

TOWN OF GREENBURGH
PLANNING BOARD

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ROLL CALL

5. ITEMS FOR PUBLIC HEARING/PUBLIC DISCUSSION

- a) Case No. PB 20-16, Captain Lawrence
444 Saw Mill River Road
(P.O. Elmsford, N.Y.)
- b) Case No. TB 21-07/PB 21-05
Ferncliff Cemetery
280 Secor Road
(P.O. Hartsdale, N.Y.)
- c) Case No. PB 20-15, Gjonbalaj
14 Rock Hill Lane
(P.O. Scarsdale, N.Y.)
- d) Case No. PB 21-06, Essential Jiu Jitsu
10 County Center Road
(P.O. White Plains, N.Y.)

ADJOURNMENT.

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Greenburgh Town Hall
177 Hillside Avenue
Greenburgh, New York 10607
May 19, 2021

Meeting conducted via Zoom Video Conference

Barbara Marciante,
Official Court Reporter

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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

1 CHAIRMAN SIMON: Now that we're going into Public
2 Hearing so we need another roll call for the Public
3 Hearing.

4 DEPUTY COMMISSIONER SCHMIDT: Yes. Chairperson
5 Simon?

6 CHAIRMAN SIMON: Here.

7 DEPUTY COMMISSIONER SCHMIDT: Mr. Schwartz?

8 VICE CHAIRPERSON SCHWARTZ: 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: Thank you.

20 CHAIRMAN SIMON: I would just like to remind the
21 public of how we conduct the Public Hearings. And that's
22 why we have that statement at the beginning of the Public
23 Hearing to reinforce the role of the Planning Board.

24 We do not have a time limit on how long you can
25 speak, but the key point is that you're brief, you state

1 your point once. Don't repeat yourself. And if someone
2 already stated that point, just come up and say I agree
3 with Mr. So and So or Mrs. So and So. And then if you have
4 any additional comments, you say I agree with the last
5 speaker, but I would like to add, and then you add new
6 information, okay.

7 So people coming to speak should either be
8 confirming that they agree with a previous speaker or
9 providing new information. So that's key. And like I
10 said, I don't have a specific time, but when I feel that
11 you made your point and you're continuing to go on, I will
12 ask you to wrap up, okay. With that understanding, I would
13 like to start off with our first Case PB 20-16.

14 DEPUTY COMMISSIONER SCHMIDT: Yes. So let me
15 just ask a question to the audience because I did not see
16 that Mr. Catizone, who represents the applicant was yet on
17 the meeting. If I'm incorrect, if you would just identify
18 yourself. If not, it may make sense to move on to our
19 second Public Hearing, Chairperson Simon, which is the
20 Ferncliff Cemetery Project.

21 CHAIRMAN SIMON: He's not on?

22 DEPUTY COMMISSIONER SCHMIDT: He's not on just
23 yet.

24 CHAIRMAN SIMON: Okay. So we will go, and then
25 we will double back after -- We will make the Captain

1 Lawrence last and we will go to the Ferncliff, then 14 Rock
2 Hill and then Essential Jiu Jitsu and then we will swing
3 back around to Captain Lawrence.

4 DEPUTY COMMISSIONER SCHMIDT: Okay. Thank you,
5 Chairperson Simon. So the next case on the agenda is Case
6 Number TB 21-07 and PB 21-05, Ferncliff Cemetery, located
7 280 Secor Road, P.O. Hartsdale in the R-30 One-Family
8 Residence Zoning District.

9 The applicant seeks an Amended Site Plan Town
10 Board approval with a referral to the Planning Board, a
11 Town Board tree removal permit and a Planning Board Steep
12 Slope permit for a proposal involving the development of a
13 portion of the Ferncliff Cemetery property to construct
14 various crypts and burial vaults on previously undeveloped
15 cemetery land, with related retaining walls and
16 landscaping.

17 The applicant is proposing the removal of
18 approximately 50 regulated trees requiring a tree removal
19 permit from the Town Board and has prepared a landscaping
20 plan providing for the planting of several trees, shrubs
21 and ground covers as replacement.

22 This site was most recently the subject of an
23 Amended Site Plan as part of Case Number TB 19-22, which
24 was approved by the Town Board on February 12th, 2020.
25 This specific project was last discussed by the Planning

1 Board at its May 5th meeting where the Board raised
2 questions and requested additional information from the
3 applicant.

4 The applicant's representative is present this
5 evening to further detail the project, outline proposed
6 revisions and answer any questions the Board or the members
7 of the public may have. We note that this is a Public
8 Hearing and public discussion. Thank you. I believe we
9 have James Caris.

10 MR. JAMES CARIS: Good evening. Good evening,
11 Mr. Chairman, Members of the Board. My name is James
12 Caris, Project Manager and Planner with JMC Site
13 Development Consultants, here this evening on behalf of
14 Ferncliff Cemetery Association. Also with me this evening
15 to shed light on any technical questions is Mr. Dan Cable
16 from EDA Land Planning, who prepared the landscaping and
17 design of the site.

18 With your permission, I would like to share my
19 screen and I'll give a brief overview of the project for
20 the benefit of the public. Much of this information is
21 seen from what was presented two weeks ago. But if there
22 is anyone listening that's interested, I think this would
23 be helpful.

24 DEPUTY TOWN ATTORNEY FRIED: Mr. Caris, just
25 because it is a Public Hearing, I do want you to make sure

1 you dot your Is and cross your Ts.

2 MR. JAMES CARIS: All right. Thank you. Can
3 everyone see my screen?

4 DEPUTY COMMISSIONER SCHMIDT: It's coming up,
5 James.

6 CHAIRPERSON SIMON: Yes.

7 MR. JAMES CARIS: Okay. So let's just get right
8 into it. The subject property is Ferncliff Cemetery. This
9 is a well established cemetery located along Secor Road in
10 the Town of Greenburgh. It is approximately 64 acres in
11 size on the north parcel, long, rectangular shaped
12 property.

13 It's comprised of extensive existing ground
14 memorials, ground burials and three existing mausoleum
15 buildings that are pretty well known. The original
16 Ferncliff Mausoleum to the west, the newer Rosewood
17 Mausoleum in the center of the site and the Shrine of
18 Memories, which was the subject of that previous Town Board
19 application most recently.

20 The area of the Hillcrest West Development Site
21 is centrally and northerly located along the northern
22 property line outlined in this area in red here. It is
23 approximately .8 acres in size and what's being proposed
24 there is new ground burials.

25 We are seeking Town Board Amended Site Plan

1 approval for this action. We are also seeking a Planning
2 Board -- a positive recommendation of the Planning Board
3 about this proposal. We are also seeking a Planning Board
4 steep slope permit, tree removal permit from the Town Board
5 and we are here this evening for the Public Hearing.

6 Little project history. We were referred from
7 the Town Board to the Planning Board to review the
8 application. We had a publicly noticed neighbor
9 informational meeting via Zoom back in March with which we
10 spoke with three interested neighbors and one interested
11 representative from a civic association.

12 Subsequent to that, on March 17th we had a site
13 visit with those interested neighbors to see if there is
14 any things we can do to mitigate some visual concerns that
15 they may have had. And on April 28th, the application was
16 referred to the Planning Board. And on May 4th, we had an
17 unofficially noticed Planning Board site walk where we were
18 able to meet with, I think, four members of the Planning
19 Board.

20 And two weeks ago on the 5th, we attended the
21 work session. And as a result of that work session, we
22 submitted some supplemental information, which I'll go over
23 this evening. And tonight we are here, May 19th, for the
24 Public Hearing.

25 CHAIRMAN SIMON: I would like to make one

1 correction. You met with four members, but you met with
2 three and then later you met with one. So you did not meet
3 with four at the same time. Because that would require a
4 Public Notice. So I just want to make that clear, that you
5 met with three and then later that day you met with one
6 other.

7 MR. JAMES CARIS: Thank you for that
8 clarification, that is correct. So what we're looking at
9 here is a rendering site plan view of the proposed action,
10 north, the northern property line is to the left side of
11 the page here. And what this consists of is a proposed
12 upper burial area surrounded by existing ground burials to
13 the south and then a lower burial area, which is divided by
14 the installation of this north/south retaining wall.

15 The reason for the retaining walls along the
16 property line and between the upper and lower areas is
17 because there is some grade change. The site slopes down
18 from the east to the west. And you can see that there is
19 extensive landscaping plantings along on all sides of the
20 retaining walls, including extensive screening and
21 plantings along the northern property lines shared with our
22 Forest Boulevard neighbors to the north.

23 Let's just talk quickly just some numbers here.
24 There will be approximately 717 long crypts, which are
25 vaults placed into the ground for future interments; 57

1 lawn crypt estates, which are available for family longterm
2 planning and 18 cremation estates for outdoor interment of
3 cremated remains. And as I mentioned, extensive interior
4 and property line landscaping.

5 The next couple of slides are a few 3-D
6 renderings that were prepared by EDA Land Planning to bring
7 this project to light. This is the view looking north,
8 it's the existing interior access road in Ferncliff's
9 property.

10 You can see the retaining walls, the extensive
11 landscaping along on either side of the walls. And the
12 lawn burials in the lower area here, the upper area in the
13 foreground. And then the family estates along the bottom
14 of the wall here with some reflecting benches and
15 monuments.

16 There is another view looking east, the lower
17 area and the upper area. Another view a little bit closer
18 up, you can see the family estates here. And this is
19 similar to other installations that Ferncliff has installed
20 over the years elsewhere on the property. So it's
21 consistent with how the progression of the development of
22 the cemetery has occurred over time. And then finally,
23 just a ground-level, eye-level view, of the lawn area and
24 one of the family estates here with the reflecting memorial
25 benches.

