

TOWN OF GREENBURGH
PLANNING BOARD

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1. ROLL CALL

5. ITEMS FOR PUBLIC HEARING/PUBLIC DISCUSSION
PUBLIC DISCUSSION

- a. CASE NO. PB 23-16
LITTLE DRAGON DAYCARE
130 Central Park Avenue North
(P.O. Hartsdale, N.Y.)

ADJOURNMENT.

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Greenburgh Town Hall
177 Hillside Avenue
Greenburgh, New York 10607
September 6, 2023

HYBRID PLANNING BOARD MEETING

BARBARA MARCIANTE,
Official Court Reporter

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

HUGH SCHWARTZ, CHAIRPERSON
THOMAS HAY, VICE CHAIRPERSON

WALTER SIMON, Board Member (Not Present)
KIRIT DESAI, Board Member
MICHAEL GOLDEN, Board Member (Not Present)
LESLIE DAVIS, Board Member (Virtual)
JOHAN SNAGGS, Board Member

AMANDA MAGANA, ESQ., Deputy Town Attorney

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

MATTHEW BRITTON,
Town Planner, Department of
Community Development and Conservation

CASE NO. PB 23-16

1 CHAIRPERSON SCHWARTZ: Let's go into the Public
2 Hearing. This is Case PB 23-16, Little Dragon Day Care.

3 VICE CHAIRPERSON HAY: Do we need to take
4 attendance up here?

5 CHAIRPERSON SCHWARTZ: Yes, we do. Thank you,
6 Tom, for that. I appreciate that.

7 VICE CHAIRPERSON HAY: I know a few things, not
8 many.

9 CHAIRPERSON SCHWARTZ: You do. My brain is in a
10 fog today. Mr. Schmidt, would you take attendance, please?

11 DEPUTY COMMISSIONER SCHMIDT: Sure. Chairperson
12 Schwartz?

13 CHAIRPERSON SCHWARTZ: Here.

14 DEPUTY COMMISSIONER SCHMIDT: Mr. Hay?

15 VICE CHAIRPERSON HAY: Here?

16 DEPUTY COMMISSIONER SCHMIDT: Mr. Desai?

17 BOARD MEMBER DESAI: Here.

18 DEPUTY COMMISSIONER SCHMIDT: Mr. Snaggs?

19 BOARD MEMBER SNAGGS: Here.

20 DEPUTY COMMISSIONER SCHMIDT: On Zoom we have
21 Ms. Davis?

22 BOARD MEMBER DAVIS: Here.

23 DEPUTY COMMISSIONER SCHMIDT: Absent this evening
24 are Mr. Golden and Mr. Simon.

25 CHAIRPERSON SCHWARTZ: Okay. We have one case

1 tonight, which is PB 23-16, Little Dragon Day Care, 130
2 Central Park Avenue. It's for a Planning Board Special
3 Permit for a daycare facility. This was previously a
4 daycare facility in the church facility. And they are
5 doing it again.

6 VICE CHAIRPERSON HAY: It's called Little Dragon
7 Day Care.

8 CHAIRPERSON SCHWARTZ: Little Dragon Day Care, I
9 did announce that. I would like the applicant to just
10 briefly, maybe five minutes, if possible, describe the
11 project for the public and the Board.

12 DEPUTY COMMISSIONER SCHMIDT: Okay. So we have
13 Ms. Cheng on Zoom. Ms. Cheng, are you there and able to
14 present?

15 MS. XINGLI CHENG: Yes, I am. Can you hear me?

16 DEPUTY COMMISSIONER SCHMIDT: Yes. Do you need
17 me to share the drawings or is that something you're able
18 to do via the share screen?

19 MS. XINGLI CHENG: Actually, you can share the
20 drawing actually.

21 DEPUTY COMMISSIONER SCHMIDT: Okay. Do you have
22 a video that you can turn on?

23 MS. XINGLI CHENG: Okay. Let me just see here.

24 DEPUTY COMMISSIONER SCHMIDT: Great.

25 MS. XINGLI CHENG: Can you see me?

1 DEPUTY COMMISSIONER SCHMIDT: Yes.

2 CHAIRPERSON SCHWARTZ: Yes, we see you.

3 DEPUTY COMMISSIONER SCHMIDT: And I have the
4 drawings up.

5 MS. XINGLI CHENG: Yeah. And can I start?

6 CHAIRPERSON SCHWARTZ: Yes, please.

7 DEPUTY COMMISSIONER SCHMIDT: Yes, go ahead.

8 MS. XINGLI CHENG: Yeah. Like, you know,
9 basically, we're going to, you know, open up a daycare at
10 130 North Central Avenue. And previously, this was a
11 nursery school and for the past 30 something years.

12 And we're bilingual. Little Dragon Daycare we're
13 bilingual. And we have a very unique and, you know, market
14 end to actually fulfill the need of the parents and
15 especially a lot of the parents, they need bilingual.
16 Either they have an Asian origin or they don't. They want
17 their kids to learn a second language. And so this is very
18 beneficial and for the young kids.

19 And so the capacity of this place and it's going
20 to be 30 kids and at full capacity. And, you know, like I
21 mention last time, it's bilingual and there is a lot of
22 need in this community. And basically, we have a lot of
23 require or demand from a lot of parents. And they are
24 looking forward for us to open a secondary location.

25 And you know, if we provide reliable service --

1 Actually, we do. We have a very good, you know, reputation
2 among the community, and the high-level reliable service
3 for day care. The parents, they can feel at ease, and they
4 can, you know, go to work and know their child is in good
5 taken care of, not only in a safe and good environmental,
6 but also we provide a lot of, you know, learning
7 opportunity for the younger kids.

