

1 TOWN OF GREENBURGH
2 PLANNING BOARD

3 -----x

4 1. ROLL CALL

5 5. ITEMS FOR PUBLIC HEARING/PUBLIC DISCUSSION

6 a. CASE NO. PB 24-20
7 O Mandarin
8 363 Central Park Avenue North
9 (P.O. Hartsdale, N.Y.)

10 b. CASE NO. PB 24-22
11 Levy
12 134 Euclid Avenue
13 (P.O. Ardsley, N.Y.)

14 ADJOURNMENT.

15 -----x

16 Greenburgh Town Hall
17 177 Hillside Avenue
18 Greenburgh, New York 10607
19 July 2, 2025

20 PLANNING BOARD MEETING CONDUCTED IN PERSON

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NICOLE AMENEIROS,
Official Court Reporter

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

LESLIE DAVIS, CHAIRPERSON

DYLAN PYNE, Vice Chairperson
KIRIT DESAI, Board Member
JOHAN SNAGGS, Board Member (Not Present)
EDWIN WEINBERG, Board Member
MICHELE MOIR, Board Member (Via Zoom)
EMILY ANDERSON, Alternate Board Member

AMANDA MAGANA, ESQ., Deputy Town Attorney

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

1 CHAIRPERSON DAVIS: Good evening and welcome to the
2 Wednesday, July 2nd, 2025, Planning Board Meeting. We are
3 opening the public hearing for O Mandarin at -- Deputy
4 Commissioner Schmidt, please do the roll call.

5 DEPUTY COMMISSIONER SCHMIDT: Chairperson Davis?

6 CHAIRPERSON DAVIS: Here.

7 DEPUTY COMMISSIONER SCHMIDT: Mr. Pyne?

8 VICE CHAIRPERSON PYNE: Here.

9 DEPUTY COMMISSIONER SCHMIDT: Mr. Desai?

10 BOARD MEMBER DESAI: Here.

11 DEPUTY COMMISSIONER SCHMIDT: Ms. Anderson, our
12 alternate?

13 ALTERNATE BOARD MEMBER ANDERSON: Here.

14 DEPUTY COMMISSIONER SCHMIDT: We note that
15 Mr. Weinberg is present but recusing himself from discussion
16 of this project. And we have Ms. Moir, a member, on Zoom,
17 but she is a non-voting member this evening.

18 Thank you.

19 And Mr. Snaggs is not present.

20 CHAIRPERSON DAVIS: Do we have any members of the
21 public on --

22 DEPUTY COMMISSIONER SCHMIDT: What we'll do is I
23 can kind of restate the case for anyone that was listening
24 and we'll ask Mr. Liu to just say a few words and then we'll
25 see if there are any members of the public.

1 So, the project, again, is Case No. PB 24-20, O
2 Mandarin, located at 363 Central Park Avenue North, P.O.
3 Hartsdale, New York, and this is a public hearing to discuss
4 a planning board special use permit for a restaurant, as
5 well as a planning board shared parking reduction request
6 involving the proposed conversion of approximately
7 1,600 square feet of vacant retail space into restaurant
8 space, adding to the size of the preexisting O Mandarin
9 restaurant.

10 The additional restaurant space is proposed to
11 contain up to, as we discussed in work session, 21 seats --

12 MR. PETER LIU: 21 seats.

13 DEPUTY COMMISSIONER SCHMIDT: -- and requires an
14 additional seven off-street parking spaces necessitating the
15 planning board's shared parking reduction request. There
16 were two previous shared parking reduction -- reductions
17 issued of five spaces and seven spaces under Case Nos. PB
18 11-21 and PB 12-09, respectively.

19 This space -- or this site, I should say, would
20 require with this project 312 off-street parking paces. The
21 applicant is proposing 305, which exists. They're not
22 proposing to remove any off-street parking spaces in
23 connection with this project. There are no physical changes
24 to the project site proposed in connection with the project.

25 Turning things over to Mr. Liu.

1 MR. PETER LIU: That's correct.

2 DEPUTY COMMISSIONER SCHMIDT: Okay. So, do you
3 just want to explain a little bit, much like you did
4 before --

5 MR. PETER LIU: Sure.

6 DEPUTY COMMISSIONER SCHMIDT: -- the proposal to
7 increase the seats of the O Mandarin.

8 MR. PETER LIU: So the project is to utilize next
9 door, used to be Sally Beauty, so 1600 square foot of retail
10 shop turning to the front is going to be a bubble tea shop,
11 grab-and-go, no seating, and the back space is going to be
12 about 21 seatings for private event room. All the entrances
13 to be combined with current O Mandarin restaurant entrance,
14 kitchen as well. We are not changing any seating for
15 existing restaurant, just add to the additional.

16 DEPUTY COMMISSIONER SCHMIDT: And you have a
17 restroom in the rear?

18 MR. PETER LIU: There's also existing restroom, but
19 we will change to opposite location, not change of views.

20 DEPUTY COMMISSIONER SCHMIDT: Are there any
21 questions from the board members? Or anything else that
22 you'd like the applicant to state?

23 If not, are there any members of the public that
24 wish to speak on this project? Either in the audience or on
25 Zoom?

1 There being none, the board would be in position to
2 close the public hearing on the project.

3 Hi, ma'am. You are not here for the O Mandarin
4 project, are you?

5 AUDIENCE MEMBER: No.

6 DEPUTY COMMISSIONER SCHMIDT: Okay. Just wanted to
7 clarify.

8 The board would be in a position to close the
9 public hearing and leave the written record open for one
10 week through July 9th and request that staff prepare a
11 determination and decision for its consideration at our next
12 meeting on July 16th.

13 MR. PETER LIU: Okay. Thank you.

14 CHAIRPERSON DAVIS: So, members of the board, we'd
15 like to close public hearing, leave the record open until
16 July 9th? A week from today. And direct the staff to -- we
17 need a motion for this. Direct the staff to prepare a
18 determination.

19 BOARD MEMBER DESAI: Secret or?

20 DEPUTY COMMISSIONER SCHMIDT: It's all in one.

21 BOARD MEMBER DESAI: Okay. So moved.

22 BOARD MEMBER PYNE: Second.

23 CHAIRPERSON DAVIS: All in favor?

24 BOARD MEMBER DESAI: Aye.

25 BOARD MEMBER PYNE: Aye.

1 BOARD MEMBER ANDERSON: Aye.

2 CHAIRPERSON DAVIS: Aye. All opposed?

3 So moved.

4 DEPUTY COMMISSIONER SCHMIDT: You're all set.

5 MR. PETER LIU: Thank you so much.

6 DEPUTY COMMISSIONER SCHMIDT: We'll see you on the
7 16th. Have a good evening.

8 MR. PETER LIU: Thanks.

9 DEPUTY COMMISSIONER SCHMIDT: Okay. So,
10 Mr. Weinberg, you're free to come up to the dais.

11 Our chair, Ms. Davis, has to leave this evening so
12 our vice chairperson, Mr. Pyne, will be running the public
13 hearing on the Levy project, which is up next, Case No. PB
14 24-22.

15 And just for everyone here this evening, this is a
16 continuation of a public hearing that was held on June 4th,
17 2025, to discuss a preliminary subdivision,
18 wetland/watercourse permit and tree removal permit
19 application.

20 Turn things over to Mr. Amir.

21 MR. JACOB AMIR: Thank you. Good evening, Board.
22 Jacob Amir from Zarin & Steinmetz on behalf of Jennifer and
23 Jared Levy, 134 Euclid, Ardsley.

24 We appeared before your board several times. I
25 won't go through the entire history. I'm sure it's familiar

1 to everyone.

2 Last time we were here on June 4, and to update, I
3 think the most important aspect from that meeting that we
4 updated staff and the board on, so it was a thought raised
5 as to whether there is a restriction, title restriction, on
6 subdivision. So, we contacted Benchmark Title to run a
7 title report. We provided the town with my client's 2006
8 title report with the current Benchmark Title title report,
9 and a neighbor even provided to the town with a title report
10 from Title Vest, although the -- that Title Vest report
11 seems a little -- missing a few instruments. So we have
12 three title reports from three different sources, and all of
13 them come to the same conclusion. If you read through all
14 the title documents, there is no restriction on subdivision.
15 There is a declaration, a protective covenant, which, in
16 part, talks about things that can and cannot happen on a
17 property on what was once the Ardsley Estates. But there is
18 no restriction recorded as to a subdivision. That needs to
19 be, you know, clearly stated, and that issue needs to be,
20 you know, adopted, so to speak.

21 The second issue that was raised from the June 4th
22 meeting was -- there was an inadvertent error in the
23 application on a notation of civic associations. We updated
24 that application page. There are two civic associations
25 identified on Greenburgh's GIS, Winding Farm Roads and

1 Hillcrest Park/Ardsley Association, both of whom have
2 addresses where notices had been sent; one of whom is the
3 neighbor to the south of the property. So that's been
4 corrected.

5 An electrical inspector is being arranged for the
6 issue of the hot tub.

7 There was an issue of the forever green on the
8 survey and what does the forever green mean. Through the
9 title searches, we saw that there was a forever green
10 easement created under the 1994 subdivision map. That
11 basically is a two-foot easement around the perimeter of
12 what was the Ardsley Estates to prevent buildings, man-made
13 structure, trees, but not shrubs and plantings and lawn.
14 So, it is a common basic easement for limited restrictions,
15 mostly for man-made purposes, and it's adhered to, I
16 believe, under this -- under this plan.

17 And I want to bring to the board's attention, since
18 there is a record and since it was brought up, in the
19 landscaping report, in Paul Gianni's landscaping report,
20 there does appear to be a proposal for a couple of trees on
21 what we're calling Lot 1, the house lot, which might be in
22 the easement. So, to the extent that we need to, all we
23 need to do is remove those trees and put shrubs in there.
24 So that's the same shrubs that are just to the east of that
25 that are proposed. That actually makes it better because it

1 makes it more symmetrical and more consistent. If that is a
2 concern of this board, that's easily remedied.

3 There was also a notation on -- there was a
4 question, I think the town had raised, about the shed to the
5 property to the south. The sheds are gone. Everything's
6 removed. That also is a simple remedy and done.

7 I want to touch on a couple of comments that I
8 think the town received from the neighbor at 132 Euclid,
9 because some of those reiterate or repeat what have been
10 said on June 4th. The first is the issue of a subdivision
11 restriction. We've addressed that. I think we've exhausted
12 that issue. But that neighbor had suggested that even if a
13 subdivision is permitted, which it is permitted as of right
14 and we don't need any variances, we're within code, that
15 there is a restriction on developing a property. In other
16 words, putting a house on the property. First, that's
17 premature, right. There's no proposal to develop a house on
18 what we propose to be the new lot. If and when that
19 proposal comes before your board, that issue can be
20 addressed then.

21 But if your board wants to address it, the document
22 that references that argument is the declaration of
23 restrictive covenant or protective covenants and
24 specifically language in there that says that the purpose of
25 the restriction is to ensure that all structures and

1 improvements within the property shall be compatible.
2 Basically, the inference being you can't put up a new house
3 there. Well, the paragraph that refers to that purpose of
4 that restriction refers to fences, pools, tennis courts,
5 storage buildings, things which seem to be accessory to a
6 building. And just as a matter of logic, the subdivision
7 happened in 1994. The declaration of protective covenants
8 was recorded in 1994. Houses were built after 1994. So if,
9 by logic, that declaration precluded the construction of
10 homes, then none of the homes would be able to exist,
11 including my client's homes. So, clearly, by logic and
12 reasonable interpretation, it does not apply. But it's
13 premature in any event.

14 Secondly, the neighbor -- and I think it's
15 important to address these because there were comments
16 received, the neighbor made a reference to water pressure.
17 I think Hudson Engineering is on. If they are, great. If
18 they're not, I can touch it -- touch upon it. But there's a
19 reference to insufficient water pressure. The same
20 response; one, it's -- we are only seeking a subdivision to
21 create a lot on what is now vacant land. We're not
22 proposing the construction of a home. When -- if and when
23 that happens, the issue of water and water supply may become
24 relevant. It's just not relevant now.

25 But even if it is considered now, the notion that

1 the possible construction -- the subdivision of a lot would
2 create water pressure issues just does not make any sense,
3 right, under this application, because we're not affecting
4 water pressure, so it should not be a consideration.

5 And the last point that was raised, that the
6 character of the neighbor will change if a subdivision is
7 approved. My client's property is approximately
8 23,000 square feet. The proposed subdivision is to create
9 two lots out of that, an approximate 12,000 something square
10 foot lot and a 10,000 square foot lot. The homes on the
11 southerly side of Euclid Avenue to the east of my client's
12 property, if you go down the row of homes, they are in the
13 range of 11,920 square feet to 13,375 square feet. So, the
14 creation of a 10,000 square foot lot and a 12,984 square
15 foot lot are completely within the character of the homes
16 along Euclid Avenue so it wouldn't change it. It would not
17 change the character of the homes.