1 As I mentioned, we're seeking a tree removal
2 permit and a steep slope permit. The areas highlighted in
3 yellow and orange here represent the regulated slopes in
4 the Town. And then you can also see there is approximately
5 48 trees along the northern property line that are in the
6 area of the project that are proposed to be removed.

7 As we've noted on our site visits with our
8 neighbors and with some of the Planning Board Members, a
9 lot of these trees are, you know, not in great condition.
10 They were originally planted approximately 30 years ago to
11 provide screening. And due to the dense nature of their
12 planting originally, their understory has kind of died off
13 and the year-round screening that they used to provide is
14 not really there anymore.

15 We've prepared some sections of the walls as well
16 looking from the neighbors' properties back and the upper
17 portion of the wall here is approximately 11 feet in height
18 and at the lower portion to the west is approximately four
19 to five feet in height. And you can see here, that this
20 planting is proposed both on the bottom and tops of the
21 walls. The intent is to immediately and permanently
22 stabilize and screen the wall so that you'll essentially be
23 looking at a green buffer between the properties.

24 And this is just a section of the wall looking
25 south. You can see from east to west the upper portion and

1 then it steps down to the lower portion and then the wall
2 is consistent across that portion.

3 This is a view, a conceptual rendering review,
4 that we prepared from the backyard of 205 Forest Boulevard.
5 This is one of our neighbors that we met with and this
6 would -- this provides a visual representation, really
7 creating a dense, private buffer backyard here.

8 And another thing that we were able to identify
9 that we could do to improve the visual conditions here is
10 that there is some overhead tele-communication wires that
11 runs substantially on the property line. And it's really
12 at eye level and they are kind of unsightly. So as part of
13 this project, the portion of that overhead wires will be
14 put underground in a conduit so that the eye sore will no
15 longer be visible.

16 The other thing is there are some trees that may
17 present a hazard because of their overhang to some
18 backyards. Those will be removed in the area of the
19 project here. And then there is an existing chain-linked
20 fence that's pretty old. It's in disrepair, kind of
21 unsightly, that also will be removed as part of this
22 project with the properties that share the project site.

23 And we've been able to discuss with neighbors the
24 installation of a solid fencing to provide a more permanent
25 visual barrier between these two properties. And the

1 supplemental information that we received or submitted
2 based on our work session with the Planning Board kind of
3 just further clarifies what these visual mitigations are
4 here.

5 So once again, this is the northern property line
6 here. You can see the small portion of the project site
7 here. And we're proposing the eight-foot high, solid
8 privacy fence along the backyards with 185 Forest Boulevard
9 and 191 Forest Boulevard here. There will be a proposed
10 gate here. That was another question that came up was, you
11 know, how are we going -- how is Ferncliff going to
12 maintain the landscaping -- the landscaping plantings once
13 it's installed. So there will be a gate here that will be
14 secured from the Ferncliff side to allow access to
15 landscape maintenance personnel, Ferncliff employees.

16 And then during our site visit, we also noticed
17 some of the properties to the east, although outside of the
18 project area, were really lacking some visual screening.
19 So, you know, Ferncliff has indicated that they are more
20 than happy to continue the landscaping along this property
21 line further to the west to mitigate that as well.

22 So that's the proposal, a brief overview of that.
23 And I'm happy to continue the conversation with the Board
24 and any members of the public. We would love to hear from
25 them as well. Thank you very much.

1 CHAIRMAN SIMON: Okay, is there any questions
2 from Board Members?

3 BOARD MEMBER DESAI: Yeah. I have a question
4 regarding that tree. I think it's Arborvitaes. So what
5 kind of Arborvitaes are you planning on planting there?

6 MR. JAMES CARIS: We are proposing currently the
7 Emerald Green Arbor Vitae. They are specified to be
8 12 feet in height at the time of planting, but I've had
9 discussions both with Ferncliff and with Aaron Schmidt
10 about adding some diversity to that, potentially, to better
11 comply with the recently adopted Town Tree Ordinance and
12 provide, I guess it's also a little bit more of an
13 assurance policy against potential disease and blight that
14 may effect only one species.

15 So we're flexible in the species, but the intent
16 is to choose something that is, number one, doesn't grow
17 too big over time, but also provides consistent screening.

18 BOARD MEMBER DESAI: So it will be --

19 DEPUTY COMMISSIONER SCHMIDT: I would just add
20 that --

21 BOARD MEMBER DESAI: -- added any of the --

22 DEPUTY COMMISSIONER SCHMIDT: I have reviewed and
23 Mr. Caris and I have had those conversations. If the
24 Board, as part of it, as you know, that it's the Town Board
25 that will be reviewing the tree removal permit and

1 landscaping plan and have approval authority over those.

2 However, if the Planning Board wishes to add
3 anything with respect to tree removal or landscaping into
4 its recommendations, you certainly can do that.

5 CHAIRMAN SIMON: All right. Any other comments
6 from Board Members?

7 (Whereupon, there was no response.)

8 CHAIRPERSON SIMON: If not, I would like to make
9 a comment. And the first one is that I appreciate the
10 responsiveness of the applicant when we indicated that line
11 of fencing, it ended where this proposed disturbance is to
12 take place.

13 But in back of that, there was a whole -- There
14 was several homes where the fencing was really in bad shape
15 and the trees were in even in worse shape. And in your
16 proposal now you addressed that and taken the fencing and
17 the landscaping further back to cover, I think, about three
18 houses in the back.

19 So I really appreciate the responsiveness of the
20 applicant and agreeing to do that. So thank you for that.

21 BOARD MEMBER DESAI: Just, I agree with Walter.
22 Just question, that when they say solid privacy fence, so
23 is it vinyl or?

24 MR. JAMES CARIS: That has not been established
25 yet. We want to do that in coordination with the neighbors

1 because they'll certainly be looking at it. So it's really
2 going to come down to what best suits everyone's
3 preference, whether it's PVC, wood stockade, the color,
4 that's all subject to what these neighbors are going to
5 want.

6 BOARD MEMBER DESAI: Okay.

7 BOARD MEMBER FRAITAG: I think you've done a
8 great job with working with the neighbors. And we really
9 appreciate the way you have worked with them. It's been
10 tremendous. And thank you for that.

11 CHAIRMAN SIMON: Okay. With that said, we make a
12 motion to close the Hearing and keep the record open --

13 VICE CHAIRPERSON SCHWARTZ: How about the public?

14 DEPUTY TOWN ATTORNEY FRIED: We need to have the
15 public --

16 VICE CHAIRPERSON SCHWARTZ: The public.

17 DEPUTY TOWN ATTORNEY FRIED: -- the public speak.

18 CHAIRMAN SIMON: I'm sorry. I'm very sorry.
19 Does anyone from the public wish to speak on this? We did
20 get several letters from the public in support of that.
21 But if no one else wishes to speak in person -- Yes?

22 DEPUTY TOWN ATTORNEY FRIED: Aaron.

23 DEPUTY COMMISSIONER SCHMIDT: I can just guide
24 you there. There was one person interested in attending
25 the meeting, but they did not indicate whether or not they

1 intended to speak. So I suppose they have chosen not to.

2 If the Board is prepared to close, then staff's
3 recommendation would be to close the public discussion
4 component and have a vote on that. Leave the record open
5 for one week, until May 26th. And direct staff to prepare
6 a recommendation for your consideration at the June 2nd
7 meeting.

8 And then separately, with a separate vote, vote
9 to adjourn the Public Hearing on the Planning Board steep
10 slope permit application. My suggestion would be to the
11 first meeting in July. David, do you happen to have that
12 date?

13 VICE CHAIRPERSON SCHWARTZ: Wait. I have a
14 question. Why do you want to do that? Why are we delaying
15 that decision?

16 DEPUTY COMMISSIONER SCHMIDT: The steep slope --

17 VICE CHAIRPERSON SCHWARTZ: Yeah.

18 DEPUTY COMMISSIONER SCHMIDT: -- and always the
19 environmental approvals come A, first and foremost, always
20 after SEQRA, which the Town Board has not done yet.

21 VICE CHAIRPERSON SCHWARTZ: Okay. So they
22 haven't done SEQRA, okay.

23 DEPUTY COMMISSIONER SCHMIDT: And second,
24 typically, do not come until after the site plan is
25 established and approved.

1 CHAIRMAN SIMON: Okay.

2 DEPUTY TOWN ATTORNEY FRIED: That's our practice.
3 July meeting is on July 7th. I just want clarification.
4 Aaron, did we get correspondence either discussing this
5 other than the indication from someone that they might wish
6 to see a link from the meeting, did we get any -- I don't
7 recall anything on this.

8 DEPUTY COMMISSIONER SCHMIDT: No. Just a request
9 for the link.

10 DEPUTY TOWN ATTORNEY FRIED: Okay.

11 VICE CHAIRPERSON SCHWARTZ: I'll move to close
12 the public discussion.

13 BOARD MEMBER DESAI: Second.

14 CHAIRMAN SIMON: We have a second?

15 DEPUTY TOWN ATTORNEY FRIED: You want to keep the
16 record open?

17 VICE CHAIRPERSON SCHWARTZ: Keep the record open
18 to May 26th.

19 BOARD MEMBER DESAI: Second.

20 CHAIRMAN SIMON: All in favor? Aye.

21 BOARD MEMBER GOLDEN: Aye.

22 BOARD MEMBER FRAITAG: Aye.

23 VICE CHAIRPERSON SCHWARTZ: Aye.

24 BOARD MEMBER SNAGGS: Aye.

25 BOARD MEMBER DESAI: Aye.

1 BOARD MEMBER HAY: Aye.

2 CHAIRMAN SIMON: Object?

3 DEPUTY COMMISSIONER SCHMIDT: And to adjourn the
4 Public Hearing on the steep slope permit until July 7th.

5 CHAIRMAN SIMON: We have a motion to --

6 BOARD MEMBER GOLDEN: So moved.

7 CHAIRMAN SIMON: Do we have a second?

8 BOARD MEMBER FRAITAG: Second.

9 CHAIRMAN SIMON: All in favor? Aye.

10 BOARD MEMBER FRAITAG: Aye.

11 BOARD MEMBER SNAGGS: Aye.

12 VICE CHAIRPERSON SCHWARTZ: Aye.

13 BOARD MEMBER GOLDEN: Aye.

14 BOARD MEMBER DESAI: Aye.

15 BOARD MEMBER HAY: Aye.

16 CHAIRMAN SIMON: Oppose?

17 (Whereupon, there was no response.)

