each tree. The total value of the existing trees, for  
15 example, in gallons of absorption of water is 17,000. In  
16 terms of pounds of CO2 is 1,700.

17 What we're proposing gives us 21,000 as compared  
18 to 17. So we're exceeding what exists. The benefits of  
19 what exists is 17. The benefits of what we're going to  
20 produce is 21,000. And for CO, as I said, it's 1700, we're  
21 removing 1700, but we're introducing 3400.

22 So in terms of percentages, we're improving, for  
23 pounds of CO, we're improving 200 percent. And for gallons  
24 of water, we're improving a 125 percent. In other words,  
25 the math of what is being taken away, according to the Town

1 Code in computer value of this very nice tree system  
2 analysis, and compared to what we're putting back, we're  
3 putting back more than what is there.

4 There is other advantages in doing work in these  
5 older, not-so-productive grounds, we will be introducing  
6 grasses. We will be introducing foundation plantings.  
7 There is also, in addition to the aesthetics of it, there  
8 is also production and water retention to those particular  
9 elements, which we're not counting in.

10 And again, just to repeat myself, the amount of  
11 drainage improvements that we're proposing here are far  
12 above what we are minimally required to do. So we're doing  
13 all of that with respect to the neighbors. And we're  
14 concerned to the neighbors and to the lot.

15 Basically, what I'm saying is, the presentation  
16 just shows that we mathematize the trees, the value that  
17 we're adding and we came out successful. Yes.

18 CHAIRPERSON SIMON: Okay, so thank you for that  
19 summary. But there is one comment that you made that I  
20 just want to make sure that you're aware of. That you said  
21 that during construction, you might remove more rock.

22 If that's the case, there is -- you have to be  
23 aware that you might have to go back and adjust that in  
24 your steep slope permit, if you're removing more rock than  
25 you're permitted to do. Aaron, you had something to say,



1           yes?

2                   DEPUTY COMMISSIONER SCHMIDT:  Yes, I did.  So  
3           just a couple of comments.  And I appreciate that one,  
4           Chairperson Simon.  And staff will continue to keep in  
5           touch with Mr. Escaladas and anyone at a future point that  
6           looks to build on this site for sure.

7                   The couple of the things I wanted to add is,  
8           Mr. Escaladas said we can only widen the road or only have  
9           the ability at this time to widen it based on what the plan  
10          shows.  And I don't -- let me see if I can just go back to  
11          that drawing.

12                  I just wanted to clarify because this Board, the  
13          Planning Board, strongly suggested that the applicant reach  
14          out to the Village of Ardsley.  Because it does own a strip  
15          of land that goes -- the Town and Village boundary line is  
16          here and runs through the property.  But the owner,  
17          actually, of the property extends into the Village.

18                  So the question was, can you, instead of tapering  
19          it off at the edge of where the municipal boundary line is,  
20          can you continue the widening into the Village?

21                  MR. EMILIO ESCALADAS:  Yes.

22                  DEPUTY COMMISSIONER SCHMIDT:  And that's not true  
23          on this plan.  But there was discussion with the Village  
24          engineer, and maybe Mr. Escaladas can touch on that very  
25          briefly, just to remind everyone and let members of the

1 public that weren't, perhaps weren't on the other meetings  
2 understand it.

3 And then ultimately, if this project were  
4 approved, that very well could become an element or a  
5 condition of any approval of the Board. And perhaps they  
6 would even want to see it on a revised plan for final  
7 submission.

8 The other thing that I want to state is that with  
9 respect to landscaping, Mr. Escaladas is absolutely  
10 correct. We did run through those numbers, and I reviewed  
11 them. But the one thing to be clear on, and it certainly  
12 meets the New Tree Ordinance, it's just to state that, and  
13 I think we all know this, but I just wanted it to be on the  
14 record, that, you know, clearly they are going to be  
15 removing larger trees. And those do soak up water and  
16 remove CO2 from the atmosphere. At their planted size,  
17 they are not going to be able to replicate the amount of  
18 stormwater absorption and the CO2 removal at the time of  
19 their planting.

20 What the code provides is a credit, what we call  
21 a mid-maturity credit. So it gives some credit to the  
22 property owner that over time they will care for and  
23 maintain the trees, so that they can grow to a fully mature  
24 size. And we give what we call a mid-maturity credit.

25 So down the road, you know, it may not be for 10,

1 15, 20 years, but at some future point, the environmental  
2 benefits of the trees being planted will out produce those  
3 of the trees that are proposed for removal. So I just  
4 wanted to mention that as well.

5 And I can turn things back over to Members of the  
6 Board or Mr. Escaladas. Again, I wanted to make sure that  
7 we do get to the members of the public as well.

8 MR. EMILIO ESCALADAS: And just to add to that,  
9 the drainage has been increased for that reason. Thank you  
10 for saying that.

11 CHAIRPERSON SIMON: Okay. Are there any Members  
12 of the Board who would like to comment on this before I  
13 turn it over to the public? No?

14 (Whereupon, there was no response.)

15 CHAIRPERSON SIMON: Before I turn it over to the  
16 public, I just want to remind members of the public that we  
17 do not have a time limit on speakers. But we do ask that  
18 you do not repeat yourself, be concise and speak to the  
19 issue at hand. So your comments should relate specifically  
20 to the application. Okay, with that in mind, I welcome the  
21 first speaker.

22 DEPUTY COMMISSIONER SCHMIDT: We have Mr. James  
23 Dixon. Just state your name and address for the record.

24 MR. JAMES DIXON: I'm sorry, Mr. Schmidt, did you  
25 call me?

1                   DEPUTY COMMISSIONER SCHMIDT: I did. Thank you,  
2 Mr. Dixon.

3                   MR. JAMES DIXON: Yes, thank you.

4                   DEPUTY COMMISSIONER SCHMIDT: You're welcome.

5                   MR. JAMES DIXON: My name is Jim Dixon. I live  
6 at 25 Springwood Avenue. And so in this proceeding, my  
7 concern has been for Springwood Avenue and the affect that  
8 the development will have on it.

9                   I appreciate Mr. Escaladas meeting with me. I  
10 think it was a productive meeting and I think he  
11 understands my concerns. But I want to put them on the  
12 record. There are three in particular that I do want to  
13 outline for the Board.

14                   The first is that the affect that will -- that  
15 construction will have on access and on the roadway is a  
16 major concern, I think, for myself and my neighbors. I  
17 spoke to Mr. Escaladas about this.

18                   And I encourage the Board to consider a laydown  
19 area that will be used within the footprint of the  
20 development for the period of time that the construction is  
21 going on so that trucks and materials and other activities  
22 aren't conducted on the road, but rather conducted  
23 somewhere within the footprint of the development. And  
24 will, I think, by doing that, will lessen the affect on the  
25 road.

1 I think all the members of the Board have been  
2 down this road. They've looked at it. They have seen that  
3 the point of the curb cut that's proposed for this  
4 development is at the narrowest point of the road. And it  
5 will be a chokepoint.

6 And it will be a problem for not only the people  
7 who live at the end of the road, like myself, but also  
8 emergency vehicles that need to get down the road, if there  
9 is such a need during the construction. So I ask that that  
10 be considered by the Board in approving any plans here.

11 The second point that I want to make is actually  
12 building off of the point that Mr. Schmidt had made earlier  
13 that concerns the taper. Right now, the taper is  
14 conceptualized. It's not actually designed.