8 And basically, our age group is from two to four.
9 That's the age group that we focus on.

10 CHAIRPERSON SCHWARTZ: Ms. Cheng, if you don't
11 mind, could you focus on the operational part of it?
12 Because that's really -- I think we understand the concept.
13 If you could focus on like the hours, how people come and
14 go there, the number of employees and all that stuff, that
15 would be very helpful for us.

16 MS. XINGLI CHENG: Okay, okay, definitely. So
17 there is going to be six teachers. And this is, you know,
18 and there is going to be three classes. And we're going to
19 have a two-year old class and between ten to 12 kids. And
20 there is going to be a mixed-age classroom.

21 Which we utilize two classroom between the year
22 three and to four. So the hours are -- Currently, we have,
23 you know, operation from 8:00 a.m. to 6:00 p.m. And we
24 provide lunch and we provide, you know, snack. We also
25 have outdoor play area.

1 If you can see, and right in front of building,
2 and there is 18 by 18, six-foot privacy fence and make sure
3 the kids going to not only have an outdoor activity, but
4 also they are going to be in a safe environment. And in
5 term of other detail, maybe you can, you know, give me --

6 CHAIRPERSON SCHWARTZ: Sure. Well, one of the
7 things, obviously, the people worry about with these kinds
8 of things, there kind of being a rush of people at one
9 time. How do people come? Do they come at one time or do
10 they come --

11 VICE CHAIRPERSON HAY: Staggered.

12 CHAIRPERSON SCHWARTZ: Staggered, thank you.

13 MS. XINGLI CHENG: No, they staggered, yeah.

14 They don't come at one time.

15 CHAIRPERSON SCHWARTZ: So there is no back up of
16 traffic ever?

17 MS. XINGLI CHENG: Not at all.

18 CHAIRPERSON SCHWARTZ: Okay. All right. Any
19 other questions from the Board right now?

20 BOARD MEMBER DESAI: Yes. How many kids would be
21 in the playground area at one time?

22 MS. XINGLI CHENG: The capacity is 30, for 30
23 kids.

24 VICE CHAIRPERSON HAY: Just for the playground,
25 how many at one time?

1 MS. XINGLI CHENG: Playground by class. We don't
2 have them all come together. So one, basically, some of
3 the kids like, for example -- I just give you an example.
4 Two-year old will come maybe 11:45 to 11 -- I'm just trying
5 to see.

6 But anyway, so earlier class, the older class,
7 from the three, four, they probably going to come 10:15 to
8 11:30. Then the second group, after the kids going for
9 lunch, and so the second, the younger, two-year old, they
10 all coming for outdoor play.

11 CHAIRPERSON SCHWARTZ: How many children, though,
12 at a time will be in the enclosure, that I think was
13 Kirit's question. Yes?

14 BOARD MEMBER DESAI: Yes.

15 MS. XINGLI CHENG: About I think about 12 to
16 maximum 15.

17 CHAIRPERSON SCHWARTZ: Okay.

18 BOARD MEMBER DESAI: Okay, because it looks a
19 little bit smaller area, for 300 square feet, for 15 or 20
20 kids. And then you have a play equipment in there. So I
21 think --

22 MS. XINGLI CHENG: No. There is only -- We play
23 outdoor game. We don't have any equipment over there in
24 order to ran. So there going to be, you know, fresh air.
25 We do outdoor, you know, do little dance and music and so

1 on and so forth.

2 BOARD MEMBER DESAI: Okay. I just want it to be
3 not too crowded because then the kids will start running
4 outside and playing outside. So that's concerning, to be
5 secured --

6 MS. XINGLI CHENG: Actually, no.

7 BOARD MEMBER DESAI: No?

8 MS. XINGLI CHENG: Yeah, there is no such --
9 like, you know, the space is actually -- We spoke to the
10 child Counsel, like Mr. Bacter(ph). He told us it's okay.

11 You know, the purpose of the outdoor is a lot of
12 kids to, you know, during the day, they stay inside for a
13 couple of hour. They need to have some fresh air. So
14 that's the only purpose. You know, change of setting is
15 good for their development.

16 BOARD MEMBER DESAI: Sure, okay.

17 DEPUTY COMMISSIONER SCHMIDT: And it will be
18 fenced in with a gate and there will be supervision by the
19 teachers, right?

20 MS. XINGLI CHENG: Absolutely. Two teachers,
21 going to be minimum two teachers and going to be right over
22 there. And going to be two exit in the fenced area.

23 DEPUTY COMMISSIONER SCHMIDT: Okay.

24 CHAIRPERSON SCHWARTZ: Any other questions from
25 the Board?

1 Aaron, you have a few little details to fill in?

2 DEPUTY COMMISSIONER SCHMIDT: Yes. So I think we
3 covered the playground, which is going to be approximately
4 324 square feet surrounded by a six-foot high vinyl privacy
5 fencing.

6 The applicant is also requesting a waiver from
7 the Planning Board for landscaped buffer area around the
8 playground. They have the solid fencing proposed. They
9 are up along Central. There aren't residential --

10 CHAIRPERSON SCHWARTZ: That's our jurisdiction?

11 DEPUTY COMMISSIONER SCHMIDT: You have that
12 jurisdiction, yes.

13 CHAIRPERSON SCHWARTZ: Okay.

14 DEPUTY COMMISSIONER SCHMIDT: And the applicant
15 has identified parking spaces for a parent dropoff and
16 pickup of children and is proposing the addition of a
17 striped crosswalk in the parking lot area.

18 At the request of this Board, we did reach out to
19 our Greenburgh Police Department Traffic and Safety
20 regarding any accident data in the vicinity of the project
21 site along Central Park Avenue and Jane Street.

22 There was one reported accident in the last --
23 over the past five years. So it wasn't deemed -- There
24 weren't any traffic calming measures deemed necessary in
25 connection with the project.