18 CHAIRPERSON SIMON: There are no opposed. Okay.

19 MR. JAMES CARIS: Thank you.

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1 CHAIRMAN SIMON: Okay. So we will move on to the
2 next application, which is 14 Rock Hill, PB 20-15.

3 DEPUTY COMMISSIONER SCHMIDT: Yes. Just give me
4 one moment here. So as Chairperson Simon indicated, the
5 next item on the agenda is Case No. PB 20-15, Gjonbalaj,
6 located at 14 Rock Hill Lane, P.O. Scarsdale, in the R-20
7 One-Family Residence District.

8 The applicant seeks steep slope and tree removal
9 permit approvals from the Planning Board. The applicant is
10 proposing the demolition of an existing guesthouse and
11 stairway and the construction of a pool, pool patio with a
12 cabana, a basement addition with a terrace above, a deck
13 and related improvements.

14 The applicant is proposing the addition of three
15 rain gardens to handle the additional runoff created by
16 impervious surfaces. The project requires the removal of
17 six regulated trees, requiring a tree removal permit and
18 the applicant has prepared a landscaping plan calling for
19 the planting of 20 trees and various shrubs as
20 replacements.

21 It is noted that the Planning Board issued a
22 steep slope permit on March 29th, 2018 under Case Number PB
23 17-23 involving a similar proposal at the site. The
24 Planning Board last discussed this matter during its
25 April 21st work session where the Board raised certain

1 questions and requested additional information from the
2 applicant. That information was provided and forwarded out
3 in the Board's packages.

4 The applicant's representatives are present this
5 evening to detail the revisions to the project and answer
6 any questions the Board or members of the public may have.
7 I ask that the applicant's representative, for the benefit
8 of the members of the public, provide detailed overview of
9 the project. And then following that overview, indicate
10 the revisions that have been made since the work session.
11 Thank you.

12 DEPUTY TOWN ATTORNEY FRIED: I would also just
13 add that we did get one piece of correspondence that I'm
14 aware of from a Mr. Harold Witman, 12 Rock Hill Lane.

15 DEPUTY COMMISSIONER SCHMIDT: That's correct.
16 And Mr. Witman is on the meeting tonight and prepared to
17 speak at such time that it's open for public comments.

18 DEPUTY TOWN ATTORNEY FRIED: Okay, great.

19 CHAIRMAN SIMON: Okay.

20 MR. MICHAEL MCGARVEY: Good afternoon, Board. My
21 name is Michael McGarvey, professional engineer. I'm here
22 tonight to represent the application for 14 Rock Hill Lane.
23 As Mr. Schmidt just mentioned, we were in a work session or
24 a Zoom session last time for a work session and we reviewed
25 the project. The Board had come up with a couple of

1 proposals or suggestions. And we took all of those
2 suggestions and incorporated them into the latest plan
3 here.

4 I do understand that there was a letter from the
5 neighbor, which we will get to. I also believe that
6 Mr. Gjonbalaj spoke with the neighbor and came to an
7 amicable solution or amicable -- that we will definitely
8 work it out. Whatever we can do to help them out, we will
9 do. It's not even an issue.

10 So basically, just to go back for a little bit.
11 We will be -- with me tonight, by the way, is Mr. Daniel
12 Sherman. He's an arborist and tree expert. So he will be
13 speaking about the trees, the ones that are coming down and
14 the ones that we're planting.

15 Since the last meeting, I can tell you that we
16 have removed the proposed second asphalt driveway in front
17 of the property. That's now gone. There is only the one
18 driveway going in. That's the existing driveway. So that
19 was removed all together.

20 CHAIRMAN SIMON: Do you have a screen that you
21 can share? Thank you.

22 DEPUTY COMMISSIONER SCHMIDT: And Mr. McGarvey,
23 if you can walk, just, as I mentioned, for the benefit of
24 the public, the Board has seen the project, and I know you
25 are going to show us what you revised, but I think the

1 general overview of all the improvements that are proposed,
2 the steep slope disturbance, the stormwater management, the
3 tree removals, the landscaping, would be beneficial for our
4 public who are tuned in. Thank you.

5 MR. MICHAEL MCGARVEY: Okay. I will touch on all
6 of those. Again, the landscaping, I will leave to
7 Mr. Daniel Sherman. He's the expert on the trees and
8 shrubs, so I'll sort of leave that to him.

9 But basically, this project was approved, I think
10 it's back in 2018 or so, 2017. I'm not sure exactly when
11 it was. But since that time, there was an unfortunate
12 incident on the site that somebody or a contractor, that
13 the owner of 14 Rock Hill Lane knows, started doing work
14 without permission.

15 Mr. Gjonbalaj didn't even know he was doing the
16 work, believe it or not. Again, Mr. Gjonbalaj does not
17 live at this place. He lives down the City. So for
18 something to happen while he's not there is definitely
19 understandable.

20 But anyhow, it was stopped by the Town and we
21 cease and desisted. And we said, all right, during this
22 time, let's look at this again and let's see if we can get
23 a plan that everybody is agreeable to, as far as what is
24 needed out here and what we can do -- what best suits this
25 site.

1 So we came up with the latest plan here. It does
2 have some improvements. You know, the previous plan did
3 have something like a basketball court, stuff of that
4 nature that we didn't think was very conducive to this
5 area. It's a very high-end area in Greenburgh/Scarsdale.
6 So we didn't want to do anything to take away from that.

7 So what we had proposed, the architect here,
8 Luigi Landi, has proposed -- drawn up some renderings of
9 what this is going to look like. And, you know, there is
10 going to be a pool here, there is going to be a cabana. We
11 will be taking down an existing pool house. And there will
12 be some showers that are going to be going in. There is a
13 restroom and a changing area, a dressing area.

14 There is also, we are also extending the basement
15 a little bit, so that a pop out the back, and it will be
16 underneath the proposed decking. Around the pool itself,
17 we're going to have pavers and around the pool we're also
18 going to have a glass railing, a glass enclosure for the --
19 as a railing. We are also going to have -- the railings
20 also extend down the stairs and along the back.

21 We do have some plantings. Again, I'll leave
22 that for Mr. Sherman. We also do have three rain gardens
23 in the rear of the yard. I'll pull that down a little
24 more. Who is that, Luigi? There you go. Those are the
25 three rain guards we have.

1 As you may understand or may know from this area,
2 it is very, very rocky. And we could not get any kind of a
3 stormwater management in this area because of the depth or
4 the height of the rock. It was so high to the surface. So
5 we did get this in. This was approved once before, by the
6 way. We do show erosion control around the site. We do
7 have some trees to be removed. Again, Mr. Sherman will
8 step on that.

9 What else do we have. We have silt fence around
10 that to make sure that none of the silt, if we disturb any
11 of the soil, that the silt doesn't leave the site and go on
12 to the neighbors' properties.

13 We do have a 4-foot high safety fence around the
14 whole perimeter of the site. That's because Mr. Gjonbalaj
15 has a couple of small children that he would like to
16 protect. So that if they do go down to the backyard, they
17 don't run into other people's neighbors and go out the
18 front and get hurt by a car or hit by a car. Even though
19 it is a dead end, I guess you can't be too careful with
20 these kids or any kids, including my own, by the way.

21 But anyhow, that's pretty much it for me. Is
22 there anything else you want me to talk about, Aaron?

23 VICE CHAIRPERSON SCHWARTZ: Yeah --

24 DEPUTY COMMISSIONER SCHMIDT: I don't know if --
25 Go ahead, Mr. Schwartz.

1 VICE CHAIRPERSON SCHWARTZ: Yeah. Mike, could
2 you please go through what you took out and where that is
3 and where the driveway, current driveway is, please.

4 MR. MICHAEL MCGARVEY: All right. Luigi, do you
5 want to go on that or do you want me to take it?

6 MR. LUIGI LANDI: Sure, I can jump in.
7 Mr. Chairman, Members of the Board, my name is Luigi Landi
8 and I work with Mr. McGarvey on this project. So from our
9 previous work session, we were proposing a second curb cut
10 around this area. Everybody can see my screen, right?

11 DEPUTY COMMISSIONER SCHMIDT: Yes.

12 CHAIRMAN SIMON: Yes.

13 MR. LUIGI LANDI: So we removed the curb cut,
14 just keep it the way it is. There is some additional
15 landscaping we're proposing around this area. So it pretty
16 much stays the way it currently is.

17 We are, however, touching the existing driveway,
18 speaking with Granit, the homeowner, he decided to remove
19 the asphalt and do some paving at the existing driveway.
20 So no additional impervious surfaces are created, keeping
21 the same area and just redoing some, you know, interesting
22 design.

23 DEPUTY COMMISSIONER SCHMIDT: Question on the
24 pavers. Do you know if they are intended to be of the
25 pervious or porous style or they are going to be something

1 different?

2 MR. LUIGI LANDI: We can propose a porous
3 type-of-style pavers. However, like I said, we're not
4 increasing impervious surface, but, you know, Granit will
5 love that idea as well.

