

TOWN OF GREENBURGH
PLANNING BOARD

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1. ROLL CALL

5. ITEMS FOR PUBLIC HEARING/PUBLIC DISCUSSION

a) Case No. PB 22-27
Liberty Coca-Cola
111 Fairview Park Drive
(P.O. Elmsford, N.Y.)

b) Case No. PB 21-23
Washington Estates (DiNapoli)
1490 & 1952 Saw Mill River Road
(P.O. White Plains, N.Y.)

ADJOURNMENT.
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Greenburgh Town Hall
177 Hillside Avenue
Greenburgh, New York 10607
April 3, 2023

HYBRID PLANNING BOARD MEETING

Barbara Marciante,
Official Court Reporter

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

HUGH SCHWARTZ, CHAIRPERSON

THOMAS HAY, VICE CHAIRPERSON

WALTER SIMON, Board Member

JOHAN SNAGGS, Board Member (Not Present)

KIRIT DESAI, Board Member (Not Present)

MICHAEL GOLDEN, Board Member (Not Present)

MONA FRAITAG, Alternate Board Member (Not Present)

LESLIE DAVIS, Board Member

AMANDA MAGANA, Esq., Deputy Town Attorney

AARON SCHMIDT

Deputy Commissioner of The Department of
Community Development and Conservation

1 CHAIRPERSON SCHWARTZ: We're going to open the
2 Public Hearing for tonight, April 3rd, 2023. Mr. Schmidt,
3 call the role, please.

4 DEPUTY COMMISSIONER SCHMIDT: Chairperson
5 Schwartz?

6 CHAIRPERSON SCHWARTZ: Present.

7 DEPUTY COMMISSIONER SCHMIDT: Mr. Hay?

8 VICE CHAIRPERSON HAY: Here.

9 DEPUTY COMMISSIONER SCHMIDT: Mr. Simon?

10 BOARD MEMBER SIMON: Here?

11 DEPUTY COMMISSIONER SCHMIDT: Ms. Davis?

12 BOARD MEMBER DAVIS: Here.

13 DEPUTY COMMISSIONER SCHMIDT: Note for the record
14 that Mr. Desai, Mr. Golden, Mr. Snaggs and our Alternate,
15 Ms. Fraitag, are not present this evening. Thank you.

16 CHAIRPERSON SCHWARTZ: I think they are all at
17 the game tonight. Okay, we have two cases tonight.

18 Case PB 22-27, Liberty Coca-Cola for an Amended
19 Site Plan and Tree Removal Permit. You were before the
20 Zoning Board. You got through it in one swoop, I think.
21 Mr. Steinmetz?

22 MR. DAVID STEINMETZ: Good evening, Mr. Chairman,
23 Members of the Board, David Steinmetz, from the Law Firm of
24 Zarin & Steinmetz. Pleased to be here tonight representing
25 Liberty Coca-Cola. And Mr. Chairman, I am here with our

1 entire team, who has -- They have all been introduced
2 previously so I will spare you that.

3 Answering your question, Mr. Chairman, yes, it
4 was a one and done. We were quite successful to appear in
5 front of the Zoning Board with your recommendation, with
6 the Negative Declaration that your Board had issued.

7 Our team presented the application for the
8 variances to the Zoning Board. And in one evening, after
9 we answered their questions, they adopted a voice
10 resolution and codified it in a written resolution.

11 CHAIRPERSON SCHWARTZ: Great.

12 MR. DAVID STEINMETZ: Taking a step back, because
13 I know staff had asked us to do so, even though we have
14 appeared in front of your Board several times in connection
15 with this, a brief explanation for the record of what this
16 application is.

17 CHAIRPERSON SCHWARTZ: This is a Public Hearing,
18 that's why.

19 MR. DAVID STEINMETZ: That's no problem. Liberty
20 Coca-Cola, as the Board knows and some folks in the public
21 may be aware, is a wonderful light industrial manufacturing
22 operation here in the Town of Greenburgh. It's located on
23 a 22-acre site and it actually contains a 450,000 square
24 foot Coca-Cola, and I will repeat that, Coca-Cola bottling
25 plant.

1 We are here because Coca-Cola decided they wanted
2 to have sort of a cutting edge, state of the art,
3 sustainable energy project. So we have filed an
4 application for an Amended Site Plan Approval to allow for
5 a cogeneration installation with a recapture component.

6 As our consultants have explained to the Board
7 and the public, what this basically involves is generating
8 enough electricity to almost entirely operate the bottling
9 plant. In addition to generating cooling and heating, both
10 of which, we have all come to learn, are involved in the
11 manufacturing and bottling process.

12 What is most unique about this application, and
13 to me I'll call it the coolest part of the application, is
14 that one of the bi-products of cogeneration is the emission
15 of CO₂, carbon dioxide. That is not a good thing for the
16 environment.

17 However, it's excellent, if you can actually
18 capture it, bring it inside, clean it to beverage grade
19 quality, and use it for putting the fizz or the carbonation
20 in soda.

21 So rather than shipping in carbon dioxide, which
22 Liberty Coca-Cola has been doing for quite some time, with
23 400 trucks coming and going each and every year bringing in
24 carbon dioxide for bottling, they will actually be
25 manufacturing their own CO₂ in addition to effectively

1 providing their own on-site energy.

2 So this is basically about as much of a win, win,
3 win as one can get in this context. As we've explained to
4 the Board, it is an as-of-right use. It is permitted under
5 your Zoning in this particular Zoning District.

6 And the other hurdle that we had is, in order to
7 have the cogeneration and the cleansing of the CO2, this
8 operation requires two essentially 77-foot towers. I say
9 essentially because one is 77 feet and the other is 75 and
10 a half feet, give or take six inches here or there.

11 Your Zoning only allows 40-foot height
12 installation in this Zoning District. So with the review
13 of staff and the assistance of your Board, we were able to
14 go to the Zoning Board of Appeals with a positive
15 recommendation and explain to them, as we explained to you,
16 what the value was in having these installations on site.

17 In addition, at the Chair and the Board and
18 staff's request, you had already made us go through a
19 fairly extensive visual analysis. So by the time we got to
20 the Zoning Board, we were able to show them and we did,
21 with Joe Thompson's help, nine different vantage points
22 throughout the Town looking at this property so that we
23 were able to bring to life for the Zoning Board, as we did
24 for you and the public, that you will not be able to see
25 these installations, these 77-foot towers.

1 They pale in comparison to some water towers in
2 the nearby proximity as well as the high-tension stanchions
3 for the Con Ed power lines.

4 So where does this leave us. We have been
5 through the SEQRA process. You, as lead agency, have
6 already determined that there is no significant adverse
7 environmental impact. You've made a positive
8 recommendation for the aspects of this application that do
9 not comply with Zoning.

10 We went to the Zoning Board of Appeals as another
11 involved agency under SEQRA and they granted relief. We've
12 gotten some questions from the Town's technical staff and
13 consultants. Garrett, Aaron, Amanda and the entire team
14 have been quite vigilant in making sure that our team
15 answered a variety of questions.

16 There's been quite a bit of time spent on
17 circulation on this site as well as fire safety. I know, I
18 believe, your consultant, Ed Larkin, from Labella, formally
19 known as Chazen, I think is online. But Mr. Larkin, whom
20 we know well, has been actively engaged with Rob Walsh, our
21 civil engineer, in analyzing vehicular movement,
22 circulation, fire hydrants and fire flow.

23 I think we've answered those questions. I know
24 Mr. Walsh and Mr. Larkin have had a number of back and
25 forth exchanges of written information and phone calls. If

1 there is anything that Mr. Larkin has requested that has
2 not been nailed down, as I said to staff earlier, I think
3 those can be addressed as conditions of approval.

4 There is no question a condition of approval has
5 to mandate that there is adequate circulation on site. I
6 think for those of you that were out there, and I think it
7 was only staff, for the site inspection, staff did see how
8 the site is navigated.

9 I think either Commissioner Schmidt -- either
10 Deputy Commissioner Schmidt or Commissioner Duquesne did
11 state for the record months ago that he saw the trucks
12 being driven around and the demonstration on site.