1 CHAIRPERSON SCHWARTZ: Good enough, okay.
2 Anybody from the public? Do we have anybody on Zoom that
3 wants to speak?

4 DEPUTY COMMISSIONER SCHMIDT: Is there anyone on
5 Zoom that wishes to speak on this project at this time? If
6 so, now would be the time. I'll stop the share screen.

7 DEPUTY TOWN ATTORNEY MAGANA: I just wanted to
8 clarify. I think, Aaron, you talked about the crosswalk.
9 I believe it's my understanding the parents walk the
10 children inside.

11 DEPUTY COMMISSIONER SCHMIDT: They will, that's
12 right. I believe we had Dr. Zonan had requested. I don't
13 know if Dr. Zonan is just listening in or if you wish to
14 speak on this application.

15 CHAIRPERSON SCHWARTZ: This would be the time,
16 Mr. Zonan if you want to speak.

17 (Whereupon, there was no response.)

18 CHAIRPERSON SCHWARTZ: Okay, we will see if there
19 is anybody from the audience that would like to speak and
20 then we will --

21 DEPUTY COMMISSIONER SCHMIDT: Mr. Bodin.

22 CHAIRPERSON SCHWARTZ: We will come back. If
23 he's back here.

24 DEPUTY COMMISSIONER SCHMIDT: Okay.

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

1 qualified to speak on this subject because I've met with
2 the traffic committee that designs the manual and uniform
3 traffic control devices for over 30 years. I, too, was
4 designed the dotted line that defines an auxillary lane.

5 I've spoken to the National Committee at least
6 twice requesting uniformity in the traffic manual. So my
7 experience, I'm an experienced traffic. I can speak on
8 traffic issues.

9 I will speak on one tonight because we have to
10 start somewhere and realize that some of the things we've
11 been doing are not correct.

12 CHAIRPERSON SCHWARTZ: Are any of those things
13 related to this particular project, Mr. Bodin? We're only
14 speaking about this project tonight. As I told you --

15 MR. MURRAY BODIN: I expect you to respect me --

16 CHAIRPERSON SCHWARTZ: I am being very --

17 MR. MURRAY BODIN: Just a minute --

18 CHAIRPERSON SCHWARTZ: I am being very
19 respectful.

20 MR. MURRAY BODIN: I'll wait.

21 CHAIRPERSON SCHWARTZ: I'm being very respectful.
22 I said this before, and I will say it again. This Board is
23 a ministerial board. We execute the laws that on the
24 books. We don't create new laws. That is the Town Board's
25 job.

1 If you have suggestions, and I know you've got
2 some good ones, okay, if you got those suggestions, I
3 suggest that you go to the Town Board meeting and give them
4 there. Giving them here while people are waiting on their
5 projects is not something that's productive because it's
6 nothing we specifically can do about it.

7 I'm happy, if you have a specific comment about
8 this project, and you've had some very constructive
9 comments on projects. Captain Lawrence I can remember, for
10 example, okay --

11 DR. DANIEL ZONAN: In the church meeting --

12 CHAIRPERSON SCHWARTZ: I don't know who that is,
13 but they should be on mute. Thank you.

14 So I'm happy to have you speak on this. If there
15 is anything specific that you see here, I'm happy to listen
16 to that. But it has to be on this project.

17 MR. MURRAY BODIN: I refer to the agenda for
18 tonight. It says the addition of a striped crosswalk in
19 the parking lot.

20 CHAIRPERSON SCHWARTZ: Okay. So if you want to
21 talk about that, that's fine. Go ahead.

22 MR. MURRAY BODIN: Okay.

23 CHAIRPERSON SCHWARTZ: Right, let's focus on
24 that.

25 MR. MURRAY BODIN: Greenburgh has been very

1 interested in pedestrian safety for years. The only
2 crosswalk that looks the same to the driver is the European
3 bar crosswalk. It's mandatory in New York City, the State
4 of Connecticut, the State of California and many other
5 places.

6 Greenburgh has permitted the zebra crosswalk to
7 be used all over without question. And I question the
8 safety of it. I just came over tonight on Secor Road. The
9 light turned green. The guy in front of me didn't move
10 because he was texting. I honked the horn and he moved.

11 A distracted driver today looks up, needs to see
12 the crosswalk the same every single time and it's not. It
13 is permitted to ones that you're using, but they are not
14 the safest.

15 CHAIRPERSON SCHWARTZ: So what would you be
16 suggesting in this particular case --

17 MR. MURRAY BODIN: I am speaking. Are you going
18 to interrupt me? Or are you going to let me finish?

19 CHAIRPERSON SCHWARTZ: I am asking you a
20 question, Mr. Bodin. Okay, I'm trying to be constructive.
21 If you want to be combative --

22 MR. MURRAY BODIN: We've had an adversarial --

23 CHAIRPERSON SCHWARTZ: If you want to be --

24 MR. MURRAY BODIN: We've had an --

25 CHAIRPERSON SCHWARTZ: If you are going to be

1 combative, you can be. And I will get you thrown out,
2 okay.

3 MR. MURRAY BODIN: You'll get me thrown out, be
4 my guest.

5 CHAIRPERSON SCHWARTZ: If you would like to make
6 a comment --

7 MR. MURRAY BODIN: You just threatened to throw
8 me out --

9 CHAIRPERSON SCHWARTZ: Yes, I did.

10 MR. MURRAY BODIN: -- which is against what you
11 should do.

12 CHAIRPERSON SCHWARTZ: No. I'm --

13 MR. MURRAY BODIN: You're required to listen to
14 me and when I'm through, you can comment.

15 CHAIRPERSON SCHWARTZ: I'm asking a question.

16 MR. MURRAY BODIN: I am speaking on the agenda as
17 written --

18 CHAIRPERSON SCHWARTZ: I agree. And I'm asking a
19 question about what you just said. I want to build on
20 something you said.