15 And our concern is that whatever improvement is  
16 made to the road there, that it be made out to 20 feet or  
17 farther, if possible. And whatever is necessary to do that  
18 be considered by the Board and by the Town in approving  
19 this project.

20 Last point I want to make is, if you can bring up  
21 the previous plan that you had, Mr. Schmidt, I'd appreciate  
22 it. You'll notice that from the top of the driveway to the  
23 bottom of the driveway, there is a differential of six to  
24 eight feet in elevation. This driveway will collect  
25 whatever water flows to it and it will become a sluice.

1 And it will deposit that water at the curb cut for  
2 Springwood Avenue.

3 I talked to Mr. Escaladas about a modification of  
4 the stormwater plan in order to provide some trenching  
5 across the length of the driveway at the bottom where he  
6 now proposes the drywell to the upper part of that picture.  
7 Thank you, Mr. Schmidt. And that there be a trench way  
8 across the width of the driveway that would allow water to  
9 flow then, rather, onto Springwood Avenue than to flow into  
10 the drywell.

11 Those conclude my comments. Thank you for the  
12 opportunity, Chairperson Simon.

13 CHAIRPERSON SIMON: Thank you. Do we have  
14 another speaker who wishes to speak to this?

15 MR. LEONARD HERMAN: Yes. My name is Leonard  
16 Herman, 75 Euclid Avenue. And I would like to speak on  
17 this issue.

18 CHAIRPERSON SIMON: Please, go ahead.

19 MR. LEONARD HERMAN: I am down the hill from  
20 Springwood. And my concern is both the runoff as well as  
21 water that's not going to be absorbed by the existing  
22 trees. As I understand it from the information, there is  
23 going to be a 10 to 15 year period before you'll have the  
24 same amount of water absorption from the trees being  
25 planted.

1           Currently, after any large rain fall, I have  
2           underground streams that come out from my wall near my  
3           driveway and spill out into the street. These dry out when  
4           it's not raining and they only come back after heavy  
5           rainfalls.

6           My concern is that this project is only going to  
7           exacerbate this situation. I'm concerned both about the  
8           runoff from the property as well as the water that's not  
9           going to be absorbed by the existing trees. And that  
10          concludes what I have to say.

11          CHAIRPERSON SIMON: Thank you very much. Do we  
12          have anyone else?

13          DEPUTY COMMISSIONER SCHMIDT: We do. We have  
14          Mr. Parashis first, followed by Ms. Beiner.

15          CHAIRPERSON SIMON: Okay.

16          MR. NICHOLAS PARASHIS: Wait, hold on a second.  
17          Okay, hello? Am I live? All right, great. Nicholas  
18          Parashis, 23 Springwood Avenue. Yeah, so I have many  
19          concerns, mostly regarding the stormwater runoff and the  
20          trees.

21          Aaron, I like your plan that you're planting a  
22          lot of trees and putting in that Town Code, I think that's  
23          excellent. However, by the time I see those benefits, I  
24          will be well into my retirement age. And we're talking 15  
25          to 20 years for a somewhat mature tree. We're not talking

1 about Oaks being mature.

2 Oaks, Maples, large trees of these sorts, that  
3 have deep root taps have so many other benefits as well,  
4 but specifically water interception. That's very  
5 important, especially for those of us who do live downhill.

6 Now, for me, I'm okay, you know, the water on my  
7 property. It doesn't bother my house, but all the  
8 neighbors, I have to think about them. I have to be a good  
9 neighbor. I have to be a good person for my neighborhood.  
10 I have to think of those living further down the hill, like  
11 the gentleman from Euclid. What we do impacts everybody  
12 else.

13 Now, if I was a developer and I wanted to knock  
14 down a lot of trees, I definitely go with, you know, the  
15 route that's been taken now. Is it possible to share my  
16 screen because I have something that I would like to show?

17 CHAIRPERSON SIMON: Well, if it's directly --

18 MR. NICHOLAS PARASHIS: Yeah, it's directly --

19 CHAIRPERSON SIMON: -- related to the  
20 application. And the issue is, the issue as I see it, as  
21 expressed by the two previous speakers is whether or not  
22 the current design will appropriately capture the runoff --

23 MR. NICHOLAS PARASHIS: Right, it's, yes --

24 CHAIRPERSON SIMON: -- that's the concerns. And  
25 so you should be addressing that. Whether or not --



1 MR. NICHOLAS PARASHIS: Exactly, yes. And that's  
2 what I would like to address. Yes, please.

3 CHAIRPERSON SIMON: Yes.

4 MR. NICHOLAS PARASHIS: So I would like to share  
5 my screen, if you give me permission for that.

6 CHAIRPERSON SIMON: Okay.

7 DEPUTY COMMISSIONER SCHMIDT: Yes, we've allowed  
8 that.

9 MR. NICHOLAS PARASHIS: All right. Let's see.  
10 Are you guys seeing my screen yet? Let's see here.

11 DEPUTY COMMISSIONER SCHMIDT: No.

12 MR. NICHOLAS PARASHIS: Nothing yet. Okay, let  
13 me see something here. I don't know why it's not allowing  
14 to share. Okay. So generally speaking, there is a lot of  
15 trees that are not listed on that diagram that you have  
16 there, as far as where all those X's are and all those  
17 trees to be replanted are.

18 So I was wondering if you could -- I don't know  
19 why this is not working. I have a whole thing here. I  
20 don't know why it's not allowing the screen share. But I  
21 guess you guys can share those screens. And if you show  
22 the tree planting diagram, if you can pull that up for  
23 every one to see, I would appreciate that.

24 DEPUTY COMMISSIONER SCHMIDT: I will, just one  
25 moment. And I might add while I'm pulling this up, you

1 know, there have been now a couple of folks that have been  
2 spoken about the trees and the fact that it will take time  
3 for the new trees to absorb the amount of stormwater that  
4 the existing trees absorb.

5 The Town's Stormwater Management Regulations do  
6 not even take the new trees into account. The applicant is  
7 obligated to ensure that there is no -- zero increase in  
8 water runoff from the site, post development when compared  
9 to pre-development.

10 And we can, you know, I'm not an engineer so I am  
11 not going to speak to that. We can have Mr. Escaladas  
12 speak to that, if there is a question. But I just wanted  
13 to remind the Board Members and to inform the members of  
14 the public of that.

15 So the trees, and as they grow, that's just an  
16 added benefit. It's obviously an aesthetic benefit. And  
17 I'm an arborist so I try and get folks to plant, you know,  
18 as many nice trees as possible on their property.

19 So let me share this screen and we will go to the  
20 tree removal and landscaping plan. Here we go. Can you  
21 all see that?

22 CHAIRPERSON SIMON: Yes.

23 MR. NICHOLAS PARASHIS: Okay.

24 DEPUTY COMMISSIONER SCHMIDT: Okay.

25 MR. NICHOLAS PARASHIS: So when you start to look

1 at where that big rock is towards Springwood Avenue, all  
2 along that line, there is a whole bunch of trees there.  
3 And right behind them, there is a lot more trees that are  
4 being removed. Those aren't listed on the property.

5 If you guys like sports, you'll be familiar with  
6 two different things. Offense and defense, right. These  
7 trees provide defense, right. They provide defense for  
8 stormwater runoff, for taking carbon dioxide out of the  
9 air, and, most importantly, right now, for the flooding.  
10 And if -- I have all these beautiful pictures that,  
11 unfortunately, I can't show with you.