18 We've addressed, respectfully, all the issues that
19 this board has raised. I know there was another comment by
20 another neighbor in the area talking about -- not objecting
21 to actually creation of a pool or storage, etc., but
22 objecting to a possible subdivision. The same argument in
23 response, same point in response, there's no restriction
24 recorded as to subdivision, and it's perfectly permitted
25 under the code.

1 That being said, unless the board has any specific
2 questions for me, I would ask this evening that the public
3 hearing be closed. This board had already issued a negative
4 declaration, proceed to close the public hearing and move
5 towards resolution.

6 DEPUTY TOWN ATTORNEY MAGANA: I have a few
7 comments.

8 DEPUTY COMMISSIONER SCHMIDT: Please.

9 DEPUTY TOWN ATTORNEY MAGANA: One being your
10 comment about the -- a proposed house coming back to the
11 planning board. That's not the case here. The planning
12 board doesn't have site plan review for a single-family
13 house. Unless there is a potential for impact, the board
14 may condition that it can become back with renderings, but
15 that's not only the case, so just to correct the point.

16 Second of all, in addition to the document for the
17 forever easement, there's also a note on the subdivision
18 plat which talks about preventing vehicular traffic or
19 utility crossing, just confirming that there's no utilities
20 located within the area.

21 MR. JACOB AMIR: Within the forever easement or?

22 DEPUTY TOWN ATTORNEY MAGANA: Correct.

23 MR. JACOB AMIR: Yes, no utilities.

24 And to your first point, there is a footprint for a
25 proposed house on the plot.

1 DEPUTY TOWN ATTORNEY MAGANA: Right. That's
2 required of the subdivision --

3 MR. JACOB AMIR: Correct.

4 DEPUTY TOWN ATTORNEY MAGANA: -- but not renderings
5 and site plan --

6 MR. JACOB AMIR: Right. We can't provide
7 renderings right now.

8 DEPUTY TOWN ATTORNEY MAGANA: Thank you.

9 BOARD MEMBER ANDERSON: I have a question. So, you
10 said that the declaration of protective covenant was signed
11 in 1994 and recorded in 1994 and the structures were -- the
12 homes in the area were built after 1994, so it -- none of
13 the buildings would have been able to be built if the
14 interpretation of that was that the declaration of
15 protective covenants prevented those structures; am I
16 understanding what you're saying?

17 MR. JACOB AMIR: I believe that was the chronology,
18 correct.

19 BOARD MEMBER ANDERSON: So, I'm looking at this and
20 it says that without the prior written consent and design
21 approval of the grantor, so couldn't it be that those --
22 those built -- the homes were built with the prior written
23 consent and design approval of the grantor?

24 MR. JACOB AMIR: Well, one, there's nothing in the
25 record, in the public record, in recorded title with the

1 county clerk, which would indicate an approval granted.
2 That's one. And two, I believe that provision -- and I'm
3 looking to turn to it, I believe that provision refers to
4 after subdivision. I think up to 60 percent of the owners
5 in what was --

6 BOARD MEMBER ANDERSON: No, that's not what I'm
7 looking at.

8 MR. JACOB AMIR: Okay.

9 BOARD MEMBER ANDERSON: I'm looking at where it
10 says that, you know, no additions, no fence, in-ground pool,
11 tennis court. You know, it might not even matter for this.
12 I just wanted to understand what you were saying, and I
13 think I disagree with it. But it may be immaterial.

14 I have one other question and I'm losing my track.

15 DEPUTY TOWN ATTORNEY MAGANA: I agree with your
16 train of thought --

17 BOARD MEMBER ANDERSON: Yeah.

18 DEPUTY TOWN ATTORNEY MAGANA: -- that you're -- so
19 I think you made your statement to counter-statements that
20 were made in the correspondence.

21 MR. JACOB AMIR: Correct.

22 DEPUTY TOWN ATTORNEY MAGANA: But I think it's also
23 immaterial because I think the language here is specific to
24 accessory structures, fences, tennis courts, and the fact
25 that there's nothing explicitly prohibiting subdivision kind

1 of indicates that was not intended to include a
2 single-family home.

3 MR. JACOB AMIR: It's what?

4 BOARD MEMBER ANDERSON: It does say addition or
5 improvement. But whatever. It doesn't matter.

6 The -- you also said that the subdivision, so it
7 will be 10,000 square feet and the other like 12,000; is
8 that what you said?

9 MR. JACOB AMIR: 12,900 roughly, yep.

10 BOARD MEMBER ANDERSON: But the smallest lot on the
11 block is 11 -- or on this side of the block is 11,000, so
12 this is outside of that range, right?

13 MR. JACOB AMIR: It's outside of that range
14 slightly.

15 BOARD MEMBER ANDERSON: It's smaller.

16 MR. JACOB AMIR: It's smaller. But it's -- there's
17 a range of houses. I mean, you know, if you think a range
18 of 11,000 to 13,000 that's -- you know, that's 2,000 square
19 feet. So one can say, by that logic, that maybe that's out
20 of character. But it really -- it really isn't, you know.
21 And, again, that's permitted under the code. That's what's
22 required for minimum lot size.

23 BOARD MEMBER ANDERSON: Is that true?

24 MR. JACOB AMIR: 10,000.

25 DEPUTY COMMISSIONER SCHMIDT: Yes.

1 DEPUTY TOWN ATTORNEY MAGANA: That's true.

2 BOARD MEMBER ANDERSON: Okay.

3 DEPUTY TOWN ATTORNEY MAGANA: It is zone compliant.

4 It doesn't require any variances --

5 BOARD MEMBER ANDERSON: Okay.

6 DEPUTY TOWN ATTORNEY MAGANA: -- through the lot
7 size.

8 BOARD MEMBER ANDERSON: Okay.

9 BOARD MEMBER WEINBERG: Just a question. The other
10 lots in the subdivision --

11 DEPUTY COMMISSIONER SCHMIDT: Ed, just put on your
12 mic. I'm sorry.

13 BOARD MEMBER WEINBERG: The other lots in the
14 subdivision, are they similar size, between 11 and 13, or
15 have you even looked at that?

16 MR. JACOB AMIR: Not all of them. There are
17 variations. So, on the southern side where my client
18 resides, again, as I said, there are those which would be
19 similar to what the proposed lots would be. On the north
20 side of Euclid, there are rectangular lots which are
21 different. The houses are towards the front of the street.
22 There's, you know, yard in the back. So it's a little bit
23 longer. I haven't looked at all the houses, but there are
24 variations of them.

25 But just to note, even with the houses on the north

1 side of Euclid, and if you looked at the subdivision for
2 reference, even those houses, the houses are closer to the
3 street. So one would think, reasonably, if you drive by
4 there, those houses look similar in size to the houses on
5 the south side just based upon the location of the home on
6 that property. So that's how this could conform to that.
7 But, again, it's zoning complaint and it's permitted.

8 And just to add to a couple points, my client just
9 informed me that 34 Sheldon is 10,005 -- 10,005?
10 10,005 square feet.

11 MR. JARED LEVY: 10,500.

12 MR. JACOB AMIR: And if I could ask how far is
13 that? Is that down the street?

14 MR. JARED LEVY: Right down the street.

15 MR. JACOB AMIR: Right down the street from the
16 property.

17 VICE CHAIRPERSON PYNE: Mr. Desai?

18 BOARD MEMBER DESAI: Yeah, I think I don't have any
19 legal questions, like, but I'm just curious, one side you
20 say all you are asking us while you are in front of the
21 board is to just grant the subdivision and forget about
22 there's going to be a house there or not. Now, on other
23 side, to the character of the neighborhood, you are arguing
24 that it will be the same kind of neighborhood, so I'm a
25 little confused. You are really asking us to approve the

1 subdivision and then come back and approve -- or you meant
2 that you're putting that this is -- we should not really
3 look beyond what is going to be there?

4 So, (a), I want to have a little clarification what
5 the intent of subdivision; (b), if what I understand the
6 neighbors have concern is not the technical legal things but
7 as much as the overall intent of the covenants and the --
8 and the restrictions that was put into it, so if you can
9 address that --

10 MR. JACOB AMIR: Sure.

11 BOARD MEMBER DESAI: -- few points.

12 MR. JACOB AMIR: So, again, just to be clear, the
13 application before this board is for a subdivision, but if
14 you're asking for us to speculate going forward what might
15 happen, one, I don't think it's within -- you know, it
16 wouldn't be right for me to speculate, but one can
17 reasonably say at some point somebody may want to put a
18 house up there, okay.

19 BOARD MEMBER DESAI: I don't think it's
20 speculation. It's the consequences of subdivision.

21 MR. JACOB AMIR: It may.

22 BOARD MEMBER DESAI: If you look at it what are you
23 going to do with it? I mean, you don't want to spend the
24 time and money to just come put sort of --

25 MR. JACOB AMIR: They may. There may be a

1 financial interest in doing that.

2 BOARD MEMBER DESAI: It's not convincing that's all
3 I'm saying.

4 MR. JACOB AMIR: So, logically speaking, if a house
5 were to be constructed on the -- what we'll call the vacant
6 side, right, the Lot 2 we're calling it, one, that would be
7 on a permitted lot in the R-10 District, it would be zoning
8 compliant, unless whomever decides to bring that application
9 is looking for a variance for whatever reason. But let's
10 just say for the sake of discussion that they're not. There
11 would be a single-family house built on a 10,008 square foot
12 lot. The footprint is already on the subdivision map, at
13 least proposed, you know, sort of described. It doesn't
14 change the character of the neighborhood to add one house
15 there. And I'm not sure there's much more that I could
16 speak.

17 And by the way, there is a landscaping plan as part
18 of this application which would be binding which would carry
19 to that proposal. So, we wouldn't have a situation where
20 we'd have to reinvent a landscaping, you know, plan. It
21 would already be there. And that gives you the sense --
22 that landscaping plan gives you the sense of what the
23 landscaping and topography would look like, and you have the
24 proposed footprint of the house in front of it.

25 BOARD MEMBER ANDERSON: Is the landscaping plan

1 still reliant on planting or making plantings on other
2 people's properties?

3 MR. JACOB AMIR: It's, yeah, required by the CRC.
4 And the southerly neighbor had submitted an email consenting
5 to it and he's fine with it. So, yeah, it's a requirement.

6 DEPUTY TOWN ATTORNEY MAGANA: So back to Kirit,
7 your concerns, so something I mentioned previously is that
8 if there was concerns about impacts associated with the
9 development of a house at that time the planning board has
10 previously and can condition it can come back with
11 renderings to make sure that there's no potential impacts.

12 BOARD MEMBER DESAI: Yeah, no, we have done that.
13 But usually we take it as a whole package of dividing it and
14 future things you would do. Yes, legally that's what we
15 require, you can come back and do that.

16 MR. JACOB AMIR: It's not customary for an
17 applicant to have a subdivision standalone, right, because
18 usually you see a subdivision with the later pro -- with
19 proposals to build on it.

20 BOARD MEMBER DESAI: Correct.

21 MR. JACOB AMIR: But at least I've been in
22 situations, not in Greenburgh but other municipalities,
23 where, for instance, somebody subdivided one lot into three
24 lots, building a house on two and leaving a third lot, for
25 whatever reason. It could be a number of reasons why. I

1 have seen that.

2 DEPUTY TOWN ATTORNEY MAGANA: Right. So, just
3 showing, like, where the location of the house is, the
4 square footage location of driveway, landscaping, limited
5 disturbance, those are required, but actual renderings are
6 not when it's for a subdivision approval.

7 VICE CHAIRPERSON PYNE: All right. Are there any
8 other questions or comments from the board?

9 BOARD MEMBER WEINBERG: Can I ask one question?
10 One more question?

11 In any purported documents, and I looked at the
12 protective covenants but I haven't read the rest of it, are
13 there any design standards for a house?

14 MR. JACOB AMIR: No, not that I've seen. And in
15 the title report, for instance, that my client received in
16 2006, which is consistent with Benchmark's title report
17 today, there are a list in Schedule B of all the covenant
18 restrictions, recorded documents, and I provided to this
19 board a handwritten notation and most of it relate to water
20 and sewage drains, easements for development, those kind of
21 things. So, no, nothing in terms of design.

22 BOARD MEMBER ANDERSON: I don't know if I
23 necessarily agree with that either. I mean, the declaration
24 of protective covenants does say stuff about -- I mean, I
25 guess it's not specifically designed, but it says stuff

1 about not blocking light and air. It says the designs of
2 all structures to be erected on any lot must be approved by
3 the grantor prior to said direction. There's quite a bit
4 here. If it's on -- it's the declaration of protective
5 covenants.

6 MR. JACOB AMIR: Oh, I would agree that it's --
7 that language refers to -- to the -- they may use the word
8 design, but more to use and particular use.

