

TOWN OF GREENBURGH  
PLANNING BOARD

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1. ROLL CALL

5. ITEMS FOR PUBLIC HEARING/PUBLIC DISCUSSION

a. CASE NO. PB 20-09  
Lightbridge Academy  
529 West Central Park Avenue  
(P.O. Scarsdale, N.Y.)

ADJOURNMENT.

-----x  
Greenburgh Town Hall  
177 Hillside Avenue  
Greenburgh, New York 10607  
July 1, 2024

HYBRID PLANNING BOARD MEETING

BARBARA MARCIANTE,  
Official Court Reporter

**RECEIVED**

**JUL 15 2024**

**TOWN OF GREENBURGH  
DEPARTMENT OF COMMUNITY  
DEVELOPMENT & CONSERVATION**

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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  
KIRIT DESAI, Board Member  
MICHAEL GOLDEN, Board Member (Not Present)  
LESLIE DAVIS, Board Member  
JOHAN SNAGGS, Board Member  
AISHA SPARKS, Alternate Board Member

JOSEPH DANKO, 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 20-09

1 CHAIRPERSON SCHWARTZ: We're going to start the  
2 Public Hearing portion of our meeting tonight.  
3 Mr. Schmidt, please call the roll.

4 DEPUTY COMMISSIONER SCHMIDT: Chairperson  
5 Schwartz?

6 CHAIRPERSON SCHWARTZ: Here.

7 DEPUTY COMMISSIONER SCHMIDT: Mr. Simon?

8 BOARD MEMBER SIMON: Here.

9 DEPUTY COMMISSIONER SCHMIDT: Mr. Hay?

10 VICE CHAIRPERSON HAY: Here.

11 DEPUTY COMMISSIONER SCHMIDT: Mr. Snaggs?

12 BOARD MEMBER SNAGGS: Here.

13 DEPUTY COMMISSIONER SCHMIDT: Mr. Desai?

14 BOARD MEMBER DESAI: Here.

15 DEPUTY COMMISSIONER SCHMIDT: Ms. Davis?

16 BOARD MEMBER DAVIS: Here.

17 CHAIRPERSON SCHWARTZ: And our alternate,  
18 Ms. Sparks?

19 ALTERNATE BOARD MEMBER SPARKS: Here.

20 DEPUTY COMMISSIONER SCHMIDT: Mr. Golden is not  
21 present this evening.

22 CHAIRPERSON SCHWARTZ: And Ms. Sparks is a voting  
23 member, therefore, because Mr. Golden isn't here.

24 We are here PB Case 20-09, Light Bridge Academy  
25 at 529 Central Avenue. It's amendment to a Site Plan and a

1 Special Use Permit Approval. The background of this is  
2 this is a project that we approved years ago. But at the  
3 time, we weren't sure what the impact would be from a  
4 traffic and parking point of view.

5 So what we have done is we said at the time is  
6 run the Academy, see what happens, do another traffic study  
7 for us and -- or analysis for us, not necessarily a study,  
8 analysis for us. And then come back to us if you want to  
9 do full enrollment. And that's where we are tonight.

10 What I would like to do, there are some issues  
11 that have come up that aren't directly related to the  
12 increase, unfortunately, that we need to discuss tonight,  
13 and we will do that.

14 But what I would like to do first is have you do  
15 the presentation. I would like to follow that -- Who do we  
16 have from, Ms. Connell from Kimley-Horn, our traffic  
17 consultants, is with us tonight via Zoom. So what we're  
18 going to do is have you do your presentation. Let  
19 Kimley-Horn give their assessment of the traffic impact of  
20 this.

21 And then there is some discussions, I know they  
22 were brought up by members of the community that we need to  
23 address as well. Since we're revising the thing, we might  
24 as well clean everything up at once, and that's what we  
25 want to do. So why don't you present the project first.

1 You have to give your name first and --

2 MATHEW DUDLEY, ESQ.: Yes. Good evening,  
3 Mr. Chairman, Members of the Board, Town Staff. My name is  
4 Mathew Dudley, attorney with the law firm of Harris Beach,  
5 PLLC., Counsel for the applicant, 529 Central Park Avenue,  
6 LLC.

7 As Chairman Schwartz explained, tonight we are  
8 here for a Public Hearing for an Amended Site Plan and  
9 Special Permit Approval. We were last before your Board in  
10 2020 when we obtained a Special Permit Site Plan Approval  
11 and other approvals. And at that time, the applicant, 529  
12 Central Park Avenue, agreed to limit its enrollment.

13 The site is for a child daycare facility that's  
14 operating as Lightbridge Academy, agreed to freeze its  
15 enrollment for at 105 FTE children, that's full time  
16 equivalent children. Meaning, one child, full time, the  
17 entire week. Or two children, one child, Monday,  
18 Wednesday, Friday; the other, Tuesday, Thursday. Or two  
19 children, one in the morning, one in the afternoon.

20 And like I said, we agreed to freeze our  
21 enrollment at 105 FTE children. And at the time that we  
22 neared that amount to conduct a supplemental traffic impact  
23 study and site-wide plan parking utilization study  
24 calculation, which we have done. And that's the reason for  
25 us being before your Board tonight.

1           We appeared before your Board last month at the  
2           June 5th Planning Board meeting for a Work Session. The  
3           Planning Board issued a recommendation, a positive  
4           recommendation, to the Zoning Board in furtherance of our  
5           application before that Board for one area variance, for  
6           offering less than the minimum required number of  
7           off-street parking spaces.