12 When we had our last storm, which was supposed to  
13 be, you know, 100-year, whatever, you guys are the  
14 scientists, I don't know, storm. I remember the same type  
15 effect less than 15 years ago when I moved in. All of the  
16 Saw Mill flooded down.

17 And that has to do with the over development,  
18 taking away all of these trees to intercept all that  
19 stormwater. And guess what, all these guys on Euclid  
20 Avenue and further down, their basements are flooding.  
21 They have streams of water going through their property.

22 When you take away all of this defense, that is  
23 adding to what they already have, you are destroying the  
24 property, destroying the root system, destroying the steep  
25 slopes. All that water is now cascading down. And this is

1 not a necessity project. This is a greed project. This is  
2 about money. And so let's call it what it is.

3 CHAIRPERSON SIMON: Well, let's not -- let's  
4 stick to the point --

5 MR. NICHOLAS PARASHIS: Yeah. So the point --

6 CHAIRPERSON SIMON: The question is -- let me  
7 finish, please. -- whether or not there is an economic  
8 advantage to the developer or not, that's immaterial to  
9 what we and how we develop -- judge this property. The  
10 baseline is considering the steep slopes, the tree removal,  
11 the drainage system.

12 Does this project add any additional water to the  
13 surrounding properties. That's the issue. Does it,  
14 regardless of how many trees are left up or taken down.  
15 Regardless of what the drainage system design is, the  
16 bottom line is, is any additional water leaving this  
17 property. That's what we should be focusing on.

18 MR. NICHOLAS PARASHIS: Right. And your answer  
19 is going to be 100 percent absolutely yes. I plugged in  
20 seven trees into my tree benefits calculator, which is  
21 exactly the same system that you use. And I came up with  
22 17,528 gallons of rainfall intercepted.

23 VICE CHAIRPERSON SCHWARTZ: Stop. Stop right  
24 now. Excuse me, we're going around in circles.

25 CHAIRPERSON SIMON: In circles.

1 VICE CHAIRPERSON SCHWARTZ: I'm getting tired of  
2 it, okay. You didn't listen to what Mr. Schmidt just told  
3 you, okay. You keep focusing only on the trees. There is  
4 a drainage system being installed at the same time. The  
5 calculation is made before we replace the trees, after we  
6 take out the trees and the new drainage system has to take  
7 up the difference of the drainage, okay. And you're saying  
8 it's all going to cascade down, that's not true. Okay,  
9 it's just not true.

10 MR. NICHOLAS PARASHIS: Yes. Okay, Mr. Schwartz,  
11 yes.

12 VICE CHAIRPERSON SCHWARTZ: You keep focusing on  
13 the trees.

14 MR. NICHOLAS PARASHIS: Yeah.

15 CHAIRPERSON SIMON: Stop. There is no reason for  
16 discussion.

17 MR. NICHOLAS PARASHIS: Right. So Mr. Schwartz,  
18 I think you're 100 percent correct. However, the  
19 calculations that are being submitted, they are not  
20 accurate. What I'm trying to --

21 CHAIRPERSON SIMON: Okay. Well, what we --

22 MR. NICHOLAS PARASHIS: What I'm trying to say --

23 CHAIRPERSON SIMON: Okay. Wait a minute --

24 MR. NICHOLAS PARASHIS: What I'm trying a say  
25 is --

1 CHAIRPERSON SIMON: Yes. Let me interrupt you  
2 again. If you have evidence that the calculation is  
3 inaccurate, then submit that to the Board. Submit -- give  
4 that to Mr. Escaladas so he could go over those. We're not  
5 going to have a debate on the calculation. Produce the  
6 data and we will evaluate it.

7 But we're not going to go into a debate of whose  
8 calculations are correct. We have an engineering  
9 department. We have Mr. Escaladas. You give us the data  
10 and it will be evaluated. But we're not going to debate  
11 the data here.

12 MR. NICHOLAS PARASHIS: Right. Is there a  
13 forestry official that works for the Town of Greenburgh?

14 DEPUTY COMMISSIONER SCHMIDT: Yes. There are  
15 multiple.

16 CHAIRPERSON SIMON: Yes.

17 MR. NICHOLAS PARASHIS: Okay. Is this project  
18 certified that the data that is being submitted is  
19 accurate?

20 DEPUTY COMMISSIONER SCHMIDT: Yes.

21 MR. NICHOLAS PARASHIS: By who?

22 DEPUTY COMMISSIONER SCHMIDT: By me, as a  
23 certified arborist.

24 MR. NICHOLAS PARASHIS: Okay. Because I did a  
25 quick calculation --

1 CHAIRPERSON SIMON: Okay, and I said, if you have  
2 the calculation, submit the data.

3 MR. NICHOLAS PARASHIS: Will do. I have it right  
4 now. I just can't share the screen with you.

5 DEPUTY TOWN ATTORNEY FRIED: It's unnecessary.  
6 It's part of the record. If you have it, send it in.

7 DEPUTY COMMISSIONER SCHMIDT: I am not going so  
8 spend any more time on it. But I just want Mr. Parashis to  
9 realize there are a number of inputs that go into  
10 formulating the calculations.

11 So if you insert, you know, an 18-inch red Oak  
12 tree that's in excellent, pristine condition versus an  
13 18-inch Oak tree that is in a shaded area and in fair  
14 condition, you're going to come up with quite different  
15 results in terms of the environmental benefit. So I wanted  
16 you to be aware of that. Thank you.

17 MR. NICHOLAS PARASHIS: Yeah, I am, thank you.  
18 I'm done.

19 CHAIRPERSON SIMON: Is there any other thing you  
20 wish to say?

21 DEPUTY TOWN ATTORNEY FRIED: No, he said he was  
22 done, but --

23 CHAIRPERSON SIMON: Okay.

24 MR. NICHOLAS PARASHIS: Actually, yeah, my wife  
25 has something to say.

1 DEPUTY TOWN ATTORNEY FRIED: I would just --

2 CHAIRPERSON SIMON: Could we recognize the next  
3 speaker then? And here again, we're not going to repeat --

4 MRS. JOSIE PARASHIS: We're not.

5 CHAIRPERSON SIMON: -- what we just said, but the  
6 same thing applies.

7 VICE CHAIRPERSON SCHWARTZ: Walter, David had  
8 something to say first, I believe.

9 CHAIRPERSON SIMON: Okay, yes.

10 DEPUTY TOWN ATTORNEY FRIED: Yes. What I was  
11 simply going to say, again, if you have documentation,  
12 scientific documentation, submit that. That's part of what  
13 the public record is about. It goes in and they said by  
14 several people there.

15 The purpose is not for arguments, not for back  
16 and forth. Everyone should make their statements, but  
17 don't start saying well, I have this, this and this,  
18 instead of saying I have it. Submit it, we will look at  
19 it.

20 CHAIRPERSON SIMON: Right.

21 MR. EMILIO ESCALADAS: The number he quoted was  
22 the same I gave you, 17,000.

23 CHAIRPERSON SIMON: Okay, but --

24 MR. NICHOLAS PARASHIS: For seven trees.

25 CHAIRPERSON SIMON: As I indicated --



1 MR. NICHOLAS PARASHIS: Seven trees.

2 CHAIRPERSON SIMON: We're not going to debate --

3 MR. NICHOLAS PARASHIS: Seven trees, not 27.

4 CHAIRPERSON SIMON: We're not going to debate the  
5 issue here. If there are additional data, submit it and it  
6 will be evaluated. Okay, let's move on to the next  
7 speaker.