9 BOARD MEMBER ANDERSON: The purpose of this
10 restriction is to ensure that all structures and
11 improvements within the property shall be compatible and
12 aesthetically appealing. Each lot owner shall act to ensure
13 that the property and each lot remain open to light and air,
14 and it goes on, you can't block other's views. Above ground
15 pools will be permitted. It's got the language I said about
16 the structures, must be approved by the grantor, the grading
17 -- this isn't design of the building. That's the grading.
18 So, anyway, if you wanted to look at it that's -- it's
19 there.

20 BOARD MEMBER DESAI: And I think I would add that
21 if that's the intent then the pressure is a relevant issue,
22 and you say that you're just asking for subdivided lot but
23 don't really kind of address the issue of the water
24 pressure.

25 MR. JACOB AMIR: Well, respectfully --

1 BOARD MEMBER DESAI: But I think what we are really
2 saying that you cannot just separate it. You have to solve
3 the things because when we issue the subdivision approval
4 with the understanding that we would -- when you come back,
5 as Amanda say, you have to come back, we understand that the
6 intent and idea of the subdivision has been met before we
7 approve just drawing the line between. So, that is a very
8 relevant question raised by the neighbors, and I think the
9 board has also raised the same questions that how do you
10 solve the pressure issue which has been mentioned.

11 MR. JACOB AMIR: Well, I'm going to ask Abdulaziz
12 to step in in a second if he's on.

13 DEPUTY COMMISSIONER SCHMIDT: He is.

14 MR. JACOB AMIR: He is. Thank you. I'll say, one,
15 it's a little bit difficult to fully address the water
16 pressure issue without having an application for a dwelling
17 because -- for a number of reasons.

18 BOARD MEMBER DESAI: So, sorry. Why don't you take
19 the worst-case scenario and address it.

20 MR. JACOB AMIR: I can't take a worst-case
21 scenario. That's --

22 DEPUTY TOWN ATTORNEY MAGANA: Kirit, it's actually
23 at the applicant's -- if they were to be approved and
24 proceed with a house in the future, they would be at their
25 own risk to make sure that meets the water flow requirements

1 of the town.

2 MR. ABDULAZIZ YOUSEF: Right. And the applicant
3 would also have to get approval from the Westchester County
4 Health Department which would require the town to provide a
5 willing-to-serve letter regarding water and sewer use. So
6 these are all steps the applicant would have to take
7 eventually, but this is post getting through with the
8 subdivision approval. And, if anything, the applicant would
9 be okay with providing more pumps if that is necessary for
10 -- to get the pressure needed.

11 VICE CHAIRPERSON PYNE: Could you state your name
12 for the record.

13 MR. ABDULAZIZ YOUSEF: Abdulaziz Yousef.

14 DEPUTY COMMISSIONER SCHMIDT: And you're with?

15 MR. ABDULAZIZ YOUSEF: Project engineer for 134
16 Euclid.

17 DEPUTY COMMISSIONER SCHMIDT: Thank you.

18 BOARD MEMBER DESAI: The only thing I add is that,
19 Aaron, can ou -- or Amanda, can we condition that this
20 subdivision approval would be null and void if they cannot
21 get this water pressure things? Or I don't know how do you
22 condition.

23 DEPUTY TOWN ATTORNEY MAGANA: They will not be able
24 to build.

25 DEPUTY COMMISSIONER SCHMIDT: Right. Or they would

1 have to make some sort of improvement to the system to
2 maintain or increase the pressure.

3 BOARD MEMBER DESAI: So we can add some kind of
4 language that satisfies that -- not the owner but also the
5 neighbors which they have shown a concern about the water
6 pressure.

7 MR. JACOB AMIR: Well, I'm going to push back a
8 little bit on that. I believe you can -- well, you, as a
9 board, I guess can do whatever you want to do, but I think
10 the appropriate thing would be if you were going to issue a
11 conditional site plan approval, to the extent that you may
12 require the applicant to contact Westchester County
13 Department of Health, right, and get from Westchester County
14 Department of Health some kind of a letter with respect to
15 this subdivision before issuing final site plan approval and
16 subdivision plat, that I guess we can do. What I'm
17 concerned about when you say condition it on the
18 satisfaction of the neighbors, one, that opens up a door to
19 anything, first of all, and second, it's very hard to
20 quantify and qualify. So, if the -- if the resolution said
21 so long as it met town, county code, including code with
22 respect to water pressure, that's not only fine, I think
23 that's actually appropriate, but not that, you know,
24 neighbor's comments are going to be also, you know,
25 resolved.

1 DEPUTY TOWN ATTORNEY MAGANA: Right. So --

2 BOARD MEMBER DESAI: I would think it's neighbor's
3 comments. I see that it was part of the documentation that
4 you provided upfront. So I don't think it's only neighbors
5 came up with it, it was documented, and that's how I read
6 it.

7 MR. JACOB AMIR: Well --

8 DEPUTY TOWN ATTORNEY MAGANA: I agree that there
9 could be a note that they are required to meet any water
10 flow requirements per town and the county, but we can't
11 require that they consult with neighbors on the water flow
12 issues.

13 VICE CHAIRPERSON PYNE: And, again, just to
14 clarify, if the applicant was unable to satisfy the town or
15 the county requirements then they wouldn't be able to move
16 forward with building.

17 DEPUTY TOWN ATTORNEY MAGANA: Correct.

18 DEPUTY COMMISSIONER SCHMIDT: Right.

19 VICE CHAIRPERSON PYNE: So it's effectively
20 conditioning the ability to build an additional home.

21 MR. JACOB AMIR: Right.

22 VICE CHAIRPERSON PYNE: Are there any other
23 questions or comments from the board?

24 Is there anyone from the public who would like to
25 speak?

1 DEPUTY COMMISSIONER SCHMIDT: Can we just have a
2 show of hands on who would like to speak? Will there be
3 more than one speaker? Can we see the hands?

4 One, two, three, four. Okay. We just want to make
5 sure because we have some others on Zoom and we want to give
6 everybody the appropriate opportunity.

7 VICE CHAIRPERSON PYNE: If the first speaker would
8 like to speak, I'll let you figure that out yourselves.

9 DEPUTY COMMISSIONER SCHMIDT: And while there are
10 no time limitations for the public hearing for the planning
11 board, we would ask any additional speakers if they agree
12 with the comments already stated not to repeat them but
13 indicate that you just agree with the comments that were
14 already provided.

15 Thank you.

16 MR. DAVID ROSENBAUM: Okay. Thank you, members of
17 the board. I'm David Rosenbaum, property owner at 132
18 Euclid Avenue, which is the lot right next to 134. Also
19 speaking tonight as the President of the Ardsley Estates
20 Civic Association, which I was not able to speak in that
21 role last time because we had not met as a civic association
22 to discuss the matter.

23 We are opposed to the approval of the subdivision.
24 We're opposed to the approval to remove any trees, and we're
25 opposed to the request for the water land and -- wetland

1 recourse permit.

2 I do want to comment one thing, a mistake I made on
3 my last presentation. I referred to Ardsley Estates as
4 having 36 lots. It's actually 34. I read through the
5 Section 8.3 Block 3 -- Block 270. That has 36 lots but only
6 34 of them within Ardsley Estates. So just to clarify that
7 discrepancy.

8 Before going to -- and I'm not going to reiterate,
9 because I sent a lot of information to this planning board,
10 I'm going summarize some of it. I won't read through all of
11 it. But to one of the points that the applicant's attorney
12 raised about the question if none of the houses could be
13 built based on the restrictions, in the protective covenant
14 there is a waiver statement. It says, no waiver by the
15 guarantor of any violation here of -- I'm sorry, it states
16 that the grantor and their contractors, employees, agents
17 and representatives shall not be bound by any of the terms
18 of this declaration during the period that grantor is
19 involved in the development and construction of the
20 property. So, basically, Toll Brothers excused themselves
21 from the restrictions on building on the lots so they can go
22 ahead and building the lots.

23 DEPUTY COMMISSIONER SCHMIDT: Can you just let us
24 know what page that is and which specific document and the
25 date of the document?

1 MR. DAVID ROSENBAUM: It is in the protective
2 covenant. And if I may, I have copies to hand out for
3 everybody.

4 DEPUTY COMMISSIONER SCHMIDT: Thank you.

5 MR. DAVID ROSENBAUM: I have two documents I'm
6 handing out.

7 DEPUTY COMMISSIONER SCHMIDT: Thank you.

8 MR. DAVID ROSENBAUM: There's -- I'll come back to
9 the microphone. There is a set of protective covenant. I'm
10 looking at the protective covenant on page number two that
11 has the word improvement at the top left corner.

12 BOARD MEMBER ANDERSON: Hold on one second.

13 MR. DAVID ROSENBAUM: Uhm-hum.

14 The third physical page of the document, the second
15 page that has copy in it with the word improvement in the
16 top left corner.

17 DEPUTY COMMISSIONER SCHMIDT: I'm just going to
18 give one to...

19 MR. DAVID ROSENBAUM: Certainly.

20 DEPUTY COMMISSIONER SCHMIDT: You may proceed.

21 MR. DAVID ROSENBAUM: So the fourth paragraph from
22 the bottom of that page that begins with the word grantor,
23 it states that grantor and their contractors, grantor being
24 Toll Brothers Five --

25 BOARD MEMBER ANDERSON: Wait, wait. So your

1 declaration of protective covenants, that's where you're at?

2 MR. DAVID ROSENBAUM: Right.

3 BOARD MEMBER ANDERSON: And so the first -- the
4 page that -- the title declaration of protective covenants?

5 MR. DAVID ROSENBAUM: Correct, the next page.

6 BOARD MEMBER ANDERSON: Four paragraph -- the last
7 page?

8 MR. DAVID ROSENBAUM: No, next page after that--

9 DEPUTY COMMISSIONER SCHMIDT: Next page.

10 MR. DAVID ROSENBAUM: -- that has the improvement
11 as the first word on the top left corner.

12 DEPUTY COMMISSIONER SCHMIDT: Yes.

13 BOARD MEMBER ANDERSON: Got it.

14 MR. DAVID ROSENBAUM: Fourth paragraph from the
15 bottom reads:

16 Grantor and their contractors, grantor being Toll
17 Brothers Five, the original developer, and their
18 contractors, employees, agents and representatives shall not
19 be bound by any of the terms of this declaration during the
20 period that grantors involved in the development and
21 construction of the property.

22 Basically, they allowed the property to be built
23 without compromising these protective covenants.

24 I'll also comment, and I'm going to go a little out
25 of order in my presentation, is I'm not an attorney, but I

1 speak with a lot of people who are attorneys. One of the
2 people I spoke with indicated that what governs is not the
3 protective covenant but perhaps the deed. I distributed to
4 everybody copies of the deed to the applicant on the lot
5 which states the reference to the protective covenants in
6 the deed.

7 So, the first page of the deed, the third paragraph
8 starting subject to.

9 DEPUTY COMMISSIONER SCHMIDT: Thank you.

10 MR. DAVID ROSENBAUM: Okay. With all due respect,
11 I think that some of the statements that are being made by
12 the applicant and their attorney are not incorrect but are
13 omitting certain facts that are perhaps relevant. For
14 example, we talk about whether the protective covenant
15 precludes subdivision. I will agree it does not explicitly
16 preclude subdivision. However, it does preclude
17 construction on the property, whether that's the original
18 lot or a subdivided lot.

19 To some of the comments which have been made,
20 acknowledging the development of the lot will be a separate
21 question, but if there's sufficient arguments to suggest lot
22 cannot be developed, then it raises the question what
23 happens to this now vacant lot to the property character.
24 Who's responsible for maintaining? Are we going to wind up
25 with an abandoned lot undeveloped, a blemish on the

1 neighborhood?

2 So, while we're not talking about the development
3 yet, I think there's sufficient arguments to say the
4 property cannot be developed so the subdivision is
5 immaterial or meaningless. I don't know what the
6 applicant's intent of the subdivision is if not to develop,
7 but I would argue that the property cannot be developed.

8 VICE CHAIRPERSON PYNE: Sorry. Can you just
9 clarify? So, if the property were to be subdivided how
10 would it go into disarray? It will still be owned by
11 someone.

12 MR. DAVID ROSENBAUM: It would be owned by
13 somebody. It would either be owned by the applicant or, if
14 they sold it, to someone they sold it to. Someone will own
15 it. If it's undeveloped and cannot be developed, there's a
16 question of what happens to this lot that's sitting here
17 owned by somebody but not developed. Does it become
18 overgrown? Is it abandoned? What happens to it? And that
19 clearly speaks to the character of the development.

20 VICE CHAIRPERSON PYNE: And are there maintenance
21 requirements within the town code?

22 DEPUTY COMMISSIONER SCHMIDT: Yes, property
23 maintenance.

24 DEPUTY TOWN ATTORNEY MAGANA: No, but I don't
25 follow the logic because it would still be a lot that adds

1 value to whatever home it's being sold with.