6 DEPUTY COMMISSIONER SCHMIDT: Very good.

7 MR. LUIGI LANDI: Yes. So this is pretty much
8 the front of the property.

9 DEPUTY COMMISSIONER SCHMIDT: If you didn't show
10 it already, I know the Board had previously asked for, you
11 know, a rendering or a rear view, rear elevation --

12 MR. LUIGI LANDI: Yes.

13 MR. MICHAEL MCGARVEY: It's done.

14 DEPUTY COMMISSIONER SCHMIDT: Can you show that?
15 I think that would be helpful.

16 MR. LUIGI LANDI: Absolutely. I was going to get
17 there. I was going to talk about the back, but all right.
18 Let's go there.

19 DEPUTY COMMISSIONER SCHMIDT: No. You can do
20 that. I mean, please, go through it as you wish.

21 MR. LUIGI LANDI: Okay. So from our previous
22 work session, we were -- some of the comments was regarding
23 railings at the pool deck area. So we decided to go with a
24 glass railing, 36 inches high glass railing that wraps
25 around the entire pool deck, and as well as the portion of

1 the basement addition.

2 So the upper level here that I'm showing with it
3 going around -- can everybody can see me? This is the
4 basement addition, and from this basement, you walk down
5 onto the pool deck. So this will have glass railing
6 wrapping around. The wood deck above will have a 36 inches
7 high wire railing.

8 In the work session, we were also asked about
9 what type of finishes on the wall. So we do have a stone
10 veneer at all the retaining walls that we're building. I
11 think I have a lot of cut right here, yeah. We're trying
12 to do something like this around the pool, the pool area.

13 These are the pavers we have around the pool. We
14 provide the lighting along the entire pool deck. So we are
15 going to have some wall sconces. It's going to be lighting
16 all the way around. And yeah, this is pretty much it in
17 the back. And landscaping, of course.

18 MR. MICHAEL MCGARVEY: What about the fence along
19 the perimeter? We're looking at a wood stockade.

20 MR. LUIGI LANDI: Yes.

21 MR. MICHAEL MCGARVEY: No, no. I'm sorry. We're
22 looking at aluminum fence, black aluminum fence to match
23 the neighbors.

24 MR. LUIGI LANDI: Yes. So the proposed aluminum
25 fencing, and I can guide you along the path. So we're

1 producing 48 inches high, we call it safety fence, just
2 like Mike explained it before. We're putting gates on
3 either side. One gate here. One gate here.

4 So the idea is to have this 48-inch high fence
5 just wrap around the entire property. And this is just,
6 you know, solely for, you know, safety and protection. So
7 that's the fence, yes.

8 MR. MICHAEL MCGARVEY: And that fence is going to
9 be black 48-inch high, four-foot high, aluminum picketed
10 fence, right, to match the neighbor.

11 DEPUTY COMMISSIONER SCHMIDT: That's the neighbor
12 to the uphill side, correct?

13 MR. MICHAEL MCGARVEY: Yes.

14 DEPUTY COMMISSIONER SCHMIDT: That's 16?

15 MR. MICHAEL MCGARVEY: I believe that's it, yes.

16 DEPUTY COMMISSIONER SCHMIDT: Thank you.

17 MR. LUIGI LANDI: Okay. The pool deck area will
18 have some, you know, in addition to impervious areas of
19 pavers that I just showed you, we will have lots of
20 vegetation around planting. There is a pool cabana. Mike
21 explained it before. It's solely a dressing area and
22 bathroom with an open recreational area. And that's about
23 it.

24 MR. MICHAEL MCGARVEY: The trees.

25 DEPUTY COMMISSIONER SCHMIDT: Will Mr. Sherman

1 walk us through the trees and the landscaping?

2 MR. DANIEL SHERMAN: Sure. Do you have it, Mike
3 or Luigi, on this scroll or should I share my screen?

4 MR. LUIGI LANDI: Can you? Are you able to share
5 yours, please?

6 MR. DANIEL SHERMAN: Yes.

7 MR. LUIGI LANDI: So I'm going to stop mine.

8 MR. DANIEL SHERMAN: I need to be someone
9 else's -- all right.

10 BOARD MEMBER GOLDEN: Yes. Go ahead.

11 DEPUTY COMMISSIONER SCHMIDT: Mr. Sherman, just
12 state your name and affiliation for the record.

13 MR. DANIEL SHERMAN: Daniel Sherman, landscape
14 architect, not arborist, landscape architect.

15 MR. MICHAEL MCGARVEY: I apologize.

16 MR. DANIEL SHERMAN: It's okay. There is a
17 difference. So not a lot changed with the planting, but
18 I'm happy to walk through it, briefly anyway. Mainly, it
19 was the elimination of the driveway on the plan. That was
20 already explained on the other plan.

21 So one thing that was added, fairly recently, was
22 the screening along the sides of the property on both the
23 left and right. I won't say east and west because I'm not
24 sure. With the -- and I normally do use Green Giant
25 Arborvitaes, but on the site, there is whole lot of Emerald

1 Green Arborvitaes, all corralled in the back area. So I
2 was repurposing those. They were all put there originally
3 for screening, but they were never used. But they are
4 doing, the last time I saw them, they were doing fine.

5 So I had grouped those in a long screening hedge
6 on the, I guess, on the right side towards the neighbor
7 downhill for the purpose of softening the effect of the
8 terrace walls. There is a proposed Viburnums -- I mean
9 Hawthorne Tree. There is an existing tree and then I was
10 putting this row of Arbor Vitae on that side.

11 On the other side, I was using them to screen
12 from the uphill neighbor, the ability to see towards the
13 air conditioners. And I also screened those with
14 chesapeake hollies. Otherwise, there's a Norway Spruce
15 screen in the area where the existing trees are going to
16 die, if they are not gone already. They were buried.
17 That's the reason for the mitigation.

18 So in the mitigation, in the previous plan, there
19 was a complete line around the back of the property of, I
20 think, Arborvitaes, but I don't think they would do well
21 under the canopy of the Oaks and the Maples that are there.
22 So instead, I made it look more natural by replacing Red
23 Oaks and Sugar Maples, so it looks more open and natural.

24 And I used the new Greenburgh criteria or the new
25 mitigation, which I think I mentioned before was amazing.

1 And I used it on my own now on other projects, even if I
2 don't have to. Because it's a pretty cool way to give back
3 or take away and sequester the carbon and all of that. So
4 it was a good plan.

5 So this kind of slightly exceeds the requirement
6 for the property and the replacement. I guess, sure, you
7 know how it works. You add up the trees that you are
8 taking down and you have to take the value of those and
9 water and rainwater and sequestration of carbon dioxide and
10 then come up with 90 percent of that in the replacements,
11 and I slightly exceed that.

12 I think that's the rule, but anyway, that's what
13 we did. And then there's the rain gardens, which are rain
14 gardens. And the rest is open lawn. I can explain it
15 further, but that's what we did.

16 DEPUTY COMMISSIONER SCHMIDT: Mr. Sherman, if I
17 may, so I was out there actually yesterday, with one of the
18 neighbors, who is on and likely to speak as part of the
19 public comment session. But we did take a look at the
20 cluster of Emerald Green. They were from a distance. I
21 think that they have gone down and have taken a turn for
22 the worse, in my opinion.

23 MR. DANIEL SHERMAN: That's too bad.

24 DEPUTY COMMISSIONER SCHMIDT: They look like they
25 were burning out and/or possibly eaten by deer browsing.

1 MR. DANIEL SHERMAN: Okay.

2 DEPUTY COMMISSIONER SCHMIDT: So you know, I
3 would ask you to take that into consideration.

4 MR. DANIEL SHERMAN: Then if I can, on this plan,
5 I'll switch those to Green Giant. Because the Green Giant
6 grow more quickly. They grow fatter and taller more
7 quickly and screen better. And also they are not
8 susceptible to the deer browsing.

9 So that's what I would -- I don't know if I'm
10 permitted to make a change right here, but if it was a
11 condition -- I still think the screening is a valid place
12 to put them. I would put the same quantity, the same
13 number, but change them to Green Giant.

14 DEPUTY TOWN ATTORNEY FRIED: Just for
15 procedurally, we will wait to hear everyone, you know,
16 speak on this and the Board as well. Then maybe a viable
17 solution, it seems to be what the letter requested, but we
18 won't make any determinations yet. But thank you for
19 offering that.

20 MR. DANIEL SHERMAN: That's the reason I used the
21 Emerald Greens because they were existing. But I saw that,
22 gosh, a year ago. So that's possible that they have
23 declined.

24 CHAIRMAN SIMON: Okay.

25 MR. DANIEL SHERMAN: Is there anything else on

1 the landscape plan?

2 MR. MICHAEL MCGARVEY: No. But I would like to
3 add one other comment, though.

4 MR. DANIEL SHERMAN: Yes.

5 MR. MICHAEL MCGARVEY: Aaron or Mr. Chairman,
6 along with the glass railings, we also have, in the upper
7 deck, we also have the wire railing. Again, it's shown on
8 sheet eight of eight. Aaron, if you can --

9 CHAIRMAN SIMON: Yes, you can. In one of you
10 drawings, it was shown.

11 MR. MICHAEL MCGARVEY: No, I know it was shown.
12 I don't know, did I mention that earlier?

13 CHAIRPERSON SIMON: Yes, you did.

14 DEPUTY COMMISSIONER SCHMIDT: Mr. Landi did.

15 MR. LUIGI LANDI: Yeah, Mike, I mentioned it.

16 MR. MICHAEL MCGARVEY: Okay, thank you.

17 CHAIRMAN SIMON: Are there any other comments
18 that the applicant needs to make?

19 (Whereupon, there was no response.)

20 CHAIRPERSON SIMON: If not, I'll first turn it
21 over to the Board and then to the public. So Members of
22 the Board, any comments on this application?