8 MRS. JOSIE PARASHIS: I just want to say a quick  
9 comment. Josie Parashis, 23 Springwood Avenue. Despite  
10 how many trees will be cut, the runoff, any of the comments  
11 and what we were talking about and all the speakers that  
12 have spoken so far, it's just -- just one quickly.

13 If most of the people on the block, where  
14 something is being built, don't really want that property,  
15 does that matter at all because it doesn't seem --

16 CHAIRPERSON SIMON: It, in fact, there's a --

17 MRS. JOSIE PARASHIS: I just want to --

18 CHAIRPERSON SIMON: Let me --

19 MRS. JOSIE PARASHIS: I want it on the record.

20 CHAIRPERSON SIMON: Let me answer your question.

21 MRS. JOSIE PARASHIS: Let me just finish it. I  
22 just want to finish it.

23 CHAIRPERSON SIMON: Let me answer your question.  
24 You asked the question, I'll give you the answer. You  
25 asked --

1 MRS. JOSIE PARASHIS: Let me just --

2 CHAIRPERSON SIMON: -- if most of the people on  
3 the block do not like a project, does that mean the project  
4 will be stopped. No. We base our decision on the facts,  
5 regardless if it is popular or unpopular. We have to go by  
6 the Codes. And that's one of the reasons why I said submit  
7 the data. Because we have to base our decisions on the  
8 data.

9 There is ample case law where Planning Boards  
10 ignored the fact and made a decision because that is what  
11 the residents wanted. And it was thrown out of court. And  
12 the judge gave a stern rebuke of the Planning Board for not  
13 following the law, not following the code and making a  
14 decision based upon popularity.

15 So we do not make our decisions based upon  
16 popularity. We base it on the Code. We base it on the  
17 data.

18 BOARD MEMBER HAY: Walter, can I add to that,  
19 please?

20 CHAIRPERSON SIMON: Yes.

21 BOARD MEMBER HAY: I'm dying to say this. Look,  
22 none of us like to see trees come down. You know, I grew  
23 up next to an empty lot. We played in it until someone  
24 built a house. We weren't happy about it.

25 The fact is, in most cases, landowners have the

1 right to build on a piece of land that they own, as long as  
2 they meet certain requirements. Our Board is not empowered  
3 to tell someone they can't do it, if it's allowed by law.

4 What we can do is try to mitigate the impact as  
5 much as possible, stormwater, traffic, disturbance to the  
6 neighborhood, whatever objects are under control. But we  
7 can't say, you can't build there because people don't want  
8 it.

9 Keep in mind, all the houses we live in, people  
10 living in houses, were once trees. Someone was probably  
11 unhappy that those were built at one time. We don't want  
12 to see the green canopy destroyed. What Greenburgh has,  
13 that many other places don't, is at least a codified  
14 ordinance that takes into account what the existing trees  
15 contribute and tries to replace it to the greatest extent  
16 possible.

17 Obviously, if you're putting a structure on a  
18 piece of property, not as many trees can be replaced, which  
19 is why there is a robust stormwater system that's required.  
20 Now, you can debate whether it actually is going to do what  
21 it says or not, but we have to, as Chairperson Simon said,  
22 follow the engineers and the people that make these  
23 calculations. We're not engineers ourselves.

24 So I understand, it's clear it's unpopular and  
25 some people have spoken have been very unhappy about it, we

1           can't tell the owner he cannot built just because it's not  
2           popular.

3                   MRS. JOSIE PARASHIS: Now, it was suggested  
4           before, right, to make things more better for the people  
5           that live on Springwood Avenue to have a Hillcrest  
6           entrance, that's where -- and that wasn't even brought up  
7           again.

8                   That was in, you know, a consideration by, you  
9           know, the engineer. And that was just a suggestion that,  
10          you know, a lot of people were trying to make things better  
11          for everyone. Like you said, we don't want to cut down  
12          trees, but if that would make, you know, if they have the  
13          entrance on Hillcrest Avenue, you know, where the owners  
14          actually have it, yeah.

15                   VICE CHAIRPERSON SCHWARTZ: Can I address that,  
16          Walter?

17                   CHAIRPERSON SIMON: Yes, please. First of all,  
18          it wasn't ignored. We thought about it.

19                   VICE CHAIRPERSON SCHWARTZ: Correct. That's what  
20          I wanted to say. It was considered. And actually, the  
21          amount of disturbance to the, because of the difference in  
22          grade, the amount of disturbance was actually greater than  
23          the way it was done. So you know, I would appreciate that  
24          you're understanding --

25                   MRS. JOSIE PARASHIS: We would see more trees,

1 correct, like --

2 VICE CHAIRPERSON SCHWARTZ: There are a lot of  
3 factors besides trees. There's also rock, okay. There  
4 were a lot of factors and it was very, very difficult to  
5 put the driveway in that direction. It would have  
6 destroyed a lot more of the topography to do it, okay.

7 I don't, really -- As Tom said, and it's very,  
8 very important, property owners do have rights to build on  
9 their property. That is New York State Law, case law one  
10 after another, okay. This is not a popularity contest.

11 There are times we approve things that we rather  
12 not approve, but they have the right to do it. And as  
13 Mr. Hay said, we really do try to mitigate it as much as  
14 possible. But it's not a popularity contest.

15 And before you say something emphatically, like  
16 this wasn't considered, a lot of things were considered,  
17 okay. That alternative was considered and rejected after  
18 we looked at what kind of disturbances that would cause.

19 It was because that was a legitimate question you  
20 guys brought up. We looked at the alternate. And it was  
21 almost impossible to put a driveway there because of the  
22 grade. Aaron, go ahead.

23 CHAIRPERSON SIMON: Go ahead.

24 MRS. JOSIE PARASHIS: Wouldn't it be like also  
25 consideration not to subdivide, I guess?

1 VICE CHAIRPERSON SCHWARTZ: No, actually not.

2 DEPUTY COMMISSIONER SCHMIDT: I would just like  
3 the opportunity to speak.

4 VICE CHAIRPERSON SCHWARTZ: Aaron?

5 DEPUTY COMMISSIONER SCHMIDT: Yes, thank you.  
6 First, and I would actually ask if Mr. Fried wanted to say  
7 something. My only comment was that we do have another  
8 speaker who did raise her hand 30 minutes ago and has been  
9 waiting to speak.

10 CHAIRPERSON SIMON: Okay, let's move on. We have  
11 other topics that we would like to consider. But I just  
12 want to ensure that, you know, these are things that we  
13 consider and we have to operate on the fact that -- I think  
14 there are two, the previous speaker talked about two things  
15 that we really need to take a look at.

16 One was the drainage in front of the driveway. I  
17 think that's a very good thing. We need to take a look at.  
18 And the fact that we need to actually put on paper the  
19 widening of that road or come to some agreement in the  
20 widening of the road into Ardsley. I mean, that's  
21 something that are valid points that I hope that the  
22 applicant is going to take a look at and revise their plans  
23 accordingly.

