

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.

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Greenburgh Town Hall
177 Hillside Avenue
Greenburgh, New York 10607
July 17, 2024

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

AMANDA MAGANA, 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 20-09

1 CHAIRPERSON SCHWARTZ: We're going into Public
2 Hearing. Mr. Schmidt, please call the roll.

3 DEPUTY COMMISSIONER SCHMIDT: Chairperson
4 Schwartz?

5 CHAIRPERSON SCHWARTZ: Here.

6 DEPUTY COMMISSIONER SCHMIDT: Mr. Hay?

7 VICE CHAIRPERSON HAY: Here.

8 DEPUTY COMMISSIONER SCHMIDT: Mr. Golden?

9 BOARD MEMBER GOLDEN: Here.

10 DEPUTY COMMISSIONER SCHMIDT: Mr. Snaggs?

11 BOARD MEMBER SNAGGS: Here.

12 DEPUTY COMMISSIONER SCHMIDT: Ms. Sparks?

13 ALTERNATE BOARD MEMBER SPARKS: Present.

14 DEPUTY COMMISSIONER SCHMIDT: Note for the record
15 that Mr. Simon, Mr. Desai and Ms. Davis are not present
16 this evening for the Public Hearing.

17 CHAIRPERSON SCHWARTZ: Okay, thank you. And
18 again, for the record, I want to say that three physically
19 present Board Members here on the dais are also members of
20 Viable Living Incorporated as a result of the Resolution TB
21 One that was passed last week by the Town Board. The
22 status of those three people is questionable. That's it.

23 Let's go on. And our first case, actually our
24 only case tonight, is PB 20-09. It's a continuation of a
25 Hearing from the last time. And if you can announce

1 yourself and tell us what progress we've made. I will get
2 it out sooner or later. What progress we've made, I would
3 appreciate it.

4 And then we will hear from the questions here and
5 then from the public. I think there may be some questions
6 from the public as well tonight. Go ahead.

7 MR. MATTHEW DUDLEY, ESQ.: Good evening,
8 Mr. Chairman, Members of the Board and Town Staff, my name
9 is Matthew Dudley, attorney from Harris Beach, PLLC.,
10 Counsel for the applicant, 529 Central Park Avenue, LLC.
11 with respect to this continued Public Hearing for an
12 Amended Special Permit and Site Plan Approval for the
13 property located at 529 Central Park Avenue. That is the
14 location of Lightbridge Academy Daycare Center.

15 To remind the Board, the application seeks
16 amendment of those approvals to allow for a maximum of 152
17 full-time equivalent students or children at that child
18 daycare center. Currently, the applicant is capped per the
19 prior approvals at 105 full-time equivalent children at
20 that center.

21 In addition, we also seek an Amended Approval to
22 remove, from the prior approvals of 2020, the condition
23 that the first, I believe, it's three parking spaces in
24 front of the building be designated for employee parking
25 only.

1 As the Chairman noted, last time we appeared
2 before the Board at the July 1st meeting to present our
3 application, we also heard comment from the Board and the
4 public, two of those comments were:

5 First, that there should be consideration of
6 potential fall protection device for vehicles running along
7 the portion of a retaining wall that runs along the parking
8 lot where there currently is no fall protection device.

9 And secondly, potential consideration of
10 reconfiguration of a crosswalk that runs -- that's striped
11 on the asphalt parking lot and driveway. And it runs from
12 the end of the sidewalk that runs parallel to the driveway
13 up to the front area of the building.

14 Since then, our engineers have worked to submit
15 revised drawings and plans, to the Board addressing those
16 two comments. With me tonight, via Zoom, is Jesse Cokeley
17 of Colliers Engineering. He's the project engineer for
18 this application.

19 In addition, Michelle Briehof from Colliers is
20 the project's traffic engineer. And she's available to
21 answer any questions that you may have regarding the
22 updated traffic study that was provided as part of this
23 application.

24 I will let Jesse Cokeley explain in more detail
25 the revisions that were made to the plans since our last

1 meeting. Just briefly, we now propose installing bollards
2 along the retaining wall where there currently is no fall
3 protection device.

4 And also, we have reconfigured the striping of
5 the crosswalk so that it does not end abruptly in the back
6 of a parking space, but rather guides any pedestrians
7 towards the unloading area for the handicap parking spaces
8 in front of the building.

9 Just additionally, a couple days ago, the
10 Building Department issued, it was on July 15th, issued an
11 updated Memorandum based on its review of the revised plans
12 here finding that no further area variances are required
13 for this revised application.

14 Currently, we're scheduled to be on the Zoning
15 Board's agenda for tomorrow tonight's meeting. The
16 application for the amended area variance for the
17 off-street parking spaces, it's closed for decision for
18 tomorrow night.

19 Additionally, the Building Department, in its
20 memo, noted that the first three spaces in the parking lot
21 on the project should be -- there should be signage for
22 compact cars only. We discussed that with our client and
23 he's amenable and fine with doing that.

24 Lastly, per communication with Mr. Schmidt's
25 office, we have learned that the Building Department no

1 longer is requiring as-built survey for the property at
2 this time.

3 However, should this Board grant the approvals
4 that we seek and we do install the bollards and crosswalk,
5 following that construction, the Building Department would
6 require an as-built survey at that time.

7 CHAIRPERSON SCHWARTZ: All right. It's my
8 understanding that the plans that we have before us now
9 include the bollards are as-built, yes?

10 MR. MATTHEW DUDLEY, ESQ.: Yes. Jesse --

11 CHAIRPERSON SCHWARTZ: Isn't that the site plan?

12 DEPUTY COMMISSIONER SCHMIDT: The site plan.

13 CHAIRPERSON SCHWARTZ: The site plan, okay.

14 MR. MATTHEW DUDLEY, ESQ.: Jesse, can you specify
15 that?

16 MR. JESSE COKELEY: Sure. I'm going to share my
17 screen. Can everyone hear me okay?

18 CHAIRPERSON SCHWARTZ: Yes.

19 DEPUTY COMMISSIONER SCHMIDT: Just your name and
20 association with the project for the record.

21 MR. JESSE COKELEY: Sure. So Jesse Cokeley with
22 Colliers Engineering and Design, the engineer of record for
23 this Site Plan application. Everyone can see that I'm
24 sharing the screen now?

25 CHAIRPERSON SCHWARTZ: Can you blow it up a

1 little bit, Jesse? We'd appreciate it.

2 MR. JESSE COKELEY: Sure thing. Can you see my
3 screen now, the site plan before you?

4 CHAIRPERSON SCHWARTZ: Yes. Just blow it up a
5 little bit.

6 MR. JESSE COKELEY: Will do. I'm going to zoom
7 into the two areas in question. So the plan has been
8 updated with the location of the retaining wall that was
9 constructed as well as the guide rail that was constructed.

10 Similarly, you may recall, as part of the
11 Approved Site Plan, we installed bollards at the north end
12 of the parking lot to provide protection from the
13 playground that was constructed.

14 So what we are proposing, at this point, is to
15 install 15 bollards in front of the wall at spacing about
16 five feet on center. They would be four feet high, just
17 like the ones that were installed and approved, again, on
18 the north end of the parking lot up here. And they would
19 be set at a distance to provide the 14-foot minimum
20 separation or a drive aisle, if you will.

21 MR. MATTHEW DUDLEY, ESQ.: 24-foot minimum.

22 MR. JESSE COKELEY: Yeah, 24-foot, excuse me.
23 And so those bollards, the 15, extend around the corner and
24 come down, you know, a portion of the driveway as well.
25 The driveway is much wider itself.

1 The other change, as Mr. Dudley indicated, at the
2 request of the Board and the public, was to modify the
3 painted crosswalk. We have a couple of options here. But
4 we are -- we hit into a similar constraint with the drive
5 aisle in this location.

6 Right now, you can see the dimension, I'll zoom
7 in a little bit more, from the edge of the spaces and near
8 the wall that was constructed, it's about 26 and a half
9 feet to the existing rock wall that's out there, if you're
10 familiar. It's like a curve and then it's a very steep,
11 like rock wall that's like, you know, almost like a natural
12 retaining wall.