13 We're confident that we can maintain adequate
14 fire circulation. There were fire test flows or fire flow
15 tests performed earlier in connection with a particular
16 hydrant out there that demonstrated that there was
17 sufficient flow.

18 I think Mr. Larkin may have asked for another
19 test. Liberty Coke is certainly prepared to do that. That
20 can be a condition of approval without any difficulty.

21 I guess the only other thing that I would
22 mention, we had also been asked to answer some questions
23 about parking. The site, we believe, has more than
24 adequate parking. There is no reduction mathematically in
25 the number of parking spaces as a result of this

1 installation.

2 I've had a number of conversations with
3 Commissioner Duquesne about this. When we submitted our
4 initial analysis, Rob did a very conservative analysis of
5 parking. And that was what we put on our plans, requiring
6 some 800 some-odd parking spaces where there are only 309,
7 I think, if I have my number correctly.

8 MR. ROBERT E. WALSH: 339.

9 MR. DAVID STEINMETZ: 339 on site. The site is
10 operated with the number of parking spaces that are
11 presently there for quite some time. There is no effective
12 deficiency and there is no change. There is no
13 elimination.

14 When we first appeared in front of you, and I
15 guess I should state this for the record, when we first
16 appeared in front of your Board, at the outset of this
17 application, we appeared to be eliminating nine parking
18 spaces.

19 As a result of some great work by the team, they
20 rearranged some things. That is no longer the case. The
21 339 parking spaces that exist today will exist after the
22 installation.

23 Aaron, if there is anything else you want me to
24 address or our team, we are happy to do so. But we are
25 extremely pleased with how attentive staff and the Board

1 had been to this application.

2 We're excited to get this underway. I can tell
3 you that Liberty Coke is chomping at the bit to move
4 forward with this program.

5 CHAIRPERSON SCHWARTZ: Aaron?

6 DEPUTY COMMISSIONER SCHMIDT: Thank you. So
7 thank you for running through those items and it's good to
8 have you back here with your application. We do have
9 Mr. Larkin, our fire consultant, on the Zoom.

10 However, he's currently traveling. So I couldn't
11 get through to him. I just did want to quickly go through
12 his most recent review memo --

13 MR. DAVID STEINMETZ: Go right ahead.

14 DEPUTY COMMISSIONER SCHMIDT: -- dated
15 March 28th, 2023, which was forwarded along to the team.
16 Just to hit on some of the high points, some were already
17 addressed and I may duplicate that. And I apologize if I
18 do.

19 MR. DAVID STEINMETZ: No apology.

20 DEPUTY COMMISSIONER SCHMIDT: His first comment
21 related to emergency access circulation, which was also
22 brought up by the Building Inspector in written comments
23 issued by his office.

24 And we wanted to make sure that particularly at
25 the rear of the building there is appropriate lane width in

1 order to maintain emergency access throughout the entire
2 circulation path of the building. And I know you've
3 indicated that you will see to it.

4 However, I think on the final drawing, there
5 should be a dedicated location for tractor trailer storage,
6 because there is going to be some remaining trailer storage
7 at the rear of the site. And it was kind of loosely
8 delineated, I'll call it, on the plan.

9 And I think if it was a little more clear, it
10 would help everyone; and then a distance shown from the
11 nearest portion to delineate the width of the travel lane
12 in that location.

13 MR. DAVID STEINMETZ: So we completely agree. We
14 have no objection. We would suggest that that be
15 articulated as a condition subject to the satisfaction of
16 the Building Department and the Department of Community
17 Development. We have to make that change to the plans.

18 DEPUTY COMMISSIONER SCHMIDT: I think that should
19 be okay.

20 CHAIRPERSON SCHWARTZ: Yes, that's fine.

21 MR. DAVID STEINMETZ: Great.

22 DEPUTY COMMISSIONER SCHMIDT: And then beyond
23 that, let's see, I'll quickly touch on the second comment
24 issued by the Building Inspector, which related to, there's
25 a piece of equipment that removes snow off those parked

1 trailers --

2 MR. DAVID STEINMETZ: Yes.

3 DEPUTY COMMISSIONER SCHMIDT: -- and where that
4 snow storage would take place. I don't know if the team
5 had an opportunity to look into that. There's concern that
6 some of that space that might be utilized today would be
7 removed in the future condition because of the pad and all
8 the new equipment.

9 So has a new snow storage area been identified?
10 And if that could be identified and shown on the plan,
11 final plan.

12 MR. ROBERT E. WALSH: We can do that.

13 MR. DAVID STEINMETZ: Understood. We can do that
14 and that will be so indicated on the plan.

15 DEPUTY COMMISSIONER SCHMIDT: Great. The fire
16 consultant, Mr. Larkin, identified that there were fire
17 flow results done for that one fire hydrant and others have
18 been asked for. We think that that could be handled as
19 part of a condition of any approval.

20 MR. DAVID STEINMETZ: As I stated earlier.

21 DEPUTY COMMISSIONER SCHMIDT: Okay. There was a
22 note related to, at the rear of the building being a gap
23 between hydrants. I don't know if the team -- I can recite
24 that.

25 Let's see, based on the updated hydrant plan,

1 there is a gap between Hydrant Five and Hydrant Eight that
2 exceeds the allowable hydrant spacing. A new hydrant
3 should be added at the rear of the site. Did you see that
4 note?

5 MR. ROBERT E. WALSH: Yeah. We're going to do
6 that. The reference to Hydrant Eight I think was from the
7 older plan. We renumbered. The plans have private
8 hydrants being lettered numbers. And the public ones to be
9 numbers.

10 And what he's talking about is on the western
11 side of the building, there is an 800-foot gap between our
12 new hydrant that will be by the new equipment and then the
13 existing hydrant to the north. And we're going to add a
14 hydrant in the middle.

15 MR. DAVID STEINMETZ: So another condition, we
16 consent to the addition of the extra hydrant. And it will
17 be so indicated on the plan.

18 DEPUTY COMMISSIONER SCHMIDT: Can we have your
19 name for the record?

20 MR. ROBERT E. WALSH: Robert E. Walsh, Chief
21 Civil Environmental Engineer for EI Associates, 8 Ridgedale
22 Avenue, Cedar Knolls, New Jersey 02779.

23 DEPUTY COMMISSIONER SCHMIDT: Two more comments,
24 sorry, and I had brought this up previously. Regarding the
25 new hydrant proposed and other existing ensuring that the

1 hydrants are protected from vehicular traffic, either a
2 bollard or some other protection device, that could be an
3 element or condition of any decision by the Board.

4 MR. DAVID STEINMETZ: Agreed.

5 DEPUTY COMMISSIONER SCHMIDT: Last, but not
6 least, Mr. Larkin asked that the applicant clarify why no
7 vehicular protection is provided between the access drive
8 and the equipment pad in the form of a guardrail or
9 fencing.

10 MR. ROBERT E. WALSH: Sure. You know, that's a
11 portion of the southern side of the equipment pad. We're
12 basically having vehicular traffic traveling parallel to
13 the fence line and there wouldn't be any maneuvers, like on
14 the other three sides, vehicles are possibly making
15 K-turns, backing up to the loading docks.

16 So we put it on the three sides. But based on my
17 discussions with Mr. Larkin, we have no problem putting it
18 on that southern end of the driveway.

19 DEPUTY COMMISSIONER SCHMIDT: That being the
20 fence?

21 MR. ROBERT E. WALSH: Yes.

22 DEPUTY COMMISSIONER SCHMIDT: Okay. That was all
23 I had.

24 CHAIRPERSON SCHWARTZ: Okay. Does anybody else
25 from the Board have any questions?

1 BOARD MEMBER SIMON: No, no questions, but just a
2 comment. First of all, I'm really thrilled with this new
3 technology. I think it would be helpful just to take a few
4 minutes to read that into the record.

5 Because you have not discussed any of that during
6 the Hearing. So you don't have to go into the whole
7 background that you did at the work session. But just
8 bullet point some of the benefits of this technology.

9 Also, I don't think we ever discussed how much --
10 is there any loss, how much of that CO2 that you generate
11 you'd capture. And just a general outline.

12 I believe you have plans like that in Europe.
13 Just indicate the number and then the fact that this would
14 be the first in the United States.