24 VICE CHAIRPERSON SCHWARTZ: The construction  
25 envelope, too, Walter, that was also a very good comment.

1                   CHAIRPERSON SIMON: Yes, the construction, yeah.  
2                   The other thing is whether or not they would have a  
3                   construction envelope because the streets are very narrow.  
4                   I mean these are things that we could really evaluate. And  
5                   I think they are excellent suggestions. Is there someone  
6                   else who wanted to speak?

7                   DEPUTY COMMISSIONER SCHMIDT: There is.

8                   MS. FATIM BEINER: Yes, I have my hand raised.

9                   MR. EMILIO ESCALADAS: Walter, let me just say  
10                  quickly. Those three points are actually accepted by us.  
11                  We will enlarge -- we would enlarge it as long -- for the  
12                  length of the entire property that we control and we will  
13                  change the drainage in the front.

14                 It's a good suggestion, to a trough drain so that  
15                 we can intercept all of the drainage, all of the sheet  
16                 flows will be intercepted. And the discussion of creating  
17                 a work area, a flat area, a supplied drop-off area to the  
18                 best that we can absolutely can be suggested. I will  
19                 endeavor to do that, yes.

20                 CHAIRPERSON SIMON: Okay, thank you very much.  
21                 I'm quite sure that the residents also are very pleased  
22                 with that also.

23                 VICE CHAIRPERSON SCHWARTZ: Ms. Beiner has been  
24                 waiting to speak very patiently.

25                 CHAIRPERSON SIMON: Yes, that's what I'm saying.

1 Yes.

2 MS. FATIM BEINER: Okay, hi, 21 Springwood  
3 Avenue, Fatim Beiner and Gary Beiner. I'm driving,  
4 otherwise I would have put my video on. But I can't.

5 CHAIRPERSON SIMON: Okay.

6 MS. FATIM BEINER: I just pulled over. My main  
7 concern only, and I already had called Mr. Escaladas about  
8 it. I have one large Oak tree on my property. And it just  
9 happen that I had an arborist come over to tell me how much  
10 I should trim because of the storm.

11 And then he mentioned to me that the roots on  
12 that tree, it's almost like a quarter, taking up a quarter  
13 on my side of the front yard. And he said, by the way,  
14 that root extends to your next-door property, which is the  
15 Kaufmann.

16 And I said to him, oh, that's interesting. They  
17 are planning to take down trees. And he said, I would be  
18 very leary about it, depending on how much they are going  
19 to dig down to kill the root on their side, your tree will  
20 eventually fall off.

21 So I already spoke with Mr. Escaladas. I called  
22 him. And I said to him, that's my concern, can you please  
23 take that into consideration and try not to touch the roots  
24 on that tree of yours, which is very close to my property.  
25 And I'm just mentioning it for the records. He was very



1 kind. He understood my concern.

2 And other than that, I really, I trust you guys  
3 that you are taking care of everything as far as the runoff  
4 and the rocks and all this stuff. But I just want to say  
5 that Mr. Parashis, Parashis, I don't know. I only know him  
6 as Nick and Josie. He is the neighborhood watch. And we  
7 trust him. And we value his opinion. And he cares about  
8 our properties. And that's why he sticks his neck way out.

9 And it sounds like you guys are not happy about  
10 every time he makes a mention of something. I think the  
11 lack of communication by you, just like, for example, that  
12 he suggested to do the entrance from the other side of the  
13 street, Hillcrest, that was great that you considered it,  
14 you looked into that. But you didn't tell us that you did.  
15 So we just wanted to remind you again.

16 So the lack of communication back and forth from  
17 you, I don't know who's involved in that area to get back  
18 to us saying, yeah, we considered, we looked into it.  
19 That's all we asking.

20 It's very hard. And as hard as it is that we  
21 have to live in this street that's in horrible condition  
22 that we have to fight for also to get it up to par and safe  
23 walking condition. So that's all I have to say.

24 CHAIRPERSON SIMON: I will make sure that our  
25 Deputy Schmidt, who is our licensed arborist, speak to

1 Mr. Escaladas about the root system of that tree. Okay.

2 VICE CHAIRPERSON SCHWARTZ: David has his hand  
3 up.

4 CHAIRPERSON SIMON: David?

5 DEPUTY TOWN ATTORNEY FRIED: Yeah, unless there  
6 is anyone else who wants to speak. I appreciate the  
7 comments you made, Mrs. Beiner. I'm going to make one  
8 correction from what was said earlier.

9 This is a Public Hearing. The Board, you know,  
10 hears everything that you're saying. It is not, and the  
11 reason why there is no feedback on any particular response,  
12 I mean sometimes there are because there is give and take  
13 in there, but all this goes into the record.

14 Once the record is closed, and as I had asked for  
15 Mr. Parashis to please send any additional information so  
16 that this could be reviewed. It's amalgamated. It is  
17 reviewed by staff. It is rereviewed by the Board.

18 If there is a suggestion that ultimately is going  
19 to improve the project, and it's not something that's going  
20 to escalate the cost, you know, by tripling the cost, the  
21 staff looks at it and makes recommendations. And  
22 ultimately, this Planning Board will vote on the  
23 recommendations.

24 There is sometimes a misunderstanding because  
25 these are projects that neighbors don't normally come out

1 to, and they don't see how the Planning Board works.

2 Let me assure you that every comment that was  
3 made has been put down by Barbara. Barbara, you can wave.  
4 And is reviewed by staff and is considered. Nothing is off  
5 the table. However, there are obviously some things that  
6 we respond to quickly, such as the fact of wanting to  
7 expand the street. I think everyone is in agreement with  
8 that.

9 There is agreement, certainly, to look at  
10 something, and Aaron can discuss with you, you know, not  
11 necessarily on the record tonight, what we do to make sure  
12 that trees are protected, existing trees on neighborhood  
13 property. You are all being listened to. All of it will  
14 be considered. That's all I wanted to say.

15 CHAIRPERSON SIMON: Okay. If there is no  
16 other -- is there any other speakers in the queue, Aaron?

17 DEPUTY COMMISSIONER SCHMIDT: No.

18 MR. EMILIO ESCALADAS: I just wanted to say,  
19 Aaron did ask me to look into the entrance from the other  
20 side. And we did discuss it, and the retaining walls, the  
21 heights of the retaining walls, the disturbance, as it was  
22 stated, it would be gigantic. It would not make any sense.

23 I wanted it just to be on the record that Aaron  
24 did ask me to look into it. We had the discussion and we  
25 did sketches. That would not work. It will be too violent

1 of an imposition on everybody. So I just wanted to go on  
2 the record to say that.

3 CHAIRPERSON SIMON: Okay. Aaron?

4 DEPUTY COMMISSIONER SCHMIDT: And that may have  
5 been somewhat overlooked. We had a lot of moving parts at  
6 the last meeting. But it was touched upon at the last  
7 meeting. And it's in the transcript of the last Public  
8 Hearing. So I just wanted everyone to be noticed on that.  
9 There are no other speakers at this time.

10 CHAIRPERSON SIMON: Okay, so I would entertain a  
11 motion to close the Public Hearing and keep the record  
12 open. And what date is that, Aaron?

13 DEPUTY COMMISSIONER SCHMIDT: October 27th.

14 CHAIRPERSON SIMON: Yes. I make a motion that we  
15 close the Public Hearing and keep the record open to  
16 November 7th.