13 If we were to continue the sidewalk all the way
14 up and go 90 degrees across, we would then eliminate or we
15 would be less than the 24-foot minimum requirement for
16 two-way circulation.

17 So what we did was, we kind of angled the
18 crosswalk a little bit more and extended it so that the
19 pedestrians leaving the sidewalk would be able to take the
20 crosswalk and enter through the kind of a loading aisle
21 with a straight aisle next to the ADA space.

22 So those are the two changes. I think the
23 Building Inspector's revised memo indicates that, you know,
24 the bollards themselves would, obviously, need a building
25 permit and then an as-built would be submitted upon

1 completion of that work as well.

2 CHAIRPERSON SCHWARTZ: Okay. Couple of things.

3 Do you --

4 MR. MATTHEW DUDLEY, ESQ.: I just have a few more
5 comments.

6 CHAIRPERSON SCHWARTZ: Absolutely. Go right
7 ahead.

8 MR. MATTHEW DUDLEY, ESQ.: Unless you have a
9 question.

10 CHAIRPERSON SCHWARTZ: No, no. It's fine, I'll
11 wait.

12 MR. MATTHEW DUDLEY, ESQ.: Okay. I just wanted
13 to also mention that today we received two comment letters;
14 one from the neighbor, Mr. D'Adamo, and one from his
15 engineer, Mr. Senior. I will let Mr. Cokeley respond in
16 more detail to the comments within those letters.

17 However, I just note that it seemed as though the
18 bulk of the comments were related to the retaining wall
19 that was approved or our client applied for it in 2022. It
20 was -- a building permit was issued for that retaining
21 wall. It was built. And as I stated at the last Planning
22 Board meeting, the CO was issued for that retaining wall.

23 And I just want to provide just a procedural
24 context of why that retaining wall was constructed in the
25 first place. In 2022 -- 2020, I'm sorry, Mr. D'Adamo filed

1 a lawsuit against both our client and the Town related to
2 various issues, property issues, between these two
3 properties.

4 At the last meeting, I mentioned that one of
5 those issues was the apparent trespass on to his property
6 of the location of the chain-linked fence and the guide
7 rail that is currently on his side of the retaining wall.

8 Another one of the issues was a claim that there
9 was erosion or a slump of earth embankment from our
10 client's property on to Mr. D'Adamo's property.

11 And so without conceding any truth of that
12 allegation, our client applied to the Town in 2022 in an
13 effort to mitigate against any potential future erosion of
14 the embankment since our property is at a higher elevation
15 than Mr. D'Adamo's. It was an effort to help the situation
16 if it did, in the future, prove that there was erosion from
17 his property.

18 Respectfully, we don't believe that the issue of
19 the retaining wall is currently before your Board as part
20 of this Amended Site Plan Approval. It was fully approved
21 by the Building Department in 2022. And again, there is
22 the CO issued for that retaining wall.

23 CHAIRPERSON SCHWARTZ: Okay. Aaron, you wanted
24 to say something?

25 DEPUTY COMMISSIONER SCHMIDT: Yes. I would like

1 Mr. Cokeley to address the comment in one of the two memos
2 related to the drain that had been previously shown on the
3 site plan adjacent to where both the three currently
4 employee parking spaces -- Yeah, I see the cursor. And
5 where the bollards are shown to be installed now. That was
6 a comment that was raised and I would like that addressed.
7 Thank you.

8 MR. MATTHEW DUDLEY, ESQ.: Sure. Mr. Cokeley?

9 MR. JESSE COKELEY: Absolutely. So to add a
10 little bit more to Mr. Dudley's statement there about when
11 the retaining wall was extended, in 2022, we had filed an
12 amended plan to the Town to basically address the issue, as
13 he said, with where the guide rail or chain-link fence was
14 or wasn't on his property, what we were modifying or what
15 we were not.

16 Instead, we wanted to install a retaining wall
17 solely on our property, leave whatever was in question or
18 on the property line, over whatever, not touch it, and just
19 proceed.

20 As part of the original site plan, the reason why
21 we didn't need a retaining wall is, if you recall the old
22 site, it was very steep. This parking lot was very steep
23 from the existing sidewalk to the property.

24 We wanted to raise this area, flatten it out
25 because, obviously, the goal and the use of this is to have

1 parents and children. So we wanted it flatter, safer,
2 easier to access for everybody.

3 So we raised the grade here. And as part of the
4 original plan, we were going to put a catch basin kind of
5 at the corner here. And that was put there also as a means
6 to help, at the time, the underdrain that we had kind of
7 running along this part of the property line, along the
8 face of the wall and also to account for the storm water
9 that was coming down from the back of the property.

10 So that was there to also help catch that
11 underground drain and help it make a 90-degree turn or an
12 angled turn to the other proposed catch basin, which is at
13 the low point before. This is the low point, and also
14 after construction we maintained that low point.

15 There is a drain line that runs along the
16 southern property line here. And when we filed that
17 amended plan, we showed the catch basin here just because
18 we were extending the wall, we extended the pipe. We kind
19 of moved it out a little bit.

20 As construction occurred, we made a slight
21 modification to that, which was submitted on the Storm
22 Water Record Plan to the Town to close out the storm water
23 permit. But we ended up just slightly moving that catch
24 basin back here, about to where this nine-foot typical
25 dimension is.

1 And we used it to also collect some of the roof
2 leaders and one of the drains from the playground and
3 brought it straight into the existing drain line that runs
4 on the south side of the property.

5 There is still an underdrain that comes down
6 parallel to the wall, makes the turn and connects into that
7 drain as well. So we're still providing the drainage that
8 would be required behind the wall. That still helps us
9 collect and pick up the drainage that's coming from the
10 north part of the site.

11 And then we have a second one with the inlet to
12 help capture some of the parking lot flow, and I mentioned
13 the roof leaders and the playground as well. So we still
14 are maintaining the intent of the original approval.

15 It was just a slight shift of the catch basin,
16 you know, because now we were squaring off the wall, making
17 some changes. It was going to be too tight to put that
18 catch basin back in that spot.

19 The storm water, based on the grading that was
20 there before and is there now, directs the water that is
21 not captured by the inlet, but, which is a relatively small
22 area, makes the turn, comes down the drain, and goes into
23 this catch basin, as it did before.

24 CHAIRPERSON SCHWARTZ: Question, Tom.

25 VICE CHAIRPERSON HAY: Okay. You mentioned the

1 catch basin over where the nine-foot typical label is, but
2 I don't see one.

3 MR. JESSE COKELEY: Correct. So this is just
4 a -- We just modified this plan. And that catch basin will
5 be shown on the as-built that we submitted once --

6 VICE CHAIRPERSON HAY: But earlier, it said that
7 the as-built, that we're looking at the as-built, and it
8 was just going to be confirmed later.

9 MR. JESSE COKELEY: No, no --

10 VICE CHAIRPERSON HAY: So, in fact, this doesn't
11 have everything that's there now.

12 MR. JESSE COKELEY: No, this is not an as-built.
13 This is a site plan.

14 CHAIRPERSON SCHWARTZ: Well, I know. But even in
15 the site plan, we approve the site plan that is what the
16 Building Department will compare to the final survey, okay.
17 So whatever we approve, if we approve it without that
18 drainage on there, technically, you wouldn't -- You have an
19 approval without that drainage from the Planning Board.
20 That's not going to happen.

21 DEPUTY TOWN ATTORNEY MAGANA: So the site plan
22 needs to show existing conditions plus any proposed
23 conditions. The Planning Board shouldn't really proceed
24 until we have that.

25 CHAIRPERSON SCHWARTZ: That's right, thank you.

1 Yup. So you have time to do it because you're only seeing
2 the Zoning Board tomorrow night anyway. And they are
3 probably not going to make a decision on the same night.
4 So you still have time to do that.