15 MR. DAVID STEINMETZ: Understood. I'm going to
16 turn it over to Vishnu Baran to make a very short
17 explanation presentation. I would just note that
18 everything that we've stated previously in connection with
19 this application is part of the record of this proceeding.

20 It may not be this evening's Public Hearing, but
21 obviously everything is a predicate for your Board's
22 determination.

23 Vishnu, Walter's got some -- Mr. Simon has some
24 great questions. How many do we have in Europe and an
25 explanation.

1 BOARD MEMBER SIMON: Just for the public who
2 might be looking tonight that they can just get a short
3 capture.

4 MR. VISHNU BARAN: Good afternoon and good
5 evening, everybody. My name is Vishnu Baran from Clark
6 Energy. So the system takes the fuel. It generates
7 electricity as with all power stations. The electricity
8 typically is wasted.

9 In this application, the thermal energy is
10 recovered. It's recovered and it creates hot water, which
11 offsets boiler generated thermal energy, which is how the
12 production facility operates today.

13 A portion of that hot water feeds into the
14 production lines, so we will be displacing boiler generated
15 thermal energy. Another portion of that thermal energy
16 will be recovered and it will go to a hot water chiller,
17 which is known as an absorption chiller. This is basically
18 a process that takes heat and creates chilled water.

19 The second stage of the manufacturing process
20 that happens today, after the drink is created, it's
21 heated, then it's cooled and then it's heated and the cap
22 is put on and it's packaged. So this system would offset
23 electric chilling as well by recovering waste heat to
24 create chilled water to displace the electric chiller that
25 is happening today.

1 The unique part about this project is, as
2 Mr. Steinmetz says, anything that generates, anything that
3 combusts typically creates emissions. In this application,
4 the main portion of those emissions is carbon dioxide. And
5 basically, the back end of this system has an aiming
6 scrubbing system on there, which basically washes the CO₂,
7 cleans the CO₂ to 99.997 percent beverage grade quality.

8 And then we have a two-stage cleaning process.
9 We clean it. We then liquefy it. We store it in a couple
10 of storage tanks. We verify those CO₂ locks meet the
11 standards.

12 And then it would be used to enter into the
13 process for the final stage of the bottling to create the
14 carbonation for the drinks which offsets around 400 trucks
15 coming in, road trucks deliver the CO₂.

16 So the overall efficiency of the system from
17 electric thermal and cooling is about 88.7 percent. If you
18 actually look at the recovery of the CO₂, it would actually
19 on paper look like it's over 100 percent efficient, but you
20 cannot actually do that, right.

21 So from an efficiency standpoint, for the
22 measurable quantities, it's just under 90 percent. But
23 then with the waste, that would go up in CO₂, released in
24 the atmosphere. We're scrubbing 100 percent of the CO₂ out
25 of the exhaust. There's CO₂ and there's also CO.

1 CO is carbon monoxide. We actually add oxygen to
2 the CO and create more CO2. I'm not sure if that answers
3 your question.

4 DEPUTY COMMISSIONER SCHMIDT: Thank you.

5 BOARD MEMBER SIMON: No, well --

6 MR. DAVID STEINMETZ: Europe. Europe.

7 MR. VISHNU BARAN: So the company I work for is
8 in 29 countries. We have done this type of plant three
9 times previously, Europe and Africa, basically.

10 CHAIRPERSON SCHWARTZ: This will be the first
11 facility like this in the United States, right?

12 MR. VISHNU BARAN: This installation will be the
13 first of its kind off the back of an engine, a cogent
14 plant.

15 There has been other systems of a similar nature
16 that have been done on boilers, but they don't have the
17 same efficiency because they don't generate electricity.
18 They don't generate thermal hot water. They don't generate
19 cooling. And they don't generate CO2.

20 So where it does look on paper like it's over
21 hundred percent efficient, but that obviously doesn't
22 happen. This is the first one -- the supply that we use
23 for the CO2 system, they have about 500 plus plants in the
24 world. So it's a proven UO certified technology.

25 They have around 70 to 80 of the plants globally

1 with the Coca-Cola business. This is the first time this
2 one is being done in the U.S. off an engine.

3 BOARD MEMBER SIMON: Thank you very much.

4 CHAIRPERSON SCHWARTZ: Bottom line, not only are
5 you producing what turns out to be clean energy, but at the
6 same time, you're reducing emissions because of a lot less
7 trucks delivering CO2 to the property.

8 MR. VISHNU BARAN: Yes.

9 MR. DAVID STEINMETZ: Yes.

10 CHAIRPERSON SCHWARTZ: So it's a win, win.
11 That's how you get over 100 percent, right, because of the
12 trucks?

13 MR. VISHNU BARAN: Well, yes. But also, if
14 you're an engineer like I am, if you actually calculate, it
15 comes out to about 130 percent but...

16 BOARD MEMBER SIMON: Thank you very much.

17 CHAIRPERSON SCHWARTZ: Thank you for that. Do we
18 have any other questions from the Board?

19 (Whereupon, there was no response.)

20 CHAIRPERSON SCHWARTZ: Any questions from the
21 public? Murray?

22 MR. DAVID STEINMETZ: Can I assist Murray here?

23 CHAIRPERSON SCHWARTZ: Yes. Thank you, David.

24 MR. DAVID STEINMETZ: You go it.

25 MR. MURRAY BODIN: My name is Murray Bodin. I

1 live in Hartsdale, New York. One of the things that one
2 has to evaluate when you hear a proposition like this is
3 whether the presenter has any credibility.

4 The gentleman that just spoke, if you look at his
5 socks, he's of the future generation. He thinks in the
6 future. Most of us have been using the same old black and
7 white socks forever. So he has credibility.

8 This project is new to me. I haven't heard about
9 it before. But as you all well know, I've been concerned
10 with the environment and reducing unnecessary travel and
11 whatever.

12 The system that they described, I understand
13 completely and I understand the efficiency of it. And I
14 understand the reduction of traffic and pollution caused by
15 that facility. I hardly recommend it.

16 The one thing that needs to be addressed is the
17 speed at which it gets done. The world changes almost
18 daily. It's impossible to read the New York Times in its
19 paper form because it's already outdated.

20 So most information comes through the internet
21 and various blogs and so on. This is the first step in
22 changing the thinking of Westchester County.

23 CHAIRPERSON SCHWARTZ: Yup. I agree with that.

24 MR. MURRAY BODIN: There are other issues related
25 to this. There's a second Public Hearing tonight?

1 CHAIRPERSON SCHWARTZ: Yes, there is.

2 DEPUTY COMMISSIONER SCHMIDT: There is a second
3 one.

4 MR. MURRAY BODIN: All right. I'll address those
5 in that because it's more relevant. But I wholeheartedly
6 approve that the thinking and the flexibility of this
7 company has gone this far.

8 And I -- Excuse me, my brain doesn't work as well
9 as it used to. Even though I look okay, it's not working
10 so good. I wholeheartedly approve of this project. Thank
11 you.

12 DEPUTY COMMISSIONER SCHMIDT: Thank you.

13 BOARD MEMBER SIMON: Thank you.

14 CHAIRPERSON SCHWARTZ: Thank you. We're very
15 excited about this, too. And which is why I'm very happy
16 we were able to expedite the schedule for this. Good work
17 getting through the Zoning Board. I think that's a record.

18 VICE CHAIRPERSON HAY: Is there anyone else from
19 the public?

20 CHAIRPERSON SCHWARTZ: Is there anyone else from
21 the public that want to speak on this?

22 (Whereupon, there was no response.)

23 CHAIRPERSON SCHWARTZ: Okay. In that case, I
24 will take a motion to close the Public Hearing and leave
25 the record open until?

1 DEPUTY COMMISSIONER SCHMIDT: Being that today is
2 a Monday, we normally leave the record open for one week,
3 but we will leave it open for nine days in this instance,
4 to April 12th.

5 CHAIRPERSON SCHWARTZ: Okay, to April 12th. Can
6 I have that motion, please?

7 BOARD MEMBER SIMON: So moved.

8 VICE CHAIRPERSON HAY: Second.

9 CHAIRPERSON SCHWARTZ: All in favor? Aye.

10 BOARD MEMBER SIMON: Aye.

11 VICE CHAIRPERSON HAY: Aye.

12 BOARD MEMBER DAVIS: Aye.

13 MR. DAVID STEINMETZ: Point of information,
14 Aaron, does that mean that we can come back at the second
15 meeting in April for a determination?