21 I just looked at the plans. The plans currently
22 have that what you're calling a zebra crosswalk.

23 MR. MURRAY BODIN: Right.

24 CHAIRPERSON SCHWARTZ: So what you're saying
25 is --

1 MR. MURRAY BODIN: It should be changed to a
2 parallel bar crosswalk.

3 CHAIRPERSON SCHWARTZ: Could you explain what a
4 parallel bar crosswalk is?

5 MR. MURRAY BODIN: It's a series of bars that
6 when a driver looks at them, he sees a series of bars.

7 CHAIRPERSON SCHWARTZ: Are they raised?

8 MR. MURRAY BODIN: Not at an angle, not as a
9 zebra. The original zebra crosswalks were created years
10 ago when people did not understand crosswalks. So they
11 made a variety of them.

12 CHAIRPERSON SCHWARTZ: Okay. So that --

13 MR. MURRAY BODIN: The world changed. This is
14 2023. You cannot use designs of roads that were designed
15 50 years ago. They were designed for a world that doesn't
16 exist today.

17 VICE CHAIRPERSON HAY: So your recommendation is
18 to change from what is on the plan to a parallel line
19 crosswalk?

20 MR. MURRAY BODIN: Right.

21 VICE CHAIRPERSON HAY: Like what would look like
22 a ladder, kind of, right?

23 MR. MURRAY BODIN: Without the end bars. The
24 same, you have a few in Town --

25 CHAIRPERSON SCHWARTZ: Okay.

1 MR. MURRAY BODIN: But not all.

2 CHAIRPERSON SCHWARTZ: It's something we will
3 definitely suggest to the applicant and talk to the police
4 about it.

5 But if you think it's something that should be
6 done Town-wide, I really strongly suggest you make that
7 recommendation to the Town Board. I'm just telling you.

8 MR. MURRAY BODIN: For your information, at the
9 meeting last night, it was recommended that I meet with
10 Garrett, which I told you. And I sent an email to Garrett.
11 You may not have seen.

12 That we sit down and work out this before we have
13 to go through this kind of thing at every single meeting.
14 I've yet to hear from Garrett when we will meet and discuss
15 it.

16 CHAIRPERSON SCHWARTZ: Okay.

17 MR. MURRAY BODIN: Can I continue?

18 CHAIRPERSON SCHWARTZ: Yes. I'm just saying --

19 MR. MURRAY BODIN: Your traffic consultant is
20 also in error. And he's welcome to be in that
21 conversation. This has to be corrected once and for all
22 for safety reasons. It's brought up time and time again
23 that we want pedestrian safety in Greenburgh. Well, this
24 is the first step. Thank you.

25 CHAIRPERSON SCHWARTZ: Well, one of the

1 recommendations, Mr. Bodin, you should contact Lucas
2 Gioffre. Lucas has been heading a traffic safety committee
3 for the Town. In fact, they are just putting out a report
4 now. So I would suggest you talk to him as well because I
5 think he does have the ear of the Town Board on safety
6 measures.

7 MR. MURRAY BODIN: Lucas emailed me sometime
8 within the last ten days about --

9 CHAIRPERSON SCHWARTZ: Great.

10 MR. MURRAY BODIN: -- getting together. And I
11 suggested to him I--Up until now, I have stood here and
12 made suggestions. From here going forward, I want to be
13 part of the group that writes the rules.

14 I asked to be on various boards. I don't want to
15 stand here as an outsider. I want to be part of the
16 decision-making process. That's different.

17 CHAIRPERSON SCHWARTZ: That's fine. Making those
18 changes, I agree. As I said, this is not a forum where we
19 can effect that change. That's all I'm saying. There is
20 nothing wrong with what you're saying, it's just a form --

21 BOARD MEMBER DESAI: Hugh --

22 CHAIRPERSON SCHWARTZ: Did you have something?

23 BOARD MEMBER DESAI: Yeah. I think, I agree
24 100 percent that the ladder kind of designs, but on private
25 property I don't know how much you can impose on doing

1 the -- following the things that is appropriate on a public
2 property, public roadways. So that's my concern.

3 CHAIRPERSON SCHWARTZ: We could request it,
4 though. I mean, we've done that before.

5 MR. MURRAY BODIN: You have to approve these
6 plans -- you can deny or approve these plans until they use
7 the safest crosswalk possible.

8 CHAIRPERSON SCHWARTZ: Not unless the Codes
9 change, I can't.

10 MR. MURRAY BODIN: What?

11 CHAIRPERSON SCHWARTZ: Not unless the Codes
12 change, I can't.

13 MR. MURRAY BODIN: Yes, you can.

14 CHAIRPERSON SCHWARTZ: No, we can't.

15 VICE CHAIRPERSON HAY: We can't require it if the
16 law doesn't require. We can suggest it.

17 CHAIRPERSON SCHWARTZ: If the law doesn't require
18 it -- that's what I said, we're a ministerial board. We
19 have to follow what the Code says, even if we don't like
20 it, okay. We have to follow the Code, that's our job.

21 MR. MURRAY BODIN: You're telling me that you are
22 not concerned about the safety of the City?

23 CHAIRPERSON SCHWARTZ: I didn't say that at all.

24 VICE CHAIRPERSON HAY: No. No.

25 MR. MURRAY BODIN: That's effectively what you're

1 saying --

2 VICE CHAIRPERSON HAY: No.

3 MR. MURRAY BODIN: -- we're going to follow the
4 Code even though we know it's stupid.

5 VICE CHAIRPERSON HAY: We don't have jurisdiction
6 to rule on --

7 CHAIRPERSON SCHWARTZ: To change it.

8 VICE CHAIRPERSON HAY: -- other than what is --

9 BOARD MEMBER DESAI: Okay, I think that's enough.

10 DEPUTY TOWN ATTORNEY MAGANA: That's enough. I
11 think we got it.

12 CHAIRPERSON SCHWARTZ: Okay, thank you very much
13 for your time. Is there anybody else from the public that
14 wants to speak on this application?