5 DEPUTY COMMISSIONER SCHMIDT: Their scheduled to
6 issue a decision, but we need to wait --

7 CHAIRPERSON SCHWARTZ: Okay, well, we can't give
8 a decision until after the Zoning Board grants the
9 variances anyway. So you have until, we're meeting on
10 August 7th, at a minimum, to bring that up, to look
11 as-built.

12 That's what we're looking for and that's what
13 we've been asking for, okay. It shouldn't be that
14 difficult to do. It's not that complicated.

15 MR. JESSE COKELEY: I totally agree. The
16 surveyor is, I think, scheduled to be out there next week
17 to perform the as-built so we can have --

18 CHAIRPERSON SCHWARTZ: No, no. Just let me make
19 it clear, because I know what the Building Inspector said.
20 He's not necessarily looking for the survey. We're looking
21 for the site plan. We don't look at the survey. We're
22 looking for a site plan that has the existing, right --

23 DEPUTY TOWN ATTORNEY MAGANA: Right. All the
24 existing conditions and proposed conditions. So --

25 MR. JESSE COKELEY: Right. But the existing

1 conditions would be picked up by the survey. So that's
2 what we need is --

3 DEPUTY TOWN ATTORNEY MAGANA: So that's your
4 choice --

5 CHAIRPERSON SCHWARTZ: Just put it on the site
6 plan. That's all we're asking you to do. The site plan
7 has to match that survey, okay --

8 MR. JESSE COKELEY: Sure.

9 CHAIRPERSON SCHWARTZ: -- before we can make a
10 decision. That's what our Counsel is telling you. Okay?

11 MR. JESSE COKELEY: Understood. Understood.

12 CHAIRPERSON SCHWARTZ: Okay, thank you. I do
13 have another question, though. It was one that, I think,
14 was brought up by Mr. Senor. I know, I believe there was a
15 concern -- and Mr. Senor can come up if I screw it up,
16 which I might, I bet I might -- that you're building those
17 bollards on top of the drainpipe. And is there enough room
18 to do that? I think that was the question, I believe.
19 Pretty much?

20 MR. ELIOT SENOR: That's correct.

21 CHAIRPERSON SCHWARTZ: Okay. You have to come up
22 to the mic then. I just want to -- why don't you come up
23 because I think that's an issue that needs to be clarified.
24 Thank you.

25 MR. ELIOT SENOR: Yeah, hi, Eliot Senor,

1 engineer, here for the neighbor. Yes, during construction,
2 they uncovered several pipes in that area. And the
3 pictures I submitted, one of them is almost directly behind
4 the retaining wall as it was being constructed. So if they
5 are putting those bollards in that area, are they going to
6 be, you know, problematic to that pipe?

7 The pipe goes along the entrance area and then
8 perpendicular or in a perpendicular direction. And so I
9 just want to say, we're only here for safety issues, you
10 know. We're not necessarily opposed to the project. But
11 we are an adjacent property.

12 CHAIRPERSON SCHWARTZ: I just ask that -- the
13 only question I want answered right now, Eliot, is that,
14 okay --

15 MR. ELIOT SENOR: Yup.

16 CHAIRPERSON SCHWARTZ: -- because the Planning
17 Board has their time to ask some questions and then you can
18 come up and speak again, okay. Amanda?

19 DEPUTY TOWN ATTORNEY MAGANA: So a point and a
20 question. The question being, has Engineering reviewed the
21 changes to the storm water on the plans, including removal
22 of some of those drains?

23 CHAIRPERSON SCHWARTZ: And the bollards.

24 DEPUTY TOWN ATTORNEY MAGANA: And the bollards.
25 And if not, I suggest that you reach out to Engineering and

1 get an answer on that before the next meeting.

2 DEPUTY COMMISSIONER SCHMIDT: Right. So we just
3 want to be sure that the Storm Water Management Control
4 Permit previously issued is based off existing conditions
5 at the site now that are going to be picked up on this plan
6 and that there is final sign-off and review complete by the
7 Bureau of Engineering.

8 CHAIRPERSON SCHWARTZ: Well, there's a little bit
9 more. Amanda said something that should -- I don't want to
10 lose what you say because I think it's extremely important.

11 We want to make sure from Engineering that it's
12 accurate that the placement of the bollards, as shown on
13 the site plan, do not disturb the drainage system, okay.
14 That's a very important question to ask. And it needs to
15 be confirmed by our Engineering Department, okay.
16 That's -- right, are we good with that?

17 DEPUTY COMMISSIONER SCHMIDT: That's right.
18 Understood.

19 CHAIRPERSON SCHWARTZ: Is that clear?

20 MR. MATTHEW DUDLEY, ESQ.: Understood, yes.

21 CHAIRPERSON SCHWARTZ: Okay. Are there any other
22 questions from the Board at this point?

23 (Whereupon, there was no response.)

24 CHAIRPERSON SCHWARTZ: Okay. Any other comments
25 from the public? Murray, why don't you go first and then I

1 will let Mr. Senor go.

2 MR. MURRAY BODIN: I'm still Murray Bodin, for
3 how much longer, I don't know. Greenburgh is particularly
4 interested in the safety of pedestrians. I brought up the
5 crosswalk issue and they have begun to address it. The
6 parallel bars are correct, except their orientation is not
7 correct.

8 When a driver looks out, he needs to see the same
9 parallel bars parallel to the direction of the traffic, not
10 that. Those are bars, but they are in the wrong direction.

11 CHAIRPERSON SCHWARTZ: Murray, what do you do,
12 though, when it's at a corner like that?

13 MR. MURRAY BODIN: You put them parallel to the
14 center line.

15 CHAIRPERSON SCHWARTZ: No. No. I'm saying, if
16 you do them on a corner, I'm just asking you a question,
17 okay.

18 MR. MURRAY BODIN: Go ahead.

19 CHAIRPERSON SCHWARTZ: Just for clarification.
20 It's on a corner. So right now, which is great, from what
21 you -- let me finish. Let me ask the question. Then I
22 will let you answer it. I promise you. I promise you.

23 It's right now, you get your parallel bars in
24 either direction because of the angle they put it on. They
25 put it on about a 40 -- give or take, a 45-degree angle,

1 maybe a little bit less. The question I have, though, what
2 happens, if you straighten it out, one way they are not
3 going to be parallel anymore.

4 VICE CHAIRPERSON HAY: Parallel?

5 MR. MURRAY BODIN: You don't --

6 CHAIRPERSON SCHWARTZ: I flunked geometry, so
7 tell me where I'm wrong.

8 MR. MURRAY BODIN: The angle of the crosswalk
9 makes no difference. It can be anywhere. The angle, where
10 it is is in a correct position, more or less. But the bars
11 are not. The bars need to be parallel to the center line.

12 VICE CHAIRPERSON HAY: So are you saying the bars
13 should be like this?

14 MR. MURRAY BODIN: Like that, right. Exactly.

15 CHAIRPERSON SCHWARTZ: Let me see.

16 VICE CHAIRPERSON HAY: So the bars are like this.

17 MR. MURRAY BODIN: Right.

18 CHAIRPERSON SCHWARTZ: But then you're not
19 getting --

20 MR. MURRAY BODIN: So when they look -- When the
21 driver looks at it, he sees a series of parallel bars
22 everywhere the driver goes. Traffic engineers have been
23 doing it wrong for 50 years. How do you tell a traffic
24 engineer he's been making the same mistake for 50 years?
25 They don't want to hear it.

1 My position today is, if they can't understand
2 the world we live in today, if you look at television, the
3 rest of the world, they are all bars this way. They could
4 be on an angle, but the bars are always parallel to the
5 center line. And my direction -- request is, if these
6 engineers can't figure that out, fire them and get new
7 ones.

8 CHAIRPERSON SCHWARTZ: Not my engineers, Murray.

9 MR. MURRAY BODIN: What?

10 CHAIRPERSON SCHWARTZ: They are not my engineers.
11 I don't hire them.

12 MR. MURRAY BODIN: The book was written 50 years
13 ago for a different world. Today, the driver needs to see
14 the crosswalk, the pedestrian is standing still. That has
15 to be recognized. And I'm prepared to challenge any
16 engineer in person to show that that crosswalk, where it
17 should be.