2 MR. DAVID ROSENBAUM: Not if it's being sold --

3 BOARD MEMBER ANDERSON: If it's subdivided there's
4 no obligation then to sell it with the neighboring lot.

5 DEPUTY TOWN ATTORNEY MAGANA: That's true.

6 BOARD MEMBER ANDERSON: So it's a standalone vacant
7 lot that one person could own with no home on it and they
8 could have a less stake in what is going on there so they
9 could be -- they could let it go into disarray. I follow.

10 MR. DAVID ROSENBAUM: Correct.

11 DEPUTY COMMISSIONER SCHMIDT: Speaking to the vice
12 chairperson's comment, there are property maintenance
13 requirements under town code. We've seen violations issued
14 by our building inspector's office for unmaintained
15 property. So there are, you know, mechanisms in place to
16 prevent it from just being left to --

17 DEPUTY TOWN ATTORNEY MAGANA: Typically, when that
18 occurs they also -- a person will stop paying taxes so there
19 would be a foreclosure and a proceeding at some point.

20 MR. DAVID ROSENBAUM: Same questions arises, if
21 they stop paying taxes and foreclosure, what happens to the
22 lot?

23 But let me make some comments. I mentioned that
24 perhaps the applicant or their attorney are leaving some
25 items out. At the May 12th planning board working session

1 the applicant's attorney was asked why now to subdivide and
2 suggested a house might be sold some time and the land might
3 be developed at some time to be ready in case interest and
4 construction costs go down were his comments. At this point
5 as of last week, the house has been listed on Zillow for
6 sale, shown as a one-third acre, which is the sub -- the
7 effect that a subdivision would have. There's a for sale
8 sign in front of the house. In agent only remarks on the
9 listing, which a real estate agent shared with us, quote,
10 the sellers are in the process of subdividing the property.
11 This home lot will be 12,984 square feet, approximately
12 .298 acres, subdivision almost completed. Seller would
13 consider selling the lot next door. Inquire for pricing.

14 To the best of my knowledge, the subdivision has
15 not yet been approved. According to Westchester County Code
16 Section 873.951 prohibits the offer of sale of a subdivision
17 before plans are filed with the Westchester County Clerk.
18 So I'm not sure if there's a violation of listing this
19 property for sale before the subdivision has been approved.
20 I question whether the applicant may not have been
21 forthcoming with their attorney on this matter.

22 Why should the subdivision, in our opinion, not be
23 approved? We talked about the protective covenants. They
24 don't explicitly preclude subdivision. They appear to
25 preclude construction of a house on the property which

1 raises a question of what happens to the lot. It states in
2 the protective covenant the purpose of this restriction is
3 to ensure all structures and improvements within the
4 property shall be compatible, which suggests not just lot
5 size, but architecture of the houses. All of the houses in
6 Ardsley Green come from a Toll Brothers pallet of houses.
7 There are basically four models represented there. I don't
8 know for sure, but I would assume those designs are
9 copyrighted by Toll Brothers, which would suggest unless
10 somebody built -- bought the rights to build a Toll
11 Brothers' design house on the property there would be an
12 inconsistency in the house. If you look at the neighboring
13 streets on Euclid Avenue and down Sheldon and the
14 surrounding neighbors, there's not a lot of consistency in
15 the houses. Ardsley Estates has remained consistent.

16 The protective covenants says it's to preserve and
17 protect the character of the development and for the benefit
18 of each lot owner. So, granted, the applicant has rights,
19 but so do the other neighbors in the development.

20 Apparently, it's routine for Toll Brothers'
21 developments to have these types of protective covenants. I
22 can't say for sure, but the applicant attorney's firm
23 represents Toll Brothers and other developments. I would
24 expect the applicant's attorney might be aware of this type
25 of protective covenant and other projects that Toll Brothers

1 has undertaken.

2 The protective covenant also explicitly runs with
3 the land, not with the owner, and applies all successors and
4 assigned to the property owner. So, basically, this
5 protective covenant is in place no matter how many times the
6 house is sold or the property is sold. The current
7 applicant is a third owner of the lot. The protective
8 covenant would run with the land through there.

9 There was a comment made at the June 4th hearing,
10 was it? About a title from an appropriate respected -- I
11 think the word was respected title company. Title Vast, who
12 conducted the title search that we requested, is part of
13 First American which is one of the respectable title
14 companies that the applicant's attorney identified at that
15 meeting. So, this is a known title company.

16 As I said, the title -- the protective covenants
17 are referenced in the deed. So my questions are, as the
18 attorney's applicant or the applicant's attorney correctly
19 stated, the protective covenant doesn't preclude
20 subdivision, but he didn't comment on the protective
21 covenant does appear to preclude development so what happens
22 to the lot?

23 The insufficient water pressure question which we
24 raised. Lot 3, which is the one the subdivision is being
25 requested on in the original plans for Ardsley Estates was

1 two lots. It was combined into a single lot because there
2 wasn't sufficient water pressure for the development, not
3 for the house, but for the development, to be the 25 PSI
4 requirement of the county. That's partially because of the
5 elevation of that lot. The same thing was done on lot 34
6 across the street. Lot 34 was originally three lots and was
7 combined into one for the same reason.

8 According to the County Health Department, they
9 could ameliorate the problem of the water pressure by
10 putting a booster in for the entire development which the
11 original owner, Faith Lee, and their development company
12 said it was too expensive to do, and the county would not
13 permit individual boosters on individual properties. So,
14 what I submitted to the board was the health department
15 information about this, the fire department report that the
16 PSI was not sufficient, Faith Lee's attorney acknowledging
17 that this is why they're reducing the lot count and the
18 planning commissioner documenting this specific lot
19 combinations in a memo to the town engineer, the building
20 inspector and the fire marshal.

21 I will comment that a lot of what I'm reporting now
22 I submitted a Freedom of Information Request to the Town of
23 Greenburgh, who were wonderful and returned about 2500 pages
24 worth of information that afternoon. So this is all in the
25 public record.

1 Wetlands. I will comment again I'm not an
2 attorney, but I've looked through sections of the Wetland
3 and Watercourse Law Chapter 280. It has great -- and the
4 wetlands report that is part of the applicant's filing. The
5 wetlands report has a lot of detail about the current
6 environment and issues of the wetlands. I could not find
7 anything in the wetlands report that indicated the impact on
8 the wetlands disturbance during construction, nor anything
9 about the impact after construction in terms of lawn
10 absorption or drainage.

11 The wetlands report does acknowledge that there's
12 poor drainage already in the wetlands area. The wetlands
13 report also discusses the soil conditions, not the wildlife
14 conservation area, and Chapter 280-3 of the wetlands and
15 watercourse's report precludes disrupting wildlife habitat.
16 So I think these are areas of consideration.

17 Additionally, the proposed residences, at least as
18 sketched on the plan, and I understand they are not formal
19 building plans, covers about 70 percent is -- falls within
20 the buffer area surrounding the wetlands. So, in terms of
21 environmental concern and risk, this isn't even abutting the
22 buffer area. This is grossly on top of the buffer area that
23 if you would try to build a house that didn't touch on the
24 buffer area, there's almost no land left there to build.

25 I will comment, and this is perhaps my observation

1 so I will preface it as a comment, as I stated the last
2 time, the applicant appears to have routinely ignored zoning
3 and property lines between the basketball court they built,
4 the hot tub, the electricity for the hot which is being
5 vested as a storage shed, a clubhouse. About a week and a
6 half ago the applicant and/or their family built a bonfire
7 in the woods on a hot, dry day. I have concerns about the
8 applicant's being entrusted with environmental stewardship
9 over the wetlands.

10 Trees. Town Code Section 260-8, permit approval
11 requires necessity of the tree removal in order to achieve
12 the applicant's goals. If the property cannot be developed,
13 there's no need for a driveway, there's no need to remove
14 trees. The removal for trees are to facilitate a driveway
15 on the sketch that's provided on the subdivision
16 application.

17 Preservation and distinct character of Ardsley
18 Estates' neighborhood. Couple of comments there. From the
19 website of the planning board, I know the planning board
20 evaluates land use applications for compliance with town
21 code, of course everything must comply, and consistency with
22 the town comprehensive plan. The Greenburgh Town
23 Comprehensive Plan speaks to the preservation of
24 neighborhood character. In Section 12 it speaks to
25 enhancing the sense of place in Greenburgh, and to the

1 comment that was made earlier this evening about formerly
2 Ardsley Estates, the town plan lists Ardsley Estates as a
3 named distinct neighborhood within the town. Ardsley
4 Estates still is Ardsley Estates. As I said, all the houses
5 are from the Toll Brothers' pallet so there is a consistency
6 to the development.

7 The comprehensive plan also speaks to avoiding
8 increase in density. Even one house, by definition,
9 increases density. Granted, that speaks to development, not
10 subdivision, but what's the purpose of the subdivision
11 approving it without the possibility of development raises a
12 question whether this subdivision should be approved.

13 The owners of properties in Ardsley Estates bought
14 into Ardsley Estates for the unique character. I will
15 comment from the real estate listing for 134 Euclid Avenue
16 which is posted. It states, and I quote, welcome to 134
17 Euclid Avenue located in the exclusive Ardsley Estates
18 neighborhood. So they're referring to it as a neighborhood
19 as well. And the subdivision establishes precedent, not
20 only for Ardsley Estates, but potentially for other similar
21 developments. I won't speak for Ardsley Green. That's not
22 part of our civic association. But they have a similar type
23 of look, feel, neighborhood with I would expect similar
24 concerns.

25 Traffic. The blind turn around -- coming up Euclid

1 Avenue is an accident waiting to happen. If development
2 were -- a driver were to put near the turn where the car
3 stopping to turn into a driveway, it increases that risk
4 perhaps materially. While adding one more house doesn't
5 change traffic to the neighborhood, the precedent does. And
6 if to prove the point of the safety of that turn, in April
7 of 2021 the applicant drove his car off the road and crashed
8 into Lot 1 at that turn.

9 I numbered my pages this time and stapled them so I
10 won't lose my place.

11 Ardsley Estates Civic Association. Unlike my
12 discussion on June 4th, tonight I am speaking on behalf of
13 the Ardsley Estates Civic Association. We scheduled and
14 held a special meeting on June 12th. We scheduled and held
15 a second special meeting on July 1st. To date, 13 members
16 have voted, representing more than a quorum of the members,
17 all of the members in the original surroundings of 134
18 Euclid Avenue.

19 I will comment that 16 met -- residents in Ardsley
20 Estates received notices of the public hearing based on the
21 500-foot radius. I went to the town -- the Westchester
22 County GIS to pull the addresses within a 500-foot radius.
23 16 owners received notice, 13 voted against the proposal
24 unanimously. Nobody have voted in favor of any of the
25 proposals.

1 I know that from the town planning board popularity
2 does not influence decisions or direct decisions, but
3 community input is a factor to be considered. So far
4 everyone who has voted on this in the civic association has
5 unanimously voted against these three proposals.

6 As I mentioned earlier, the owners bought into a
7 unique homogeneous neighborhood. They all beautifully cared
8 for their properties; hence, some of the concern about a
9 potentially vacant lot. Appreciate uniformity with some of
10 the comments that came up in our special meetings, they
11 appreciate that the density is not increased and they
12 appreciate the tree-lined streets. They're all concerned
13 about precedent.

14 Personally, positioning of the house on Lot 3 was
15 promised us by the Toll Brothers in terms of placing it as
16 far to the east as possible on the lot. Although that's not
17 memorialized, there's more to go to that story.

18 The original owner of the house on Lot 3 was told
19 by Toll Brothers that the house would not fit any further
20 west on the property. Two comments here. It speaks to why
21 the house is where it is. It speaks to the difficulty or
22 impossibility of putting another house further west on the
23 lot that conforms to the design style of the rest of Ardsley
24 Estates. Along with the original owner and other --
25 original owner who was looking at considering Lot 3 was also

1 told the question why the lot was put so far to the side was
2 told it's because of the depth of the lot and couldn't be
3 put any further to the west. He ultimately bought a
4 different lot. The owners on Lot 4 questioned why the lot
5 -- the house was built so close to their house and was given
6 the same answer, it could not be built any further to the
7 west than where it was built.

8 The subdivision will divide us -- many of us of a
9 benefit that was promised to us, and it will certainly
10 decrease the value of my property.

11 My conclusion. The planning board has
12 responsibility, of course, to balance the rights of the
13 landowners while ensuring the adverse impact to the
14 surrounding community are minimized. This includes
15 overseeing the character of the town, architecture, density,
16 traffic and safety. It includes the rights to the
17 landowners who are impacted by applications like this one
18 before the planning board. We are not trying to prevent the
19 applicant from doing what they are legally entitled to do.
20 We are trying to protect the rights and privileges of the
21 other property owners in Ardsley Estates.