8           We appeared before the ZBA at its June 20th  
9           meeting for a Public Hearing on that area variance  
10          application. The Zoning Board closed the Public Hearing  
11          and it's on for decision at its next meeting in, I believe  
12          that's late July.

13          So let me just explain, as I previously  
14          mentioned, Colliers Engineering is the applicant's engineer  
15          of record. I believe we have on video Matt Ryan, who is  
16          filling in for Jesse Cokeley today and also Michelle  
17          Briehof, who is the traffic consultant with Colliers.

18          We submitted that updated traffic study and  
19          site-wide parking utilization calculation, which was  
20          reviewed by the Town Staff and outside consultant from  
21          Kimley-Horn, Mr. John Canning. Mr. Canning issued a  
22          Memorandum interpreting and giving his comments to those  
23          studies as well as the time lapse video that the applicant  
24          provided of the parking lot on, I think it was, March 12th,  
25          2024, to show the traffic patterns of cars pulling into the

1 site, parking to drop off children and leaving the site.

2 And it gives a good idea of the amount of traffic  
3 that currently exists at the property when we're nearing  
4 close to 105 FTE children currently. Kimley-Horn's  
5 Memorandum, just to summarize it, basically said that they  
6 believed, based on the studies, that the parking is working  
7 well for the site and that they see no reason why to not  
8 grant the requested Amended Special Permit and Site Plan  
9 Application that's before your Board now.

10 If you have any questions for me, I'm happy to  
11 answer them now. Or if you would like to ask any more  
12 specific questions for the engineers that we have  
13 virtually, we welcome your questions.

14 CHAIRPERSON SCHWARTZ: I think, at this point,  
15 what I would like to do is have our traffic consultant give  
16 their opinion. Then come back to the Board's questions and  
17 then, obviously, if there are people in the audience who --  
18 I know there was at least one piece of correspondence or  
19 two pieces, I'm sorry, two pieces of correspondence that we  
20 received. At least one of the people I see in the audience  
21 tonight. I don't know if the other one is here or not. So  
22 I want them to speak as well as anybody else in the public.  
23 But right now, why don't we go to Ms. Connell.

24 VICE CHAIRPERSON HAY: Who is standing in for  
25 John Canning.

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1 CHAIRPERSON SCHWARTZ: Right.

2 MATHEW DUDLEY, ESQ.: Correct.

3 MS. ANDREA CONNELL: Good evening. I'm Andrea  
4 Connell with Kimley-Horn. Yes, so we looked at the updated  
5 traffic study and it looked at new counts at the driveways.  
6 It conducted counts at the driveways -- the driveway,  
7 sorry. And it also counted the parking lot to see what the  
8 parking demand would be.

9 And our study found that the traffic counts of  
10 the driveway showed that the trip rate of the daycare  
11 center is actually lower than what was projected in the  
12 original study back in 2020. So the original study was  
13 conservative from a traffic generation standpoint.

14 And the parking counts that they did identified  
15 18 vehicles parked at the peak time. And they projected  
16 that to the future to, you know, with the full enrollment  
17 of 152 students and found that there would be, I think, up  
18 to 37 peak demand for parking. So sufficient parking we  
19 found based on their counts and their traffic study.

20 The other question that I think is regarding the  
21 employee spaces, if you want to discuss that now?

22 CHAIRPERSON SCHWARTZ: Sure.

23 MS. ANDREA CONNELL: There were -- there's three  
24 spaces that were originally thought, which would put them  
25 near the area of the greatest activity with the drop-off



1 and pick-up at the facility. You know, the three, yeah,  
2 right there, employee parking spaces.

3 So the video that was shared by the applicant  
4 essentially showed that it's really only parents that are  
5 using those spaces, not employees. And given that there  
6 was no observed issues with parents using that as a  
7 drop-off area, we thought that that restriction to employee  
8 only could be lifted and just use for parent drop-off and  
9 pick-up.

10 CHAIRPERSON SCHWARTZ: Okay.

11 MS. ANDREA CONNELL: So essentially, as  
12 Mr. Dudley said, we did find that based on the studies they  
13 provided the analysis, that it would appear that allowing  
14 the increased enrollment would be acceptable.

15 CHAIRPERSON SCHWARTZ: Okay. Thank you very  
16 much, Ms. Connell, appreciate it. Thank you for being here  
17 tonight.

18 MS. ANDREA CONNELL: You're welcome.

19 CHAIRPERSON SCHWARTZ: Should we bring up the  
20 other questions now? I wonder if we should have Mr. Senor  
21 come up now and discuss.

22 DEPUTY COMMISSIONER SCHMIDT: Then we could  
23 discuss all the questions at once.

24 CHAIRPERSON SCHWARTZ: And then we will discuss  
25 all the questions at once. Okay?

1                   VICE CHAIRPERSON HAY: And then if the Board has  
2 anything beyond that.

3                   CHAIRPERSON SCHWARTZ: Yes.

4                   DEPUTY COMMISSIONER SCHMIDT: Yes. Are there any  
5 questions from the Board for Ms. Connell?

6                   BOARD MEMBER SIMON: No.

7                   DEPUTY COMMISSIONER SCHMIDT: Okay.

8                   CHAIRPERSON SCHWARTZ: Okay. Mr. Senor, if you  
9 can come up and discuss what you had done. Thank you.