17 DEPUTY TOWN ATTORNEY FRIED: October 27th.

18 VICE CHAIRPERSON SCHWARTZ: Second.

19 CHAIRPERSON SIMON: Pardon me?

20 DEPUTY TOWN ATTORNEY FRIED: October 27th.

21 CHAIRPERSON SIMON: I'm sorry, October 27th.

22 VICE CHAIRPERSON SCHWARTZ: Second.

23 CHAIRPERSON SIMON: All in favor? Aye.

24 VICE CHAIRPERSON SCHWARTZ: Aye.

25 BOARD MEMBER SNAGGS: Aye.

1 BOARD MEMBER HAY: Aye.

2 BOARD MEMBER DESAI: Aye.

3 BOARD MEMBER FRAITAG: Aye.

4 ALTERNATE BOARD MEMBER CAMPOZANO: Aye.

5 CHAIRPERSON SIMON: Oppose?

6 (Whereupon, there was no response.)

7 CHAIRPERSON SIMON: Okay, thank you. And I  
8 would, as Deputy Schmidt stated, the record is being kept  
9 open and that is the time for people to submit additional  
10 information, additional data, that will be objectively and  
11 completely evaluated prior to the Board making a decision  
12 on the project. Thank you. Okay.

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25 DEPUTY COMMISSIONER SCHMIDT: Okay, the next

1 item --

2 CHAIRPERSON SIMON: Go ahead.

3 DEPUTY COMMISSIONER SCHMIDT: I'm sorry, the next  
4 item on the agenda -- And before I announce that, I do just  
5 want to announce, and we probably should have done this at  
6 beginning of the Public Hearings, but Case Number PB 21-07,  
7 known as the Greystone PUD associated with Lots 4 through  
8 7, the applicant has requested an adjournment of that  
9 project.

10 Due to a family emergency, he's unable to attend  
11 the Public Hearing this hearing. So in all likelihood, the  
12 Board will not be hearing that and will be adjourning it to  
13 a future date, if there are any members of the public that  
14 are here and waiting on that particular Public Hearing.

15 CHAIRPERSON SIMON: And I also would add that the  
16 applicant made an attempt to have his engineer come in his  
17 place, but his engineer was not available. So he asked for  
18 us to adjourn it to the next meeting.

19 DEPUTY TOWN ATTORNEY FRIED: Do you want to just  
20 do that motion now then?

21 DEPUTY COMMISSIONER SCHMIDT: Yes.

22 CHAIRPERSON SIMON: Yes. Okay, so let's then go  
23 to PB 21-07.

24 VICE CHAIRPERSON SCHWARTZ: Wait, Walter, hold  
25 on. Do we have to -- I think David wants us to make a

1 motion --

2 DEPUTY TOWN ATTORNEY FRIED: He's going to that  
3 one.

4 CHAIRPERSON SIMON: That's where I'm going.

5 VICE CHAIRPERSON SCHWARTZ: Okay, yes.

6 CHAIRPERSON SIMON: 21-07.

7 VICE CHAIRPERSON SCHWARTZ: Okay. I move that we  
8 adjourn the hearing to November 2nd or 3rd?

9 DEPUTY COMMISSIONER SCHMIDT: 3rd.

10 VICE CHAIRPERSON SCHWARTZ: Adjourn it to  
11 November 3rd.

12 BOARD MEMBER HAY: Second.

13 CHAIRPERSON SIMON: All in favor? Aye.

14 BOARD MEMBER SNAGGS: Aye.

15 VICE CHAIRPERSON SCHWARTZ: Aye.

16 BOARD MEMBER HAY: Aye.

17 BOARD MEMBER DESAI: Aye.

18 BOARD MEMBER FRAITAG: Aye.

19 ALTERNATE BOARD MEMBER CAMPOZANO: Aye.

20 CHAIRPERSON SIMON: Oppose?

21 (Whereupon, there was no response.)

22 CHAIRPERSON SIMON: Okay.

23 \* \* \* \* \*

24

25 CHAIRPERSON SIMON: So now we will go back to now

1 PB 21-11. Can you introduce that, that is --

2 DEPUTY COMMISSIONER SCHMIDT: Yes, we have that,  
3 Chairperson Simon.

4 CHAIRPERSON SIMON: Chauncey Circle.

5 DEPUTY COMMISSIONER SCHMIDT: Correct. So again,  
6 PB 21-11, Grolier, located at 6 Chauncey Circle, P.O.  
7 Ardsley in the R-40 one-family residence district. The  
8 applicant seeks a Planning Board steep slope permit  
9 approval for an application involving the proposed  
10 construction of an inground pool and patio area on an  
11 existing single-family residential property.

12 The project involves regulated steep slope  
13 disturbance. The application was last before the Planning  
14 Board as part of a work session on September 14th, 2021.

15 The applicant's representative is present this  
16 evening to further detail the project, to explain the  
17 revisions made and additional information provided since  
18 the work session took place. And to answer any questions  
19 that the Board Members and members of the public. I'll  
20 turn it over to Mr. Hildenbrand.

21 MR. BRIAN HILDENBRAND: Great. Thanks, Aaron.  
22 For the record Brian Hildenbrand. I'm the engineer for the  
23 project. And I'm just going to share my screen. Can  
24 everyone see the rendering?

25 CHAIRPERSON SIMON: Yes.



1 MR. BRIAN HILDENBRAND: Okay. As Aaron said,  
2 this is a proposed inground pool and patio. What you're  
3 looking at here is, you know, kind of a 3D-rendering, but  
4 it paints the picture. The retaining walls are existing.  
5 They were part of the lot development when the house was  
6 built.

7 So where the pool is going is relatively flat.  
8 We are here for a steep slope permit. The majority of the  
9 steep slope disturbance will be down this side yard for  
10 temporary construction access to build the pool.

11 The other part of the slope disturbance is  
12 associated with the stormwater plan. We're collecting the  
13 stormwater runoff on the patio, treating it in a detention  
14 system and then discharging the detention system downgrade  
15 below the retaining walls. And by doing, by trenching, you  
16 know, we're disturbing more steep slopes.

17 When we were here before you at the work session,  
18 I was asked to provide a cross section of the site, which  
19 we did. We put on the plan, you can see the only grading  
20 for the pool is some slight fill. The scale on this  
21 section is skewed, you know, exaggerated in the vertical  
22 just to really show what's happening. It's only about a  
23 foot or so of fill needed to level this area out.

24 Then this pipe is coming down to a level  
25 spreader. And since last time, we've -- the landscape

1 architect has provided some shrub and plug plantings as  
2 well as the riprap.

3 So you would have riprap to dissipate the flows  
4 and then some, you know, four to five-foot Hollies and  
5 Inkberries, two to three feet, and surrounded by a sedge,  
6 just to armor that area, help with water uptake and help  
7 stabilize this slope.

8 So those are the two comments, I believe, from  
9 the Board. Our stormwater system does mitigate all peak  
10 flows to below the existing conditions or at least to meet  
11 the existing conditions for the 25-year storm. So with  
12 that, that's just a quick overview, but that's my summary.