18 CHAIRPERSON SCHWARTZ: Okay.

19 MR. MURRAY BODIN: Janno Lieber said, the best
20 way to do business is face to face. The Zoom doesn't do
21 the trick. And Greenburgh has refused to meet with me in
22 person. And I challenge that.

23 If you want safety, you meet back to the office
24 right across -- just like we're doing here. The reason I
25 come to these meetings, because there's an interaction

1 between us. I can see the expression on your faces. You
2 can see what I'm doing. It has to change.

3 The second thing is, the crosswalk and the space
4 where the handicap is needs to be integrated and called a
5 pedestrian way, a shared area, and that hasn't been done.

6 When you come out of the handicap spaces, I'm in
7 a wheelchair and I got my electric wheelchair, I'm lost.
8 There is no way for me to get safely to a building. And
9 that new kind of thinking, because more and more people are
10 using walkers, wheelchairs and need that safety.

11 You're beginning to look at the change in
12 thinking of all roads in the United States. It's time.
13 They have been breaking the law and there has been no
14 enforcement of it.

15 This is about the people who enforce the law as
16 currently written. And they don't do it, fire them and
17 hire somebody new, who is prepared to obey the law as
18 currently written.

19 I stopped talking about what I thought should be
20 there in the book. What's in the book now is adequate.
21 All you have to do is enforce it. And if the Chair and the
22 Commissioners or whatever department can't enforce the law,
23 fire them and get new ones.

24 CHAIRPERSON SCHWARTZ: Well --

25 MR. MURRAY BODIN: No, I'm sorry.

1 CHAIRPERSON SCHWARTZ: Wait.

2 MR. MURRAY BODIN: I'm sorry, Hugh. It's my
3 time.

4 CHAIRPERSON SCHWARTZ: Okay.

5 MR. MURRAY BODIN: And you want to speak after I
6 do, fine. But I will not be interrupted while I am
7 speaking.

8 CHAIRPERSON SCHWARTZ: I apologize, Mr. Bodin.
9 Please finish.

10 MR. MURRAY BODIN: See, this is new. People have
11 been cutting me off and everything else. The Board meeting
12 on Monday, the first speaker was there for three minutes
13 and then continued for another three minutes.

14 When it got to me, they tried to stop me. I
15 turned around to the Chairman and I said, you set the
16 rules. The rule was if the speaker was speaking and you
17 wanted to --

18 CHAIRPERSON SCHWARTZ: If you want to --

19 MR. MURRAY BODIN: I'm sorry, Hugh, don't
20 interrupt me.

21 CHAIRPERSON SCHWARTZ: Murray, I was just --

22 DEPUTY TOWN ATTORNEY MAGANA: It must be relevant
23 to the current Public Hearing that's before us, please.

24 CHAIRPERSON SCHWARTZ: Right. It's a Public
25 Hearing only on --

1 MR. MURRAY BODIN: But he's interrupting me.

2 DEPUTY TOWN ATTORNEY MAGANA: It's not relevant
3 to the current Public Hearing, though. So save it for
4 public comment time.

5 MR. MURRAY BODIN: I would like them to revise
6 the crosswalk to use parallel bars, parallel to the --

7 CHAIRPERSON SCHWARTZ: You said that. Appreciate
8 it.

9 MR. MURRAY BODIN: I apologize for being nasty,
10 but the only way things get done is with nastiness. I may
11 not be here much longer. I'm going to be as nasty as I can
12 be just for the safety of the people in Greenburgh. I'm
13 tired of being shut up.

14 CHAIRPERSON SCHWARTZ: Thank you, Mr. Bodin.

15 Mr. Senor, did you want to come up and make
16 comments?

17 MR. ELIOT SENOR: Yeah. I mean that's just a
18 drafting change to make the lines parallel. It makes sense
19 to me. So I'm one of engineers that may agree with you.

20 So basically, we're only concerned about safety.
21 We're concerned that -- because our property is the lower
22 property, right.

23 BOARD MEMBER GOLDEN: On that map, which is your
24 property?

25 MR. ELIOT SENOR: The property where that cursor

1 is now.

2 BOARD MEMBER GOLDEN: South?

3 CHAIRPERSON SCHWARTZ: Next to the retaining
4 wall, Michael.

5 BOARD MEMBER GOLDEN: Okay, okay.

6 MR. ELIOT SENOR: Right? The front property.

7 BOARD MEMBER GOLDEN: So just below it in
8 elevation?

9 MR. ELIOT SENOR: Yes. And so we're concerned,
10 you know, about cars going over that wall. Cars, you
11 know -- the wall failing and causing problems.

12 So, of course, I know that the current conditions
13 also requires topo in elevations. So I just want to make
14 sure that when they submit the current conditions or the
15 site plan, that it has elevations on it as well. Make sure
16 they are aware of that.

17 So as we said, we're the lower area. Now, yes,
18 there is a suit that has to do with placement of fill on my
19 client's property. So the builder, to minimize the height
20 of the wall, placed several feet of fill on my client's
21 property. And there is a suit about removing that
22 trespass, that fill as a trespass.

23 Now, when that fill is removed, that wall goes
24 three or four feet taller, which then has, you know, its
25 own problems. So our whole problem with it is the location

1 of the bollards, the strength of the bollards, a Unilock
2 wall, a segmental retaining wall had no lateral resistance.
3 You can push it over.

4 The reason how it works is the geogrid behind it
5 holds the soil in place and the block is just to stop the
6 soil from eroding away. So having the bollards there, not
7 installed properly, if they go down deep enough, it's all
8 just a resistance against nothing.

9 So that is our contention. We're worried about
10 the safety of our property because if we have a parking lot
11 below it and somebody is standing there and a car goes over
12 the top, you know, it's whose liability is it, you know,
13 the accident happens on our property.

14 BOARD MEMBER GOLDEN: I have a question. I mean,
15 this daycare center has been in operation for a few years
16 already, right?

17 MR. ELIOT SENOR: No, no, just months.

18 MR. MATTHEW DUDLEY, ESQ.: That's not true.

19 CHAIRPERSON SCHWARTZ: Over a year, right?

20 MR. MATTHEW DUDLEY, ESQ.: That's not true. The
21 original approvals were in 2020. So I think it's been in
22 operation more than two years, I believe.

23 MR. ELIOT SENOR: When was the C of O granted?

24 MR. MATTHEW DUDLEY, ESQ.: I'm not sure. Jesse,
25 do you have that?

1 DEPUTY COMMISSIONER SCHMIDT: It's been
2 approximately two years.

3 BOARD MEMBER GOLDEN: All right. So --

4 CHAIRPERSON SCHWARTZ: It's more than a few
5 months, let's put it that way.

6 BOARD MEMBER GOLDEN: It's definitely more than a
7 few months. So assuming it's been in operation for two
8 years, have there been any incidents or accidents or near
9 misses during the past two years?

10 MR. ELIOT SENOR: Yes. We originally showed, the
11 last submission we showed a picture of some dislodged
12 blocks on the wall.

13 BOARD MEMBER GOLDEN: No, no. I mean safety.
14 Forget the erosion.

15 MR. ELIOT SENOR: No, that -- No, somebody -- We
16 believe, we don't have an eyewitness, but some of the
17 blocks on the top of the wall were dislodged. We believe
18 it's because a car hit it. We weren't there to witness it
19 so I can't say.

20 BOARD MEMBER GOLDEN: Okay, okay.

21 MR. ELIOT SENOR: All right. So that's basically
22 what we're worried about. The as-built, of course, is a
23 big thing. They are showing that retaining wall is may be
24 12-inches wide, a segmental wall has a batter to it. So as
25 you go up, it moves back.

1 So even though the top may be six inches wide,
2 from the bottom to the back of the top is more than a foot.
3 And so if the bottom is a foot off of the property line,
4 the top may be two feet off the property line. So without
5 having an as-built, we don't really know where that wall
6 was built. So, I mean, that's our position.