10                  MR. ELIOT SENOR: Yes. Eliot Senor,  
11 engineer/surveyor here for the neighbor at 531 Central Park  
12 Avenue, the property at the front. We don't really have a  
13 lot of problems with using it as Lightbridge or the  
14 variances that are sought. There are a couple of issues  
15 that we do have take exception to.

16                  One of them is that they are not based the site  
17 plan on an as-built condition. We know that from the  
18 pictures that we sent, the guardrail wasn't built as  
19 originally proposed. It's not halfway up. They since  
20 extended it on this to a point closer to the corner.

21                  But if the guardrail is there to protect cars  
22 from going over the wall, why isn't it the full amount?  
23 The reason being is because as you get closer to the  
24 corner, you're going to reduce that area to less than  
25 24 feet, maybe 20, 21 feet. And they don't want to lose

1 that parking in the front.

2 But I think that would be the proper thing to do,  
3 is to lose that -- those parking spaces and have them ask  
4 for a bigger variance. They are probably going to get it.  
5 It's not like, as the report show, that they need the  
6 space.

7 And that picture, what's submitted, isn't the  
8 as-built condition. That wall in one of the pictures that  
9 we submitted is more of a curve than a 90-degree turn. And  
10 it's already been hit by something without the benefit of  
11 the guardrail.

12 So we're really not sure why they don't want to  
13 extend that guardrail to protect all the cars. The closest  
14 part is that corner where there is more susceptible for  
15 going over the wall so.

16 CHAIRPERSON SCHWARTZ: How high is the wall?

17 MR. ELIOT SENOR: It's about six feet, four to  
18 six feet.

19 CHAIRPERSON SCHWARTZ: So how would they go over  
20 it?

21 MR. ELIOT SENOR: Well, they are backing up from  
22 those spaces without the benefit of protection from --

23 CHAIRPERSON SCHWARTZ: The wall, is the retaining  
24 wall facing --

25 MR. ELIOT SENOR: The parking lot side is only a

1 couple inches above the curve.

2 VICE CHAIRPERSON HAY: So it's six feet over --

3 MR. ELIOT SENOR: Our side is the lower side.

4 CHAIRPERSON SCHWARTZ: Okay. Is that true all  
5 the way up to the front? I thought it got flatter --

6 MR. ELIOT SENOR: Yeah. I mean, as you go down  
7 the driveway, it becomes a zero. But as you go --

8 CHAIRPERSON SCHWARTZ: Do you know how far down  
9 the driveway, where that happens?

10 MR. ELIOT SENOR: How far down the driveway?

11 CHAIRPERSON SCHWARTZ: At this point --

12 MR. ELIOT SENOR: It's probably halfway between  
13 the end of the wall and the stop line.

14 CHAIRPERSON SCHWARTZ: Okay.

15 MR. ELIOT SENOR: In that area.

16 CHAIRPERSON SCHWARTZ: I take it at this point,  
17 if someone is coming down there, say, at night or something  
18 and jumping the curb and then --

19 MR. ELIOT SENOR: Yeah, or in the wintertime,  
20 3:00 when it's getting dark.

21 CHAIRPERSON SCHWARTZ: Or skidding off of that.

22 MR. ELIOT SENOR: Right. So we're not really  
23 sure why they don't want to bring that all the way around,  
24 except that they'll lose some more parking spaces.

25 VICE CHAIRPERSON HAY: I mean, it raises a

1 question in my mind, can there be a guardrail on the wall  
2 or some other --

3 CHAIRPERSON SCHWARTZ: Build up on the wall.

4 VICE CHAIRPERSON HAY: -- you know, mechanism to  
5 keep it safer, without extending into the parking lot?

6 CHAIRPERSON SCHWARTZ: Right.

7 MR. ELIOT SENOR: Good question.

8 DEPUTY COMMISSIONER SCHMIDT: Good question. All  
9 good questions. And we do have our building inspector's  
10 office reviewing the matter. We're going to have  
11 coordination amongst the building inspector's office, this  
12 Board, as well as the applicant. So continue to stay in  
13 touch with my office and we will give you updates as they  
14 are available.

15 MR. ELIOT SENOR: Yeah. Just to add a little bit  
16 of background. This is a segmental block wall, and so it  
17 has no real structural stability. The structure that  
18 retains the dirt is the geogrid, the fabric behind it.

19 So there is no actual rigidity of the wall. The  
20 blocks aren't even cemented in place. Maybe the top course  
21 is glued on, but the rest of the blocks are just gravity.

22 CHAIRPERSON SCHWARTZ: So you're saying the rails  
23 have to be in front of the wall?

24 MR. ELIOT SENOR: Yeah.

25 VICE CHAIRPERSON HAY: Or they can replace that

1 section with something else.

2 CHAIRPERSON SCHWARTZ: They don't have to replace  
3 the whole wall. Or could they drill down just at the edge  
4 of the wall to hit?

5 MR. ELIOT SENOR: Well, generally the  
6 manufacturer says that any guardrail should be three feet  
7 away from the face because there is no real resistance from  
8 a fenced post.

9 VICE CHAIRPERSON HAY: All right.

10 MR. ELIOT SENOR: Their engineer could certify  
11 whatever he is capable of certifying to whatever he wants.  
12 But we just don't understand why they don't protect the  
13 entire wall from, you know, mishaps.

14 CHAIRPERSON SCHWARTZ: Okay. Anything else,  
15 Eliot?

16 MR. ELIOT SENOR: Yes. The other thing was,  
17 we're not really -- we don't -- Yes, oh, the crosswalk that  
18 goes to no where. So there is a cross walk there, a  
19 painted crosswalk. It ends in a parking space. I'm not  
20 sure how people are going to walk up the sidewalk, walk  
21 across that, and then into nothing.