13 CHAIRPERSON SIMON: Okay.

14 DEPUTY COMMISSIONER SCHMIDT: Thank you. I just  
15 wanted to mention --

16 CHAIRPERSON SIMON: I'm not -- Go ahead.

17 DEPUTY COMMISSIONER SCHMIDT: Go ahead. I'm  
18 sorry. I was just going to say --

19 CHAIRPERSON SIMON: It's okay. Go ahead.

20 DEPUTY COMMISSIONER SCHMIDT: We did look at the  
21 plantings proposed and the stone riprap and that was deemed  
22 acceptable based off the comments made at the work session.  
23 So we thought that the applicant was responsive and did a  
24 good job without making a revision.

25 CHAIRPERSON SIMON: Okay. On the steep slope,

1       which you indicate is for access for the construction, on  
2       your cross section, are you digging into any rock or are  
3       you just removing soil?

4               MR. BRIAN HILDENBRAND: Not even. It's just, you  
5       know, getting equipment down the yard. So we call that  
6       disturbance, you know, in case they have a small excavator,  
7       you know, something with tracks, to get down. But this is  
8       temporary. There is no cut or fill associated with the  
9       access.

10              CHAIRPERSON SIMON: Okay. That was my only  
11       thing. Do any Members of the Board wish to speak on this  
12       issue?

13              (Whereupon, there was no response.)

14              CHAIRPERSON SIMON: No. If not, is there anyone  
15       who wish to speak on this from the public?

16              DEPUTY COMMISSIONER SCHMIDT: Mr. Hildenbrand,  
17       can you just stop the share screen for a moment. There  
18       were a member or two of the public that were among those  
19       interested in listening. If, at this time, you wish to  
20       speak on the project, you certainly may.

21              Otherwise, the Board may decide to close the  
22       Public Hearing. And there would be a period where written  
23       comments could be provided. It looks like we have the  
24       Akapos, or Ashley Akapo, here to speak. So I can turn it  
25       over to you, if you would like to speak on the project.

1 MR. OLUROTIMI AKAPO: Yes. Good evening,  
2 everyone. My name is Olurotimi and this is my wife,  
3 Ashley. The current address is 493 Winding Road North and  
4 we are owners of the residence.

5 And this property is right behind our house. And  
6 it's obviously on the steep slope. Initially, we thought  
7 the pool was going to be, if you look behind our property,  
8 on the right side, but it's not, fortunately, when I hear  
9 about the initial storm drain that was built.

10 Based on the last storm we just had, and that  
11 flooded some part of the neighborhood, there was also a run  
12 over off that storm drain that didn't carry obviously all  
13 the stormwater through that came onto our property and ran  
14 off sand and all that stuff down towards the back of our  
15 house.

16 So my fear is, with the new disturbance, given  
17 now it's going to the left side of the house, with the new  
18 disturbance of soil, and also with the collection of water  
19 now being treated and potentially ran off on the back side  
20 to come down to the property, there might still be run over  
21 and flooding as well.

22 So we're very concerned, obviously, and we have  
23 new kids at home. And the last thing I want is continual  
24 water running down the slope down towards the house and for  
25 us to have to now put additional protection in place just

1 because the pool is now literally behind our property.

2 CHAIRPERSON SIMON: Okay. The applicant, could  
3 you answer -- Okay, we have another speaker?

4 DEPUTY COMMISSIONER SCHMIDT: I did. I just --

5 CHAIRPERSON SIMON: Let them express their  
6 concern and then we will have the applicant respond, okay.

7 DEPUTY COMMISSIONER SCHMIDT: Yes. So if there  
8 is any other members of the public that wish to speak, now  
9 would be the time.

10 As I mentioned, if you don't or choose not to,  
11 and the Board does close the Public Hearing this evening,  
12 there would be a period for written comments to be provided  
13 that would be submitted into the record and sent to the  
14 Board and sent to the applicant.

15 With that said, it doesn't seem like there are  
16 any further comments. So we ask Mr. Hildenbrand to  
17 respond.

18 If I may make a comment, that the Planning Board,  
19 more recently, particularly since the last major storm, has  
20 begun to ask applicants if there is any opportunity to  
21 design for a storm that's greater than the 25-year storm,  
22 even though our Code is only required to the 25-year. So  
23 that may be something that you want to consider. Thank  
24 you.

25 MR. BRIAN HILDENBRAND: Okay. As far as the

1 washout described, I can't speak to that, only because one,  
2 I don't -- I haven't been to the site since that storm.  
3 And second, I know there is a stormwater system for the  
4 house and for the driveway that was designed by someone  
5 else and installed.

6 So I don't know if it's just a maintenance issue  
7 or what exactly failed that caused the damage. But if  
8 there is some way, you know, I'll work with the homeowner.

9 I'm sure they want to be good neighbors to remedy  
10 that so that's not ongoing. Maybe try to find the source  
11 of that problem. And whether that's part of this  
12 application or just, you know, just through maintenance or  
13 another building permit, I'll have to figure that out.

14 And as far as larger storms, I mean we can  
15 certainly look at what we can fit. We are limited with  
16 space, as you saw on the plan with the retaining walls and  
17 setbacks.

18 You know, frankly, I would have love to  
19 infiltrate the stormwater, but I couldn't, based on the  
20 constraints. So we can take a more holistic look at this  
21 and make sure that there is no ongoing issues for the  
22 downhill neighbors.

23 BOARD MEMBER HAY: I'm sorry, Brian, can you just  
24 explain what you mean by infiltrate. I'm not sure everyone  
25 understands that, when you said you wish you could

1 infiltrate.

2 MR. BRIAN HILDENBRAND: Yeah, infiltrate, take  
3 the stormwater, put it in an underground system and let  
4 that percolate into the soil. It kind of takes the runoff  
5 factor out, out of the runoff. What we have is the  
6 detention system which slows the water down and that water  
7 gets released slowly.

8 But, I guess, just if an infiltration would, I  
9 think, in my opinion, function better, it just couldn't be  
10 designed for this site.

11 CHAIRPERSON SIMON: Okay. I would just like a  
12 clarification. Right now, that's Mr. Akapo, is that your  
13 correct name? Okay. He's saying that water -- I just want  
14 to understand. Are you saying that right now water is  
15 running off of that property into your yard?

16 MR. OLUROTIMI AKAPO: Right now, no. But based  
17 on the last, during the last storm, that happened. The  
18 last big storm we had, last prior month, two months ago.

19 MRS. ASHLEY AKAPO: Yes.

20 MR. OLUROTIMI AKAPO: Whenever that was, there  
21 was --

22 MRS. ASHLEY AKAPO: Washed down our hill into our  
23 yard, yeah.

24 CHAIRPERSON SIMON: From the applicant's  
25 property?

1 MRS. ASHLEY AKAPO: That's right.

2 MR. OLUROTIMI AKAPO: Correct.

3 CHAIRPERSON SIMON: Washed down into your  
4 property?

5 MR. OLUROTIMI AKAPO: Correct.

6 MRS. ASHLEY AKAPO: Yes.

7 CHAIRPERSON SIMON: I think that's something that  
8 needs to be looked at. Because if we have a current  
9 problem with runoff on the property, I think that needs to  
10 be looked at in conjunction with what is happening now.  
11 Aaron, yes?

12 DEPUTY COMMISSIONER SCHMIDT: Okay. So if I may  
13 respond to that, at least partially. So I think  
14 Mr. Hildenbrand did say that, you know, he's happy to speak  
15 with his client and look into the existing stormwater  
16 management system for the house and the property that was  
17 built and installed when the house was constructed --

18 CHAIRPERSON SIMON: Right.

19 DEPUTY COMMISSIONER SCHMIDT: -- the last couple  
20 of years. So we certainly appreciate that. The one thing  
21 I do want to mention is that, you know, unfortunately, we  
22 had a very significant storm with, you know, clearly a lot  
23 of damage throughout the Town.