7 CHAIRPERSON SCHWARTZ: Okay. Appreciate that,
8 Mr. Senor. Any other questions from the Board? And I have
9 a couple of comments. Anybody else from the public?
10 Murray, only once right now, okay. We have another person
11 back there.

12 Please state your name when you come up.

13 MR. DANNY D'ADAMO: Hi, my name is Danny D'Adamo.
14 I'm the managing member of Greyrock Associates who owns the
15 property at 531 Central Park Avenue. I just want to bring
16 up several things and a couple --

17 CHAIRPERSON SCHWARTZ: If it's the same -- I read
18 your -- We got your letter late this afternoon. But I did
19 have a chance to read it. A lot of the stuff is parallel
20 to what Mr. Senor has said. If that's what you're going to
21 testify, in the interest of moving ahead, just say you
22 agree.

23 MR. DANNY D'ADAMO: I just want to, if you can
24 blow that up.

25 DEPUTY COMMISSIONER SCHMIDT: Mr. D'Adamo, you

1 could use the --

2 CHAIRPERSON SCHWARTZ: Wait, wait. Which one do
3 you want blown up?

4 MR. DANNY D'ADAMO: The one that's right there.

5 CHAIRPERSON SCHWARTZ: Okay.

6 MR. DANNY D'ADAMO: All the way up. You see the
7 two bollards closest to the curb?

8 DEPUTY COMMISSIONER SCHMIDT: At the turn?

9 MR. DANNY D'ADAMO: At the turn.

10 DEPUTY COMMISSIONER SCHMIDT: Okay.

11 CHAIRPERSON SCHWARTZ: Yeah.

12 MR. DANNY D'ADAMO: So it appears that the
13 guardrail is two feet off the wall. The bollards are
14 two feet off the wall. Then when it gets closer to the
15 turn, it's almost zero. What was the reasoning for that?

16 DEPUTY COMMISSIONER SCHMIDT: We will ask the
17 applicant to address that.

18 MR. DANNY D'ADAMO: If they deem that it needs to
19 be two feet away for it to have some strength, how do you
20 go to zero? So I would like the people point out to that.
21 When I picked it up and I said I don't understand, if these
22 need to be two-foot, why did they go to zero?

23 DEPUTY COMMISSIONER SCHMIDT: We will ask them to
24 address that.

25 CHAIRPERSON SCHWARTZ: We will ask them to

1 respond to that.

2 MR. DANNY D'ADAMO: And I think it's because you
3 want to save three parking spots.

4 CHAIRPERSON SCHWARTZ: We will ask them the
5 question. Or they'll answer the question, I'm sure.

6 MR. DANNY D'ADAMO: I just want to give you a
7 brief what's going on. At the last meeting, Chairman, you
8 indicated the 529 representative that we should clean this
9 up. And you're correct. This should get cleaned up. This
10 is all about safety.

11 That chain-linked fence has been damaged severely
12 and it's hanging and it's going to be removed. The old
13 guardrail is going to be removed. All that dirt is going
14 to be removed. So what you're looking at is a gigantic
15 drop off. So I think we need to keep that in mind when
16 we're talking about --

17 CHAIRPERSON SCHWARTZ: Let me just clarify that,
18 though. You're saying it's going to be removed depending
19 on what happens in Court?

20 MR. DANNY D'ADAMO: Correct.

21 CHAIRPERSON SCHWARTZ: That's a totally different
22 issue. Correct me if I'm wrong on this, Ms. Magana, what
23 we're approving tonight has nothing to do with the Court.
24 We have nothing to do with the Court.

25 MR. DANNY D'ADAMO: Well, so --

1 CHAIRPERSON SCHWARTZ: Let me finish. What will
2 happen, if the Court requires modifications be on the site
3 plan, then you have to come back to us with an amended site
4 plan. Right?

5 BOARD MEMBER GOLDEN: Yes.

6 DEPUTY COMMISSIONER SCHMIDT: Potentially.

7 CHAIRPERSON SCHWARTZ: Potentially, yeah.

8 DEPUTY COMMISSIONER SCHMIDT: Certain things can
9 be handled administratively.

10 CHAIRPERSON SCHWARTZ: But for example, if you're
11 exposing three feet more of the wall or something like that
12 or something like that, I would assume they are going to
13 have to come back, at a minimum, to the Building Inspector
14 and possibly to us for a revised site plan; is that
15 correct?

16 DEPUTY TOWN ATTORNEY MAGANA: Yes, that is
17 correct.

18 BOARD MEMBER GOLDEN: But I think that the
19 important thing is the fact that there is a Court
20 proceeding, the fact that there may be a lawsuit pending
21 right now is irrelevant.

22 CHAIRPERSON SCHWARTZ: That's correct.

23 BOARD MEMBER GOLDEN: Absolutely irrelevant. And
24 frankly, we don't want to hear about it. Because it's not
25 going to affect our decision one way or the other.

1 MR. DANNY D'ADAMO: I understand.

2 CHAIRPERSON SCHWARTZ: Let him -- You can finish.

3 And then we should have the applicant respond.

4 MR. DANNY D'ADAMO: I just want to know when you
5 make this decision, don't feel obligated to the 529 owner
6 because this was previously approved, this or that.

7 CHAIRPERSON SCHWARTZ: You know what, we never
8 feel --

9 MR. DANNY D'ADAMO: I just wanted to highlight.

10 CHAIRPERSON SCHWARTZ: -- obligated to you or
11 anyone else. What we do is, we're obligated to the law.
12 That's all we're obligated to. Okay, we don't take sides.

13 We do what we believe complies with the law. And
14 anybody who says otherwise should go to another Town
15 because we are very, very strong in doing that.

16 MR. DANNY D'ADAMO: I appreciate that.

17 CHAIRPERSON SCHWARTZ: Is that clear?

18 MR. DANNY D'ADAMO: Yes, sir.

19 CHAIRPERSON SCHWARTZ: Good. I find that
20 insulting to even question that.

21 MR. DANNY D'ADAMO: I just also want to add that
22 as being a neighbor, I made several attempts to contact the
23 previous owner. On day one --

24 VICE CHAIRPERSON HAY: Previous owner?

25 MR. DANNY D'ADAMO: No, the current owner, I'm

1 sorry.

2 CHAIRPERSON SCHWARTZ: Previous owner was the
3 Town.

4 MR. DANNY D'ADAMO: Current owner. We reached
5 out to them to say, let's get together and resolve this.
6 And the response was -- the response was, it's too early
7 for discussions.

8 CHAIRPERSON SCHWARTZ: Well, right now, back to
9 Mr. Golden's point, okay, right now, it is what it is,
10 okay. You're here to try to get this Amended Site Plan.
11 We'd would love to get through this and, hopefully, we can
12 in a way that fits everybody and makes people happy and we
13 have a safe site plan to do.

14 At the same time, you're in Court, that's a
15 separate issue from this, that we have nothing to do with,
16 okay. I can't help it that you guys aren't buddy-buddy,
17 that's not -- We're really not in the match-making
18 business. We encourage people to try to work together and
19 settle their differences, absolutely. But beyond that,
20 that's all we can do, okay.

21 That's all I'm saying, okay. So just, again, if
22 there's anything else specific to the site plan that you
23 want to add or comment on now that hasn't been commented on
24 yet, absolutely you can do that. But keep it to that,
25 please.

1 MR. DANNY D'ADAMO: One other comment I would
2 like to make.

3 CHAIRPERSON SCHWARTZ: Yes.

4 MR. DANNY D'ADAMO: The original plan had the
5 wall at the turn as a 90-degree angle. It is now as a
6 curve. Why was it deviated from the original plan and they
7 made it a curve?

8 DEPUTY COMMISSIONER SCHMIDT: We will let them
9 address that.

10 CHAIRPERSON SCHWARTZ: The applicant will address
11 that, okay.

12 MR. DANNY D'ADAMO: And the last thing is, those
13 bollards that are close to the curve, the curve is an
14 asphalt curve. It now serves as the means to divert the
15 water to the drain in the driveway.