16 CHAIRPERSON SCHWARTZ: Yes.

17 DEPUTY COMMISSIONER SCHMIDT: April 19th, yes.

18 CHAIRPERSON SCHWARTZ: We will make our decision.
19 Our decision will be made on the 19th.

20 MR. DAVID STEINMETZ: I just wanted my client to
21 hear that. If there is anything that the Board, that
22 staff, Aaron, Amanda, anyone needs from us in the interim
23 to supplement and make sure your resolution is accurate and
24 final, please let me know.

25 DEPUTY COMMISSIONER SCHMIDT: I'll be speaking

1 with Mr. Larkin tomorrow.

2 CHAIRPERSON SCHWARTZ: I think after we make the
3 decision, it would be good for people to sit down with some
4 of the people in the Town about making sure this is public,
5 okay. It really --

6 DEPUTY COMMISSIONER SCHMIDT: Getting the word
7 out.

8 VICE CHAIRPERSON HAY: Getting the word out.

9 CHAIRPERSON SCHWARTZ: This is fantastic.

10 MR. DAVID STEINMETZ: That's a great idea.

11 CHAIRPERSON SCHWARTZ: We're looking for projects
12 like this all the time. Two of our Board Members are on
13 the Sustainable Energy Committee in our Town. And so it's
14 a very, very -- This is a great step for us and we're very
15 happy that we're able to do this.

16 MR. DAVID STEINMETZ: So I don't think my client
17 has any objection to that. Liberty coke is very proud of
18 what we've been doing here in front of your Board and the
19 Town.

20 And they are going to start to, now that we've
21 gotten this far in the process, we did not want to get out
22 in front of your Board. But we are now going to go out.
23 And we're really pleased that you seem to want to do the
24 same thing.

25 CHAIRPERSON SCHWARTZ: Yes, we do. Just wait

1 until the 19th, so it's official. That's all I ask.

2 DEPUTY COMMISSIONER SCHMIDT: Have a good
3 evening.

4 MR. DAVID STEINMETZ: Take care. Good night.

5 VICE CHAIRPERSON HAY: Have a good night. Thank
6 you all very much for coming in.

7 (Whereupon, a discussion took place amongst Board
8 Members not pertinent to the Public Hearings.)

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12 CHAIRPERSON SCHWARTZ: Okay, this is Case PB
13 21-23, Worthington Estates, DiNapoli, 1490 and 1952 Saw
14 Mill River Road, White Plains P.O. for a preliminary
15 subdivision, Planning Board steep slopes and tree removal.
16 Before we go to you, though, Emilio, we need to do SEQRA.

17 Can I have a motion to declare this an Unlisted
18 Action under SEQRA, please?

19 VICE CHAIRPERSON HAY: So moved.

20 BOARD MEMBER SIMON: Second.

21 CHAIRPERSON SCHWARTZ: All in favor? Aye.

22 VICE CHAIRPERSON HAY: Aye.

23 BOARD MEMBER SIMON: Aye.

24 BOARD MEMBER DAVIS: Aye.

25 CHAIRPERSON SCHWARTZ: Can I have a motion to

1 declare this as a Negative Declaration under SEQRA?

2 BOARD MEMBER DAVIS: So moved.

3 VICE CHAIRPERSON HAY: Second.

4 CHAIRPERSON SCHWARTZ: All in favor? Aye.

5 VICE CHAIRPERSON HAY: Aye.

6 BOARD MEMBER SIMON: Aye.

7 BOARD MEMBER DAVIS: Aye.

8 CHAIRPERSON SCHWARTZ: All opposed?

9 (Whereupon, there was no response.)

10 DEPUTY COMMISSIONER SCHMIDT: Thank you.

11 CHAIRPERSON SCHWARTZ: Emilio?

12 MR. EMILIO ESCALADAS: Good evening, everybody.

13 Emilio Escaladas, Architects and Engineers. The project
14 that we're representing tonight is a parcel of land, two
15 parcels of land, legally different parcels, that have been
16 purchased by the same owner. And he's proposing to
17 subdivide it into 13 lots. It's an R-20 Zoning.

18 And the width of the lot is wide enough so that
19 we can accommodate a road through the center of these two
20 pieces of property ending in a cul-de-sac. The length of
21 the road is approximately 900 feet. And the houses will be
22 on either side of the road.

23 It's, like I said, it's an R-20 Zoning. Each
24 individual house would be designed with its individual
25 entrance, garages. The drainage from the road will be

1 directed to an infiltration gallery.

2 There will be an emergency entrance from Saw Mill
3 River Road if there is need to -- if there is any blockage
4 in the main road.

5 There are a significant amount of trees that will
6 have to be removed, but the Town's new law is very specific
7 as to how they would be replaced. We have -- I think this
8 is the first time that a large subdivision like this is
9 tested under the Tree Ordinance.

10 But what we have done is we have separated the
11 cutting in various steps. The first step, of course, is
12 for the cutting while we're building the road and the
13 utilities. And then after that is installed, the cutting
14 of the remaining trees will be done on a lot per lot basis
15 as the house plans are submitted to the Planning Board.

16 And then each individual lot, like the one I have
17 show here, would indicate the location of the house,
18 location of the drywells, driveway and then the placement
19 of the proposed replacement of trees. We have done, our
20 consultants, Three Birch -- I have to mention them. They
21 are so good. Three Birch -- Do you remember, Aaron?

22 DEPUTY COMMISSIONER SCHMIDT: Three Birch
23 Gardens.

24 MR. EMILIO ESCALADAS: Three Birch Gardens. They
25 are very good, very positive, young people, and very well

1 versed in this business. And they have chosen a series of
2 species and palettes for each lot.

3 And we have submitted to the Town four different
4 types of mixes of these trees. Of course, we're not going
5 to be held to that, but it's a good idea so that each lot
6 has a different mixture of proposed non-evasive trees.

7 Yes?

8 VICE CHAIRPERSON HAY: I just want to stop for
9 anyone who is listening. You will not be held to the exact
10 things on this plan. But as each lot comes up, you will
11 have to meet the requirements that are set out.

12 MR. EMILIO ESCALADAS: Correct.

13 VICE CHAIRPERSON HAY: Just so it's not like
14 you're saying it, but you don't have to do it. I don't
15 want anybody to get that impression.

16 MR. EMILIO ESCALADAS: My apologies, of course.
17 Each lot, as it's submitted for the construction, will go
18 through a very thorough reevaluation, again, with steep
19 slopes, with wetlands and drainage, computations for the
20 individual wet well -- the drainage wells for each house.

21 And then, of course, part of that would be the
22 tree replacement and the tree cutting. Only the trees will
23 be allowed to be cut once the building permit is issued.

24 Like I said right now, we will be given
25 permission to cut the road and the utilities. And then we

1 will take it from there.

2 The subdivision is straight forward. There is
3 really nothing outstandingly difficult about it. There is
4 a road that will enter and end in a cul-de-sac. The water
5 lines will all be new. And they will be looped around from
6 White House at the entrance of the cul-de-sac and it will
7 swing around to and connect to a main line on Saw Mill
8 River Road.

9 There is a parcel to the right of the entrance
10 that is -- It's an interesting parcel. We've discussed it
11 in work session. It's an old piece that belonged to a
12 church that used to exist in this parcel, which was removed
13 and moved over to Yonkers.

14 That parcel has, we're doing a title search, it
15 has -- no one has claimed on it. We have to prove that.
16 We will, during the process of doing that, we will submit
17 the title search to the Town.

18 And we have an idea. We've all shared the idea
19 of making that into a passive space park. We're not
20 touching that. No trees are going to be cut. There are a
21 couple of old grave stones. It's really a relaxing place
22 to come, for the neighbors to visit and sit.

23 We're proposing to protect it with fencing and
24 adding a couple of sitting spots just to make it a
25 delightful place to come and just sit and relax. It's in a

1 high plateau. It really is quite nice and filled with
2 younger trees. And we will clean it up. We will make sure
3 that that feels like a well taken care of park.