22 It wouldn't be that much of a problem to either  
23 guide it to the area where the handicap spot is and create  
24 that as a walkway. But right now it ends right behind the  
25 car that's going to be backing out and not seeing anybody

1 in the crosswalk.

2 If they end up removing some of those parking  
3 spaces, you'll have more space for a walkway to get to the  
4 actual vestibule area, that front patio, you know. It may  
5 have been approved that way, but that doesn't mean that we  
6 want to continue to --

7 CHAIRPERSON SCHWARTZ: Okay.

8 MR. ELIOT SENOR: -- have a problem with that.  
9 And then I guess the only other question was, when they did  
10 their time lapse video on March 12th, how many students  
11 were actually in the building at that time? I don't really  
12 see that in there.

13 CHAIRPERSON SCHWARTZ: The applicant will answer  
14 that one.

15 MR. ELIOT SENOR: Those were it. I mean, it's --  
16 we don't necessarily object to the project. If they wanted  
17 to get a bigger variance, we're not objecting to that, for  
18 them getting a variance for parking spaces.

19 CHAIRPERSON SCHWARTZ: Thank you.

20 VICE CHAIRPERSON HAY: Thank you.

21 DEPUTY COMMISSIONER SCHMIDT: Thank you.

22 CHAIRPERSON SCHWARTZ: Before we go on, I want to  
23 make something clear. Okay, thank you. Given that we  
24 don't really have an as-built plan in front of us now, one  
25 thing that we're going -- an as-built survey, I'm sorry, in

1 front of us, what we're doing now is not what actually --

2 DEPUTY COMMISSIONER SCHMIDT: It doesn't  
3 representing existing conditions.

4 CHAIRPERSON SCHWARTZ: So because of that, we  
5 will be -- We will have to hold this over no matter what we  
6 have tonight. I just want to get that clear tonight.  
7 We're going to holding it over until we have those plans  
8 and the building inspector reviewed those plans as well.  
9 So it will be held over. I just wanted to get that  
10 through.

11 Ms. Connell, can you speak to the question  
12 Mr. Senor had about the crosswalk from your perspective,  
13 please?

14 MS. ANDREA CONNELL: Sure. Looking at that  
15 video, we saw nobody that entire day using that crosswalk.  
16 You know, the crosswalk, basically, it's a couple things.  
17 So it warns drivers that are passing that way that there  
18 could be pedestrians within the crosswalk.

19 And then it also can be used as a guide for  
20 pedestrians, like this is where you should cross. So I  
21 know there were suggestions maybe making it go a little  
22 further to the west and then connecting into where the  
23 handicap striping is. But we found, you know, as you know,  
24 people cut the corners, so they are going to go to a point  
25 where you can enter the building.



1 CHAIRPERSON SCHWARTZ: So it's there, basically,  
2 as a way of slowing the cars down, is what you're saying.

3 MS. ANDREA CONNELL: Yeah. It's a notification  
4 that this is a pedestrian crossing. We didn't see a lot  
5 of -- We didn't see any pedestrians on that day, you know.  
6 Maybe other days had more pedestrians. But we did not see  
7 any. And we have not heard of any issues with pedestrians  
8 crossing.

9 CHAIRPERSON SCHWARTZ: Okay, thank you,  
10 Ms. Connell. Before we go to the public, are there any  
11 other questions right now from the Board?

12 BOARD MEMBER DESAI: Yeah, I have a question.

13 CHAIRPERSON SCHWARTZ: Kirit, go ahead.

14 BOARD MEMBER DESAI: I think there is other way  
15 to put the guardrails on this existing wall. They can sort  
16 of modify it or they can put the steel or the pipe  
17 structures to kind of get them -- get all this load off of  
18 the actual kind of wall.

19 And yes, I agree we Senor that most of these  
20 segmented walls are not meant to hold any railing to a  
21 point where the purpose is to stop the cars from hitting  
22 it.

23 For people, yeah, they do that. It's about  
24 200 feet a criteria for the wall. So that there, they  
25 allow it. But for this one, I think the best thing is to

1 have some sort of additional modification that allows them  
2 to put this guardrail on the wall, which will be more  
3 effective in any case. Or just build it up 10 feet high so  
4 that the cars would hit that one, other than the things.

5 And I agree that if there is the three parking  
6 spots are, from the beginning, was really very questionable  
7 for backing in, backing out. And while it going to be  
8 providing us with more information, it may be a good idea  
9 to look into it.

10 And I agree with Senor, that additional couple of  
11 cars variance would not make any difference considering  
12 there is only 18 cars is what they see occupied.

13 DEPUTY COMMISSIONER SCHMIDT: Currently.

14 BOARD MEMBER DESAI: Currently, yes. So if 26 is  
15 provided, I understand.

16 MATHEW DUDLEY, ESQ.: If I may just respond to  
17 that briefly. Initially, when the applicant applied for a  
18 building permit to construct the retaining wall, the  
19 initial design had intended to put a guide rail on top of  
20 within the wall, the protruding, you know, above the  
21 elevation of the wall. The manufacturer of the wall did  
22 not recommend that.

23 So they made a field change to place the guide  
24 rail on our side of the property in front of that retaining  
25 wall. And that necessitated the need to shorten the guide

1 rail due to the width of the drive aisle.