15 (Whereupon, there was no response.)

16 CHAIRPERSON SCHWARTZ: Okay. In which case, I'll
17 take a motion to close the Public Hearing and keep the
18 record open until when?

19 DEPUTY COMMISSIONER SCHMIDT: September 13th.

20 CHAIRPERSON SCHWARTZ: Until September 13th. And
21 Ms. Cheng, we will make a decision at our next meeting,
22 okay, is when the decision will be made, which is on
23 September 20th, okay.

24 VICE CHAIRPERSON HAY: I move that we close the
25 Public Hearing and keep the record open until

1 September 13th.

2 CHAIRPERSON SCHWARTZ: Do I have a second?

3 BOARD MEMBER SNAGGS: Second.

4 CHAIRPERSON SCHWARTZ: Johan second. All in
5 favor? Aye.

6 VICE CHAIRPERSON HAY: Aye.

7 BOARD MEMBER DESAI: Aye.

8 BOARD MEMBER SNAGGS: Aye.

9 BOARD MEMBER DAVIS: Aye.

10 CHAIRPERSON SCHWARTZ: All opposed?

11 (Whereupon, there was no response.)

12 CHAIRPERSON SCHWARTZ: Okay, that passes. Thank
13 you very much. Now, can I have the motion to close the
14 Public Hearing?

15 DR. DANIEL ZONAN: Hello? Hello?

16 CHAIRPERSON SCHWARTZ: Mr. Zonan. Dr. Zonan.

17 DR. DANIEL ZONAN: Yes, I'm sorry, I was having
18 trouble unmuting myself. I know you're closing the
19 meeting. Just one quick comment, is that all right?

20 CHAIRPERSON SCHWARTZ: Sure. Go ahead.

21 DR. DANIEL ZONAN: One of my concerns, looking at
22 the plans, I see the dedicated parking spots for quite a
23 bit of volume of in and out of people coming to the
24 daycare. And right now, those spots are largely being
25 occupied on Central Avenue from the nail salon at 100

1 Central Avenue.

2 I also, for the last 40 years, have been
3 utilizing six of those spots. So I don't know if it's in
4 the plans to not allow 100 Central Avenue or myself will no
5 longer have use of those spots.

6 And in addition to which, when the church runs
7 about four to six times a year, their flea markets, whoever
8 did the traffic study, whoever consulted the police about
9 that in accidents, I've been at that property for 53 years.
10 And I've fought these hundreds of flea markets.

11 And almost at every single one, there is so much
12 congestion there that there are police assigned to manage
13 the traffic and there are always fender benders there.
14 Now, I don't think that would be when school is taking
15 place. It's generally on Saturdays.

16 But my point is, that's a very congested ingress
17 and egress, especially being, a side from the church, aside
18 from the daycare, you have a very busy nail salon. And my
19 office is, I wouldn't say very busy, but, again, occupying
20 six of those spots.

21 So if they plan to remove the use of the spots
22 from myself and the nail salon, it would have been nice if
23 someone proposed that to us. I haven't heard that from the
24 proposal. And even if that's not the case or is the case,
25 I am concerned about the amount of traffic that's going to

1 be there.

2 VICE CHAIRPERSON HAY: Has there been an issue
3 the last 36 years when a daycare was operating there?

4 DR. DANIEL ZONAN: Well, not really, I mean, but
5 there is a lot of little children and parents walking in
6 and walking out and picking up. And it's very congested.

7 And, you know, at that time, only until recently,
8 as I said, the nail salon has only been utilizing it the
9 last couple of years and the daycare has been extinct for
10 the last couple of years, since Covid. So that interaction
11 has not happened.

12 But now that Covid is over, and you will be
13 having, if they are going to keep the utilization of those
14 spots with the nail salon and so on, I wouldn't want my
15 child coming in and out of there.

16 CHAIRPERSON SCHWARTZ: Thank you for your
17 comments. Ms. Cheng, do you want to respond to Dr. Zonan,
18 please?

19 MS. XINGLI CHENG: Yes, actually, I have. So the
20 nursery school is kind of different from daycare. Nursery
21 school, they have the kids, they can like have the kids
22 over three hours. Basically, going to be parents dropping
23 off, pick up, dropping off during the day.

24 And however, for daycare, parents only drop off
25 in the morning. Then they pick their kids later like, you

1 know, 5:00 and 5:30. Those are the hours.

2 And my capacity is only 30 kids. I think the
3 daycare, they had a lot more kids than we do, you know, we
4 do. And also, the daycare close early this year.

5 And so I don't see there is much difference, you
6 know, like, you know, for us, for us when I look at. So
7 basically, you know, we do have not many traffic compared
8 to the nursery school. So I don't --

9 CHAIRPERSON SCHWARTZ: I think the question is,
10 though, for the last couple of years, the spaces are on
11 your property, as I understand it, all of them. But for
12 the last couple of years, I guess, the church has allowed
13 the nail salon and Dr. Zonan's patients to park on that
14 property. Is that --

15 DR. DANIEL ZONAN: Well, no, I --

16 CHAIRPERSON SCHWARTZ: No?

17 DR. DANIEL ZONAN: I've been paying for those
18 spots for 40 years. It's not that they are allowing me,
19 but for 40 years. And my question is, I guess maybe that's
20 where you're leading to, is that going to come to an end?
21 And if so, why isn't that --

22 CHAIRPERSON SCHWARTZ: Are you currently -- you
23 said it was 40. But you said you've been in practice for
24 50. What happened to the other ten?