4 We, of course, will not -- The subdivision has
5 nothing to do with that space. Once the lots are sold,
6 that space, of course, might, may very well be the
7 responsibility of the Town. I don't know. I don't know
8 how you will decide that.

9 It's not our parcel. But we're paying attention
10 to it now because it's part of the urban setting, park-like
11 setting, that we want to in part in that area.

12 The sewer, of course, again, it's straight
13 forward. It's gravity sewer that will connect all the
14 houses; at least first floor, sometimes basements,
15 depending on which lot. And it will drain by gravity to,
16 again, the main that is running parallel to Saw Mill River
17 Road.

18 Other than that, as I said, it's a straight
19 forward subdivision. And it's going to be quite nice.

20 DEPUTY COMMISSIONER SCHMIDT: Do you want to
21 speak to the street tree planting plan?

22 MR. EMILIO ESCALADAS: The street tree planting,
23 yes. We have 24, I believe. Can you see them?

24 DEPUTY COMMISSIONER SCHMIDT: I have it up here,
25 but it's on a delay.

1 MR. EMILIO ESCALADAS: Okay. It really works out
2 about two trees per lot, as you come from the entrance of
3 White House to the end of the cul-de-sac. So every lot
4 will end up having two trees on either side of the road.

5 There we go; in the right of way, of course, of
6 the City. So there will be a lot of -- Who picks up the
7 leaves in the fall, if it's a City tree?

8 DEPUTY COMMISSIONER SCHMIDT: Well, we can talk
9 about that.

10 MR. EMILIO ESCALADAS: You don't have to answer
11 that.

12 DEPUTY COMMISSIONER SCHMIDT: We consider the
13 tree removal as part of the final subdivision application,
14 but it's something that's being shown. And you're
15 demonstrating compliance at this time. So the Board and
16 the public can see --

17 CHAIRPERSON SCHWARTZ: Well, actually, this is a
18 serious question. Who is responsible for maintaining those
19 trees?

20 DEPUTY COMMISSIONER SCHMIDT: So, as a matter of
21 fact, and I've spoken with Mr. Escaladas about this, the
22 trees, while shown as street trees, are actually going to
23 be set just inside each of the property lines. So they
24 will be the future obligation of each of the lot owners.

25 MR. EMILIO ESCALADAS: As it should, yeah, as it

1 should.

2 CHAIRPERSON SCHWARTZ: Okay. It's very nice. I
3 love that, when you have a tree line street like that.

4 DEPUTY COMMISSIONER SCHMIDT: Four different
5 species.

6 CHAIRPERSON SCHWARTZ: Yeah, that's going to be
7 really nice.

8 MR. EMILIO ESCALADAS: The three Birch Group has
9 done a real --

10 CHAIRPERSON SCHWARTZ: It's beautiful.

11 MR. EMILIO ESCALADAS: Professional job in
12 specifying the various species, non-invasive species, as
13 per the Town's specs.

14 VICE CHAIRPERSON HAY: I have a question, because
15 we've seen this once or twice in pre-submission. And then
16 we saw it recently, again. But did you escape our normal
17 scrutiny of the cul-de-sac itself where we usually ask for
18 either some pavers or maybe a center island?

19 MR. EMILIO ESCALADAS: No, we do. We have a
20 paver schedule for the center and in the perimeter.

21 VICE CHAIRPERSON HAY: I just didn't recall it.

22 MR. EMILIO ESCALADAS: It's in the site plan,
23 yes. Oh, absolutely.

24 VICE CHAIRPERSON HAY: I didn't see it on that
25 one drawing and that's why. I just couldn't recall. Thank

1 you.

2 CHAIRPERSON SCHWARTZ: The middle will be pavers.

3 MR. EMILIO ESCALADAS: Right.

4 DEPUTY COMMISSIONER SCHMIDT: And in the
5 perimeter.

6 MR. EMILIO ESCALADAS: And in the perimeter as
7 well. And also, each entrance and the driveways to each
8 house will have a permeable paver sequence to them. So it
9 will minimize the stormwater because of the pavers, the
10 permeable pavers, that we will be installing.

11 DEPUTY COMMISSIONER SCHMIDT: It was a good
12 question, Mr. Hay, because it didn't show up on the street
13 tree plan, but it is part of the overall project.

14 VICE CHAIRPERSON HAY: We've seen it at some
15 point, but I didn't see it there.

16 DEPUTY COMMISSIONER SCHMIDT: So a couple quick
17 things, if I may. You mentioned about the neighboring
18 Worthington Cemetery property.

19 And you've had discussions with the Historic and
20 Landmarks Preservation Board Chairperson, who came out to a
21 site visit, two site visits actually, the initial one and
22 then the site visit that was conducted, the publicly
23 noticed site visit that was conducted by the Planning Board
24 as part of this project, review of this project.

25 So there has been commentary back and forth.

1 They want to continue to have commentary with you as this
2 project progresses. For instance, there was talk about
3 surveying and staking the shared property line between the
4 development and the cemetery property so that it's very
5 clear in the field.

6 Protection fencing put along those two lines
7 prior to any site work taking place. That the applicant is
8 agreeable to any artifacts or other remnants of the
9 cemetery that may be uncovered during the course of
10 construction be photographed, cataloged and the Town be
11 notified. So that any follow up that's necessary can take
12 place.

13 Putting in a future, post-construction
14 ornamental, I would say, type fencing around the property
15 to delineate that property line.

16 There was also some discussion last meeting about
17 the potential for ground penetrating radar. Now, the Town,
18 with its Historic and Landmarks Preservation Board, are
19 currently reviewing how abandon cemeteries get handled.
20 From a maintenance standpoint, they are to be handled in
21 Towns by the municipality. We have not figured out
22 ownership just yet, okay.

23 In terms of the ground penetrating radar, if it's
24 a Town -- if it, in turn, becomes a Town-owned property,
25 the Town would have the ability to potentially file for

1 grant funding, grant monies, to be able to conduct certain
2 renovations to the site.

3 There are headstones that have tipped over. We
4 can get those reset, amongst other things, including the
5 potential for ground penetrating radar.

6 However, we also were asked by the Board to look
7 into what the cost of off-site ground penetrating radar may
8 be along the shared property line.

9 While, and I said this on the record at the last
10 meeting, while it's been quite clear for over 100 years,
11 the property line of the cemetery parcel relative to your
12 client's parcel, in the actual field, you know, we're just
13 unsure of were there more burials than what we're seeing on
14 the property now. And what the cost might be to conduct
15 some ground penetrating radar along the shared property
16 line.

17 We reached out to a company located in Stamford,
18 Connecticut. We left a message. They, in turn, left a
19 message for us. So we don't have that information
20 available.

21 But as soon as we do, we want to share it with
22 you so that you can share it with your client and we can
23 have a further discussion with the Board.

24 CHAIRPERSON SCHWARTZ: We still have plenty of
25 time. It's only a preliminary subdivision so.

1 DEPUTY COMMISSIONER SCHMIDT: Right.

2 MR. EMILIO ESCALADAS: Well, my thoughts on that
3 are very -- We thought about that. You mentioned it
4 before.

5 DEPUTY COMMISSIONER SCHMIDT: Right.

6 MR. EMILIO ESCALADAS: We call it a cemetery. It
7 really isn't. It was really, I believe, it was a family
8 plot. It was only, I believe, two, maybe three similar
9 names.

10 So, I think, it wasn't like a public place where
11 people came and buried their -- My impression, because of
12 the number of plots. Also, the plots are on the very
13 center of the area. So the chances of an unfound grave
14 near the property is probably low.

15 And also, we have a huge amount of rock at the
16 entrance, right at the perimeter with the cemetery. So
17 again, that kind of minimizes the chances that there would
18 be another grave there.

19 I'm just sharing my thoughts with you. But, of
20 course, whatever your concerns are, we will adhere to it.

21 DEPUTY COMMISSIONER SCHMIDT: Right. In speaking
22 with someone that has intimate knowledge about that
23 cemetery, in fact, which we did awhile back.

24 He identified that the Chapel that was formerly
25 erected on this site and the congregation that attended

1 that location was created as a result of families that kind
2 of setup shop in that neighborhood as part of constructing
3 the Aqueduct. And it was a small congregation of 20 or 25
4 persons.