2 The building permit was issued and the wall and  
3 guide rail were installed prior to the Building  
4 Department's final inspection for this Certificate of  
5 Occupancy in October of 2022.

6 So the building inspector had that before then  
7 when they issued the CO.

8 BOARD MEMBER DESAI: Yeah, but your engineers  
9 would understand what Senor was saying. And since he's  
10 also an engineer and he understands that.

11 CHAIRPERSON SCHWARTZ: I think given what we've  
12 heard and looking at the picture, something needs to be  
13 done, okay. I think there are probably creative solutions  
14 that could be done without -- I rather not see you have a  
15 variance. 24 feet is a Town standard road.

16 And you have people going in and out at the same  
17 time. So you know, you can get away with 20 feet, but why  
18 do you want to do that if you don't have to.

19 I think you need to talk to your engineers as  
20 well as our Department, if there is a creative solution.  
21 I'll give you two examples.

22 For example, you've got some room between the  
23 fence and that wall, just about a foot and a half, I think.  
24 Could you possibly put pilings on the other side of the  
25 wall and have the thing come over the wall. That's one

1 idea, okay. Remember, just enough to deter a car from  
2 going over. They are not going to be going 60 miles per  
3 hour.

4 The second thing is, you've got a berm between  
5 the wall and the driveway itself, right next to it. And I  
6 know it's not three feet away, okay. But you've got a berm  
7 that's probably a foot and a half, two feet.

8 Instead of putting it outside the berm, like you  
9 have it now in the picture, why not move it on to the berm?  
10 You don't lose any useable driveway space.

11 MATHEW DUDLEY, ESQ.: I'm just confused as to  
12 where the berm is.

13 CHAIRPERSON SCHWARTZ: Could you put the picture  
14 up?

15 DEPUTY COMMISSIONER SCHMIDT: The curb.

16 CHAIRPERSON SCHWARTZ: The curb.

17 DEPUTY COMMISSIONER SCHMIDT: The asphalt curb.

18 CHAIRPERSON SCHWARTZ: The asphalt curb.

19 MATHEW DUDLEY, ESQ.: Okay.

20 CHAIRPERSON SCHWARTZ: Right there, instead of  
21 having an asphalt curb, why couldn't that be a -- It's not  
22 perfect, but it would still work. And save you a couple of  
23 feet, okay, into it.

24 As I said, I'm not the engineer here. I am not  
25 going to recommend anything. I'm just saying, I've got to

1 believe there is a creative solution to fixing this which  
2 we would like to see you come back with by our next  
3 meeting, if at all possible. Okay?

4 BOARD MEMBER SNAGGS: Okay, Hugh?

5 CHAIRPERSON SCHWARTZ: Yes. Go ahead, Johan.

6 BOARD MEMBER SNAGGS: I'm looking at the pictures  
7 from Eliot.

8 DEPUTY COMMISSIONER SCHMIDT: Yes.

9 BOARD MEMBER SNAGGS: The very first one, you  
10 have the guardrail. You have the retaining wall that  
11 doesn't sound like it's too strong. But just beyond that,  
12 I see another guardrail. Is that -- Am I interpreting  
13 this what you're --

14 CHAIRPERSON SCHWARTZ: It looks like a guardrail,  
15 yes.

16 DEPUTY COMMISSIONER SCHMIDT: Yes.

17 BOARD MEMBER SNAGGS: So I'm curious if by  
18 chance -- First of all, is that part of your property?

19 BOARD MEMBER SNAGGS: Oh, got it.

20 MATHEW DUDLEY, ESQ.: That's not. We don't  
21 believe so. There is a current lawsuit about that guide  
22 rail -- that other guardrail and the chain-linked fence,  
23 among other things.

24 BOARD MEMBER SNAGGS: Got it.

25 CHAIRPERSON SCHWARTZ: Well, that guardrail

1 doesn't protect anything except for going into that fence.

2 BOARD MEMBER DESAI: It's not on their property.

3 CHAIRPERSON SCHWARTZ: Yeah. So I wouldn't do  
4 that. But I think there may be a creative solution to  
5 limit -- I don't like limiting the size of driveway access,  
6 if at all, if it could be avoided.

7 I do agree, however, that having a retaining wall  
8 that somebody could easily go over it is not a good idea,  
9 for lots of reasons. You could skid over it. Somebody  
10 could decide they are going to turn around all of a sudden  
11 that they went the wrong way and go over it. Believe me, I  
12 know because I have a big wall by my house that's been hit  
13 a whole bunch of times.

14 VICE CHAIRPERSON HAY: And it's in the tightest  
15 part of it.

16 CHAIRPERSON SCHWARTZ: Right, exactly. So it's  
17 in the tightest part of the driveway. So that's what I  
18 would do there. Anything else from the Board before I go  
19 to the public?

20 MATHEW DUDLEY, ESQ.: Just one thing.

21 CHAIRPERSON SCHWARTZ: Yes, sir.

22 MATHEW DUDLEY, ESQ.: I don't believe in that  
23 location where the guide rail is missing, I don't believe  
24 the elevation will change between our property and the  
25 neighbor's property is four to six feet. I think it's

1 something less than that.

2 I think the four to six feet is likely towards  
3 the playground in the background of that photo that's on  
4 the --

5 VICE CHAIRPERSON HAY: That would be good to  
6 bring that information next time.

7 CHAIRPERSON SCHWARTZ: Yeah. The building  
8 inspector -- Having you said that, okay, I have a driveway  
9 where people turn around. I'm at the end of a cul-- No, I  
10 wish it was a cul-de-sac, from me to God's ears. It's a  
11 dead end. So people try to turn around in my driveway,  
12 which is steep, okay.