23 BOARD MEMBER DESAI: Walter?

24 CHAIRMAN SIMON: Yes.

25 BOARD MEMBER DESAI: I have a comment.

1 CHAIRMAN SIMON: Please, go ahead.

2 BOARD MEMBER DESAI: I think I like very nicely
3 landscaped and use of the materials and the site is
4 wonderful. I think the stepping down using the infinity
5 pool and the choice of materials and the variety of the
6 materials is very, very refreshing.

7 Questions about the safety fence, I don't know,
8 you mentioned that it has an anodized aluminum post?

9 MR. MICHAEL MCGARVEY: Yes.

10 BOARD MEMBER DESAI: But what is the filling
11 material?

12 MR. MICHAEL MCGARVEY: I'm sorry, what's that?

13 BOARD MEMBER DESAI: What is the material between
14 the post?

15 MR. MICHAEL MCGARVEY: It's all aluminum.

16 BOARD MEMBER DESAI: So it's a slat, aluminum
17 slat?

18 MR. MICHAEL MCGARVEY: Yeah, it's the spikes.
19 It's kind of like squares and then it's flattened up at the
20 top. It looks like a spike.

21 BOARD MEMBER DESAI: Okay, okay.

22 DEPUTY COMMISSIONER SCHMIDT: But then there is a
23 cross rail above the point; is that right?

24 MR. MICHAEL MCGARVEY: Right. It's like a
25 regular railing.

1 BOARD MEMBER DESAI: Okay, so it's a regular, as
2 long as it's not a chain-linked fence, I think it's good.

3 DEPUTY COMMISSIONER SCHMIDT: No.

4 MR. MICHAEL MCGARVEY: No, no, no, absolutely
5 not. I would not even show that.

6 CHAIRMAN SIMON: Are there any other comments
7 from the Board?

8 (Whereupon, there was no response.)

9 CHAIRPERSON SIMON: If not, Aaron, do we have
10 someone to speak?

11 DEPUTY COMMISSIONER SCHMIDT: Yes. So we have
12 Mr. Witman who signed up to speak and we can turn it over
13 to him at this time.

14 CHAIRMAN SIMON: Please do.

15 MR. HAROLD WITMAN: Thank you, Chairman Simon,
16 fellow Board Members, I'm Hal Witman. I'm the neighbor, 12
17 Rock Hill Lane adjoining this property. I've lived on Rock
18 Hill Lane for 38 years. And I've enjoyed living there.
19 It's a beautiful street and I feel privileged to have the
20 property.

21 My concern, and I'm really not trying to address
22 any of the construction, that's not my expertise or the
23 steep slope. It's really doing with landscaping and
24 screening. On the plans, as submitted, the revised plans,
25 they talk about some mature trees that exist on the

1 outside, the back side, of the veranda.

2 As I pointed out to Mr. Schmidt, one of those
3 mature trees is dead. It's been dead for a couple of years
4 at least. Other trees shown, I think, is in decline; one
5 of the two trunks has been cut and the existing trunk is
6 not doing well.

7 My concern is when I look out my picture window
8 in my dining room and my deck, I'm looking directly at the
9 veranda. And my concern was screening. And as pointed out
10 by Mr. Schmidt, the existing Arborvitaes, which have not
11 been watered, from what I can see. They were watered in
12 the past or about 80 percent dead. And the offer to
13 replace it with something more substantial, like the Giant
14 Arborvitaes is welcomed.

15 One of my concerns, though, is I had submitted a
16 video, I don't know if that could be shown, but the
17 backyard --

18 DEPUTY COMMISSIONER SCHMIDT: It can. And I'm
19 going to attempt to do that right now. Okay?

20 MR. HAROLD WITMAN: Great. I'd appreciate that.
21 And then I'll wait and I'll have a comment afterwards.

22 DEPUTY COMMISSIONER SCHMIDT: Okay, bear with me,
23 just for a moment. Can everyone see the video?

24 CHAIRMAN SIMON: Yes.

25 DEPUTY TOWN ATTORNEY FRIED: Yes.

1 DEPUTY COMMISSIONER SCHMIDT: You can speak to
2 it, if you wish.

3 MR. HAROLD WITMAN: Well, this is the backyard
4 looking from 10 Rock Hill Lane, my own property going
5 towards 14. And as you can see, it's open. It's really
6 almost a park-like setting, really quite lovely.

7 I've raised two children from their infancy
8 through high school on the property. My neighbors at 10
9 Rock Hill Lane had five boys. We've all managed to use the
10 property. And the idea of putting a safety fence around
11 the whole property is really not esthetically pleasing.

12 I do know on the earlier plans submitted two
13 years ago, there was clusters of arborvitaes that offer
14 some screening. And I think, I did have a phone call with
15 Granit, my neighbor next door. He reached out to me today
16 and he offered to do something in that nature, at least my
17 property.

18 I would also hope that they can put some
19 screening on my side of the fence, if they are going to do
20 that. Because a picket fence effect dividing this
21 beautiful backyard is really not pleasing. And this is
22 really my concern.

23 Also, I understand the need for safety fence, at
24 least around the pool, but I question the need for it
25 around the whole property. But that again is, I guess,

1 that decision is ultimately not mine. But again, my
2 concern is how best to screen and I sort of refer to the
3 Board's judgment and the Board Member Schmidt, who are
4 better to address that.

5 But as I said, you know, my concern was some of
6 the dead trees and some of the arborvitaes that are not
7 functioning or are in decline. I think that covers it.

8 CHAIRMAN SIMON: Okay, thank you. Is there
9 anyone else who would like to speak on this?

10 (Whereupon, there was no response.)

11 CHAIRPERSON SIMON: If not, I would ask the
12 applicant to respond to the comments of -- I'm trying to
13 read your name.

14 MR. HAROLD WITMAN: Sorry, it's Harold Witman.
15 Sorry.

16 CHAIRMAN SIMON: Could you respond to
17 Mr. Witman's comments?

18 MR. MICHAEL MCGARVEY: Sure. I'll try to. Well,
19 for starters, you know, we appreciate Mr. Witman's point of
20 view. Our client asked that we do this. We were asked to
21 do this. I mean I believe it's well within our purview to
22 ask and actually to do it.

23 But we're not trying to force anything down
24 anybody's throat. We're just trying to be neighborly, good
25 neighbors. We will talk about this. Any dead trees will

1 definitely come down. Mr. Sherman, we can cut those down,
2 correct?

3 MR. DANIEL SHERMAN: Yeah, if they are dead. I
4 would like to know, I haven't been there to see that lately
5 so. On this plan, are they the ones maybe --

6 DEPUTY COMMISSIONER SCHMIDT: I can speak to it.
7 So there was actually the first one you went to. So I had
8 the plan out there. I met with Mr. Witman and looked at
9 the vantage point from his deck, it is that Central Oak.

10 MR. DANIEL SHERMAN: Further up?

11 DEPUTY COMMISSIONER SCHMIDT: No, the one you
12 were panning over, sorry. So it's that exact Oak. I
13 believe it was a dual stem. One had been cut and now the
14 other one is dead. And I did forward a photo of that this
15 afternoon.

16 MR. DANIEL SHERMAN: Well, that will help
17 establish the Green Giant arborvitaes underneath. Not only
18 opening up the root zone for them, but the sunlight as
19 well.

20 DEPUTY COMMISSIONER SCHMIDT: Correct. And the
21 values given by that dead tree are likely going to be low.
22 They won't be zero. I've looked through the program many
23 times. But they will be very low. So with you indicating
24 that you're already over by some, I think --

25 MR. DANIEL SHERMAN: I can check it. Because I

1 have the tallies all in my file. So yeah, the criteria is
2 less if they are not a contributing tree.

3 DEPUTY COMMISSIONER SCHMIDT: Correct.

4 MR. DANIEL SHERMAN: So I'll look at that and
5 make sure that I'm meeting or exceeding the number.

6 DEPUTY COMMISSIONER SCHMIDT: So we will just
7 need the plan updated and the application form updated to
8 reflect the seventh tree.

9 CHAIRMAN SIMON: Okay. Just for a point of
10 reference, because I had difficulty following this, and
11 maybe the public also. The video that we were shown, could
12 you indicate to me what area on this site plan that video
13 is?

14 DEPUTY COMMISSIONER SCHMIDT: Yes. So the video
15 is from the neighbor that's to the top.

16 CHAIRMAN SIMON: Yeah.

17 DEPUTY COMMISSIONER SCHMIDT: If you were in the
18 road to the right, okay, that was his house. He has an
19 elevated rear deck. As you know, these properties slope
20 from the road down a bit. And so the video initially was
21 from that deck, I believe, looking to his right, which is,
22 you know, two houses over from here.

23 And then panning from number ten across
24 Mr. Witman's property, which is 12, and then ultimately
25 ending at 14, which is the rear yard of 14, which is the

1 applicant.

2 CHAIRMAN SIMON: Because if the comment was made
3 in terms of why is that fence. So I know why the applicant
4 wants it, because they have young kids. But the issue is,
5 if you have the screening all around it, how does that
6 fence become offensive if you have screening all around the
7 edge of the property?

8 MR. DANIEL SHERMAN: Well, I don't, though.
9 There's not screening all around the property. It's quite
10 open. We left it open.

11 CHAIRMAN SIMON: Okay. So that open spot is a
12 solution just to put more screening there?

13 DEPUTY COMMISSIONER SCHMIDT: I think that was
14 the request of the neighbor and he noted that there A, in
15 the prior application there was some landscaping shown
16 along the full extent of the fence. Mr. Sherman did
17 indicate that he just didn't feel that variety would really
18 work or do well.

19 But I think secondly or B, Mr. Witman indicated
20 that he spoke with the owner, Mr. Gjonbalaj, who seems
21 potentially willing to, you know, maybe add something
22 further down the line along that fence to help break up the
23 viewshed.