24 And, you know, one of the things that I mentioned  
25 before is that the Town Code speaks to designing for a



1 25-year storm. And a lot of times engineers and applicants  
2 will over design anyway.

3 But that doesn't capture every storm in the Town.  
4 And unfortunately, sometimes that creates problems. And it  
5 sounds like that's what happened here. So it would  
6 definitely be helpful for Mr. Hildenbrand to speak with his  
7 client, see if there is a clog or anything that can be done  
8 to clean this out so that it's functioning properly, so  
9 that, you know, the downstream folks, the Akapo's, can be  
10 protected.

11 CHAIRPERSON SIMON: And also, as Aaron pointed  
12 out, the Code doesn't require it, the 25-year storm. But  
13 if, in looking at it, there is any room for you to improve  
14 upon that, I'm quite sure your neighbors would appreciate  
15 that.

16 MR. BRIAN HILDENBRAND: Absolutely.

17 CHAIRPERSON SIMON: Okay. Any other comments?  
18 Mona Fraitag, yes?

19 BOARD MEMBER FRAITAG: Yeah. Is it possible to  
20 do the screen sharing one last time. I just want to look  
21 at the fencing that we're going to be having around the  
22 pool area.

23 DEPUTY COMMISSIONER SCHMIDT: I just chatted that  
24 to Mr. Hildenbrand.

25 BOARD MEMBER FRAITAG: Thank you.

1           DEPUTY COMMISSIONER SCHMIDT: So it didn't come  
2 up in the rendering. So the question, Mr. Hildenbrand is,  
3 you know, With respect to pools, there is Building Code  
4 requirements for safety fencing.

5           MR. BRIAN HILDENBRAND: Yes, good question.

6           BOARD MEMBER FRAITAG: And I didn't see it in the  
7 rendering. I only saw it in certain spots. And I didn't  
8 see it around the entire pool area. And I'm a little  
9 concerned that people have access to this pool.

10          MR. BRIAN HILDENBRAND: It will, there is a  
11 landscape architect plan. So I apologize if it's not on my  
12 stormwater plan.

13          BOARD MEMBER FRAITAG: I just want to make sure  
14 that there is a plan for fencing.

15          MR. BRIAN HILDENBRAND: Oh, yes, absolutely.  
16 Yeah, it will be enclosed with a gate in the side yard.

17          BOARD MEMBER FRAITAG: Okay.

18          MR. BRIAN HILDENBRAND: The whole pool enclosure  
19 will be --

20          BOARD MEMBER FRAITAG: As it was coming down, it  
21 just hit me that the fence didn't go around the whole pool.  
22 And I'm like, that's not right.

23          MR. BRIAN HILDENBRAND: Yeah, and that probably  
24 would have been the first comment from the Building  
25 Inspector when he saw that.

1           BOARD MEMBER FRAITAG: Yeah, and it just hit me  
2 as it was coming down and then we went into questions.  
3 Okay, thank you.

4           BOARD MEMBER DESAI: Walter, I just want to  
5 confirm what Aaron said. Is this system designed for 25  
6 years or 100-year storm?

7           CHAIRPERSON SIMON: Okay, the Code is 25.

8           BOARD MEMBER DESAI: Yeah, no, but the question--

9           MR. BRIAN HILDENBRAND: It is designed for the  
10 25.

11          BOARD MEMBER DESAI: Okay. Can you look at it,  
12 what would be, the difference would be if you do a  
13 100-year. Because now we have 100-year storms every couple  
14 of years.

15          BOARD MEMBER FRAITAG: Yeah, maybe that needs to  
16 be reviewed.

17          BOARD MEMBER DESAI: Yeah.

18          MR. BRIAN HILDENBRAND: We could run the model  
19 and run the numbers and see how it responds under the  
20 larger storms and do what we can to offset the larger  
21 events.

22          BOARD MEMBER DESAI: Particularly, the steep  
23 slope.

24          DEPUTY COMMISSIONER SCHMIDT: That was the first  
25 thing I asked, you know, is there an opportunity to do it.

1 And so we will ask Mr. Hildenbrand to look at that and give  
2 us the information when he's able, you know, that would  
3 certainly be appreciated.

4 CHAIRPERSON SIMON: And it's important that that  
5 information is sent to us because I'm anticipating, not  
6 unless something comes up in the next few minutes, to close  
7 the Hearing and keep the record open.

8 So it would be important that you submit that  
9 additional data and submit the drawing with the gate  
10 around -- with the fencing around the pool. So when we  
11 make the decision, we have all the updated information.

12 BOARD MEMBER FRAITAG: Thank you.

13 BOARD MEMBER DESAI: Okay.

14 CHAIRPERSON SIMON: Okay. Any other comments?  
15 If not, I make a motion that we close the Hearing and keep  
16 the record open to?

17 DEPUTY COMMISSIONER SCHMIDT: October 27th.

18 CHAIRPERSON SIMON: October 22nd?

19 DEPUTY COMMISSIONER SCHMIDT: 27th, sorry.

20 CHAIRPERSON SIMON: Yeah, okay. The 27th,  
21 because our next meeting --

22 DEPUTY COMMISSIONER SCHMIDT: It's one week, next  
23 week.

24 CHAIRPERSON SIMON: Okay, okay, the 27th, okay.

25 DEPUTY COMMISSIONER SCHMIDT: Do we have a

1 motion?

2 CHAIRPERSON SIMON: Yes. I make a motion that we  
3 close the Public Hearing and keep the record open to  
4 October 27th.

5 BOARD MEMBER FRAITAG: Second.

6 CHAIRPERSON SIMON: All in favor? Aye.

7 BOARD MEMBER HAY: Aye.

8 BOARD MEMBER FRAITAG: Aye.

9 BOARD MEMBER SNAGGS: Aye.

10 VICE CHAIRPERSON SCHWARTZ: Aye.

11 BOARD MEMBER DESAI: Aye.

12 BOARD MEMBER SNAGGS: Aye.

13 ALTERNATE BOARD MEMBER CAMPOZANO: Aye.

14 CHAIRPERSON SIMON: Oppose?

15 (Whereupon, there was no response.)

16 CHAIRPERSON SIMON: None, okay. We already  
17 indicated that Greystone will not be heard. So we have a  
18 motion to close the Public Hearing section of tonight's  
19 meeting and go back into work session?

20 BOARD MEMBER FRAITAG: So moved.

21 VICE CHAIRPERSON SCHWARTZ: Second.

22 CHAIRPERSON SIMON: All in favor? Aye.

23 BOARD MEMBER SNAGGS: Aye.

24 BOARD MEMBER FRAITAG: Aye.

25 VICE CHAIRPERSON SCHWARTZ: Aye.

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BOARD MEMBER DESAI: Aye.

BOARD MEMBER HAY: Aye.

ALTERNATE BOARD MEMBER CAMPOZANO: Aye.

(Whereupon, the Public Hearings were concluded.)

\* \* \* \* \*

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 taken via Zoom  
by the undersigned, to the best of her ability.

Barbara Marciante  
Barbara Marciante,  
Official Court Reporter