5 As time went on, and people passed, there weren't
6 new people entering into that particular church. And
7 ultimately, it was abandoned. I believe Mr. Drisler, a
8 well-known name back from 100, 125 years ago in Town, had
9 offered or in his written will to provide that parcel to
10 the Archdiocese, which never accepted it.

11 MR. EMILIO ESCALADAS: Right.

12 DEPUTY COMMISSIONER SCHMIDT: The Chapel was
13 dismantled on site, floated down the Saw Mill River and
14 reconstructed in Yonkers. It was only demolished about 25
15 years ago in Yonkers. So it may have been -- I believe
16 there are at least four burials or interments on the site.

17 Different names, we are still researching whether
18 or not were those folks that worked on the Aqueduct. But
19 that's something that could be done as we continue the
20 proceeding.

21 CHAIRPERSON SCHWARTZ: Just to shortcut this,
22 okay. We need a little more -- We need to get more
23 information to see how expensive it is --

24 DEPUTY COMMISSIONER SCHMIDT: Of course.

25 CHAIRPERSON SCHWARTZ: -- and everything like

1 that. Once we do that, then I think we can make a much
2 better decision on whether or not anything should be done
3 at all.

4 So we don't need to do that tonight. I rather
5 not do that tonight because we don't have enough
6 information to do that tonight?

7 Is there anything else from the Board? No?

8 (Whereupon, there was no response.)

9 CHAIRPERSON SCHWARTZ: All right. Does anybody
10 from the public want to speak? Murray?

11 Focus only on this project, please. We get to
12 global warming, that will be the end of the evening, okay.

13 MR. MURRAY BODIN: No, this is not about that.

14 CHAIRPERSON SCHWARTZ: It has to be about this
15 project. That's all we're talking about.

16 MR. MURRAY BODIN: This is about this project.

17 CHAIRPERSON SCHWARTZ: Okay, good.

18 DEPUTY COMMISSIONER SCHMIDT: Just your name for
19 the record.

20 MR. MURRAY BODIN: My name is Murray Bodin. I
21 live in Hartsdale, New York. The issue of curb cuts is
22 important to this project; how wide they should be and
23 whether or not the State of New York has jurisdiction over
24 them.

25 VICE CHAIRPERSON HAY: The curb cuts for entering

1 the road or the driveways or both?

2 MR. MURRAY BODIN: Everywhere.

3 VICE CHAIRPERSON HAY: Okay.

4 MR. MURRAY BODIN: And the question also arises
5 whether or not there should be concrete curbs and
6 sidewalks. Because it is my opinion that the future, as
7 demonstrated by the New York State trail ways and the
8 extensions of them, that they are shared by both
9 pedestrians and bicyclists.

10 And in an area like this, an asphalt-style trail
11 way would be advantageous to both pedestrians, bicyclists,
12 people with baby carriages and the ability to move back and
13 forth and share the space off the road with various people.

14 This is the first step in recognizing that curbs
15 don't always work. And there -- You told me not to say
16 this so I won't say it. There are hundreds and hundreds of
17 miles of roads in this area without curbs.

18 CHAIRPERSON SCHWARTZ: There are no sidewalks
19 proposed for this property.

20 MR. MURRAY BODIN: What?

21 CHAIRPERSON SCHWARTZ: There are no sidewalks
22 proposed in this property.

23 MR. MURRAY BODIN: They are not?

24 DEPUTY COMMISSIONER SCHMIDT: No, they are not,
25 in connection with this project.

1 MR. MURRAY BODIN: It was difficult to see the
2 plans.

3 DEPUTY COMMISSIONER SCHMIDT: I understand.

4 CHAIRPERSON SCHWARTZ: Okay. No, we're just
5 telling you, that's all. There will not be a sidewalk
6 associated on this property.

7 MR. MURRAY BODIN: Okay, this is the first step
8 in recognizing that space like this needs to be shared
9 between commercial vehicles and pedestrians and bicyclists.
10 And it will be expanded as we go along.

11 Thank you for the -- I'm new at this. I have not
12 walked the site.

13 CHAIRPERSON SCHWARTZ: You're new at this,
14 really?

15 MR. MURRAY BODIN: This site.

16 DEPUTY COMMISSIONER SCHMIDT: This site, okay.

17 CHAIRPERSON SCHWARTZ: I don't think so. This
18 site, maybe. No, I just wanted to tell you, there is not
19 going to be a sidewalk on this one.

20 MR. MURRAY BODIN: Okay. I know the site and I
21 know the difficulty of coming down that road and looking to
22 the right to see if cars are coming.

23 CHAIRPERSON SCHWARTZ: Oh, yeah.

24 MR. MURRAY BODIN: It's bad.

25 CHAIRPERSON SCHWARTZ: Yup.

1 MR. MURRAY BODIN: And the yellow line there
2 stops at the stop bar instead of extending all the way to
3 the end so that you know where you are. This Town only
4 stops -- they put the yellow line at the stop bar.

5 There is no reason why it can't be extended to
6 Saw Mill River Road so somebody coming in would know where
7 it is.

8 CHAIRPERSON SCHWARTZ: People cut those things
9 all the time. I just had that happen to me today. Where
10 someone was taking a left, I was taking a right and they
11 were in my lane. It happens all the time. You're right.

12 MR. MURRAY BODIN: Cut that corner off.

13 CHAIRPERSON SCHWARTZ: No, I know. You're right.
14 It happens. It absolutely does.

15 MR. MURRAY BODIN: All right. This is the start
16 of a conversation.

17 CHAIRPERSON SCHWARTZ: Okay.

18 MR. MURRAY BODIN: To go on further. I thank
19 this Board for recognizing how rapidly the world is
20 changing and we don't have a lot of time to waist
21 correcting things.

22 CHAIRPERSON SCHWARTZ: My recommendation is to go
23 to the Town Board, give support to our Sustainable Energy
24 Committee and make sure that they are actually being
25 responsive to that committee, as well our committee on the

1 affordable housing now.

2 And that they -- which is also something we need
3 in this Town, and go to the Town Board meetings and do that
4 for us. This Board would very much appreciate that.

5 MR. MURRAY BODIN: I will be at the next Town
6 Board meeting.

7 CHAIRPERSON SCHWARTZ: Okay, thank you.

8 BOARD MEMBER SIMON: Thank you.

9 MR. MURRAY BODIN: Thank you all for everything.

10 BOARD MEMBER SIMON: One last thing. Is this a
11 Town standard road?

12 DEPUTY COMMISSIONER SCHMIDT: Yes.

13 BOARD MEMBER SIMON: Okay.

14 DEPUTY COMMISSIONER SCHMIDT: So the question by
15 Mr. Simon was, is the roadway or cul-de-sac proposed going
16 to be a Town standard roadway. The response is yes. The
17 applicant intends to offer this roadway for dedication to
18 the Town.

19 MR. EMILIO ESCALADAS: Yes.

20 DEPUTY COMMISSIONER SCHMIDT: I did put up this
21 plan and zoomed in on it because it does identify the
22 island in the middle and the pervious pavers around the
23 perimeter of the cul-de-sac.

24 And the other two things that I just wanted to
25 mention on the record. One being that, as Chairperson

1 Schwartz indicated, while there is no sidewalk proposed in
2 connection with this subdivision, sidewalks have been
3 discussed with the applicant's professional.

4 I'm sorry, ma'am, did you have any comment on the
5 project before I go on? Did you want to come up and speak
6 on it?

7 VICE CHAIRPERSON HAY: It's a Public Hearing.

8 MS. CARLA DIXON: You have addressed -- I was
9 curious about the --

10 DEPUTY COMMISSIONER SCHMIDT: I just,
11 mid-thought, I said, you know what, let me do the right
12 thing here.

13 MS. CARLA DIXON: I have to say everything about
14 Mr. Escaladas is perfect, okay.

15 DEPUTY COMMISSIONER SCHMIDT: Your name and
16 address for the record.

17 MS. CARLA DIXON: I'm Carla Dixon. I'm at One
18 Don Lane in Greenburgh, New York.

19 DEPUTY COMMISSIONER SCHMIDT: Thank you.

20 MS. CARLA DIXON: I was just commenting because I
21 know that area because I'm at Don Lane. And I've walked my
22 dog a million times up in that section. And I imagine that
23 when Mr. Escaladas and the developers make that seating
24 area, whatever, I believe it will be well received by the
25 community.