16 If we put the bollards right in front of the
17 curb, it's going to block the natural flow of water and
18 it's going to bubble there and come over the wall.

19 CHAIRPERSON SCHWARTZ: Okay.

20 MR. DANNY D'ADAMO: That's all I have to say.

21 CHAIRPERSON SCHWARTZ: Thank you very much.

22 MR. DANNY D'ADAMO: As I always say, I appreciate
23 the service of you guys. Thank you.

24 CHAIRPERSON SCHWARTZ: Okay, thank you very much.
25 And thank you for your comments. I appreciate that.

1 Aisha, you had a question?

2 ALTERNATE BOARD MEMBER SPARKS: Yes, quick
3 question. I think it might be easy. I recall the compact
4 spaces there, the three, right, and you recently mentioned
5 limiting those spaces to compact cars.

6 MR. MATTHEW DUDLEY, ESQ.: Yes.

7 ALTERNATE BOARD MEMBER SPARKS: So I just wanted
8 to know the context around that. Was it a safety? But I
9 mean, obviously, the spaces are smaller. But just curious
10 about the key details, why they want to now restrict it
11 only to compact?

12 DEPUTY COMMISSIONER SCHMIDT: I can --

13 MR. MATTHEW DUDLEY, ESQ.: Please, Mr. Chair.

14 DEPUTY COMMISSIONER SCHMIDT: I'm happy to speak
15 to that. Because that was identified in an outline, I
16 should say, within the Building Inspector's most recent
17 memo.

18 The reason for that is there is a drive aisle
19 width that needs to be adhered to. And they show that as
20 varies, you know, 24-foot minimum. They need to ensure
21 that there is a minimum of 24 feet.

22 So in doing so, and as the Building Inspector's
23 memo indicates, they have to, in order to meet that
24 24 feet, they need to identify those spaces and restrict
25 them to compact vehicle parking only. Because a standard

1 space can be longer --

2 CHAIRPERSON SCHWARTZ: And it's from --

3 DEPUTY COMMISSIONER SCHMIDT: -- and would
4 encroach into that drive aisle.

5 CHAIRPERSON SCHWARTZ: Right. It's from the end
6 of that parking space, correct. That's why.

7 ALTERNATE BOARD MEMBER SPARKS: So then in the
8 traffic plan, we did not identify that any other type of
9 vehicles were parking in those spaces, those compact
10 spaces?

11 DEPUTY COMMISSIONER SCHMIDT: So previously --

12 CHAIRPERSON SCHWARTZ: Okay --

13 DEPUTY COMMISSIONER SCHMIDT: Sorry.

14 CHAIRPERSON SCHWARTZ: Go ahead.

15 DEPUTY COMMISSIONER SCHMIDT: Prior to the
16 applicant and probably even today because they are
17 identified as employee parking spaces today. They are not
18 identified as compact parking spaces. I'm sure any vehicle
19 is parking there.

20 But those bollards aren't there today. So with
21 the installation of the bollards, they lose some width.
22 They are making it up by restricting those three spaces to
23 compact. Does that --

24 ALTERNATE BOARD MEMBER SPARKS: Yes.

25 CHAIRPERSON SCHWARTZ: Let me ask -- Let me ask a

1 Zoning question. Maybe you know the answer to this. How
2 do you handle the compact spaces when you're counting
3 spaces from the Zoning point of view, they're counted as
4 full spaces?

5 DEPUTY TOWN ATTORNEY MAGANA: Yes, full spaces.

6 CHAIRPERSON SCHWARTZ: Okay. I just wanted to
7 make sure. You want to answer the other questions that you
8 got from the public, from Mr. Senor?

9 MR. MATTHEW DUDLEY, ESQ.: Sure. Many of the
10 comments, being engineering questions, if I can just turn
11 it over to Mr. Cokeley to respond to.

12 CHAIRPERSON SCHWARTZ: Sure. Certainly.

13 DEPUTY COMMISSIONER SCHMIDT: That's fine.

14 CHAIRPERSON SCHWARTZ: Mr. Cokeley?

15 MR. JESSE COKELEY: Yeah. So basically, some of
16 the discussion you were just having and some of the
17 reasoning, we're trying to maintain that 24 feet, which is
18 the typical minimum requirement.

19 And I also believe the Town wanted for 90-degree
20 spaces, it's what you -- for a two-way traffic. So because
21 we have vehicles coming in -- going in to fit the space in
22 this parking area and vehicles going out.

23 Which, again, I think the Board saw very cleanly
24 in the time-lapse video that was submitted, and, you know,
25 to the Board's comment here, like they're being used right

1 now by also parents dropping off their kids. But they pull
2 out of the full-size spaces now. I think they are striped
3 that way now. Back out, pull out, cars coming in, pull in,
4 no issues.

5 But to Aaron's point, you know, we want to
6 install the bollards. We want to maintain that 24 feet.
7 And the Building Inspector's memo identified that we should
8 designate these officially compact spaces and cut the
9 striping back. So that's what we're showing here.

10 And what we will do is with the -- once the --
11 excuse me, surveyor is out there to get the rest of the
12 existing information, this site plan will be updated with
13 that and resubmitted to the Board. And we will also bring
14 it to the Engineering Department for storm water compliance
15 as well.

16 MR. MATTHEW DUDLEY, ESQ.: Jesse, if you could
17 just respond to the public comments regarding the
18 re-striping of the crosswalk to be parallel with the center
19 line?

20 MR. JESSE COKELEY: That is not something that I,
21 you know, I'm not a traffic engineer. Most crosswalks are
22 usually perpendicular to the pedestrian path of travel for
23 pedestrians. The vehicles traveling this portion of the
24 site are going to be vehicles that are very familiar with
25 this site. Most of the employees park in the rear of the

1 building.

2 You don't have necessarily visitors coming to use
3 the building. So everyone is going to be very familiar
4 with this. I think this is the safest for pedestrians and
5 the cleanest path of travel for pedestrians.

6 Most of the traffic, as you saw, even in the
7 video, are parents coming, picking up and dropping off in
8 these front spaces. You know, a few handicap spaces,
9 obviously, get used when needed. But most of the vehicles
10 in the back are the teachers that are coming to park, you
11 know, for the day.

12 BOARD MEMBER GOLDEN: Let me make a suggestion.
13 Speak to Murray, you know, after you're done. He will give
14 you the citations to the crosswalk standards. He will show
15 you where to look. You can do your research --

16 MR. JESSE COKELEY: Yeah --

17 BOARD MEMBER GOLDEN: Do your research after the
18 meeting --

19 MR. JESSE COKELEY: I don't --

20 BOARD MEMBER GOLDEN: Excuse me. Do your
21 research after the meeting. And then, you know, if you
22 feel a change is warranted, you can revise the plan.

23 MR. MATTHEW DUDLEY, ESQ.: We can certainly do
24 that.

25 MR. JESSE COKELEY: We will certainly do that. I

1 don't have a problem changing it.

2 CHAIRPERSON SCHWARTZ: Why don't we move on to
3 some of the other subjects that you've gotten, please.

4 MR. MATTHEW DUDLEY, ESQ.: Sure. Just briefly,
5 with respect to the comment that there's been accidents on
6 the site, we did request, there was a FOIL request to the
7 Greenburgh Police Department asking for any incidents that
8 may have been restricted to the intersection of the
9 driveway and the roadway. But there was no incidents.

10 What Mr. Senor is referring to is some slightly
11 adjusted blocks on the retaining wall, I believe, running
12 along the drive aisle rather than a portion of the
13 retaining wall that runs along the parking area space.

14 Jesse, if you could just respond to the public
15 comments about --

16 CHAIRPERSON SCHWARTZ: Wait. I just want to make
17 one comment. With all due respect, you can't just rely on
18 the police report in those kind of situations. The police
19 can only report on the ones that are reported.