22 In the past, we have supported other land use
23 applications. When Ardsley Green was being developed we
24 actually supported that because it was a zoned use, it
25 enhanced the neighborhood, there were similarly sized houses

1 that maintained the character of the environment. The civic
2 association supported that division. We're not opposed to
3 change.

4 But on behalf of myself, my neighbors in the
5 Ardsley Estates Civic Association, I respectfully urge this
6 planning board to consider the protective covenant to
7 preclude development, to consider the insufficient water
8 pressure and safety risk, to consider traffic and safety
9 implications, to consider the wetlands conservation and
10 wildlife implications, to consider the town comprehensive
11 plans and objectives for preservation and neighborhood
12 character and avoidance of additional density, to consider
13 the lack of the need to remove trees if there's no
14 development, to consider civic association opposition, to
15 consider the precedence an approval would create, to
16 consider the personal impact of my house, and I respectfully
17 ask this planning board to deny this application for
18 subdivision, to deny the application for a tree removal
19 permit and to deny the application for wetlands/watercourse
20 permit.

21 As I stated at the last public hearing, we have had
22 difficulty identifying legal counsel because every referral
23 I've gotten through a land use attorneys has pointed us to
24 the same law firm the applicant is using, but we have
25 identified what we believe to be an appropriate, suitable

1 representation. If the planning board is considering
2 approval of proposals, I respectfully ask you let us know
3 and postpone the decision until we've completed the process
4 of retaining counsel and have brought them up to speed so we
5 can appropriately be represented.

6 Thank you.

7 VICE CHAIRPERSON PYNE: All right. Thank you.

8 DEPUTY COMMISSIONER SCHMIDT: Thank you.

9 VICE CHAIRPERSON PYNE: Anyone else from the public
10 would like to speak?

11 MS. CONNIE FALCONE: Please.

12 VICE CHAIRPERSON PYNE: All right. Come on up.

13 DEPUTY COMMISSIONER SCHMIDT: Just state your name
14 and address for the record, please.

15 MS. CONNIE FALCONE: Hi. Connie Falcone. I live
16 next door to 134 Euclid Avenue.

17 I'm not going to repeat what he said. I agree I'm
18 not opposed to my neighbors. I am opposed to the three --
19 sorry, the three proposals that were listed.

20 DEPUTY COMMISSIONER SCHMIDT: Thank you.

21 VICE CHAIRPERSON PYNE: Thank you.

22 DEPUTY COMMISSIONER SCHMIDT: Anyone else?

23 BOARD MEMBER DESAI: What's the number?

24 MS. CONNIE FALCON: 134. I'm sorry, 136.

25 VICE CHAIRPERSON PYNE: Anyone else from the public

1 who would like to speak?

2 DEPUTY COMMISSIONER SCHMIDT: I'm sorry, ma'am,
3 your home address?

4 MS. FALCONE: 136.

5 DEPUTY COMMISSIONER SCHMIDT: Just for the
6 stenographer. Thank you.

7 MS. CONNIE FALCONE: Apologize.

8 MR. MICHELLE HOLTZMAN: Michelle Holtzman, 138
9 Euclid. Similar, I agree with what was said by the
10 representative of our neighborhood. And, again, I support
11 my neighbors, but I don't support the three bills or three
12 things that are in front of you.

13 DEPUTY COMMISSIONER SCHMIDT: Thank you.

14 VICE CHAIRPERSON PYNE: All right. Come on up.

15 MS. SHARON SHAHAR: Hi. I am Sharon Shahar. I
16 live at 135 Euclid Avenue which is directly across from the
17 property in question, and I too am vehemently opposed to any
18 development to those three proposals. Again, not opposed to
19 my neighbors, but do want to keep the integrity and
20 aesthetic beauty of Ardsley Estates intact. That's what my
21 husband and I bought into 29 years ago, and we feel we have
22 a right to retain that.

23 Thanks.

24 DEPUTY COMMISSIONER SCHMIDT: Thank you.

25 VICE CHAIRPERSON PYNE: Anyone else from the

1 public?

2 All right. Then would the applicant's attorney --

3 DEPUTY TOWN ATTORNEY MAGANA: Is there anyone on

4 Zoom?

5 VICE CHAIRPERSON PYNE: Oh, sorry.

6 DEPUTY COMMISSIONER SCHMIDT: I just want to check.

7 There were a few members of the public that asked for the

8 Zoom link. I see Kelvin Lewis. Would you like to speak?

9 MR. KELVIN LEWIS: Yes, please. So my name is
10 Kelvin Lewis.

11 DEPUTY COMMISSIONER SCHMIDT: Do you have the
12 ability to activate your video?

13 MR. KELVIN LEWIS: Yes. Hold on.

14 DEPUTY COMMISSIONER SCHMIDT: Thank you.

15 MR. KELVIN LEWIS: Am I good?

16 DEPUTY COMMISSIONER SCHMIDT: Yes.

17 MR. KELVIN LEWIS: Okay. Thank you.

18 So, my name's Kelvin Lewis. I reside at 139 Euclid
19 Avenue. My family and I moved here in '96. We were shown a
20 lot map of 34 homes. We chose the lot on Phase II. There
21 was never any mention of future subdivisions.

22 Now, again, I agree with the statements made that
23 there is no restriction on subdivisions, but, again, as Dave
24 had mentioned, David Rosenbaum mentioned, what is the intent
25 of a subdivision if there's no future or imminent plans to

1 construct any housing or some sort of a shelter of that
2 nature?

3 Also, without any imminent intent of any
4 construction, why approve any removal of trees?

5 I am 69. I have these maples on my lawn. I've
6 twisted my ankle several times walking on the surface limbs.
7 I've been told that it takes an arm and a leg to actually
8 get the tree removed in front of my property, and if you
9 plan -- if the town board plans on approving the removal of
10 the two trees, I myself would like to have some trees
11 removed in front of my house as well if it's that simple.

12 But, again, I have no animosity against my
13 neighbors, but I do agree with -- I am against any of the
14 three proposals presented to the board tonight.

15 Thank you.

16 VICE CHAIRPERSON PYNE: All right. Anyone else on
17 Zoom?

18 DEPUTY COMMISSIONER SCHMIDT: I believe -- okay. I
19 see Mr. Karlitz.

20 MR. GARY KARLITZ: Yes. Can you hear me all right?

21 DEPUTY COMMISSIONER SCHMIDT: Yes. Just your name
22 and address for the record.

23 MR. GARY KARLITZ: Sure. My name is Gary Karlitz,
24 K-A-R-L-I-T-Z. I live at 2 Faith Lane. We're members of
25 the Ardsley Estates.

1 I've been a homeowner since 1997, and I'm not
2 saying that this step transaction is illegal, I'm not a
3 lawyer, but it's certainly clear to me that they want to
4 build a house and they're just parsing words.

5 Number two, that corner is a very dangerous corner.
6 And I'm not suggesting that one more house will materially
7 increase our traffic pattern, but there are a lot of young
8 drivers in our neighborhood that come around that corner and
9 that driveway that they'll anticipate, and I understand in
10 the step transaction that counsel is referring to that's not
11 what he wants right now, but it's clear that's what he
12 wants. And we're not silly. We know what he wants. So,
13 therefore, because of safety, I support everything that
14 David Rosenbaum said, Kelvin said and I think that this
15 should be denied.

16 Thank you.

17 DEPUTY COMMISSIONER SCHMIDT: Thank you.

18 VICE CHAIRPERSON PYNE: Anyone else on Zoom?

19 DEPUTY COMMISSIONER SCHMIDT: I see Ms. Jakubowitz.
20 Would you like to speak?

21 MS. ELLEN JAKUBOWITZ: Yes, I would.

22 I just want to say that I agree with everything
23 that David had said. I agree that the -- I don't see any
24 upside to this. I only see the downside, which were -- I
25 don't have to reiterate. It's already been said. I live at

1 1 Faith Lane. And that's it. I just agree with everything
2 that's been said as far as not going through with the
3 proposed plans.

4 DEPUTY COMMISSIONER SCHMIDT: Thank you.

5 VICE CHAIRPERSON PYNE: All right. Anyone else on
6 Zoom?

7 All right. Then would the applicant's attorney
8 like to respond?

9 MR. JACOB AMIR: Sure.

10 BOARD MEMBER ANDERSON: Could I ask a question
11 really quick before he does?

12 VICE CHAIRPERSON PYNE: Yeah, sure. Okay,
13 Ms. Anderson.

14 BOARD MEMBER ANDERSON: Whose language is it in our
15 agenda here?

16 DEPUTY COMMISSIONER SCHMIDT: In terms of?

17 BOARD MEMBER ANDERSON: That says a continued
18 public hearing to discuss preliminary subdivision
19 wetlands/watercourse permit and tree removal permit
20 application involving the proposed subdivision of one lot
21 into two lots to facilitate the construction of one new
22 single-family residence? Is that to facilitate the
23 construction of one-single family residence where did that
24 come from?

25 DEPUTY COMMISSIONER SCHMIDT: That came -- that's

1 staff's language.

2 BOARD MEMBER ANDERSON: Staff's language?

3 DEPUTY COMMISSIONER SCHMIDT: Yes.

4 BOARD MEMBER ANDERSON: That's not from their
5 permit -- that's not from their application?

6 DEPUTY COMMISSIONER SCHMIDT: So, I would have to
7 double-check with staff from my office to see if it was
8 specific to their application language, which we can do.

9 BOARD MEMBER ANDERSON: Okay.

10 VICE CHAIRPERSON PYNE: Mr. Desai?

11 BOARD MEMBER DESAI: Yeah. I'm trying to
12 understand why was it not subdivided originally if intent by
13 the Toll Brothers to have an additional house. And I'm
14 looking at it, the arc of wetland buffer, and it looks like
15 it was impossible to build. And maybe they thought it was
16 not possible to approve on their lot because, I mean, I'm
17 looking at the plan that's submitted by you, and the whole
18 house, and most of the property, is part of the buffer. And
19 so when you are -- sorry. When you are requesting that we
20 allowing this subdivision, which will -- whether you say
21 specifically it's for building of a new house, so in the
22 sense we are approving something that is not -- should be in
23 that kind of environmentally sensitive area.

24 MR. JACOB AMIR: Well --

25 BOARD MEMBER DESAI: So, I think if you can respond

1 to that.

2 MR. JACOB AMIR: Sure. Look, I can't speak to what
3 Toll Brothers did or decided to do in 1994. That's beyond
4 anyone's -- I think anyone's knowledge here. Any hearsay
5 statements, any unrecorded statements, any conversations
6 which happened 30 years ago frankly have no relevance. They
7 can't be verified so they should not be considered.

8 Why -- just as a matter of construction and
9 development, why would Toll Brothers decide not to construct
10 two houses? Maybe they did see the buffer or the wetlands
11 behind us, behind our property, and thought something there.
12 Maybe they had a conversation with the rear neighbor. I
13 have no idea why. Maybe there were construction issues. I
14 can't speak to that. I don't know. All I do know is that
15 the proposal is compliant with the code, compliant with the
16 dimensions of the code and it's permitted. That's all I can
17 speak to is what we know today and what we know based upon
18 what is recorded. So I can't speak to any -- any of what
19 happened before. But -- I can't.

20 BOARD MEMBER DESAI: I understand.

21 MR. JACOB AMIR: And if I may, just one other
22 point. There are instances where developers take certain
23 action one year and then take different action several years
24 later for whatever reason. I don't know what those reasons
25 are, but there are different reasons why developers do

1 something in one year and change their opinion later. So we
2 can't -- we can't speak to that.

3 BOARD MEMBER DESAI: I mean, my question was I'm
4 just trying to understand why the -- originally Toll
5 Brothers could have just divided and made it a Lot 3A and
6 3B. I mean, that's what you're really doing here. So, they
7 could have a much better financial incentive to do that.
8 And what you are doing is you're coming back and asking us
9 to do the same thing that was probably --

10 MR. JACOB AMIR: Not really. I'm not asking you to
11 do the same thing. Toll Brothers could have made all 10,000
12 square foot lots and put more lots up. They could have made
13 20,000 square foot lots and put less lots, and maybe they
14 thought that would have been more financially feasible.
15 Your direct question, I think, is why is this lot, a nearly
16 half acre lot, where some of the other lots on Euclid are
17 smaller, which is --

18 BOARD MEMBER DESAI: No.

19 MR. JACOB AMIR: Okay. Then I don't need to go
20 down that road.

21 BOARD MEMBER DESAI: I don't think that's what's
22 the question. The question was that if -- all the logic
23 that you are bringing, that you have legal rights to
24 subdivide because it's large enough, but I'm looking at
25 environmental constraints, and I'm just wondering was that

1 looks like, a probable cause for it.

2 MR. JACOB AMIR: Maybe --

3 BOARD MEMBER DESAI: And, again, what you're asking
4 us to allow you to do, to build a house, we have to pay into
5 that environmental sensitive area, that's all.