25 DR. DANIEL ZONAN: Well, I have my own parking

1 lot. And as the practice grew, over the course of time, we
2 needed more parking. So that's why the first ten years or
3 so back in the 60's, it wasn't necessary.

4 CHAIRPERSON SCHWARTZ: And now it is? You still
5 need the overflow?

6 DR. DANIEL ZONAN: Yes, for either employee
7 parking or patient parking.

8 VICE CHAIRPERSON HAY: And then how many spaces
9 do you estimate the nail salon uses regularly?

10 DR. DANIEL ZONAN: I believe they use also
11 somewhere between four to six spots. So when I look at
12 this proposal showing 16 spots in that southern parking
13 lot, it seems rather misleading because some of them are
14 occupied.

15 DEPUTY TOWN ATTORNEY MAGANA: I thought it was my
16 understanding that it was a shared lot.

17 CHAIRPERSON SCHWARTZ: It obviously is because
18 he's got a rental agreement.

19 DEPUTY TOWN ATTORNEY MAGANA: So we wouldn't
20 restrict use of the particular spaces.

21 CHAIRPERSON SCHWARTZ: Well, there isn't that.
22 Plus I think we talked about the employees parking around
23 the back of the building anyway.

24 DEPUTY COMMISSIONER SCHMIDT: We did.

25 CHAIRPERSON SCHWARTZ: So that would free up some

1 of the spaces in that north -- is that the northwest --
2 northeast corner?

3 DEPUTY TOWN ATTORNEY MAGANA: Who actually owns
4 the lot for the parking spaces?

5 DR. DANIEL ZONAN: The church.

6 CHAIRPERSON SCHWARTZ: The church.

7 DR. DANIEL ZONAN: The church owns the lot.

8 CHAIRPERSON SCHWARTZ: Okay. But which spaces
9 are you using? Are you using the ones along Central --

10 DR. DANIEL ZONAN: I use -- okay, they are
11 numbered. So right now, it's one through six. I used to
12 ten or 12 of them. But it's one through six, so from
13 Central Avenue going into the parking lot on the southerly
14 side.

15 CHAIRPERSON SCHWARTZ: Okay. So now, what we've
16 talked about with Ms. Cheng the last time at the work
17 session, which I'm not sure if you watched --

18 DR. DANIEL ZONAN: No.

19 CHAIRPERSON SCHWARTZ: -- was to have their
20 employees park behind the building anyway.

21 DR. DANIEL ZONAN: Right.

22 CHAIRPERSON SCHWARTZ: Okay, so that would free
23 up a little bit of space for you in the front and not
24 create a big problem, I don't think. But that's
25 something -- what I think -- and we still have to have a

1 decision on this.

2 What I suggest is, Ms. Cheng, could you sit down
3 between now and the next meeting with the Doctor and with
4 the nail salon to discuss this and see if you can work
5 something out?

6 BOARD MEMBER SNAGGS: Hugh?

7 CHAIRPERSON SCHWARTZ: Yes.

8 BOARD MEMBER SNAGGS: It sounds as though --

9 DR. DANIEL ZONAN: No, I don't want to --

10 BOARD MEMBER SNAGGS: -- it's with the church and
11 it's a situation between Ms. Cheng --

12 DR. DANIEL ZONAN: I'm not trying to be
13 difficult, it's more of a safety concern.

14 CHAIRPERSON SCHWARTZ: Shhhh. Two people talking
15 at one time.

16 BOARD MEMBER SNAGGS: Are you shushing me or him?

17 CHAIRPERSON SCHWARTZ: No, no, I'm saying him.
18 Just hang on for a second. Dr. Zonan, just hold on one
19 second. Go ahead, Johan.

20 BOARD MEMBER SNAGGS: If he has an arrangement
21 with the church --

22 CHAIRPERSON SCHWARTZ: Yeah, you're right.
23 You're right.

24 BOARD MEMBER SNAGGS: -- then he should have a
25 conversation with the church. And so should Ms. Cheng and

1 so should the nail salon.

2 CHAIRPERSON SCHWARTZ: They should all sit down
3 together.

4 BOARD MEMBER SNAGGS: Yes.

5 CHAIRPERSON SCHWARTZ: That's a very good point.

6 DR. DANIEL ZONAN: Right. But what I'm saying is
7 no one has approached -- I have a year lease signed
8 contract for those parking spots. And no one had
9 approached me to say it won't be renewable or it's an
10 issue. So I just thought that was strange. The church
11 hasn't approached me.

12 VICE CHAIRPERSON HAY: We just need to
13 understand, before we approve this, how many spaces are
14 actually going to be available for the daycare --

15 DR. DANIEL ZONAN: Right, that's why --

16 VICE CHAIRPERSON HAY: -- versus how many are
17 required for such a facility.

18 DR. DANIEL ZONAN: Right, that's my point.

19 VICE CHAIRPERSON HAY: And we had no idea so
20 thank you for bringing that up. We were not made aware of
21 that.

22 CHAIRPERSON SCHWARTZ: One housekeeping thing,
23 all of this I would like to get in the public record
24 officially. Right now it's not because we closed the
25 Public Hearing.

1 So I would like a motion to reopen the Public
2 Hearing and include all of the record of the last since
3 we've originally closed, can I have that motion?

4 BOARD MEMBER SNAGGS: So moved.

5 BOARD MEMBER DAVIS: So moved.

6 CHAIRPERSON SCHWARTZ: Johan moved. Leslie, you
7 second?

8 BOARD MEMBER DAVIS: Second, yes.

9 CHAIRPERSON SCHWARTZ: All in favor? Aye.

10 VICE CHAIRPERSON HAY: Aye.

11 BOARD MEMBER SNAGGS: Aye.

12 BOARD MEMBER DESAI: Aye.

13 BOARD MEMBER DAVIS: Aye.

14 CHAIRPERSON SCHWARTZ: All opposed?

15 (Whereupon, there was no response.)