24 CHAIRMAN SIMON: Because that seems to be the
25 obvious solution. If the owner would like that fence for

1 the safety of his children, I can understand that point.
2 And I can also understand the neighbor, in terms of more
3 proper screening. So by just making, adding screening in
4 that area, to me it solves the problem. You got screening
5 for the neighbor and the applicant have the fencing for the
6 safety of his children.

7 DEPUTY COMMISSIONER SCHMIDT: Yeah. And I'll
8 just say it's a 48-inch fence so I don't think it has to be
9 anything significant, like trees. It could be lower
10 flowing shrubs or something to that effect. Mr. Sherman is
11 a landscape architect --

12 MR. DANIEL SHERMAN: I can do that. I'll check
13 with Mr. Gjonbalaj and to the extent he wants to go to
14 that --

15 MR. DANIEL ANSELL: I'm sure it's fine.

16 MR. DANIEL SHERMAN: Okay, good.

17 DEPUTY COMMISSIONER SCHMIDT: Mr. Ansell, just
18 for the record, please state your name and affiliation.

19 MR. DANIEL ANSELL: Yes. Daniel Ansell, attorney
20 representing Mr. Gjonbalaj. I believe that putting shrubs
21 in front of that fence will not be an issue to cover the
22 four-foot fence.

23 MR. DANIEL SHERMAN: Okay.

24 VICE CHAIRPERSON SCHWARTZ: I think Mr. Witman
25 had a comment. He had his hand up.

1 MR. HAROLD WITMAN: Yes. My only comment is, is
2 it possible to put an occasional shrub on my side?
3 Otherwise, even though there is shrubbery on
4 Mr. Gjonbalaj's side, I'm looking at a continuous picket
5 fence from my property.

6 MR. DANIEL SHERMAN: Yeah, I would think.

7 VICE CHAIRPERSON SCHWARTZ: Isn't that what we're
8 talking about?

9 MR. HAROLD WITMAN: I thought the shrubbery
10 possibly was added was all on the inside of the fence.

11 MR. MICHAEL MCGARVEY: No.

12 VICE CHAIRPERSON SCHWARTZ: No.

13 CHAIRMAN SIMON: No, no, no.

14 VICE CHAIRPERSON SCHWARTZ: They are on the
15 outside to help you.

16 MR. HAROLD WITMAN: That would be great. I would
17 greatly appreciate that.

18 CHAIRMAN SIMON: Yeah, that's what I was saying,
19 planting along your property line.

20 MR. HAROLD WITMAN: Thank you. And I am
21 available for any further discussions or meetings. I'm
22 really open to working with my neighbor to make it work for
23 everyone.

24 MR. DANIEL ANSELL: They look forward to being
25 good neighbors and having a great neighborly relation. So

1 I think that you can speak to Mr. Gjonbalaj and work that
2 out. But the desire is not really to build the house, but
3 to have a great place for his family and his kids and to be
4 a great neighbor to you and the other neighbors on the
5 street.

6 MR. HAROLD WITMAN: That's appreciated.

7 DEPUTY COMMISSIONER SCHMIDT: The only thing I
8 would add, just for point of clarification, is that while
9 it was initially mentioned as a wooden picketed fence, that
10 was corrected. It's going to be an open-style aluminum
11 rail fence, similar to the one on the neighbor at 16, which
12 I think you became aware of, Mr. Witman, after --

13 MR. HAROLD WITMAN: Yes, I did, correct.

14 CHAIRMAN SIMON: What I would like to do is that
15 I would like to close the Hearing, but I want to make sure
16 that these adjustments are made as opposed to adjourning it
17 to another date. So when can all this, the question is,
18 can you have all this information submitted within the next
19 ten days?

20 MR. DANIEL SHERMAN: Yes, yes, in ten days, yes,
21 easily.

22 CHAIRMAN SIMON: What day, if we close the
23 Hearing and keep the record open to what date, Aaron?

24 DEPUTY COMMISSIONER SCHMIDT: To the 26th.
25 Provided, I would say provided we could get the materials

1 in by close of business, Monday, the 24th. Is that
2 possible?

3 MR. DANIEL SHERMAN: It's getting shorter, I
4 guess.

5 DEPUTY COMMISSIONER SCHMIDT: The reason why I
6 say that --

7 MR. MICHAEL MCGARVEY: You started it.

8 DEPUTY COMMISSIONER SCHMIDT: The reason why I
9 ask is because we would want time for staff to have an
10 opportunity -- and I'm just going to stop the share screen.

11 CHAIRMAN SIMON: You know --

12 DEPUTY COMMISSIONER SCHMIDT: It would give staff
13 an opportunity, I'm sorry, just to ensure that the proposal
14 is acceptable and meeting the requirements of the tree
15 ordinance. It would also give us time to post the
16 materials to the website in the event that members of the
17 public have any final comments on that plan.

18 I'll also be happy to directly share it with
19 Mr. Witman so that he sees it. And if he has any comments,
20 he can put those in writing ahead of the closure of written
21 record, which would be set for the 26th.

22 CHAIRMAN SIMON: Okay. And I'll just --

23 VICE CHAIRPERSON SCHWARTZ: Let Mr. Sherman
24 respond to that.

25 CHAIRMAN SIMON: Pardon me?

1 VICE CHAIRPERSON SCHWARTZ: Let Mr. Sherman
2 respond to that to see if it's doable.

3 MR. DANIEL SHERMAN: Yeah, we meet every
4 deadline, so we can, somehow.

5 VICE CHAIRPERSON SCHWARTZ: Okay.

6 CHAIRPERSON SIMON: Okay.

7 MR. DANIEL ANSELL: We appreciate the speed. I
8 just want to point out. We do appreciate the speed,
9 because the homeowner does want to begin the work as soon
10 as practical because he is going to be living there with
11 his family. And the sooner we can get this resolved and
12 get him to be able to begin the work, that would be
13 appreciated as well.

14 DEPUTY TOWN ATTORNEY FRIED: Just to mention why
15 we're asking this is if we get this in Monday or Tuesday,
16 we can have this on for the next meeting for decision. If
17 it gets pushed back, then it's got to wait until the second
18 meeting in July and we appreciate --

19 MR. DANIEL ANSELL: We greatly appreciate that.

20 MR. MICHAEL MCGARVEY: Absolutely. Thank you.

21 MR. HAROLD WITMAN: Thank you.

22 CHAIRMAN SIMON: Because I am not going to put
23 that on the agenda for a decision unless we have all the
24 information. So if you can get all the information, there
25 will be a decision on for the 2nd.

1 If you do not have that information, then we will
2 push it off to a date when we have all that information
3 before we make a decision. So it's really, the ball is
4 really in your court.

5 MR. DANIEL SHERMAN: So it seems like the changes
6 are only to the landscape plan? Maybe the engineering clan
7 has to clarify the fence type so it's consistent?

8 DEPUTY COMMISSIONER SCHMIDT: Right. And just
9 adding that tree removal.

10 MR. DANIEL SHERMAN: That should be done. Yeah,
11 that could be done.

12 CHAIRPERSON SIMON: Okay.

13 DEPUTY COMMISSIONER SCHMIDT: Okay, very good.

14 MR. MICHAEL MCGARVEY: Very good all. Board
15 Members, we appreciate your time and consideration. You
16 guys are the best. Thank you.

17 DEPUTY COMMISSIONER SCHMIDT: Just want to have a
18 motion and a vote.

19 CHAIRMAN SIMON: Okay. So we have a motion to
20 close this Public Hearing and keep the record open until --
21 what was that date?

22 VICE CHAIRPERSON SCHWARTZ: The 26th.

23 DEPUTY COMMISSIONER SCHMIDT: The 26th.

24 BOARD MEMBER FRAITAG: The 26th.

25 VICE CHAIRPERSON SCHWARTZ: So moved.

1 CHAIRPERSON SIMON: Is there a second?

2 BOARD MEMBER FRAITAG: Second.

3 CHAIRMAN SIMON: All in favor? Aye.

4 VICE CHAIRPERSON SCHWARTZ: Aye.

5 BOARD MEMBER HAY: Aye.

6 BOARD MEMBER GOLDEN: Aye.

7 BOARD MEMBER SNAGGS: Aye.

8 BOARD MEMBER DESAI: Aye.

9 BOARD MEMBER FRAITAG: Aye.

10 CHAIRMAN SIMON: Oppose?

11 (Whereupon, there was no response.)

12 CHAIRPERSON SIMON: Okay, thank you.

13 MR. MICHAEL MCGARVEY: Thank you all.

14 CHAIRMAN SIMON: Hopefully, you'll have
15 everything in place so we can --

16 MR. LUIGI LANDI: Thank you.

17 CHAIRMAN SIMON: -- make a decision at our next
18 meeting. But as I said, the ball is in your court.

19 VICE CHAIRPERSON SCHWARTZ: By the way,
20 congratulations, Aaron, you're now a member of the Planning
21 Board. That's the good news. The bad news is that you
22 have a major salary cut.

23 MR. DANIEL ANSELL: Thank you all.

24 DEPUTY COMMISSIONER SCHMIDT: We can discuss that
25 when I put my house on the market.

1 DEPUTY TOWN ATTORNEY FRIED: We did need an
2 alternate.

3 MR. MICHAEL MCGARVEY: Thank you very much.
4 Appreciate everything.

5 DEPUTY COMMISSIONER SCHMIDT: Have a good
6 evening.

7 CHAIRMAN SIMON: Thank you.

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15 CHAIRPERSON SIMON: Next thing on the agenda is
16 PB 21-06.

17 DEPUTY COMMISSIONER SCHMIDT: Yes. That's the
18 Essential Jiu Jitsu project, located at 10 County Center
19 Road, P.O. White Plains, in the LOB, Limited Office
20 Building Zoning District.

21 The applicant seeks a special permit associated
22 with a fully enclosed commercial recreation facility and a
23 Planning Board shared parking reduction for a proposal
24 consisting of the conversion of 7,975 square feet of vacant
25 office space to an Essential Jiu Jitsu Martial Arts Studio.