13 The fact that they go off -- they have a tendency  
14 to go off of my driveway into my front yard. The fact that  
15 it's not six feet from my driveway into my front yard still  
16 has a car sitting in my front yard.

17 So the objective isn't just for it to be  
18 six feet, even if it's only a foot and a half. If you get  
19 a car caught on that -- You don't want to get car over that  
20 wall and caught there. That's the point.

21 VICE CHAIRPERSON HAY: Or on the other property.

22 CHAIRPERSON SCHWARTZ: Or on the other property.  
23 Okay, even for their own people, you don't want to get a  
24 car caught there. You want to keep them from doing that.  
25 If they are going to go off, let them get their car into

1 some kind of guardrail. So there's a reason why that  
2 guardrail makes sense.

3 I had the same question because I know as they  
4 come forward, there is less of a slope. But there is still  
5 the possibility of someone going off of that.

6 DEPUTY COMMISSIONER SCHMIDT: Right. I'm happy  
7 to coordinate a meeting with our building inspector's  
8 office and the applicant to try to find a creative  
9 solution, as you mentioned.

10 CHAIRPERSON SCHWARTZ: Okay, thank you. Anybody  
11 else from the Board?

12 DEPUTY COMMISSIONER SCHMIDT: Amanda has a  
13 question.

14 DEPUTY TOWN ATTORNEY MAGANA: So two things.  
15 One, I think we talked about the drain inlet not being  
16 shown, right?

17 DEPUTY COMMISSIONER SCHMIDT: Yes, we did. So  
18 that's going to be picked up in the as-built survey. It  
19 was modified-another or a further field change. But I  
20 discussed that with Mr. Dudley.

21 DEPUTY TOWN ATTORNEY MAGANA: Great.

22 CHAIRPERSON SCHWARTZ: Thanks.

23 DEPUTY COMMISSIONER SCHMIDT: The only other  
24 thing I wanted to mention is that some additional  
25 correspondence came in this afternoon from Mr. D'Adamo.



1 That was forwarded to the Planning Board, forwarded to the  
2 applicant, and made part of the official record for the  
3 project.

4 So I just wanted to state that on the record. It  
5 came through via email late today for members that did not  
6 see that.

7 DEPUTY TOWN ATTORNEY MAGANA: The other thing is  
8 Town standard is 26 feet, not 24 feet wide. just to correct  
9 that.

10 CHAIRPERSON SCHWARTZ: Yes. Thank you, Amanda.

11 DEPUTY COMMISSIONER SCHMIDT: That's a roadway.  
12 Thank you for mentioning that.

13 CHAIRPERSON SCHWARTZ: Right.

14 DEPUTY TOWN ATTORNEY MAGANA: Yes.

15 DEPUTY COMMISSIONER SCHMIDT: Because this is an  
16 internal drive --

17 CHAIRPERSON SCHWARTZ: Right.

18 DEPUTY COMMISSIONER SCHMIDT: -- which is  
19 different from a roadway. So that's why we have our  
20 building inspector looking into it to make sure that it's  
21 code compliant.

22 CHAIRPERSON SCHWARTZ: Right, okay. Any other  
23 questions from the Board?

24 (Whereupon, there was no response.)

25 CHAIRPERSON SCHWARTZ: Okay. We're going to go

1 to the public comment now. And what I would do is write  
2 whatever notes you want. And I'll give you an opportunity  
3 to come back after we hear from the public. Okay?

4 MATHEW DUDLEY, ESQ.: Sure.

5 CHAIRPERSON SCHWARTZ: Who first? Mr. Bodin.  
6 Mr. Bodin. Let that gentleman go first. And then you,  
7 Mr. Bodin, okay?

8 DEPUTY COMMISSIONER SCHMIDT: Can we have a full  
9 show of hands of those who intend to speak? Anyone else?  
10 Okay, thank you.

11 CHAIRPERSON SCHWARTZ: Okay. Good.

12 MR. DANNY D'ADAMO: Hello. My name is Danny  
13 D'Adamo. I'm the managing member of Greyrock Associates,  
14 LLC., the owner of 531 property. I would like to just  
15 mention that the inspector that approved the C of O was not  
16 the Robert Dam(ph) that was on the permit.

17 We all know that he was not with the Town for a  
18 number of weeks during that period. So someone else came  
19 to approve that C of O. So I just like to add that.

20 DEPUTY COMMISSIONER SCHMIDT: Thank you.

21 CHAIRPERSON SCHWARTZ: It's all being reevaluated  
22 right now for them to get this approval. The building  
23 inspector is reviewing the whole application anyway so.

24 MR. DANNY D'ADAMO: Oh. I'm here tonight to  
25 plead to this Board that they enforce the installation of

1 the missing guardrail on the 529 property for the safety of  
2 everyone.

3 As of tonight, there has been no known injuries.  
4 We are lucky that we had a very mild winter the last two  
5 years, with very little snow or ice storms. That will not  
6 be the case going forward. There will be injuries, a car  
7 will crash over to the 531 parking lot.

8 The 529 retaining wall was already hit on the  
9 driveway side. When an accident occurs and a car goes over  
10 into 531C property, questions will be asked, why wasn't the  
11 missing guardrail installed. I hope the answer won't be  
12 that we were trying to save -- preserve a couple of parking  
13 spots.