16 CHAIRPERSON SCHWARTZ: Okay, great. So now the
17 question is, can you guys get there together, all of you,
18 because it sounds like Dr. Zonan has a lease, which I don't
19 know. Did you know about that, Ms. Cheng? It was never in
20 the plans.

21 MS. XINGLI CHENG: Actually, I'm not sure certain
22 things, but based on the conversation with the person
23 talking to the church, he told me someone using, but he
24 never got the payment. So I don't know --

25 DR. DANIEL ZONAN: No such thing.

1 MS. XINGLI CHENG: Okay, but anyway I don't know
2 he talking about you.

3 CHAIRPERSON SCHWARTZ: Dr. Zonan, one person at a
4 time. Go ahead.

5 DR. DANIEL ZONAN: Sorry.

6 MS. XINGLI CHENG: Yeah. Yeah. And also, I have
7 to say, by regulation and I only have a capacity of 30
8 kids. I think mine is maximum, I would say, eight parking
9 spaces would be plenty. Because like I said before, the
10 parents they don't come altogether. So couple don't coming
11 like then another, you know, five, ten minutes.

12 So nobody going to use that space, other space,
13 that's never happened for that. Because I spoke to the
14 nursery owner, never ever there was any issue even with her
15 capacity. She had a lot more kids.

16 CHAIRPERSON SCHWARTZ: Here's the problem we have
17 right now, Ms. Cheng, okay. The proposal you made is
18 actually inaccurate because it doesn't reflect that there
19 are dedicated spaces on the property.

20 And if Dr. Zonan and potentially the nail salon
21 have leases, those are dedicated spaces currently, which we
22 should have known about them. Before we make a decision,
23 okay, I'm not saying that precludes you from making a
24 decision.

25 Dr. Zonan, did you want to say something?

1 DR. DANIEL ZONAN: I have a signed contract with
2 the church that is renewed yearly. I have 30 such
3 contracts.

4 So there is no -- and the trustee of the church,
5 who is ever on, Lewellyn(ph), is the one who's -- he's an
6 attorney. He draws up these contracts every year. He's a
7 very nice gentleman. I have a wonderful relationship with
8 the church.

9 And by no means am I trying to be a stumbling
10 block to this daycare. I want to be a good neighbor. My
11 only concern is, if there is not enough parking spots --

12 And I will say this, over the years when the
13 nursery school was there, they were always in my parking
14 spots. But to be neighborly, even though I was paying for
15 them, it was a short stay, dropoff/pickup like this woman
16 is saying. So no harm no foul.

17 But there were many occasions where my employees
18 or my patients would come to their dedicated spots and
19 there were parents of these children in those spots.

20 CHAIRPERSON SCHWARTZ: I understand. Go ahead,
21 Kirit.

22 BOARD MEMBER DESAI: So where is your office
23 located in this one? You are on the other side of the
24 building?

25 DR. DANIEL ZONAN: I'm the adjacent property

1 south. 116 North Central Avenue, Wedgwood Professional
2 Center, the adjacent building to the church.

3 BOARD MEMBER DESAI: So how do you cross the
4 thing, is there a sidewalk that you take to?

5 DR. DANIEL ZONAN: There is a path that leads
6 from that parking lot right into my property. They don't
7 have to cross anything, but the spots are on the side of my
8 property.

9 BOARD MEMBER DESAI: Yeah, I think so it's not
10 part of this property or proposal. I'm a little confused
11 about the --

12 BOARD MEMBER DAVIS: If I may?

13 BOARD MEMBER DESAI: Yes.

14 DEPUTY COMMISSIONER SCHMIDT: See staff can --

15 CHAIRPERSON SCHWARTZ: Okay, this is what we're
16 going to do, guys.

17 BOARD MEMBER DESAI: Leslie has a comment.

18 CHAIRPERSON SCHWARTZ: Leslie, did you want to
19 say something?

20 BOARD MEMBER DAVIS: I do. I'm just looking at
21 what I believe is the lease for the daycare center and
22 there is a square footage that's mentioned there. So I do
23 believe that may be that does need to be cleared up. So as
24 you said, we're making a decision on the right side of the
25 property.

1 CHAIRPERSON SCHWARTZ: Right.

2 BOARD MEMBER DAVIS: Because how are they leasing
3 it to her and leasing it to him?

4 CHAIRPERSON SCHWARTZ: Sounds like it may be. So
5 this is what I think we should do, okay, is I would just
6 like to leave the Public Hearing open right now rather than
7 close it.

8 And I would like Aaron to kind of help facilitate
9 a discussion with all the parties and the church, which I
10 think is what has to happen to resolve this, okay. And
11 then we will discuss it at the next meeting.

12 If it's resolved quickly, we can always change --
13 We can close the Public Hearing quickly at the next meeting
14 and still make a decision that night. It just depends on
15 the progress of it.

16 But right now, this, frankly, you're going to
17 have to modify the application anyway, I think. Because
18 the application doesn't reflect Dr. Zonan's spaces or these
19 spaces, which it has to do to be accurate. So we need to
20 update it anyway.

21 Let's leave the Public Hearing open until the
22 next meeting, okay. And we will just adjourn it tonight.
23 Aaron will be in touch with you guys.