1 The applicant is not proposing any site work as
2 part of this project. The building on site consists of
3 approximately 168,000 square feet of office space, much of
4 which is currently vacant, requiring 560 off-street parking
5 spaces where 265 spaces exist on the site.

6 The proposed conversion of 7,975 square feet of
7 office space to fully enclose commercial recreation space
8 requires an additional 13 off-street parking spaces, which
9 the applicant is requesting a shared parking reduction for.

10 The site previously was granted a shared parking
11 reduction of 41 spaces as part of Case Number PB 14-05,
12 known as the Victory Tabernacle Project associated with the
13 conversion of 3,475 square feet of office space to a
14 religious use. The applicant has indicated that its
15 evening classes, after the offices in the building have
16 closed, constitutes the majority of the business.

17 The Planning Board last discussed this matter
18 during its May 5th work session where the Board raised
19 certain questions and requested additional information from
20 the applicant. The Board also asked Mr. John Canning, the
21 Town's Traffic Consultant, who is present this evening, to
22 review the project from a traffic-related perspective and
23 provide his findings to the Board, which he's prepared to
24 do so this evening.

25 The applicants are present this evening to detail

1 the revisions of the project, provide an overview for the
2 benefit of the public and answer any questions that come
3 up. Thank you.

4 CHAIRMAN SIMON: Is someone here on behalf of the
5 project, a representative?

6 MR. MIKE MARTORELLI: Yes.

7 DEPUTY COMMISSIONER SCHMIDT: So we just ask
8 Ms. Scotto to give us an overview of the proposal. I know
9 we also have a representative for the landowner as well.

10 MR. MIKE MARTORELLI: I think I can take over, if
11 that's okay.

12 DEPUTY COMMISSIONER SCHMIDT: We also have
13 Mr. Martorelli. I apologize.

14 MR. MIKE MARTORELLI: Yes, hi. Thank you and
15 good evening. So my name is Mike Martorelli of Michael
16 Lewis Architects speaking on behalf of the applicant and
17 owner of Essential Jiu Jitsu, Mr. Jonathan Torres. If I
18 can share the screen, I can walk you through the project a
19 little bit.

20 DEPUTY COMMISSIONER SCHMIDT: Sure.

21 MR. MIKE MARTORELLI: As Mr. Schmidt previously
22 stated, the property consists of approximately 158,000
23 square feet and is situated at the intersection of County
24 Center Road here and Old Kensico Road here.

25 There is no proposed site work as part of this

1 project and the building consists of about 168,000 square
2 feet of office space and requires 560 off-street parking
3 spaces. As you can see, there is a lot up here and parking
4 along this side in the rear of the building here.

5 We're proposing a conversion of 7,975 square feet
6 of office space to fully enclose commercial recreation
7 space in the northeast side of the building over here, more
8 specifically Jiu Jitsu Martial Arts studio, which provides
9 private instruction and classes for small groups of
10 students of different ages. The owner's current space in
11 Hartsdale is approximately 3,000 square feet and they are
12 hoping to improve their business and upgrade to a larger
13 space.

14 Just to walk you through the floor plan here
15 again, the proposed studio consists of a reception area,
16 which is entered through the rear of the building on the
17 ground floor. You also have two mat areas here, a weight
18 area, locker rooms, some offices and some miscellaneous
19 storage rooms.

20 There is a second point of egress and exits into
21 the shared hallway here and then out through the northern
22 side of the building here. And the store will also serve
23 as the ADA entrance and exit, which also exits out over
24 through here.

25 So following the last Planning Board meeting on

1 May 5th, because of correspondence from the Fulton Park
2 Civic Association, the Planning Board requested the
3 services of the Town Traffic Consultant, Mr. John Canning,
4 to assist in the Planning Board's discussion, which
5 Mr. Schmidt already stated.

6 So we're able to provide responses to
7 Mr. Canning's comments regarding the current and proposed
8 building conditions, expected typical class schedules and
9 arrival and departure plans. And we'd be happy to hear
10 about his findings and also happy to answer any additional
11 questions from the Members of the Board or the public.

12 One more thing, the owners are here, Mr. Jonathan
13 Torres and Jolanda Scotto and the building owner, Mr. Gani
14 Bajraktari is also here to answer any questions that may
15 come up.

16 CHAIRMAN SIMON: I would like to start with
17 Mr. Canning's comments on traffic.

18 MR. JOHN CANNING: Thank you, Mr. Chairman. Can
19 you hear me?

20 CHAIRMAN SIMON: Yes, we can.

21 MR. JOHN CANNING: Okay, great. Good evening,
22 everybody. So we reviewed the application. We reviewed
23 the letter that was sent over by the applicant detailing
24 the schedule and the attendance. We looked at data
25 provided by ITE for what we felt were similar uses, which

1 included a fitness or health club or a recreation community
2 center.

3 And based on this data, we determined that the
4 occupancy of this building, as 100 percent office as
5 compared to the occupancy of this building with the
6 existing church and the proposed martial arts studio, the
7 building with the martial arts studio would generate 17
8 more trips during the peak p.m. hour, mostly because you
9 have an overlap of classes; at 4:15 ending at 5:15; 5:15
10 ending at 6:15. So there would be an additional 17
11 vehicles per hour, which is, I guess, less than one vehicle
12 every three minutes or more than three minutes per vehicle.

13 We also looked at where these vehicles would
14 arrive from, depart from. Most of them will actually come
15 through the intersection of Old Kensico Road with Tarrytown
16 Road, which is New York State 119 and Aqueduct Lane.

17 But some of them will obviously go in and out or
18 they come in from east -- westbound 119 onto County Center
19 Road and then just turn into the driveway there. And some
20 of them may go in and out to the neighborhood to the north
21 on Old Kensico Road, if there are students coming in from
22 there. So we estimate that of the 17 additional trips, 13
23 will be added to the intersection of Old Kensico Road with
24 Aqueduct Lane or Aqueduct Road and New York 119.

25 We conducted a syncroanalysis where we compared

1 future traffic volumes with the Jiu Jitsu Center versus
2 future traffic volumes without the Jiu Jitsu Center. And
3 we determined that the additional 17 vehicles would
4 increase -- by the way, that's about a half percent
5 increase in the peak hour traffic volumes in the p.m. peak
6 hour.

7 It would increase the overall intersection delay
8 by less than a second. And it would increase the average
9 delay exiting Old Kensico Road onto 119 by less than two
10 seconds. So from a traffic perspective on the surrounding
11 streets, it's a modest increase in traffic with a very
12 minor increase in delays.

13 We also looked at the proposed, I guess, Traffic
14 Management Arrival and Departure Plan that was provided by
15 the applicant. A number of their students will be children
16 and will be dropped off by their parents. So we find that
17 the plan is reasonable and acceptable. And we would
18 recommend that parking or waiting not be permitted curbside
19 along the building. It would be okay for parents to pull
20 up if their children are there and have them get in, or to
21 pull up and have their children get out. But not to wait
22 for their children to come out.

23 I also listened to the Board's meeting, last
24 meeting, discussing this application and would agree that
25 it would be helpful if there was some wayfinding signage, a

1 couple of signs on the property indicating that there was
2 an alternate way to exit to New York 119 to Tarrytown Road
3 westbound going to the south of the property out onto
4 County Center Road and making the right turn onto Tarrytown
5 Road.

6 We also looked into the parking projections and
7 compared the building if it was fully occupied. His
8 office, too, was fully occupied with the existing church
9 and martial arts studio and determined that during the
10 middle of the day when parking would peak, there could be
11 expected to be an additional two parked vehicles as a
12 result of the proposed action.

13 So that would increase the projected parking
14 demand from 347 to 349 vehicles, which is substantially
15 less than that the code required 400 and something
16 vehicles.

17 So I think, I just want to check my notes here,
18 those are our findings based on the information that we
19 provided and the data that we looked at. And I would be
20 happy to answer any questions you may have.

21 VICE CHAIRPERSON SCHWARTZ: Yes. I have a
22 question, Mr. Canning. You said that you used a health
23 club as an example or I guess it's a starting point for
24 this and compared it to a health club. This is different.
25 This is actually classes. They get in and out at a

1 specific time.

2 So saying there is 17 now, which I don't
3 understand how it could only be 17 if you have 25 students
4 or even 50 students at sometimes, was the testimony, I
5 don't understand the math. If indeed you have 25 people
6 getting out at 4:00 o'clock, okay, they have no other
7 reason to stay there. They are not going to be staggered
8 by more than ten minutes, probably. So I am not sure how
9 you did the calculations based on that.

10 MR. JOHN CANNING: Sure. That's a good question.
11 So I'm not saying we based it on a fitness club. We looked
12 at a fitness club. We looked at the community recreation
13 facility because we thought they would be indicative of
14 whether we were in the right ballpark or not.

15 We also looked in the applicant's projected
16 enrollment for classes and how they indicated that their
17 students would arrive or depart. And so they indicated
18 that many of the students carpool.

19 And the 17 vehicles, Mr. Schwartz, was the net
20 difference between if the building was occupied as 100
21 percent office versus if it was occupied as the martial
22 arts studio and the schools. So there is actually more
23 traffic but the office offset some of it.

24 So we indicated or we determined that there would
25 be 30 trips in the peak hour, but that 13 of those are

1 offset by the office. So it's a net increase of 17.

2 VICE CHAIRPERSON SCHWARTZ: Okay. What about the
3 time compression?

4 MR. JOHN CANNING: Well, the time compression is
5 comparable. Yes, you do have students arriving and
6 students departing at the same time, but at the five
7 o'clock hour, you have people basically leaving the office
8 around the same time.