6 MR. JACOB AMIR: First of all, this board has
7 already issued a negative declaration. Let's just -- let's
8 state that. Maybe -- and, again, I'm speculating wildly
9 here. Maybe a project manager at Toll Brothers at the time
10 thought it was just not worth it because there are wetlands
11 behind us. That's a factor that some developers think
12 about. I don't know. Frankly, not only do I not know, I --
13 it would be wrong for me, or anyone, I think, to speculate
14 what Toll Brothers did or did not do. We --

15 VICE CHAIRPERSON PYNE: I'm sorry.

16 MR. JACOB AMIR: No, no, that's -- yeah.

17 VICE CHAIRPERSON PYNE: So it was suggested by one
18 of the speakers that this lot is already for sale. Could
19 you speak to that? Are you able to speak to that?

20 MR. JACOB AMIR: There is a -- there is a broker
21 who has been engaged looking into that. I think there is --
22 and my clients can speak to that more -- probably more than
23 I can. There is no offer made, okay. There is no proposal
24 out there. There's no contract of sale out there. We
25 specifically are waiting for this board to determine the

1 subdivision, and after that then we will proceed.

2 And just as an aside, because I do real estate as
3 well, no buyer is going to jump in on a contract until the
4 subdivision application is completed, at least none -- no
5 attorney that I would refer you went to, and I don't think
6 anyone should.

7 But are there expressions of interest? Yeah. It
8 would be disingenuous for me to say, oh, we're just deciding
9 to subdivide it and leave it at that. That's not really
10 credible. So it's not a surprise, it should not be a
11 surprise to anybody, that -- that there may be expressions
12 of interest. That doesn't -- that should not affect the
13 subdivision approval process, certainly not a barrier to it
14 under the code.

15 I want to answer any questions, but I also want to
16 refer to what --

17 DEPUTY COMMISSIONER SCHMIDT: Yeah, I'd like you to
18 go through each of the --

19 MR. JACOB AMIR: Okay.

20 DEPUTY COMMISSIONER SCHMIDT: -- each of the
21 comments.

22 MR. JACOB AMIR: I'll try to do this in some order.
23 If I miss something, please, I'll try to go back.

24 On the issue of restrictions in the declaration of
25 protective covenants, because that is an interesting

1 contractor -- interpretation by contract, the declaration is
2 in effect a contract of law. That's what it's treated as in
3 court. If you looked at the declaration of protective
4 covenants, there are several paragraphs with headings,
5 right. There's nuisances, trailers, live stocks, signs,
6 easement, etc., etc., etc. Continues on, site distance,
7 television, radio and enforcement. And in the paragraph on
8 enforcement you find the language that the grantor and their
9 contractors, employees, agents, etc., shall not be bound by
10 any of the terms of this declaration during the period of
11 the grantor -- that the grantor is involved.

12 Now, I cannot speak to why that paragraph -- that
13 provision is located in that section as opposed to say where
14 I would think it would normally be located, which would be
15 at the end of the declaration, right. The foregoing shall
16 not apply to the grantor. Or, in the beginning of the
17 declaration, the maker of this declaration. And, again,
18 we're going into contract language here, but the maker of
19 this declaration decided to put that non-bind --
20 non-controlling language under enforcement. To me, that
21 would seem to kind of make sense because a grantor can't
22 enforce it against himself or -- you would not think a
23 grantor would enforce against himself and against his
24 contractors and his agents. But, again, I don't know why
25 that language is in that paragraph.

1 What I do know is that, as is even has been said by
2 the neighbors, there is no restriction on a subdivision.
3 And that gets to the second point, I think, which is --
4 which was specifically said it does not preclude a
5 subdivision, but it cannot be developed. In addition to
6 that not being before this board, there may be several
7 reasons for a subdivision. And I'm wildly speculating
8 again. Maybe one reason is to sell a lot to somebody.
9 Maybe another reason is, I don't know, for tax benefits.
10 Maybe a third reason is the developer who is -- I believe
11 has actually an application before the town, on the rear
12 property, right, the old Carvel property, maybe would be
13 interested in an extension of that land to Euclid Avenue. I
14 don't know. I'm speculating because we shouldn't be
15 speculating. What we should be doing is looking at what the
16 documents say and whether there are or there are not
17 restrictions.

18 So, if at some point in time somebody comes before
19 this board with renderings and a site application to build a
20 house then at that time this board, very correctly, is going
21 to go through the analysis, right. Storm water, drainage,
22 utilities, traffic, parking, height, setbacks, whatever.
23 But that can't be before this board now because none of that
24 is here before this board. The subdivision is a permitted
25 act of my clients.

1 There was a --

2 BOARD MEMBER MOIR: I'm sorry. I wanted to
3 interrupt quickly back to the prior question. So the
4 Cochran Group does have this site listed as being available
5 on July 6th at 0.3 acres.

6 MR. JACOB AMIR: That's perspective. Obviously --

7 BOARD MEMBER MOIR: It says coming soon. Available
8 July 6th, 0.3 acres, on-line right now, right?

9 MR. JACOB AMIR: Yeah, that's optimistic. But
10 depending on what happens, that can always be changed.
11 There are plenty of listing -- listing information on
12 properties that develop. That in and of itself, even if
13 that is true, in and of itself, that does not affect this
14 application, right.

15 If the neighbors think for some reason they are
16 being deceived in some way, quite frankly, they don't have
17 standing to even say that. But let's say they want to say
18 that anyway, that's not a remedy before this body. That's
19 not a -- something that this board, I think, respectfully,
20 should entertain. This board should entertain this
21 application before it, okay. If the applicant is
22 optimistic, let the applicant be optimistic.

23 If, on the other hand, let's pretend the applicant
24 decided to say in a listing it is unlikely we will get a
25 subdivision, but we hope so, the applicant can do that.

1 Should it matter? No, it shouldn't matter. The applicant
2 can write whatever they want in a listing, subject to state
3 law. I'm not telling them to violate state law. But if
4 they were overly optimistic, overly pessimistic should that
5 change this board? No, it should not, respectfully.

6 If I could turn to -- since we've dealt with that
7 issue, I think -- the next issue of the water pressure.
8 From my understanding -- and, again, I'm not an engineer,
9 but from my understanding, the reason Westchester County,
10 according to these documents, it appears did not approve or
11 consent to individual boosters at the time of development
12 for water pressure is because I think that was proposed on
13 all the lots and so they decided not to do that, and it was
14 less expensive to combine the lots. In fact, that goes back
15 to one point, why were Lots 2 and 3 or 3 and 4 combined to
16 make one lot that my clients now own? Perhaps because Toll
17 Brothers, or whomever at the time, thought it was less
18 expensive and more efficient than installing boosters on all
19 the subdivided lots. But now we're talking about one lot
20 that might be built and one booster - a radically different
21 circumstance.

22 The wetlands and watercourse. That should come up
23 later in -- if and when there is a site plan application,
24 but we have submitted a wetlands -- I think we've submitted
25 a wetlands application permit as part of this application.

1 We've submitted it. We have a wetland consultant. The
2 report is in. I can't speak to any more than that.

3 VICE CHAIRPERSON PYNE: So this is a -- I have a
4 question for Amanda. Considering the property's location
5 near a watercourse, wetland watercourse, if a home were to
6 be proposed in the future, would it come in front of this
7 board for that reason, or there's still a possibility that
8 it could be built without coming in front of the board?

9 DEPUTY TOWN ATTORNEY MAGANA: So it's coming before
10 the board now for a wetland permit.

11 DEPUTY COMMISSIONER SCHMIDT: Right. They're
12 showing a limit of disturbance.

13 VICE CHAIRPERSON PYNE: So that's what we're doing
14 now. So if a home was proposed in the future it wouldn't
15 come back to us?

16 DEPUTY COMMISSIONER SCHMIDT: If it complied with a
17 limited disturbance. Because they're showing on their plans
18 a limited disturbance that encroaches into the 100-foot
19 regulated buffer area, so only if that was further
20 encroached would it come back.

21 DEPUTY TOWN ATTORNEY MAGANA: Or there's a change
22 in the conditions.

23 DEPUTY COMMISSIONER SCHMIDT: Correct.

24 DEPUTY TOWN ATTORNEY MAGANA: Or there's a change
25 in conditions on the site.

1 DEPUTY COMMISSIONER SCHMIDT: Thank you.

2 DEPUTY TOWN ATTORNEY MAGANA: If it goes, like, 10
3 years down the road and --

4 VICE CHAIRPERSON PYNE: Sure.

5 DEPUTY COMMISSIONER SCHMIDT: Wetlands extend.

6 DEPUTY TOWN ATTORNEY MAGANA: -- you know, wetlands
7 change, watercourses change.

8 VICE CHAIRPERSON PYNE: So when there's continued
9 reference to coming back in front of the board that may not
10 be the case?

11 DEPUTY TOWN ATTORNEY MAGANA: Correct.

12 DEPUTY COMMISSIONER SCHMIDT: That's correct.
13 Unless there are conditions.

14 VICE CHAIRPERSON PYNE: Mr. Desai?

15 BOARD MEMBER DESAI: Yeah, if you don't mind. I
16 think there are -- you're a pretty good lawyer that's for
17 sure. You kind of turn around and tell us what we should be
18 doing and --

19 MR. JACOB AMIR: Only suggesting. I'm not telling
20 you anything.

21 BOARD MEMBER DESAI: No, no. I think you got good
22 trial law experience. But I think -- I think also you put
23 in something very interesting that you say that we have
24 given you a neg dec so that means there is no negative
25 impact on the issues that we are discussing. And I think,

1 correct me, if we find out at the time of review and
2 allowances we can -- we can review that decision again.

3 MR. JACOB AMIR: I think -- yeah.

4 BOARD MEMBER DESAI: And I think I'm looking for
5 our lawyer, not to you but.

6 DEPUTY TOWN ATTORNEY MAGANA: I'm sorry?

7 BOARD MEMBER DESAI: We have initially given them
8 negative -- neg dec for the application.

9 VICE CHAIRPERSON PYNE: I think the question is
10 that we've previously issued a negative declaration. If,
11 over the course of this process, we learn of new
12 information, is the board able to reconsider that decision?

13 DEPUTY TOWN ATTORNEY MAGANA: Yes. So, typically,
14 as the process evolves, as we've discussed previously,
15 actually recently, is that typically the applicant will
16 include changes to the plans and/or agree to conditions that
17 would mitigate things that are brought up during the public
18 hearing process. However, if there is resistance or if
19 there is a remaining impact, you can revisit the neg dec.

20 BOARD MEMBER DESAI: So, with that change --
21 because I was just caught by surprised because you just used
22 that you already have agreed to negative neg dec so that's
23 not binding by us so you understand that.

24 Also, I think, looking at all that's put in front
25 of us, why we should allow you to subdivide versus the

1 environmental constraints and the tree removal permit. I
2 cannot understand why we should approve the subdivision.
3 Because it is legal? But we need more than legal to
4 understand the implications of environmental issues, the
5 neighborhood characters and other possible future
6 implications will come. That's why we are sitting here and
7 reviewing it and looking at it, the larger picture, so to
8 speak.

9 So, I think it will be good for applicant to really
10 take this and to give us a -- some more kind of arguments
11 and things that will make it more palatable to allowing you
12 to do the subdivision.

13 MR. JACOB AMIR: Yeah. Let me -- let me try to
14 address the heart of that, if I can. I agree with you, and
15 obviously, as counsel said, you can always go back on a once
16 granted negative declaration if there are change in
17 circumstances, agreed. And, clearly, if there's site plan
18 application at some future that's brought before you, you
19 can also revisit it then. 100 percent agree with that.

20 But, push back a little bit, nothing is changed in
21 this application which would warrant that. Not only that,
22 in this application, under the landscaping and mitigation
23 plan, the applicants are going to be installing a
24 significant number -- improving a significant number of
25 trees, plantings within what will be hopefully the new lot,

1 right, along -- in the wetland buffer to protect it.

2 So, let's theorize. If the subdivision is not
3 approved, that does not happen. If the subdivision is
4 approved, a dramatically improved landscape exists not only
5 on the applicant's property but on the southern property,
6 right. So that's actually an improvement to environmental
7 conditions when the subdivision -- if and when the
8 subdivision is approved.

9 The detriment is what happens if the subdivision is
10 not approved? None of that landscaping happens, the shading
11 doesn't happen, the mitigation -- none of it happens. And
12 you still, with that landscaping plan, still reserve, if and
13 when a site plan is brought before you, to deal with a
14 proposed new house.

