

TOWN OF GREENBURGH
PLANNING BOARD

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ROLL CALL

5. ITEMS FOR PUBLIC HEARING/PUBLIC DISCUSSION

- a) Case No. PB 20-25, Correia
5 Teramar Way
(P.O. White Plains, N.Y.)

ADJOURNMENT.
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Greenburgh Town Hall
177 Hillside Avenue
Greenburgh, New York 10607
April 7, 2021

Meeting conducted via Zoom Video Conference

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

WALTER SIMON, CHAIRMAN

HUGH SCHWARTZ, VICE CHAIRMAN (Not Present)

JOHAN SNAGGS, Board Member
KIRIT DESAI, Board Member
MONA FRAITAG, Board Member
MICHAEL GOLDEN, Board Member
THOMAS HAY, Board Member

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

DAVID R. FRIED, ESQ.
First Deputy Town Attorney

MATTHEW BRITTON,
Assistant Planner to the Department of
Community Development and Conservation

BARBARA MARCIANTE,
Official Senior Court Reporter

Case Number PB 20-25

1 CHAIRPERSON SIMON: The next thing is the Public
2 Hearing.

3 DEPUTY COMMISSIONER SCHMIDT: So we have the
4 Public Hearing component. Chairperson Simon, I'm happy to
5 call the roll.

6 CHAIRPERSON SIMON: Please do.

7 DEPUTY COMMISSIONER SCHMIDT: Chairperson Simon?

8 CHAIRPERSON SIMON: Here.

9 DEPUTY COMMISSIONER SCHMIDT: Mr. Golden?

10 BOARD MEMBER GOLDEN: Here.

11 DEPUTY COMMISSIONER SCHMIDT: Mr. Desai?

12 BOARD MEMBER DESAI: Here.

13 DEPUTY COMMISSIONER SCHMIDT: Mr. Hay?

14 BOARD MEMBER HAY: Here.

15 DEPUTY COMMISSIONER SCHMIDT: Ms. Freitag?

16 BOARD MEMBER FRAITAG: Here.

17 DEPUTY COMMISSIONER SCHMIDT: Mr. Snaggs?

18 BOARD MEMBER SNAGGS: Here.

19 DEPUTY COMMISSIONER SCHMIDT: Note for the record
20 that Mr. Schwartz is not here this evening. Thank you.

21 The next case or item on the agenda --

22 CHAIRPERSON SIMON: Before we go into that, I
23 would just like to say something about the statement that
24 is under the Public Discussion. And I think it's important
25 that this statement goes into our Public Hearings to

1 emphasize the obligation of both the Board and members of
2 the public who come to speak to the Board.

3 It's that unlike the open mic that you might have
4 at portions of the Town Board meetings where people could
5 come up and speak about any issues, at the Land Use Boards,
6 that is not the case. We have a specific item on the
7 agenda and the public has the right and the obligation to
8 speak on these issues.

9 And this Board has the obligation to listen to
10 the public and get input from the public. As Chair, I have
11 the additional responsibility of making sure these meetings
12 are conducted in a professional manner, that speakers speak
13 to the issues at hand and we maintain a certain level of
14 the decorum.

15 The purpose of the Planning Board is not to deny
16 people from building on their own property. According
17 to -- that is called a taking. We cannot deny them. What
18 the role of the Planning Board is to say if you are going
19 to build on your property, then you have to abide by the
20 tree law, the steep slope law, the wetlands law. We have
21 to take into traffic. We have to take into screening.

22 And if an applicant do, and listen to the opinion
23 of the public. And if the applicant abide by all of those
24 issues and do all the required mitigation, we cannot deny
25 the application. So some people think that the Planning

Case Number PB 20-25

1 Board has the power just to deny applications. So that
2 needs to be made clear.

3 So I think it's very important that we have this
4 before Public Hearings so everyone is clear of what the
5 Planning Board can and cannot do. What is the expectation
6 of the Planning Board and what is the expectation of anyone
7 who comes to testify at a Planning Board Hearing. With
8 that said, I would like to call the first case, PB 20-25.

9 DEPUTY COMMISSIONER SCHMIDT: Yes. As
10 Chairperson Simon indicated, Case Number PB 20-25, Correia,
11 located at 5 Teramar Way, P.O. White Plains in the R-10
12 One-Family Residence District.

13 The project involves the proposed construction of
14 a new single-family home with related improvements. The
15 project involves regulated steep slope disturbance and
16 regulated tree removals. The project site previously
17 contained a single-family residence, which was demolished
18 in 2017 by the Town. The applicant is proposing to utilize
19 the existing curb cut for the driveway to the new
20 residence.