14 The clear solution is to have the 529 property  
15 owner install the missing guardrail and have them request  
16 additional parking variance. I believe to date there is  
17 26.

18 What's the difference of one, two, three more  
19 parking variance. I hope the majority of you, after  
20 tonight, read what the missing guardrail that needs to be  
21 installed for the safety of everyone.

22 I don't know if the Board had time to review the  
23 letter and reports that were submitted today. If not,  
24 please delay any vote until you do. I am available.  
25 Mr. Senor, my engineer, is available any time if you have

1 any questions. I would like to thank the Board for their  
2 services.

3 CHAIRPERSON SCHWARTZ: Thank you.

4 VICE CHAIRPERSON HAY: Thank you.

5 CHAIRPERSON SCHWARTZ: As I said, we are holding  
6 over the Public Hearing until we see the as-built plans and  
7 address the issue anyway so.

8 MR. DANNY D'ADAMO: Thank you.

9 CHAIRPERSON SCHWARTZ: There will not be a vote  
10 tonight.

11 MR. DANNY D'ADAMO: Thank you.

12 CHAIRPERSON SCHWARTZ: Mr. Bodin.

13 MR. MURRAY BODIN: Could you put the diagram back  
14 up that was --

15 CHAIRPERSON SCHWARTZ: Which one do you want?

16 MR. MURRAY BODIN: What?

17 CHAIRPERSON SCHWARTZ: The general Site Plan?

18 MR. MURRAY BODIN: With the crosswalk, that  
19 section.

20 CHAIRPERSON SCHWARTZ: Okay. Ghee, how did I  
21 know it was the crosswalk.

22 MR. MURRAY BODIN: My name is Murray Bodin. My  
23 qualifications are for over 30 years I was part of the team  
24 that wrote and edited the Manual Uniform Traffic Control  
25 Devices. I sat with the marketing committee for most of

1 that 30 years.

2 Plus, I, with two others, designed the dotted  
3 line auxillary that defines an auxillary lane. The dotted  
4 line did not exist before Scott Wainwright, Gene Hawkins  
5 and I designed it. So my experience with traffic control  
6 goes back quite a way.

7 We're in Greenburgh and we're talking about  
8 safety. That crosswalk at the bottom is not the safest  
9 crosswalk. The safest crosswalk is a parallel bar where  
10 the dotted lines are parallel to the direction of traffic.

11 You go into New York City, every crosswalk that's  
12 barred has lines parallel to the direction. It's the  
13 only -- all over the world, it's the only crosswalk that  
14 looks the same to the driver. Who has to recognize the  
15 crosswalk today? The driver.

16 When crosswalks were originated 75, 100 years  
17 ago, they had to teach people what a crosswalk was. So  
18 they designed various different ones. Today, everybody in  
19 the crosswalk, people are standing there. The driver in  
20 the car is going rapidly.

21 If you want to know how good New York State DOT  
22 is, it's enforcing the current manual. Walk outside, I'll  
23 stand at the curb and point out to you at least ten items  
24 that they break the law directly.

25 What do you do when you have 100,000, 500,000

1 traffic engineers that have been doing it wrong for 50  
2 years and they don't want to admit they have been doing it  
3 wrong. You just install the HAWK beacon on Central Avenue,  
4 but you won't change the crosswalks.

5 Now, I am not going to be able to do this much  
6 longer. So what I've decided to do, each of you sitting on  
7 this Board and each of you in this room, look at the  
8 crosswalks as you go by and see if they are clear to you  
9 and why they are not one standard.

10 Because you and I know that people are not paying  
11 attention. They are texting. How do you know? The light  
12 turns green, nobody moves. Right? You've seen it. That's  
13 called distracted driving.

14 So when they look up, they have no idea what they  
15 see, except it should be clear; yellow on the left, white  
16 on the right. The manual says, we want the line to be  
17 wider for emphasis.

18 Do you really think that a distracted driver is  
19 going to notice the width of the line and then be able to  
20 process, this is a special line because it's wider and I  
21 should behave differently? You're dealing with mentalities  
22 that's been out there for 50 years.

23 I can't do it anymore. So I'm going around and  
24 deputizing, not only you, everybody back here.

25 CHAIRPERSON SCHWARTZ: Do we get little badges,

1 Murray?

2 MR. MURRAY BODIN: What?

3 CHAIRPERSON SCHWARTZ: We're being deputized,  
4 right?

5 MR. MURRAY BODIN: Right.

6 CHAIRPERSON SCHWARTZ: I want a little badge for  
7 myself.

8 VICE CHAIRPERSON HAY: He'll bring one. Now you  
9 started it.

10 CHAIRPERSON SCHWARTZ: I was going to make one.

11 MR. MURRAY BODIN: I have one, as a matter of  
12 fact. It says, we've always done it this way, with a slash  
13 through it. I should have brought it tonight.

14 BOARD MEMBER DAVIS: That's a good one.

15 MR. MURRAY BODIN: You've all seen my card. I've  
16 added a handicap symbol to it because I'm a handicap  
17 driver. I use an electric wheelchair a good deal of the  
18 time.

19 There is no reason why that crosswalk can't be  
20 integrated with the space between the handicap spaces  
21 and --

22 CHAIRPERSON SCHWARTZ: You're talking about the  
23 buffer space?

24 MR. MURRAY BODIN: What?

25 CHAIRPERSON SCHWARTZ: The buffer between the

1 handicap.

2 MR. MURRAY BODIN: Yeah, right. That's a  
3 crosswalk it's a zebra crosswalk painted blue. Why can't  
4 we share it. Nobody gets out of the car for a long time.