15 DEPUTY COMMISSIONER SCHMIDT: Can I jump in just
16 for a second?

17 MR. JACOB AMIR: Sure.

18 DEPUTY COMMISSIONER SCHMIDT: I just want to
19 clarify, because you've said it a number of times, the site
20 plan review coming back to the board. In the Town of
21 Greenburgh there is no site plan review for residential
22 single-family home construction in the town through the
23 planning board. So, unless there was a condition of
24 approval that required an applicant to come back before this
25 board for further review or evaluation, whatever it might

1 be, I'm not going to speculate, then it would come back
2 under the subdivision but not as part of any site plan
3 review process. So I want the public to be aware of that as
4 well and --

5 MR. JACOB AMIR: Yes.

6 DEPUTY COMMISSIONER SCHMIDT: -- yourself for
7 future reference.

8 Also, only because it came up a few times now, with
9 respect to the tree removal, I can address that. So, while
10 the planning board, as part of this subdivision and
11 wetland/watercourse permit and tree removal permit, those
12 are all being considered, if the project were approved at
13 some point by this board and there was an approval letter
14 indicating that there was a tree removal permit approval,
15 the way it's carried out by the Town of Greenburgh is that
16 only at such time that a building permit application is
17 submitted will the tree removal permit be issued by the town
18 forestry officer, and that's how this planning board
19 conditions all of its subdivision approvals that also
20 include tree removal. So, if they did ultimately get it, it
21 wouldn't be that they would be able to clear the trees that
22 were shown on the plan to be removed prior to any building
23 permit. So I just wanted everyone to be aware of that.

24 MR. JACOB AMIR: I definitely appreciate the first
25 -- the first point for that -- I mean, both, but that first

1 point for that clarification. But, obviously, supplementing
2 what Mr. Schmidt just said, if and when a building permit is
3 submitted, that's going to tie into this. I mean, whatever
4 this -- if and when this board approves this, and it will,
5 obviously, I think, it should, as a condition, or state
6 somewhere, that in the event a building permit is issued, it
7 has to confirm to what is approved and what has been
8 submitted. I mean, that's natural.

9 DEPUTY TOWN ATTORNEY MAGANA: Not only that, it has
10 to require with all the town code requirements for --

11 MR. JACOB AMIR: Right.

12 DEPUTY TOWN ATTORNEY MAGANA: -- storm water,
13 drainage, trees, landscaping, etc.

14 MR. JACOB AMIR: I'm just saying I think it's
15 important to mention it, you know.

16 DEPUTY COMMISSIONER SCHMIDT: Sure. So, if you --

17 BOARD MEMBER DESAI: Okay. Go ahead.

18 DEPUTY COMMISSIONER SCHMIDT: I was just going to
19 say, in the interest of time, because we do have another
20 application --

21 BOARD MEMBER DESAI: Sure.

22 DEPUTY COMMISSIONER SCHMIDT: -- and they have been
23 patiently waiting -- thank you, Terrence -- in the interest
24 of time, we have another project, I just want to allow -- to
25 allow the applicant's attorney to respond to the other

1 comments that were brought up if you are prepared to speak
2 to those.

3 MR. JACOB AMIR: The last comment, at least that I
4 have on my note sheet, is reference to Ardsley Estates.
5 Again, Ardsley Estates, as I understand, or recall, is not
6 noted on Greenburgh's GIS. If it exists, it exists. It's
7 not an HOA. It's a group of homeowners who get together who
8 have legitimate concerns, they have a right to voice their
9 opinion. It is not, as I know, a legally organized entity
10 for the purposes of any kind of restrictions. These are
11 individuals who are expressing themselves. Again, they have
12 the right to express themselves, and those are good comments
13 and I think they were addressed.

14 And just to note, my client -- and last point, my
15 client did mention an Ardsley Estates. There are plenty of
16 communities in Greenburgh that exist as neighborhoods. I
17 think Orchard Hill might be one of them. I don't know if
18 there's an Orchard Hill Civic Association. Maybe there is.
19 But I used to live in Orchard Hill, and I always called it
20 Orchard Hill. I never heard of a civic association.
21 Chappaqua is one of them. Chappaqua is not a legal
22 municipality as far as I know, but everybody knows what
23 Chappaqua is. In any event, it's not relevant for the
24 purposes of the subdivision approval process.

25 If there's nothing else, what I would ask is -- I

1 think we've exhausted -- yes?

2 DEPUTY COMMISSIONER SCHMIDT: We do have a request
3 for further comment --

4 MR. JACOB AMIR: Sure.

5 DEPUTY COMMISSIONER SCHMIDT: -- and we do have a
6 few minutes. So I'd ask you keep them brief and any new
7 information that you might have or following up to the
8 response from counsel.

9 MR. DAVID ROSENBAUM: Thank you very much. I will
10 keep it very brief.

11 So, very specific comments. The question was
12 raised about what's changed that reopens this. A lot of
13 information I think was presented to this board that was not
14 previously presented. I think there's more information for
15 consideration that was not previously considered.

16 There was a question about a second house in the
17 application. I'm not an expert on reading applications, but
18 the application shows a second house, including the
19 specifications, numbers of floors, square footage, not just
20 the setbacks. So there is reference to a second house in
21 this subdivision application.

22 The applicant's attorney appropriately does not
23 hypothesize about the past, but he does hypothesize about
24 the future. Regarding the past, what I share with this
25 planning board is documentation. Toll Brothers did not do

1 the subdivision of Ardsley Estates. Faith Lee did the
2 subdivision. Ardsley -- Toll Brothers bought the subdivided
3 plot and built on the subdivision. Faith Lee, with her
4 attorney, made the reduction from 37 to 34 lots, and the
5 county board of health would not permit individual property
6 boosters. So Toll -- so Faith Lee had said we would put
7 individual boosters on but the county would not permit it
8 and it was too expensive to put a booster on for the entire
9 development.

10 As we mentioned before, the planning board is
11 evaluating law and character. What we're raising here is
12 character.

13 Landscaping of the trees. I'm not an arborist, but
14 my understanding is the trees that were proposed for the
15 wetlands area are not indigenous or actually appropriate for
16 this kind of a purpose, but that's secondhand information.
17 I put it out there for the plan to evaluate -- for the board
18 to evaluate.

19 Thank you.

20 DEPUTY COMMISSIONER SCHMIDT: Thank you.

21 VICE CHAIRPERSON PYNE: All right.

22 MR. JACOB AMIR: Ten seconds on the response and
23 then I'm going to close. If, as I was just made aware, Toll
24 Brothers bought from Faith Lee who had already subdivided
25 and Toll Brothers built on it and you have a declaration,

1 I'm curious how Toll Brothers managed to build houses on
2 subdivided lots if there was a restriction against building
3 on subdivided lots.

4 I would -- we've exhausted, respectfully, all the
5 points. A lot of this was brought up at the June 4th
6 meeting. I don't believe there's any more comments or any
7 more information that this board needs or should have or
8 that's out there. I would ask that the public hearing be
9 closed and that this application be moved to the next
10 meeting. Frankly, I don't know what else I can provide to
11 this board between now and the next meeting, and I
12 respectfully request that.

13 BOARD MEMBER DESAI: I think the next --

14 VICE CHAIRPERSON PYNE: I'd like to hear from first
15 the deputy town attorney.

16 DEPUTY TOWN ATTORNEY MAGANA: I have to disagree,
17 the applicant, Mr. Rosenbaum, I apologize, came and spoke
18 about the -- he pointed to a provision in the declaration of
19 covenants that said that this declaration did not apply to
20 the original subdivider, so that wouldn't apply.

21 MR. JACOB AMIR: Right. That would apply to Faith
22 Lee.

23 DEPUTY TOWN ATTORNEY MAGANA: Correct.

24 MR. JACOB AMIR: Right. So how would Toll Brothers
25 build homes if it would have applied to Toll Brothers?

1 BOARD MEMBER DESAI: Can I make just one more
2 comment? Going back and forth, and I understand that it
3 must be tiring to you, as well as us, to listening the same
4 arguments and comments, why haven't you talked to your
5 neighbors considering that all neighbors are very much like
6 you and they're very happy as neighbors? So I think it may
7 be a good idea to have a meeting with them and then come
8 back to us. If there is a -- beyond the legal things, I
9 think it's a character of the neighborhood and sort of a
10 coexistence of all the people. I think it's -- it's -- to
11 me, it's simple. I think it's -- legally is one thing. The
12 other stuff -- and we, as a planning board, look at both
13 part of it. So, don't --

14 MR. JACOB AMIR: No, I'm very glad you asked that
15 because I forgot to mention that after the June 4th meeting
16 I emailed Mr. Rosenbaum standing to my right here. I
17 offered him comments that I had on --

18 BOARD MEMBER DESAI: You don't have to answer me.
19 I didn't ask a question.

20 MR. JACOB AMIR: I emailed him and I didn't get a
21 response. He has my phone number. He has my email. He
22 could have contacted me. I don't know what there is to
23 discuss. We have a subdivision application.

24 BOARD MEMBER ANDERSON: Well, you're a lawyer. He
25 said he's looking for counsel. I would think that that's a

1 little intimidating, right? He's looking for counsel and
2 maybe would want to, like -- I think what Mr. Desai is
3 pointing to is maybe the homeowners should talk to their
4 neighbors, not that their lawyers should talk to their
5 neighbors, right. But, regardless, that's not for us. I
6 think it's just, you know, reasonable advice.

7 But I personally don't feel comfortable answering
8 this because I want to find out what the application says
9 because here, in our agenda, it says that the purpose is to
10 facilitate the construction of one new single-family
11 residence. So I want to know the whole scope of what's
12 being asked. If we're asking about facilitating the
13 construction of a new family residence, that's different
14 than just being asked to subdivide or just being asked for
15 the wetland/watercourse permit. You know, and we're also --
16 I mean, we're not a court. We're not here -- you know,
17 we're not -- we're not here with -- you know, seeking to
18 enforce this protective -- this protective covenant. So
19 there's -- there's sort of a question of, like, where --
20 where the two -- the two -- where our authority stops and
21 where a court's would start. And so I think that it would
22 be beneficial for us to review that before -- before taking
23 further action. My personal opinion.

24 VICE CHAIRPERSON PYNE: Yeah, so I do think --

25 BOARD MEMBER ANDERSON: I don't know about the rest

1 of you.

2 VICE CHAIRPERSON PYNE: So I do think we received
3 some new information tonight, and there are some outstanding
4 questions, as Ms. Anderson has just explained, so I would
5 entertain a motion to adjourn the hearing to our July 16th
6 meeting to request written response from the applicant and
7 staff time to review tonight's comments, some of which
8 require review with other town professionals.

9 MS. JACOB AMIR: Before -- I'm sorry. Before the
10 vote, I can answer Ms. Anderson's question very directly.
11 This is an application for a subdivision. We were required
12 to submit some information on a footprint and proposed
13 house. But let me be crystal clear, as I was before, we're
14 asking this board just to grant subdivision. I could put
15 that in a letter to this board. It's going to say the exact
16 same thing.

17 VICE CHAIRPERSON PYNE: All right.

18 DEPUTY TOWN ATTORNEY MAGANA: So let me elaborate.
19 The reason why it says subdivision of a single-family or one
20 house is that it's not for the subdivision to create a
21 multifamily or for a commercial development or some other
22 type of development and it's not just a subdivision. You're
23 also asking for --

24 MR. JACOB AMIR: Wetland and -- exactly, correct.

25 VICE CHAIRPERSON PYNE: All right. So I'll

1 entertain a motion.

2 BOARD MEMBER DESAI: Yeah. I -- so moved.

3 VICE CHAIRPERSON PYNE: Do I see a second?

4 BOARD MEMBER ANDERSON: And the motion is to
5 continue?

6 VICE CHAIRPERSON PYNE: To adjourn the meeting --
7 adjourn the hearing to --

8 BOARD MEMBER ANDERSON: I second that.

9 VICE CHAIRPERSON PYNE: All right. All in favor
10 say aye.

11 BOARD MEMBER DESAI: Aye.

12 BOARD MEMBER ANDERSON: Aye.

13 VICE CHAIRPERSON PYNE: Chair votes Aye.

14 MR. JACOB AMIR: Just administratively, can we have
15 a date by which any more comments are submitted so it
16 doesn't come up a day before the next meeting?

17 VICE CHAIRPERSON PYNE: Sure. First deputy town
18 attorney?

19 DEPUTY TOWN ATTORNEY MAGANA: A week.

20 DEPUTY COMMISSIONER SCHMIDT: Yeah, July 9th.

21 VICE CHAIRPERSON PYNE: July 9th.

22 MR. DAVID ROSENBAUM: May I just clarify one item?
23 Clarification. The subdivision was performed by Faith Lee.
24 The protective covenant was written by Toll Brothers.
25 That's why Toll Brothers was allowed to build under their

1 own protective covenant. It's not Faith Lee that had a
2 protective covenant, it was Toll Brothers.