21 The Planning Board last discussed this matter at
22 its March 17th meeting. And the applicant's representative
23 is here this evening to further detail the project and
24 answer any questions of the Board or members of the public.
25 Thank you.

1 MR. GREGORY CACCIOPPOLI: Thank you, Aaron. Does
2 everybody hear me, and can you see my screen?

3 CHAIRPERSON SIMON: Yes.

4 DEPUTY COMMISSIONER SCHMIDT: Yes.

5 MR. GREGORY CACCIOPPOLI: Okay, great. Well,
6 just to briefly summarize what Aaron said.

7 BOARD MEMBER HAY: Please just state your name
8 for the record.

9 MR. GREGORY CACCIOPPOLI: Sure. My name is
10 Gregory Caccioppoli from Gabriel Senor's Office. We're the
11 engineers on the project. So the existing lot, as is, is
12 vacant. There was a home that was demolished in 2017 by
13 the Town. The lot is approximately 10,300 square feet.
14 It's in a R-10 Zone.

15 The site does not have any rock that we know of.
16 So, therefore, we proposed a percolation type stormwater
17 system to capture any impervious runoff from the site. We
18 created a nearly net zero fill of construction plan since
19 the existing site is located -- it slopes from Teramar Way
20 to the rear.

21 The house is going to be situated in the center
22 of the lot. So any excavation that comes out of this pit,
23 the excavation pit, will be used as fill for the rear yard.
24 So we do not anticipate any trucking, minimal trucking, and
25 additional fill. We did receive some preliminary comments

1 from Engineering, the Town Attorney and they were in
2 regards to when the house was demolished, when it was
3 subdivided. We did address those.

4 As far as engineering goes, they had a couple of
5 comments in regards to labeling or acknowledging these
6 easements and identifying what is going on within the
7 easements. We did address that for now, but there is some
8 further investigation that we will do prior to
9 construction.

10 Here's a visual of the tree removals for the
11 site. So all together we are proposing to remove 13 trees
12 and all of them are mainly because of the fact that we have
13 to fill and that causes us -- it causes the removals.
14 Otherwise, we did our best to preserve what we could based
15 off of the grading.

16 Aaron did request that I put together a cross
17 section of the property so you can get a better idea of
18 what's existing and what we're proposing. So I did that
19 through the center. It's kind of light here, but if you
20 can see Section A-A right here.

21 CHAIRPERSON SIMON: No. Could you move that up
22 from the bottom? I think that's where the cross section is
23 located.

24 MR. GREGORY CACCIOPPOLI: Yeah, it is. First I'm
25 showing the plan view. So Section A-A comes through the

1 center of the lot, right here. And that's the cross
2 section that I'll be showing you. I just wanted you to see
3 that location.

4 So the cross section is through the center of the
5 lot. And this is the cross section. So at the curb line,
6 we have an elevation of 237. Then at the property line we
7 slope down to approximately an elevation of 235. And then
8 the existing -- well, the proposed grade at the base of the
9 house about 54 feet off of the curb is 231.7. As it is,
10 you know, the slope is much steeper, so we are softening
11 the slope in the front of the house.

12 And then in the rear, we have a walk-out basement
13 scenario. So the finish grade here, that 221.7, to allow
14 for the potential homeowner to just walk out of their
15 basement on to the rear yard. And we do propose a
16 four foot retaining wall in the rear so that they have a
17 useable yard.

18 And there is a landscaping plan that goes along
19 with it, as well as a proposed fence that we did provide as
20 part of the revisions for this meeting. The fence is going
21 to be a 36-inch high black chain-linked fence. It looks
22 something like this.

23 And the wall that we're proposing, here's a photo
24 of the wall; same colors, same style. So it will be this
25 retaining wall along the rear with a black chain-linked

1 fence in conjunction with the proposed landscaping that we
2 have on our landscape plan, which will be --

3 DEPUTY COMMISSIONER SCHMIDT: If I recall
4 correctly, that wall face will be facing the neighbor; is
5 that right?

6 MR. GREGORY CACCIOPPOLI: That's correct. So the
7 bottom of the wall is going to be facing the rear of the
8 lot. So that, too, will be seeing the wall. And then on
9 our side, there is plantings and greenery on top of the
10 wall, which has been reviewed according to our tree
11 removals. And you know, we did our best to compensate for
12 the stormwater runoff and the carbon dioxide that the trees
13 remove from the environment.

14 That's my general, I guess, introduction for now.
15 If there is any questions, I'll definitely -- I'm willing
16 to answer them.