20 MR. MATTHEW DUDLEY, ESQ.: Sure.

21 CHAIRPERSON SCHWARTZ: I can't tell you how many
22 times my stonewall has gotten hit that the police don't
23 have a report from. So that's all.

24 MR. MATTHEW DUDLEY, ESQ.: You're right. You're
25 right, Mr. Chairman. I should add that --

1 CHAIRPERSON SCHWARTZ: You don't know if it did
2 or it didn't.

3 MR. MATTHEW DUDLEY, ESQ.: -- our client has
4 expressed to me that he's not aware of any accidents on his
5 site.

6 CHAIRPERSON SCHWARTZ: Right. You don't know
7 that for sure. Appreciate it, but it's, you know.

8 MR. MATTHEW DUDLEY, ESQ.: Jesse, could you
9 please respond to the comment regarding the spacing between
10 the bollards and the retaining wall and as you get closer
11 to the corner of the retaining wall, the bollards appear to
12 get closer to the retaining wall?

13 MR. JESSE COKELEY: Yeah. I kind of addressed
14 that before. But it's to maintain the 24-foot minimum
15 drive aisle there. We did space them so that they're, you
16 know, narrower than any vehicle. They are taller than a
17 guide rail.

18 So they are visible when, you know, backing out,
19 you can see the bollards as well. So they are closer here
20 to maintain that 24 feet.

21 But he did bring up a good point with the curb,
22 that has to be shown on here, too, with the as-built. So
23 we will have to reconcile that, for sure.

24 VICE CHAIRPERSON HAY: And I think, sorry, one of
25 the questions was how strong are they, if they are that

1 close to the wall?

2 CHAIRPERSON SCHWARTZ: Right.

3 VICE CHAIRPERSON HAY: You know, if you're
4 applying force against them from the other direction, you
5 know, what's going to keep them from pushing, you know,
6 over the edge?

7 Looking at it, it's hard to say. I'm not an
8 engineer. But I don't know how deep you have to sink them.

9 MR. JESSE COKELEY: Sure. So they would be
10 installed per the approved detail. That was done on the
11 north side here as well. So the footing is four feet deep,
12 concrete encased. And the bollard itself is a
13 concrete-filled bollard. So it's designed for that
14 purpose.

15 And with respect to the drainpipe, that is
16 installed at the base of the wall. And this wall, you
17 know, goes down deeper than four feet. I think, even on
18 some days, it's six or seven feet, you know, below grade is
19 where this wall was installed. So we should not have -- I
20 do not expect a conflict with that as well.

21 CHAIRPERSON SCHWARTZ: Okay.

22 MR. MATTHEW DUDLEY, ESQ.: Jesse, can you address
23 the comment as to why the retaining wall is curved at the
24 corner rather than a 90-degree angle?

25 MR. JESSE COKELEY: Again, it was to take

1 advantage of the space we had, you know, the property line,
2 it's -- excuse me, the driveway, not property line. The
3 driveway widens here. So it's kind of, you know, some
4 additional space. So rather than squaring off, it curves.
5 That is also to help, you know, direct the water around the
6 corner.

7 You know, water doesn't necessarily make sharp
8 turns. So rather than square it off and create a situation
9 there, it was curved when it was installed to try to pick
10 up a few more -- some more room.

11 MR. MATTHEW DUDLEY, ESQ.: And if anyone on the
12 Board, correct me if I'm wrong, but the last comment that I
13 wrote down, which we should respond to is, how are the
14 bollards constructed with respect to the asphalt curb that
15 serves as a berm for the storm water drainage.

16 CHAIRPERSON SCHWARTZ: Right. Does it impact the
17 storm water drainage is the question, I believe.

18 MR. JESSE COKELEY: Yeah. They will not. But,
19 again, the as-built information that we're going to add to
20 the plan so that you can see these conditions will include
21 that curve and, you know, will account for that in the
22 placement of the bollards.

23 CHAIRPERSON SCHWARTZ: I think there is one other
24 question that comes up. And then we will talk about how we
25 deal with it when we close this. We're not going to close

1 the Hearing tonight anyway. But we will tell you how we
2 want to move forward.

3 There's still, I think, the elephant in the room
4 is the integrity of that retaining wall, the wall that's
5 already there. I know you got a C of O for it and all of
6 that. And we will, obviously, be reviewing that with the
7 Building Inspector ourselves. But you may want to review
8 that, too, in light of some of the things that are going
9 on. That's all.

10 We want to make sure that -- I actually like the
11 bollards. I think the bollards are a terrific idea. They
12 are definitely, more likely, to hold a car back than a
13 guardrail. I've seen cars go through guardrails.

14 Although I'm thinking, they're going at 10, 15
15 miles an hour coming in there, or maybe an occasional
16 layperson at 20. But that's about it, okay. And the
17 bollards should help that, for sure.

18 But I just want to make -- we just, you know, we
19 have a little bit of time. We are lucky we have time to
20 dot the I's and cross the T's on this system, I'll call it
21 a system now, it will hold up. That's all.

22 MR. MATTHEW DUDLEY, ESQ.: So just to try to
23 understand what you are saying is that there is going to be
24 a further review of the wall that was installed?

25 CHAIRPERSON SCHWARTZ: No, I didn't say that. I

1 think that Amanda may have said it earlier, and I agree
2 with her 100 percent. This isn't -- that wall is not a
3 site plan issue in our view, okay. It was an existing
4 wall.

5 Now, having said that, okay, it wouldn't hurt,
6 I'm just recommending this to you, okay, it wouldn't hurt
7 to double-check that hey, should we be doing something to
8 re-enforce the wall while we're putting in these bollards.
9 That's all I'm saying.

10 It is not a site plan issue because we're working
11 off an approved as-built, that's why we keep saying
12 as-built, an approved as-built plan, okay. That's our job,
13 okay. And so to the only extent that I would be concerned
14 with the wall from a site plan point of view is if the work
15 that's being done, the bollards being put in, actually
16 weakens the wall, okay.

17 But then when you do that, you might as well
18 fundamentally find out for sure, in confident, and you come
19 back and say, you know what, the system, new system, is
20 going to work fine for all the questions that we heard
21 tonight, okay.

22 MR. MATTHEW DUDLEY, ESQ.: Thank you for that
23 clarification.

24 CHAIRPERSON SCHWARTZ: All right. All right.

25 DEPUTY TOWN ATTORNEY MAGANA: Also follow up with

1 the Engineering Department about the storm water.

2 CHAIRPERSON SCHWARTZ: The what? I'm sorry.

3 DEPUTY TOWN ATTORNEY MAGANA: Storm water,
4 following up with the Engineering Department about the
5 storm water, make sure that the changes to the property
6 regarding the drainage and --

7 CHAIRPERSON SCHWARTZ: Doesn't redirect it.
8 Yeah, that's a good point.

9 DEPUTY TOWN ATTORNEY MAGANA: -- and it meets
10 what's required for the property.

11 DEPUTY COMMISSIONER SCHMIDT: Yes.

12 CHAIRPERSON SCHWARTZ: Yeah. Okay, thank you,
13 Amanda. If Mr. Bodin has -- Can it be about this site
14 plan, Mr. Bodin, please? Appreciate it. For me?

15 MR. MURRAY BODIN: Two things going on. It's
16 called a manual of the Uniform Traffic Control Devices
17 because it should be uniform anywhere you go.

18 There is a record both written and video of your
19 engineer saying, well, most people are familiar with that.
20 And why should we worry about it. They have been here
21 before. They know what's going on.

22 Do you remember when that was said? Go back and
23 look at the tape. It's called a manual of Uniform Traffic.
24 So it's uniform for the person who is not native to the
25 area. It's for somebody who is a stranger.

1 That's probably Valhalla when they ran into the
2 car and Brody's wife was killed. The decision came down
3 yesterday about that, because it wasn't uniform.

4 CHAIRPERSON SCHWARTZ: I saw that.

5 MR. MURRAY BODIN: Basically. So it's not for
6 the person as your so-called traffic consultant said: Oh,
7 we know about this because we are here all the time.