1 And I was saying, I think the last time you were
2 talking about the ground penetration. I obviously don't
3 have any idea, like as in zero.

4 But when I was at the last meeting I was sharing
5 that a person, this was like 15 years ago, she must have
6 been about 88, and she came by and she was talking to
7 neighbors. And where Worthington and White House
8 intersect, there is a house that sits there.

9 And previously, when I first moved to the
10 community off Drake, Drake was just a driveway to one
11 house. There was a brown house that was there, that's
12 still there.

13 In any case, this older woman happen to have said
14 that where the stone wall is on White House, as you turn to
15 Worthington, that her family had owned that land. And that
16 she had been a little girl and had visited there. And that
17 corner stone area, she says was her family plot. So I
18 would just imagine, you know --

19 CHAIRPERSON SCHWARTZ: That's very good
20 information.

21 DEPUTY COMMISSIONER SCHMIDT: That's helpful.

22 CHAIRPERSON SCHWARTZ: Thank you.

23 MS. CARLA DIXON: Yeah, she had come -- because
24 there is a house. I think it's 11 White House. There is a
25 stone house there. I think it's right opposite Woodlands

1 Community Center.

2 DEPUTY COMMISSIONER SCHMIDT: Oh, up above, yes.

3 MS. CARLA DIXON: If you're coming out of the
4 driveway, there is a house there. And so I just don't know
5 what the history is of that whole area. But I assume Don
6 Lane before, that all of that was one piece of land.

7 Because when I moved there in 1990, Drake, you
8 know, that was just one home and all of that land that then
9 became 20 something houses.

10 DEPUTY COMMISSIONER SCHMIDT: Correct.

11 MS. CARLA DIXON: So in any case, this woman, 15
12 plus years ago, she was smiling and she was just talking to
13 the neighbors and recounting her story, and that she
14 insisted that her family plot was there.

15 And so I know that the headstones -- I had not
16 really paid attention, because sometimes I get a little
17 nervous, but the headstones were like from the 1700's from
18 there.

19 CHAIRPERSON SCHWARTZ: 1800's.

20 DEPUTY COMMISSIONER SCHMIDT: 1800's.

21 CHAIRPERSON SCHWARTZ: Yes, 1800's.

22 MS. CARLA DIXON: 1800's. Are you sure there is
23 not like a 1796? But in any case, I would just imagine
24 that not everybody could afford a headstone. So I would
25 just imagine that there might be people who were buried

1 there and they just put a rock thing or a wood thing that
2 didn't last.

3 CHAIRPERSON SCHWARTZ: You're talking about
4 within it. The borders of the cemetery itself are pretty
5 well defined because they have been deeded. Amanda and
6 staff did really a lot of research on that to be sure. So
7 it's been that way for a long time, over 100 years.

8 So that we're pretty confident in. What you're
9 bringing up is a different one. Are there more people
10 buried inside there maybe than we know. It's possible. We
11 don't know.

12 We got to find out how difficult this is to do.
13 We don't even know that yet. So it's a possibility. But
14 it's also really not going to be the responsibility of the
15 developer.

16 MS. CARLA DIXON: Right. Right. Right.
17 Absolutely not. And then the only other thing I was
18 saying, I came to the last meeting wrongly believing that
19 it was a public and I did not understand the word curb cut.
20 But I certainly --

21 CHAIRPERSON SCHWARTZ: When you apply for the
22 Planning Board, that's going to be the first test.

23 MS. CARLA DIXON: I'll remember that. But my
24 only issue, I think Mr. Schmidt, I had come into the office
25 sometime before and you had asked me how did I feel about,

1 you know, walking around the neighborhood.

2 And I had originally moved from Brooklyn to
3 Westchester. And I very much like the quietness or the
4 solitude of not -- It's a roadway. When you put up a
5 sidewalk, it's a roadway. It's a traffic place, you know.
6 And so that is not of appeal to me.

7 VICE CHAIRPERSON HAY: Which in particular is not
8 of appeal?

9 MS. CARLA DIXON: Sidewalk.

10 CHAIRPERSON SCHWARTZ: To put in a sidewalk.

11 MS. CARLA DIXON: Sidewalk.

12 VICE CHAIRPERSON HAY: Within the development or
13 along --

14 MS. CARLA DIXON: Oh, no. No. No. So I believe
15 Mr. Schmidt had mentioned that there was a possibility of
16 extending a sidewalk.

17 VICE CHAIRPERSON HAY: I just wanted to make sure
18 I knew what you were referring to.

19 MS. CARLA DIXON: Yeah, I'm learning words;
20 sidewalks curb cut, whatever, but the walking path --

21 CHAIRPERSON SCHWARTZ: How about cul-de-sac, you
22 got that one down yet?

23 MS. CARLA DIXON: I do. I knew that one.

24 CHAIRPERSON SCHWARTZ: Pervious pavers, are you
25 aware of that?

1 MS. CARLA DIXON: What is the name of the street
2 going to be?

3 CHAIRPERSON SCHWARTZ: That's a graduate degree
4 to know about pervious pavers.

5 MS. CARLA DIXON: Have you named the street?

6 DEPUTY COMMISSIONER SCHMIDT: So we haven't named
7 the street. Although, on the plans it's identified as,
8 potentially, as James Court.

9 MS. CARLA DIXON: James Court. Was the
10 original -- wasn't --

11 VICE CHAIRPERSON HAY: It should be Escaladas
12 Way, I think.

13 MS. CARLA DIXON: It should be. I like that one.
14 When I first moved there, there were no houses on the other
15 side of Don Lane. It was -- so that would be the backyard
16 of the houses on the top side of the street.

17 All of that on Don Lane -- I moved there in 1990,
18 and I remember the real estate lawyer telling me that they
19 had approved a housing development that was supposed to be
20 like a lot of homes and something went wrong.

21 DEPUTY COMMISSIONER SCHMIDT: So you may be
22 referring to this actual property, which was approved for,
23 at that time, a 12-lot subdivision. Because there was an
24 existing home on this lot. It was never --

25 MS. CARLA DIXON: Not --

1 DEPUTY COMMISSIONER SCHMIDT: It was never
2 formally filed and the approval evaporated.

3 MS. CARLA DIXON: There still remains a house,
4 it's called -- Well, I call it, I assume that that was the
5 reason that the street was called White House. There is a
6 white house that sits.

7 So if you're on Don Lane, there now may be four
8 houses that were newly built in the -- I don't know, maybe
9 they are like 16 years old. But the original house
10 remained. Its driveway initially came all the way down and
11 entered onto White House. It did not enter on to Don.

12 DEPUTY COMMISSIONER SCHMIDT: Right.

13 MS. CARLA DIXON: When they built those four
14 houses, they had to get variances from the Town to bring
15 the driveways on to Don Lane. But that original white
16 house was there. I believe that owner was a developer of
17 sorts or family related.

18 And I was told that they had owned all of the
19 lane and were in contract. I bought my house in 1990. I
20 was told that it had previously been approved, but breaking
21 of ground had not occurred.

22 And then some mishap had happened. But it was
23 like 30 houses plus is what I was told. Does anybody
24 remember what I'm talking about?

25 CHAIRPERSON SCHWARTZ: I've been on the Board

1 since what, I guess --

2 VICE CHAIRPERSON HAY: 1780?

3 CHAIRPERSON SCHWARTZ: Something like that. No,
4 I've been on the Board since like 2000.

5 MS. CARLA DIXON: It had been approved like in
6 '86, '88.

7 DEPUTY COMMISSIONER SCHMIDT: What my
8 understanding is that there was something known as the
9 Worthington Station and White House subdivision back in the
10 80's, late 80's, mid to late 80's. And it was broken into
11 different segments or phases. Not all of them were built
12 out. And some of them lapsed.

13 That may be something that ties into what you're
14 referring to. And I'm happy to even have a discussion
15 offline with you about it.

16 MS. CARLA DIXON: The only thing that I was
17 just --

18 CHAIRPERSON SCHWARTZ: I think we should move on.

19 MS. CARLA DIXON: Yup. The only thing I was just
20 raising was my interest would be, as a member of the
21 community, is the development of a sidewalk outside of that
22 cul-de-sac and where or how or when that may or may not be.