17 DEPUTY COMMISSIONER SCHMIDT: Thank you.

18 CHAIRPERSON SIMON: Are there any questions from
19 Board Members on this application?

20 (Whereupon, there was no response.)

21 CHAIRPERSON SIMON: No. I have one. In the past
22 on top of walls when applicants came in with a chain-linked
23 fence, we invariably asked that, you know, you change it
24 from a chain-linked fence to a, you know, type of fence
25 with the poles, you know. I don't know what you call those

1 types of fence, but basically a fence that has --

2 DEPUTY COMMISSIONER SCHMIDT: A bollard?

3 CHAIRPERSON SIMON: A bollard fence, or something
4 like a wrought iron. It doesn't have to be wrought iron.

5 BOARD MEMBER FRAITAG: Wrought iron.

6 DEPUTY COMMISSIONER SCHMIDT: Aluminum.

7 CHAIRPERSON SIMON: Style of, you know, a wrought
8 iron fence.

9 MR. GREGORY CACCIOPPOLI: Okay, that's fine. I
10 think what we were trying to accomplish was to be able to
11 see the greenery at the top of the wall, and I think that
12 would accomplish it as well so.

13 CHAIRPERSON SIMON: Yes, in a more attractive
14 manner.

15 MR. GREGORY CACCIOPPOLI: Absolutely, okay. I
16 don't think our client has a problem doing that at all.

17 CHAIRPERSON SIMON: Okay.

18 MR. GREGORY CACCIOPPOLI: We can agree to that.

19 DEPUTY COMMISSIONER SCHMIDT: We do have one
20 member of the public that wishes to speak, Chairperson
21 Simon.

22 CHAIRPERSON SIMON: Okay. If the members of the
23 Board have no questions on this application, if they don't,
24 then, yes, please have the member of the public speak now.

25 DEPUTY COMMISSIONER SCHMIDT: Okay. We have

1 Mr. Bodin here. Thank you.

2 MR. MURRAY BODIN: Thank you. Could you please
3 stop the screen sharing?

4 MR. GREGORY CACCIOPPOLI: Sure.

5 MR. MURRAY BODIN: Thank you. Chairman Simon, I
6 need to present a little background as to why my comments
7 on this proposal are.

8 CHAIRPERSON SIMON: Mr. Bodin --

9 MR. MURRAY BODIN: Do I get to speak without your
10 interruption or not?

11 CHAIRPERSON SIMON: No. You get to speak. I'm
12 going to speak first. Providing, like I said, this meeting
13 is to speak specifically about the application before us.
14 It's not to, you know, you have ideas, some of which I
15 totally agree with you, but it is not the appropriate place
16 to go into that now.

17 If you have some specific questions that directly
18 relates to this application, please speak to that issue.
19 If you are going to bring in a lot of ancillary issues that
20 does not speak to this issue, this application, I will
21 interrupt you. The choice is yours. Stick to the issues
22 of this application or I will interrupt you.

23 Mr. Bodin, you may speak.

24 MR. MURRAY BODIN: Thank you. The selection of
25 trees for this project, as global warming, had a different

1 style tree been considered? Two, the environmental impact
2 of the construction that you're going to do, moving earth,
3 is this the least environmental damaging way of doing it?
4 Does the trucks have the minimal amount of using of fossil
5 fuels to accomplish the goal that you're doing?

6 MR. GREGORY CACCIOPPOLI: So is your question
7 finished?

8 MR. MURRAY BODIN: Those are the two questions
9 that I have to start with. What I've been forced to do is
10 to reformulate my presentation --

11 CHAIRPERSON SIMON: Okay.

12 MR. MURRAY BODIN: -- to follow the rules that
13 Chairman Simon has in. But these are reasonable questions
14 and I think they deserve an answer to start.

15 DEPUTY TOWN ATTORNEY FRIED: Okay, no. We're not
16 having a back and forth. Mr. Bodin, you make your comments
17 and if anyone else has comments, you make the comments and
18 then they are responded to. We do not have a back and
19 forth. However, if you do not follow the rules, you'll be
20 cut off.

21 MR. MURRAY BODIN: I understand. I have no
22 problem with that.

23 CHAIRPERSON SIMON: And it would be preferable,
24 too, if you have, if you know all your questions, just to
25 ask them. And then the applicant can answer them. That

1 would be the preferable way of doing it. Ask all of your
2 questions and then the applicant will take note of it.