5 And people have been extremely nice to me. I  
6 used to help people all the time, you know, older people.  
7 And I'm not used to people helping me because I'm an older  
8 person. It's really not easy to accept that. I want to do  
9 it myself, but I can't always do it.

10 So each of you needs to look. One of you,  
11 somebody somewhere is going to realize this is wrong. We  
12 want to save people in Greenburgh. Every crosswalk should  
13 look the same to the driver, not to the pedestrian.  
14 Pedestrian is standing still. He's not going to use it  
15 anyhow, but that's beside the point.

16 Don't laugh. You're only encouraging me. You're  
17 encouraging me.

18 VICE CHAIRPERSON HAY: No, I do it all the time.

19 MR. MURRAY BODIN: All right. I can't last much  
20 longer. I know it. I get weaker. I'm losing my ability  
21 to make sense of some things, but not this. Because it's  
22 too engrained. It's your job for your grandchildren and my  
23 grandchildren and my new great granddaughter --

24 CHAIRPERSON SCHWARTZ: Congratulations.

25 MR. MURRAY BODIN: Thank you. It's your job to



1 make it safer for the next generation. It will save  
2 accidents. It saves money. And it's going to make you  
3 feel better. Thank you.

4 CHAIRPERSON SCHWARTZ: Thank you.

5 VICE CHAIRPERSON HAY: Thank you, Murray.

6 CHAIRPERSON SCHWARTZ: Thank you, Mr. Bodin.

7 Anybody else want to discuss this?

8 (Whereupon, there was no response.)

9 CHAIRPERSON SCHWARTZ: Does the applicant have  
10 anything to respond to before we close tonight's meeting?  
11 Adjourn I should say.

12 MATHEW DUDLEY, ESQ.: Not really, Mr. Chairman.  
13 Some of the comments raised by Mr. D'Adamo are similar to  
14 the ones raised by the Board. We will look to work with  
15 Aaron's team and our engineers to see what possibilities,  
16 if any, are available for placing a guide rail along the  
17 remaining retaining wall there.

18 CHAIRPERSON SCHWARTZ: I've heard two comments  
19 about the crosswalk now. It's a matter of repainting.  
20 Think about it, okay, as well, and respond to that, if you  
21 don't mind, for the next meeting. All right?

22 MATHEW DUDLEY, ESQ.: Will do.

23 CHAIRPERSON SCHWARTZ: Murry, until we get a  
24 grant for a lot of money, I don't think we're changing  
25 every crosswalk in Greenburgh. But it's a great idea. It

1 really is a good idea. It's not going to happen. But we  
2 should try to keep it, going forward, uniform, absolutely  
3 right on that. I couldn't agree more.

4 Anything else, sir?

5 MATHEW DUDLEY, ESQ.: No.

6 CHAIRPERSON SCHWARTZ: In which case, I'll take a  
7 motion to adjourn tonight's Hearing and hold it over to the  
8 next meeting.

9 VICE CHAIRPERSON HAY: So moved.

10 CHAIRPERSON SCHWARTZ: Second?

11 BOARD MEMBER DESAI: Second.

12 CHAIRPERSON SCHWARTZ: Kirit. All in favor?

13 Aye.

14 VICE CHAIRPERSON HAY: Aye.

15 BOARD MEMBER SIMON: Aye.

16 BOARD MEMBER DESAI: Aye.

17 BOARD MEMBER SNAGGS: Aye.

18 BOARD MEMBER DAVIS: Aye.

19 ALTERNATE BOARD MEMBER SPARKS: Aye.

20 CHAIRPERSON SCHWARTZ: All oppose?

21 (Whereupon, there was no response.)

22 CHAIRPERSON SCHWARTZ: I'll take a motion to  
23 close the Public Hearing portion of our meeting tonight.

24 DEPUTY COMMISSIONER SCHMIDT: Real quick. Next  
25 meeting being Wednesday, July 17th.

1 CHAIRPERSON SCHWARTZ: July 17th. Do I have that  
2 motion on the floor?

3 BOARD MEMBER SNAGGS: So moved.

4 CHAIRPERSON SCHWARTZ: Who was that, Johan?

5 BOARD MEMBER SNAGGS: Yes.

6 CHAIRPERSON SCHWARTZ: Can I have a second,  
7 please?

8 ALTERNATE BOARD MEMBER SPARKS: Second.

9 VICE CHAIRPERSON HAY: Second. Aisha got me.

10 CHAIRPERSON SCHWARTZ: Aisha got you. All in  
11 favor? Aye.

12 VICE CHAIRPERSON HAY: Aye.

13 BOARD MEMBER SIMON: Aye.

14 BOARD MEMBER DESAI: Aye.

15 BOARD MEMBER SNAGGS: Aye.

16 BOARD MEMBER DAVIS: Aye.

17 ALTERNATE BOARD MEMBER SPARKS: Aye.

18 CHAIRPERSON SCHWARTZ: All oppose?

19 (Whereupon, there was no response.)

20 CHAIRPERSON SCHWARTZ: Okay.

21 MATHEW DUDLEY, ESQ.: Thank you.

22 CHAIRPERSON SCHWARTZ: Thank you.

23 DEPUTY COMMISSIONER SCHMIDT: Thank you,  
24 everybody.

25 (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 July 1, 2024, taken by the undersigned, to the best of her ability.

*Barbara Marciante*

Barbara Marciante,  
Official Court Reporter