8 It's for the person that comes there who is
9 directed because there was an accident on the Saw Mill.
10 They directed people through Valhalla. Safety means
11 anybody who is a stranger should understand it.

12 CHAIRPERSON SCHWARTZ: That's a good point.

13 MR. MURRAY BODIN: These traffic engineers have
14 been breaking the law and nobody has stopped them. I'm
15 going to stop them. Because I got nothing to lose. And
16 there is one more thing, Hugh.

17 CHAIRPERSON SCHWARTZ: Yes, sir.

18 MR. MURRAY BODIN: Amanda, the Town, is the
19 parliamentarian. A parliamentarian has every right to stop
20 me. You don't.

21 DEPUTY TOWN ATTORNEY MAGANA: Murray, it's not
22 Town Board so actually that's not exactly true here. But
23 thank you for your comment.

24 MR. MURRAY BODIN: We will discuss that another
25 time. But I will not be stopped. I will not be

1 interrupted improperly again in my lifetime. And I'm about
2 to speak up. And if they want to carry me out here with
3 three cops, I'll be kicking.

4 CHAIRPERSON SCHWARTZ: Do you see any policemen
5 here tonight? There aren't any. Any other comments before
6 we tell you what we are going to do?

7 MR. ELIOT SENOR: I just have one comment. I
8 just want to direct the engineer to the proper place. So
9 the Code Section 1607.7.3 of the Residential -- of the
10 Commercial Building Code State of New York talks about the
11 barrier system and bollards and how to design for them.

12 CHAIRPERSON SCHWARTZ: Okay, thank you.

13 MR. ELIOT SENOR: Section 1607.7.3.

14 CHAIRPERSON SCHWARTZ: Thank you very much, Eliot
15 I appreciate it. Does anybody else have comments? Does
16 the Board? The public? Anybody on Zoom for us? No?

17 (Whereupon, there was no response.)

18 DEPUTY COMMISSIONER SCHMIDT: No.

19 CHAIRPERSON SCHWARTZ: Okay. Unless you have
20 another comment, I'll tell you what we are going to do.

21 MR. MATTHEW DUDLEY, ESQ.: I do not, no.

22 CHAIRPERSON SCHWARTZ: Okay. Thank you,
23 everybody, tonight. I think, hopefully, we will end up
24 with a better project out of all of this. And you guys can
25 start living in harmony, please. We need harmony in this

1 world. There isn't any, okay, right now. We need harmony.

2 What I would like to do is this, first of all,
3 you're going in front of the Zoning Board tomorrow night
4 for, I hope, a final decision, as I understand it, which
5 allows you to come back here the next time.

6 By that time, I would hope you'll give us the
7 right site plan, hopefully, by the 1st of August or the
8 31st of July.

9 DEPUTY COMMISSIONER SCHMIDT: So it was indicated
10 that you anticipate the surveyor to be out there next week.
11 And then it may take some time for the surveyor to put
12 together that plan. We want to make sure that --

13 CHAIRPERSON SCHWARTZ: The 30th? The 30th of
14 July, if possible?

15 DEPUTY COMMISSIONER SCHMIDT: That would give
16 enough time for staff to review ahead of scheduling.

17 CHAIRPERSON SCHWARTZ: And get it out, because
18 the Planning Board packets go out the Friday before the
19 meeting, generally.

20 DEPUTY COMMISSIONER SCHMIDT: We want to give the
21 public an opportunity as well before the next meeting.

22 CHAIRPERSON SCHWARTZ: Okay.

23 DEPUTY COMMISSIONER SCHMIDT: July 30th.

24 CHAIRPERSON SCHWARTZ: This is what we're going
25 to do. I want to continue the Public Hearing for that

1 reason, we have to. I want to have the right plan in front
2 of us.

3 However, in deference to the school year coming
4 out and everything else, assuming we can get all of this
5 done and do all the things, please consult with Aaron
6 tomorrow.

7 MR. MATTHEW DUDLEY, ESQ.: Of course.

8 CHAIRPERSON SCHWARTZ: Okay, who can be very
9 helpful in guiding you that way. We will do the Public
10 Hearing. If everything is right, we can close the Public
11 Hearing and hopefully make a decision on the same night,
12 which we don't normally do.

13 BOARD MEMBER GOLDEN: Why do we need to continue
14 the Public Hearing? I know that we're waiting for --

15 CHAIRPERSON SCHWARTZ: It's for --

16 BOARD MEMBER GOLDEN: Excuse me. I know that
17 we're waiting for the revised site plan. But I assume we
18 can get that before our next work session.

19 CHAIRPERSON SCHWARTZ: Michael, do you want to
20 answer it, Aaron?

21 DEPUTY COMMISSIONER SCHMIDT: Well, I think it
22 would be appropriate to have that entered -- I think it
23 would be appropriate to have that into the record an
24 opportunity for the public to look at it and comment on it
25 at a Public Hearing.

1 BOARD MEMBER GOLDEN: Okay.

2 CHAIRPERSON SCHWARTZ: It won't -- it doesn't
3 change the timing, that's why I said --

4 BOARD MEMBER GOLDEN: That answers my question.

5 CHAIRPERSON SCHWARTZ: Okay, thank you. Anybody
6 else have any other questions?

7 BOARD MEMBER SNAGGS: In regards to the Public
8 Hearing, does the record stay open another two weeks out --

9 CHAIRPERSON SCHWARTZ: Yes.

10 BOARD MEMBER SNAGGS: -- after in any event?

11 CHAIRPERSON SCHWARTZ: Yes.

12 DEPUTY TOWN ATTORNEY MAGANA: It wouldn't if you
13 did the decision the same day.

14 DEPUTY COMMISSIONER SCHMIDT: It wouldn't be
15 decided the same night. So that's why we've set the
16 submission deadline for the 30th.

17 So there's an opportunity not only for the Board
18 but for members of the public to look at the submission and
19 for staff as well.

20 If everything comes together on the 7th, the
21 Board would be in a position, not obligated to, but could
22 be in a position, I should say, to close that night and
23 make a decision, given the extended period of time that the
24 Public Hearing has been open in connection with this
25 project.

1 CHAIRPERSON SCHWARTZ: Exactly.

2 BOARD MEMBER SNAGGS: Okay.

3 DEPUTY TOWN ATTORNEY MAGANA: If there are
4 remaining issues, you know, the Board could also take a
5 StrawPoll that night.

6 DEPUTY COMMISSIONER SCHMIDT: Could StrawPoll.
7 It could make conditions about any decision.

8 CHAIRPERSON SCHWARTZ: Right. But if something
9 else comes up, we could continue the Public Hearing.

10 DEPUTY COMMISSIONER SCHMIDT: Right.

11 CHAIRPERSON SCHWARTZ: So, you know, we don't
12 know. What I'm saying if everything is -- there is an
13 opportunity to, at the next meeting, on August 7th, to
14 close it and make a decision that night, which is, you
15 know, the best we can do under the circumstances, okay.

16 MR. MATTHEW DUDLEY, ESQ.: Thank you. I
17 appreciate that, for letting us know that.

18 CHAIRPERSON SCHWARTZ: Okay, thank you very much.
19 I'll take a motion to close tonight's Public Hearing, this
20 Hearing, please? I'm sorry, we don't need that. Can I
21 have a motion to close the Public Hearing portion of
22 tonight's meeting?

23 VICE CHAIRPERSON HAY: So moved.

24 CHAIRPERSON SCHWARTZ: Tom. Do I have a second,
25 please?

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ALTERNATE BOARD MEMBER SPARKS: Second.

CHAIRPERSON SCHWARTZ: Aisha. All in favor?

Aye.

VICE CHAIRPERSON HAY: Aye.

BOARD MEMBER GOLDEN: Aye.

BOARD MEMBER SNAGGS: Aye.

ALTERNATE BOARD MEMBER SPARKS: Aye.

(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 17, 2024, taken by the undersigned, to the best of her ability.

Barbara Marciante

Barbara Marciante,
Official Court Reporter