3 And the Board will be listening to how the
4 applicant responds to your questions. And if we feel that
5 the applicant has not done a good job at answering your
6 question, we will follow up and make sure that your
7 questions are appropriately answered. Okay?

8 MR. MURRAY BODIN: Chairman Simon, I'm 87 years
9 old. My mind is not functioning the way it did 20 years
10 ago, even five years ago.

11 CHAIRPERSON SIMON: Okay, so we will go with your
12 first three questions. Okay, let the applicant respond to
13 your questions.

14 MR. GREGORY CACCIOPPOLI: Okay. There was two
15 questions, correct? I have two. So the tree plantings --
16 we actually did go back and forth excessively, I think
17 three or four times with Sven, the gentleman who reviews
18 the landscape and tree removal plans as well as Aaron was
19 involved. And the tree law certainly requires us to
20 address every environmental concern, whether it be global
21 warming or stormwater runoff, and even, I think, carbon
22 dioxide is actually related to the global warming aspect.

23 So yes, as part of the tree removals, we
24 calculated the amount of carbon dioxide, the trees that
25 exist, currently removed from the environment, from the

1 atmosphere, and we calculated the amount of stormwater
2 runoff that they currently remove during rain events.

3 And what we planted compensates for the volume
4 and the amounts of carbon dioxide and stormwater that is
5 being removed, that these trees are capturing, which are
6 now being removed. There is actually calculations to
7 support that as part of the tree removal application, which
8 is actually on file.

9 Also, the construction process, I did mention it
10 briefly, but the excavation of the proposed house, what we
11 tried to accomplish and what we did accomplish was to not
12 bring in excess fill and have all of -- and have trucks
13 coming in and out, you know, throughout the entire
14 construction process.

15 So what we did was, we graded in a manner that
16 requires the contractor to excavate the house and use this
17 fill that he excavates to then backfill the property and
18 not have to do any trucking into or away from the site. So
19 yes, we did take those two things into consideration in our
20 design. I hope that answers your questions.

21 CHAIRPERSON SIMON: Okay. Mr. Bodin, do you have
22 any additional questions?

23 MR. MURRAY BODIN: I thank the gentleman for his
24 consideration. And we will go forward from here. It's a
25 start and I appreciate it. Thank you, sir.

1 CHAIRPERSON SIMON: Okay. And I appreciate the
2 fact that you abided by the protocol of the Planning Board.
3 So that is definitely appreciated.

4 If there are no other -- Are there any other
5 members of the public who wish to speak to this?

6 (Whereupon, there was no response.)

7 CHAIRPERSON SIMON: If not, I'll entertain a
8 proposal to close the Hearing on this application and keep
9 the record open until -- What is the date the Wednesday
10 before our next meeting, Aaron?

11 DEPUTY COMMISSIONER SCHMIDT: April 14th.

12 CHAIRPERSON SIMON: Okay, keep the record open
13 until April 14th. Do I have a motion?

14 BOARD MEMBER GOLDEN: So moved.

15 CHAIRPERSON SIMON: Do I have a second?

16 BOARD MEMBER FRAITAG: Second.

17 CHAIRPERSON SIMON: All in favor? Aye.

18 BOARD MEMBER SNAGGS: Aye.

19 BOARD MEMBER FRAITAG: Aye.

20 BOARD MEMBER HAY: Aye.

21 BOARD MEMBER GOLDEN: Aye.

22 BOARD MEMBER DESAI: Aye.

23 CHAIRPERSON SIMON: That is the only thing on for
24 Public Hearing. So I make a motion to close the Public
25 Hearing and we go back into work session.

1 BOARD MEMBER GOLDEN: Second.
2 BOARD MEMBER DESAI: So moved.
3 CHAIRPERSON SIMON: All in favor? Aye.
4 BOARD MEMBER GOLDEN: Aye.
5 BOARD MEMBER HAY: Aye.
6 BOARD MEMBER DESAI: Aye.
7 BOARD MEMBER FRAITAG: Aye.
8 BOARD MEMBER SNAGGS: Aye.
9 DEPUTY TOWN ATTORNEY FRIED: Thank you,
10 Mr. Caccioppoli and thank you, Barbara.
11 MR. GREGORY CACCIOPPOLI: Thank you very much.
12 COURT REPORTER: Thank you, everyone. Good
13 night.
14 DEPUTY COMMISSIONER SCHMIDT: Thank you.

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

19
20 Certified to be a true and accurate transcript
21 of the stenographic minutes conducted via Zoom taken
22 by the undersigned, to the best of her ability.

23 *Barbara Marciante*

24 Barbara Marciante,
25 Official Court Reporter