23 DEPUTY COMMISSIONER SCHMIDT: So I can speak to
24 that very briefly. There were discussions with
25 Mr. Escaladas, who, in turn, had a discussion with his

1 client, about the potential for sidewalks.

2 This Board had discussed potential sidewalks
3 typically with subdivision, particularly a 13-lot
4 subdivision. We're going to be looking for what frontage
5 the property has with surrounding streets and
6 neighborhoods. Yet, the Board and the applicant identified
7 that it would probably not be the best use to have a
8 sidewalk installed along the site's frontage with Saw Mill
9 River Road.

10 So we explored White House Road. And in the
11 Town's Comprehensive Plan, White House Road is identified
12 as a priority sidewalk location because it connects to
13 Worthington Road, which is also identified as a priority
14 sidewalk location.

15 In connection with the Elmwood redevelopment,
16 there is going to be the first section of sidewalk built
17 from Dobbs Ferry Road along Worthington Road. The game
18 plan is to extend that sidewalk throughout the full run of
19 Worthington Road down to Saw Mill River Road.

20 And if there was a spur off White House as well
21 in the future, there would be a complete network of
22 sidewalks for folks that walk along --

23 CHAIRPERSON SCHWARTZ: I want to say something.
24 Because Murray brought up a good point, which, I agree with
25 the new point, too. I don't think sidewalks have to look

1 like a city sidewalk. And I think it's something we ought
2 to be considering for lots of reasons.

3 And they should look more like, in an area like
4 that, where it's heavily wooded, I think it should look
5 more like a trail than just as a sidewalk. I absolutely
6 agree with that. And it can be permeable as well for
7 environmental purposes.

8 DEPUTY COMMISSIONER SCHMIDT: I'm glad you
9 mentioned that. Because there is actually a product that
10 I'll bring up to the Board at a future time that's been
11 designed specifically for low to moderate usage that's
12 pervious --

13 BOARD MEMBER DAVIS: Bicyclists?

14 DEPUTY COMMISSIONER SCHMIDT: I'm sorry?

15 BOARD MEMBER DAVIS: Cycling also?

16 DEPUTY COMMISSIONER SCHMIDT: I believe it can
17 support that, yes. So I'll bring that to your attention.

18 DEPUTY TOWN ATTORNEY MAGANA: You might want
19 to -- I believe DOT does not like when they use bricks or
20 certain materials.

21 CHAIRPERSON SCHWARTZ: Well, because then you can
22 trip, yes.

23 DEPUTY TOWN ATTORNEY MAGANA: Right.

24 DEPUTY COMMISSIONER SCHMIDT: It could shift.

25 CHAIRPERSON SCHWARTZ: You can, you know, they

1 end up settling wrong and it's never even. Go walk on a
2 cobblestone street somewhere. You'll know what I'm talking
3 about.

4 But also, when it comes to the global warming
5 thing, cement is a heat sink.

6 VICE CHAIRPERSON HAY: Concrete.

7 CHAIRPERSON SCHWARTZ: Concrete is heat sink.

8 BOARD MEMBER DAVIS: Asphalt.

9 CHAIRPERSON SCHWARTZ: Asphalt is worse because
10 it's black. It's not even asphalt anymore. They don't put
11 any stone in it anymore, it's tar. It's almost straight
12 tar now they are putting on the streets. And that's just a
13 giant heat sink.

14 So I think we really ought to look at the
15 esthetics when we are putting these things in, too. I
16 think it's important.

17 MS. CARLA DIXON: My last question on that --

18 VICE CHAIRPERSON HAY: To follow up, you were
19 talking about potential network of sidewalks, but in terms
20 of this application --

21 DEPUTY COMMISSIONER SCHMIDT: Correct. Thank
22 you, Tom.

23 So with respect to this application, we've had
24 further discussions with Mr. Escaladas and similar to an
25 application that was on earlier, the request of the Board

1 to consider is a potential contribution by the applicant to
2 future sidewalk considerations in the neighborhood. And
3 that was what was discussed between me and Mr. Escaladas
4 most recently.

5 There hasn't been a final figure determined. But
6 that is something that would not have to be done until this
7 Board considers a decision and even as much as a final
8 decision on the project.

9 CHAIRPERSON SCHWARTZ: Right.

10 MS. CARLA DIXON: And my only last question about
11 that is down Worthington and/or the spur off of White
12 House, would it be on one side or both sides?

13 DEPUTY COMMISSIONER SCHMIDT: At this time, it
14 would be contemplated for one side only. And we haven't --
15 there hasn't been any studies into which side. That's all
16 future work that would be conducted at a later time.

17 MS. CARLA DIXON: And are there simple things
18 that are taken into consideration in determining which
19 side?

20 DEPUTY COMMISSIONER SCHMIDT: There are simple
21 and more complex things taken into consideration. So it's
22 actually studied quite a bit before there is a
23 determination made on which side of the road makes more
24 sense for a sidewalk.

25 CHAIRPERSON SCHWARTZ: Okay.

1 MS. CARLA DIXON: Thank you.

2 CHAIRPERSON SCHWARTZ: Thank you very much. And
3 we're looking forward to your resume to apply for the
4 Planning Board. If you're interested, seriously, people
5 like you are exactly the kinds of people we like to come on
6 the Board because they have such an interest and what is
7 going on there.

8 MS. CARLA DIXON: Well, I would have a separate
9 conversation, that's interesting. I was just laughing,
10 because Mr. Escaladas had said that --

11 CHAIRPERSON SCHWARTZ: The pay is wonderful. The
12 pay is wonderful. The benefits are great. And you get to
13 work more with Emilio because he's here like every week.

14 MR. EMILIO ESCALADAS: She's an old client. I've
15 done twice in her house.

16 CHAIRPERSON SCHWARTZ: Okay. Anybody else have
17 questions? Nobody else?

18 VICE CHAIRPERSON HAY: Anyone on Zoom?

19 DEPUTY COMMISSIONER SCHMIDT: Is there anyone on
20 Zoom that have any comments or questions? Ms. Thompson was
21 with Three Birch Gardens and I gave her the link just in
22 case something came up on the landscaping.

23 CHAIRPERSON SCHWARTZ: Okay. All right. In that
24 case, I will take the motion to close the Public Hearing.

25 MR. EMILIO ESCALADAS: Yes.

1 BOARD MEMBER SIMON: So moved.

2 CHAIRPERSON SCHWARTZ: And keep the record open
3 to the 12th of April.

4 BOARD MEMBER SIMON: So moved.

5 VICE CHAIRPERSON HAY: Second.

6 CHAIRPERSON SCHWARTZ: All in favor? Aye.

7 VICE CHAIRPERSON HAY: Aye.

8 BOARD MEMBER SIMON: Aye.

9 BOARD MEMBER DAVIS: Aye.

10 CHAIRPERSON SCHWARTZ: I will then entertain a
11 motion to close the Public Hearing portion of tonight's
12 meeting.

13 VICE CHAIRPERSON HAY: I'm not sure. I think we
14 might have a few more things to cover, don't you?

15 BOARD MEMBER DAVIS: So moved.

16 CHAIRPERSON SCHWARTZ: Do I have a second?

17 VICE CHAIRPERSON HAY: Second.

18 CHAIRPERSON SCHWARTZ: All in favor? Aye.

19 VICE CHAIRPERSON HAY: Aye.

20 BOARD MEMBER SCHWARTZ: Aye.

21 BOARD MEMBER DAVIS: Aye.

22 CHAIRPERSON SCHWARTZ: Thank you very much. Good
23 night.

24 MR. EMILIO ESCALADAS: Good night, folks. Love
25 you, guys.

DEPUTY COMMISSIONER SCHMIDT: Thank you.

CHAIRPERSON SCHWARTZ: Good night. Thank you.

Everybody have a happy holiday.

(Whereupon, the Public Hearing was concluded.)

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

Certified to be a true and accurate transcript
of the stenographic minutes taken on April 3,
2023 by the undersigned, to the best of her ability.

Barbara Marciante
Barbara Marciante,
Official Court Reporter