24 Dr. Zonan, does Aaron have your email address?
25 And do you have Aaron's email address?

1 DEPUTY COMMISSIONER SCHMIDT: Yes.

2 DR. DANIEL ZONAN: Yes. He has my email address.
3 And again, I am not trying to be difficult.

4 CHAIRPERSON SCHWARTZ: No. No. I understand. I
5 understand.

6 VICE CHAIRPERSON HAY: We don't feel you are. If
7 you have a lease, you know, it gives you some rights.

8 CHAIRPERSON SCHWARTZ: Amanda?

9 DEPUTY TOWN ATTORNEY MAGANA: It would be helpful
10 to know the hours of operation for the existing businesses.

11 CHAIRPERSON SCHWARTZ: Yes.

12 DEPUTY TOWN ATTORNEY MAGANA: And to see --

13 DR. DANIEL ZONAN: I'm six days a week. I'm
14 there every day, but Sunday.

15 DEPUTY TOWN ATTORNEY MAGANA: What hours? Is it
16 9:00 to 5:00, 8:00 to 6:00?

17 DR. DANIEL ZONAN: Well, no, no, unfortunately --

18 DEPUTY TOWN ATTORNEY MAGANA: To see what kind of
19 overlap of a traffic pattern for the parking.

20 DR. DANIEL ZONAN: Being a doctor's office and we
21 are there for emergencies, regular hours are from 8:00 to
22 5:00. But very often I'm there later. I get there at 6:30
23 every morning. And you know, if there are emergencies, I'm
24 there later. But generally it would be from 8:00 to 5:00.

25 CHAIRPERSON SCHWARTZ: So same hours, basically,

1 as the operation of the facility.

2 DEPUTY COMMISSIONER SCHMIDT: I did have one
3 question. Do you have any dedicated parking for your
4 office on your own site?

5 DR. DANIEL ZONAN: I do. And as I said, we kind
6 of, as we got a larger practice, that's when we approached
7 the church was, again, about almost 40 years ago, and we've
8 been renting those spots ever since.

9 DEPUTY COMMISSIONER SCHMIDT: Very good. Thank
10 you.

11 CHAIRPERSON SCHWARTZ: Okay. Well, I think all
12 of that needs to be worked out to see if there is a way of
13 doing this that works for everybody. The good thing is, it
14 isn't the nursery school which has a different dynamic,
15 dropoff and pickup dynamic than the daycare center does.

16 Because they are more staggered than the daycare
17 center, which should be helpful and mitigate your issue to
18 some extent. Plus, we've already agreed to park the
19 employees behind the building away from your spaces. So
20 that helps as well.

21 DR. DANIEL ZONAN: Okay, right.

22 CHAIRPERSON SCHWARTZ: But --

23 DR. DANIEL ZONAN: If it can be worked out, I'm
24 fine with it. You know, if you guys are satisfied and it
25 can work out, there is no problem here.

1 CHAIRPERSON SCHWARTZ: Okay. Dr. Zonan, what
2 we're going to do, as I said, we're going to leave the
3 Hearing open. Aaron will be in contact with everybody and
4 try to get a joint meeting with the church and figure this
5 whole thing out.

6 Also, he probably has to run it by the traffic
7 consultant and the building inspector to make sure that
8 we're still in compliance, okay.

9 DR. DANIEL ZONAN: Yeah.

10 CHAIRPERSON SCHWARTZ: He will do all of that.
11 If it gets done fast, next week, we can still close the
12 Public Hearing on the 20th and may be even make a decision
13 on the 20th.

14 It all depends on the progress of next week. But
15 for now, I am going to adjourn the Public Hearing. I don't
16 need a motion to do that. I'm just going to adjourn it.

17 DEPUTY COMMISSIONER SCHMIDT: I think you do.

18 CHAIRPERSON SCHWARTZ: Okay, I'll take a motion
19 to adjourn the Public Hearing.

20 BOARD MEMBER SNAGGS: So moved.

21 VICE CHAIRPERSON HAY: Second.

22 CHAIRPERSON SCHWARTZ: Second is Tom. All in
23 favor? Aye.

24 VICE CHAIRPERSON HAY: Aye.

25 BOARD MEMBER SNAGGS: Aye.

1 BOARD MEMBER DESAI: Aye.

2 CHAIRPERSON SCHWARTZ: Leslie?

3 BOARD MEMBER DAVIS: Aye.

4 CHAIRPERSON SCHWARTZ: Thank you. Kirit, did you
5 say aye?

6 BOARD MEMBER DESAI: Yes.

7 CHAIRPERSON SCHWARTZ: Okay. All opposed?

8 (Whereupon, there was no response.)

9 CHAIRPERSON SCHWARTZ: Abstentions?

10 (Whereupon, there was no response.)

11 CHAIRPERSON SCHWARTZ: Okay. So we are going to
12 adjourn the Public Hearing. Now, can I have a motion to
13 close the Public Hearing of --

14 VICE CHAIRPERSON HAY: Session.

15 CHAIRPERSON SCHWARTZ: -- tonight's meeting.

16 Thank you for finishing my sentence.

17 VICE CHAIRPERSON HAY: So moved. Sorry.

18 CHAIRPERSON SCHWARTZ: Second?

19 BOARD MEMBER SNAGGS: Second.

20 CHAIRPERSON SCHWARTZ: I know we're close, but
21 not that close. All in favor? Aye.

22 VICE CHAIRPERSON HAY: Aye.

23 BOARD MEMBER SNAGGS: Aye.

24 BOARD MEMBER DESAI: Aye.

25 BOARD MEMBER DAVIS: Aye.

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CHAIRPERSON SCHWARTZ: All opposed?
(Whereupon, there was no response.)
CHAIRPERSON SCHWARTZ: Okay.
DEPUTY COMMISSIONER SCHMIDT: Thank you.
(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 Public Hearing of the Greenburgh Planning Board Meeting proceedings held on September 6, 2023, taken by the undersigned, to the best of her ability.

Barbara Marciante

Barbara Marciante,
Official Court Reporter