3 DEPUTY COMMISSIONER SCHMIDT: Thank you.

4 MR. DAVID ROSENBAUM: Thank you.

5 DEPUTY COMMISSIONER SCHMIDT: Have a good evening.

6 MR. GARY KARLITZ: May I just say something?

7 DEPUTY COMMISSIONER SCHMIDT: This is Mr. Karlitz.

8 MR. GARY KARLITZ: Yes, please.

9 DEPUTY COMMISSIONER SCHMIDT: We'll give you --
10 yes, very quickly, if you would.

11 MR. GARY KARLITZ: It will take two minutes.

12 First, it's clear this is a step transaction.

13 Second, seven days is not enough time for to us get
14 a lawyer, get them up to speed and be able to comment. We
15 need a lawyer. It could take us two months. I understand
16 that doesn't go well with this counsel's desire, but this
17 counsel has been paid a lot of money. He's been up to speed
18 for a long time. It's not fair if we don't have the same
19 rights. So, postponing this to July 15th that is totally
20 unfair to us. We need to get a good counsel, and we need at
21 least two months, in my opinion. I concede.

22 DEPUTY TOWN ATTORNEY MAGANA: They've had plenty of
23 notice and time to obtain counsel for --

24 VICE CHAIRPERSON PYNE: Wasn't there discussions at
25 the last meeting about obtaining counsel?

1 DEPUTY TOWN ATTORNEY MAGANA: Yes --

2 DEPUTY COMMISSIONER SCHMIDT: Yes, there was.

3 DEPUTY TOWN ATTORNEY MAGANA: -- there was.

4 DEPUTY COMMISSIONER SCHMIDT: So, Mr. Karlitz,
5 we're just discussing the fact that there was a public
6 hearing four weeks ago on June 4th, 2025, where it was
7 discussed the potential to bring aboard counsel at that
8 time, and we would be providing an additional week for
9 comments. Now, that's not to say that there wouldn't be new
10 commentary at the public hearing two weeks from tonight,
11 that's also possible, but written comments we would like one
12 week in advance.

13 BOARD MEMBER DESAI: But, Aaron, if that's what --
14 and considering that they are claiming that they were not up
15 to speed in the whole process, we can move it to the next --
16 August 6th rather than the 16th. So give them a fair chance
17 to -- and I understand getting a lawyer is -- may not be
18 that easy.

19 DEPUTY COMMISSIONER SCHMIDT: Yeah.

20 DEPUTY TOWN ATTORNEY MAGANA: It's discretion of
21 the board to make that call.

22 BOARD MEMBER DESAI: I think it would be fair
23 considering that --

24 VICE CHAIRPERSON PYNE: I mean, I think the
25 motion's already carried, and I think you made the motion,

1 so.

2 BOARD MEMBER DESAI: Yeah, but I understand --

3 BOARD MEMBER ANDERSON: Right. But we heard
4 something after that would change the mind, right?

5 BOARD MEMBER DESAI: But it's fine with me either
6 way.

7 DEPUTY COMMISSIONER SCHMIDT: It's ultimately up to
8 the board.

9 BOARD MEMBER ANDERSON: I would be fine with
10 another two weeks.

11 MR. JACOB AMIR: If the board is going to entertain
12 that, can I please say something? This application started
13 in November. It was held off because state law required us
14 to get jurisdictional determination. We came back, I think,
15 in May. So it's been a long -- and you're right -- an
16 exhaustive process. And there was a June 4th meeting, but
17 the community knew about it before June 4th.

18 AUDIENCE MEMBER: No, no, no, not true.

19 DEPUTY TOWN ATTORNEY MAGANA: Excuse me. If you're
20 going to speak, please wait until you have an opportunity to
21 come up to the mic.

22 MR. JACOB AMIR: There was a notice given. There
23 was a meeting of the so-called Ardsley Estates Civic
24 Association, it's been more than a month, and, quite
25 frankly, with respect -- respectfully, to Mr. David

1 Rosenbaum, he was more eloquent than many attorneys who do
2 land use work. So he's already up to speed. And it is to
3 the detriment of the applicants. It's been a long, long
4 process, and the applicant would ask that it be stayed in
5 July.

6 DEPUTY TOWN ATTORNEY MAGANA: If you'd like to come
7 up --

8 MS. ELLEN ROSENBAUM: I'd like to come up.

9 DEPUTY TOWN ATTORNEY MAGANA: -- you can speak at
10 the microphone, please. Thank you.

11 BOARD MEMBER DESAI: But starting this discussion I
12 think we can have -- rather than having next time and then
13 going through another one week, looking at clearly quite at
14 bit of resistance to the whole thing, it would be better to
15 have, for you and for us, to not do that over and over again
16 and just do it one time and that will --

17 BOARD MEMBER ANDERSON: That's fair too.

18 MR. JACOB AMIR: For me, there's nothing else to
19 do, respectfully, and what's been presented tonight is a --
20 similar to what has been presented before, and it's been --

21 BOARD MEMBER ANDERSON: Well, except I do
22 remember --

23 BOARD MEMBER DESAI: Excuse me. But they want to
24 have a lawyer, which they say last time, and I agree that
25 they should have enough time, but they are saying --

1 DEPUTY TOWN ATTORNEY MAGANA: There were some new
2 points raised as well by Mr. Rosenbaum that neither the
3 engineer or yourself could answer.

4 DEPUTY COMMISSIONER SCHMIDT: I'd like to let --

5 DEPUTY TOWN ATTORNEY MAGANA: Yes.

6 MS. ELLEN ROSENBAUM: Yeah, I'd really like to say
7 something.

8 DEPUTY COMMISSIONER SCHMIDT: Just your name and
9 address.

10 MS. ELLEN ROSENBAUM: My name is Ellen Rosenbaum.
11 I live at 132 Euclid Avenue in Ardsley.

12 A lot of what the attorney is saying he's -- he may
13 be on the letter accurate, but he is guilty of omission in
14 many, many areas. We knew nothing about what was going on
15 on the property next to us until May 22nd. That's the day
16 after the meeting that you held where you instructed the
17 applicants to put a sign up and to send letters. We didn't
18 know anything about -- they do everything in secret. They
19 built their tennis court, or whatever it is, basketball
20 court, they do everything -- everything is shrouded in
21 mystery.

22 And the attorney also keeps alluding to the
23 property to the south. I found that too. We found a lot of
24 information. We did a lot of research in the weeks that we
25 had, much of it was not presented at the last meeting.

1 We're -- and we're novices, but we do know how to research.
2 It's part of what we do a living.

3 And I know that the owner of the property behind
4 us, Chauncey Estates, which spans a large area, has a plan
5 to build, I think, four houses, and part of that probably
6 extends into -- or could extend into the land next to us
7 that's -- they're attempting to subdivide. I mean, there's
8 just so much information that we don't know.

9 None of you got this information, and the attorney
10 didn't get the information. We got it. Why -- I don't
11 understand how you have a meeting and you don't do any due
12 diligence. I just don't get it. We had to uncover all of
13 this stuff. And it didn't take a couple of hours. It took
14 many days. And we did it gladly because this is -- this
15 affects us tremendously. So, I would like there to be,
16 like, full disclosure about what's really going on, who's
17 actually paying the attorney, what's the connection between
18 the property behind and the development plans there.
19 There's a lot of stuff that he keeps sprinkling in but he's
20 not real clear. He's not forthright. Nobody's being
21 forthright.

22 DEPUTY COMMISSIONER SCHMIDT: If you'd like to put
23 together --

24 MS. ELLEN ROSENBAUM: Yes.

25 DEPUTY COMMISSIONER SCHMIDT: -- written comments

1 to that effect --

2 MS. ELLEN ROSENBAUM: I will.

3 DEPUTY COMMISSIONER SCHMIDT: -- so that we can
4 pass those along --

5 MS. ELLEN ROSENBAUM: I'll be happy to.

6 DEPUTY COMMISSIONER SCHMIDT: -- that would be
7 appreciated.

8 MS. ELLEN ROSENBAUM: Thank you.

9 VICE CHAIRPERSON PYNE: And if we -- you know, so
10 we've already adjourned the hearing until the 16th. There's
11 nothing preventing us from adjourning the hearing again
12 after the 16th.

13 BOARD MEMBER ANDERSON: I do remember in the
14 meeting in May though, I do remember them being asked
15 expressly had they reached out to any neighbors and they had
16 said no. Right? And it was a little surprising that that
17 much time had gone by and there was no outreach to the
18 neighbors. So I do -- I would be in support. And,
19 obviously, I would be in support in giving them more time,
20 giving them another two weeks before bringing them back.
21 So, that would just be the way I would go. But, obviously,
22 I'm just one person.

23 BOARD MEMBER DESAI: You can just correct -- it's
24 all us.

25 DEPUTY COMMISSIONER SCHMIDT: Well, there's another

1 wrinkle in that this board will not be meeting on August 6th
2 and we have yet to the decide on what the meeting date will
3 be the first week of August.

4 BOARD MEMBER DESAI: Next week in August? The
5 10th?

6 DEPUTY COMMISSIONER SCHMIDT: I was going to
7 discuss it with this board when we finished at 9:55 this
8 evening.

9 VICE CHAIRPERSON PYNE: I guess we can talk dates
10 on the record, but that seems like not --

11 DEPUTY COMMISSIONER SCHMIDT: Right.

12 VICE CHAIRPERSON PYNE: -- a great use of the
13 stenographer's time.

14 BOARD MEMBER ANDERSON: Would you -- since you
15 asked for a full week to get written comments before the
16 meeting, would you say you're fine with getting written
17 comments the day before the meeting and --

18 MR. JACOB AMIR: I'm fine with a day or two before
19 the meetings. I can address anything -- as long as the town
20 will accept my response that short of a time for a meeting,
21 sure.

22 DEPUTY TOWN ATTORNEY MAGANA: So two days.

23 MR. JACOB AMIR: Fine.

24 DEPUTY COMMISSIONER SCHMIDT: So by Monday, the
25 14th.

1 MR. JACOB AMIR: Perfectly fine.

2 VICE CHAIRPERSON PAYNE: And, again, based on what
3 we learned then, we always reserve the right to continue to
4 adjourn the hearing until August once we know when the
5 August meeting is.

6 BOARD MEMBER DESAI: Okay, yeah.

7 DEPUTY COMMISSIONER SCHMIDT: Right. So, this
8 board has voted to adjourn the public hearing to July 16th.
9 It has requested that any additional written comments be
10 submitted by Monday, July 14th to give -- and I suppose if
11 we had to decide on a time, I would like that to be
12 3 o'clock p.m. so that staff has time to receive those and
13 also to forward them along to the applicant's attorney, and
14 we'll take it from there at that time.

15 VICE CHAIRPERSON PYNE: All right. So, Mr. Desai,
16 would you consider entertaining your motion to adjourn the
17 hearing to -- adjourn the hearing to July 16th with written
18 comments submitted by Monday, July 14th at 3 p.m. to request
19 written response from the applicants and staff time to
20 review tonight's comments, some of which require review with
21 other town professionals?

22 BOARD MEMBER DESAI: Yes, I'll support it
23 considering that --

24 VICE CHAIRPERSON PYNE: All right. Would
25 someone --

1 BOARD MEMBER DESAI: -- neighbors agree to that.

2 VICE CHAIRPERSON PYNE: Do I see a second to that
3 amended motion?

4 BOARD MEMBER WEINBERG: Second.

5 VICE CHAIRPERSON PYNE: All right. All in favor?

6 BOARD MEMBER WEINBERG: Aye.

7 BOARD MEMBER ANDERSON: Aye.

8 VICE CHAIRPERSON: Chair votes aye. Thank you.

9 BOARD MEMBER WEINBERG: Thank you.

10 DEPUTY COMMISSIONER SCHMIDT: Have a good evening.

11 We just want to vote to close the public hearing
12 session.

13 VICE CHAIRPERSON PYNE: All right. I'll entertain
14 a motion to close the public hearing.

15 BOARD MEMBER WEINBERG: So moved.

16 BOARD MEMBER DESAI: Second.

17 VICE CHAIRPERSON PYNE: All right, Mr. Weinberg.

18 DEPUTY COMMISSIONER SCHMIDT: All in favor?

19 VICE CHAIRPERSON PYNE: Mr. Desai, all in favor?

20 BOARD MEMBER ANDERSON: Aye.

21 BOARD MEMBER WEINBERG: Aye.

22 VICE CHAIRPERSON PYNE: All right. Chair votes
23 aye.

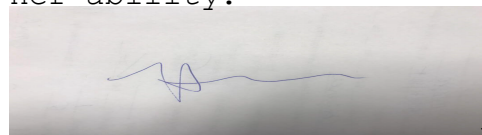
24 (Whereupon, the Public Hearing/Discussion was
25 concluded.)

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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 2, 2025, in person taken by the
undersigned, to the best of her ability.

A rectangular box containing a handwritten signature in blue ink. The signature appears to be 'Nicole Ameneiros'.

-----X
Nicole Ameneiros
Official Court Reporter