9 VICE CHAIRPERSON SCHWARTZ: But only one time a
10 day. This is four times a day. That's my -- by the way,
11 just so everyone doesn't think I'm an ogre. I think this
12 is a fantastic project. I just want to make sure that we
13 don't do anything to disrupt the neighborhood on the other
14 side of the circle or that light.

15 And as you know, I think you were around when we
16 approved the apartment building behind Nesto's, and for
17 some of the Nesto stuff, and the controversy with those,
18 which has not caused -- I agree, has caused absolutely no
19 traffic issue over there whatsoever. So it's not that.

20 Where I came out, and you're more of an expert,
21 you're obviously an expert and I'm not. But where I came
22 out is to alleviate the potential compression was to
23 encourage them or require them to have signage to recommend
24 they go out the other way through -- what's that road?

25 MR. JOHN CANNING: County Center Road.

1 VICE CHAIRPERSON SCHWARTZ: Yes, County Center
2 Road. To keep -- to take them away from the circle and the
3 light. That was what, I was thinking, because you get four
4 or five, depending on how many classes they do a day,
5 times, it's not just one, it's four or five, when people
6 coming and going in groups of 25 maybe 50.

7 MR. JOHN CANNING: So when I spoke earlier this
8 evening, I did make a recommendation that additional
9 signage be provided or wayfinding signage be provided
10 directing, exiting customers to 119 westbound via the
11 County Center Road. So I agree with you and I did make
12 that recommendation.

13 VICE CHAIRPERSON SCHWARTZ: Okay. I think if
14 they did that and tried to recommend people say, hey, you
15 know, you should really go, it would be good if you went
16 out that way or recommend it that way -- well, there is a
17 light there, too. You may want to consider because there
18 is the light in front of Nesto's, do you think that would
19 considerably alleviate the issue of the concern of the
20 neighbors --

21 MR. JOHN CANNING: Well --

22 VICE CHAIRPERSON SCHWARTZ: -- on the other side?

23 MR. JOHN CANNING: It will alleviate the issues
24 somewhat. It's difficult to say, because I'm not a
25 neighbor, whether it will alleviate the concern of the

1 neighbors altogether. There is a limited ability of that
2 to be effective because it's really only helpful if you're
3 going westbound on 119. If you're going eastbound on 119,
4 that would mean you would have to cross three lanes of
5 traffic in a short distance to get to the left turn to do a
6 U-turn or to go down --

7 VICE CHAIRPERSON SCHWARTZ: Yeah, no, that
8 doesn't work.

9 MR. JOHN CANNING: Right. So I mean it certainly
10 helps. And that's why I had recommended it. And yes,
11 there will be multiple arrival and departure periods. But
12 in a way that spreads the activity out rather than -- yes,
13 at those periods it would be concentrated, but you don't
14 have all five of them occurring at the same time. So you
15 look at the busiest time and we looked at the 4:30 to 5:30
16 period.

17 VICE CHAIRPERSON SCHWARTZ: Okay. Well, given
18 what you said, I know this has been done other places, the
19 signage, I know down in Yonkers at High Ridge Shopping
20 Center. There are signs that say if you are going to go
21 Central Avenue north, go this way. If you're going to go
22 Central Avenue south, go this way.

23 CHAIRMAN SIMON: Right.

24 VICE CHAIRPERSON SCHWARTZ: Is that a possible
25 solution that we could put up at that for this?

1 MR. JOHN CANNING: Yes. I think that's what was
2 suggested at your meeting, at your last meeting, and that's
3 why it was reiterated.

4 CHAIRMAN SIMON: Yeah, I suggested that at the
5 last meeting, in that exactly that, you have signs. If you
6 are going that will be west, you know, go down, what is
7 that, what is that road right next --

8 DEPUTY COMMISSIONER SCHMIDT: That's County
9 Center Road.

10 VICE CHAIRPERSON SCHWARTZ: County Center Road.

11 CHAIRMAN SIMON: Right. And if you want to go
12 the other way, then you go around the circle.

13 DEPUTY COMMISSIONER SCHMIDT: Right. So the
14 applicant, I think, has shared the screen to show that
15 they, unless that was Mr. Canning, but to show they can and
16 will put signage at both exits.

17 VICE CHAIRPERSON SCHWARTZ: Perfect.

18 CHAIRMAN SIMON: Yeah.

19 DEPUTY COMMISSIONER SCHMIDT: So I think that's
20 going to be really helpful for individuals.

21 VICE CHAIRPERSON SCHWARTZ: Right. That would be
22 great. And also, I think we also talked about possibly in
23 the orientation material, I know that Jiu Jitsu is more
24 important than driving there. I got the driving down. I
25 don't have the Jiu Jitsu down, that's for sure. But if

1 they could even recommend it to the students, that would
2 also be helpful. That's all. Thank you very much,
3 Mr. Canning.

4 MR. JOHN CANNING: Thank you, Mr. Schwartz.

5 CHAIRMAN SIMON: Are there any other questions
6 for Mr. Canning or other Board Members?

7 CHAIRPERSON SIMON: Okay, if not --

8 DEPUTY TOWN ATTORNEY FRIED: Mr. Chair, I can
9 advise you who sent correspondence in and then we can go to
10 open up the Public Hearing, if you like.

11 CHAIRMAN SIMON: Please do.

12 DEPUTY TOWN ATTORNEY FRIED: Okay. So we've had
13 correspondence from Thomas Bock as President of the Fulton
14 Park Civic Association, from Ms. Lisette Jansson, Yoselin
15 Flores, Damian Rivera, Andrew Lee and Joey Tumminello. I
16 hope I pronounced everyone's name as close as possible
17 correctly.

18 Your comments are in the record. That does not
19 mean that you cannot speak tonight, but we already have
20 your comments so that forms part of the record.

21 DEPUTY COMMISSIONER SCHMIDT: I just wanted to
22 add, that in addition to those folks, we did receive a
23 number of additional emails with requests to speak at the
24 meeting. We do have a number of folks on. So I think it
25 would be a good to turn things over to the public, if you

1 would, Chairperson Simon.

2 CHAIRMAN SIMON: Please do. How many people?

3 DEPUTY COMMISSIONER SCHMIDT: I would say at
4 least six or more. First I see is Mr. Tumminello, would
5 you like to speak?

6 MR. JOE TUMMINELLO: Yes, Yes, Joe Tumminello,
7 thank you, Aaron.

8 DEPUTY COMMISSIONER SCHMIDT: So please feel
9 free.

10 MR. JOE TUMMINELLO: How are you doing, Chairman
11 Simon. How are you doing Board Members. My name is Joe
12 Tumminello. I've been a resident since 2007. I live
13 approximately probably a hair over a half a mile from this
14 location. I'm very familiar with that area.

15 Been here before CVS, before the apartments.
16 Been here before Nesto's has been built or when it was
17 empty. I understood that this office building has been
18 vacant for quite some time. So it's great that Essential
19 Jiu Jitsu is building something there and finally getting a
20 spot in that office building.

21 If you guys don't mind, I would like to share a
22 few slides and I'll be on my way. I want to talk to you
23 about my experience with Essential Jiu Jitsu and give you
24 some things to consider when you're making your decisions.

25 CHAIRMAN SIMON: Okay, please be brief.

1 MR. JOE TUMMINELLO: Thank you very much. Yes.
2 So just to give you guys a little idea that I've been
3 involved with Essential Jiu Jitsu for almost four years.
4 So this is a lot of my experience where I've been seeing
5 from the Hartsdale location, but you guys should probably
6 consider.

7 This facility is not a Planet Fitness. People
8 don't come in and out all day. They have specific classes,
9 like a lot of you guys mentioned; many of them are after
10 5:00. Students don't all leave at the same time. I
11 understand that you think it's going to be like an hour,
12 every hour, people just leave.

13 It's really staggered. And I think it has a lot
14 to do with the community that they have there. They
15 shower. They ask questions. Literally, there's times
16 after classes will be open and there will be people there
17 just talking to each other, trying to learn and train or
18 they simply, literally, you will have students that will
19 attend classes back to back to back. So you may start
20 something at 5:00, but you may not leave till that last
21 class.

22 A majority of Essential Jiu Jitsu students, I
23 think this was always mentioned, they take mass transit,
24 which is one of the reasons why, when they were looking for
25 this location, being that they were so close to Hartsdale

1 Train Station, that they wanted to have their students be
2 able to take mass transit still.

3 Car pooling. My child is in the kids' class, a
4 good majority of them do car pool. It is pretty common to
5 see kids coming out of a car, you know, alleviating a lot
6 of the car issues that you may be seeing or you should
7 consider.

8 Also, too, I think you guys mentioned that the
9 students getting the communication on what to do properly.
10 The one thing I do know with them, they have email blasts.
11 There is numerous What's App chats on just telling
12 individuals the new rules or any priorities that they want
13 to take care of for the week or just communicate with the
14 members on what to do for their students.

15 One thing I want to mention in the next couple of
16 slides is what they do for the community. JT and Jolanda
17 are constantly giving back to the community. The one thing
18 I noticed in the last three or four years is, they are
19 constantly asking, like, hey, is there any way that I can
20 help out on any underprivileged kids. They give out
21 scholarships.

22 There is a time that I worked with them with
23 White Plains Schools trying to see if there was any kids
24 that really could use a scholarship for gym memberships.
25 He's a potential speaker at the Mount Vernon School

1 District as a minority business owner and athlete during
2 career day.

3 One thing, as you all know, and we're still going
4 through, and it's more about how he gives back to the
5 community, both him and Jolanda, they helped a lot of us
6 during Covid. It was literally when we were all shut down,
7 they were still doing Zoom classes with all the kids. They
8 didn't have to do it. They could have shut down like
9 everybody else.

10 But they did have classes for the kids. And I
11 know me, I have two kids, and many other parents are
12 probably on this call right now, they are greatly
13 appreciated.

14 They changed lives, and not just mine. Mine is
15 just one example. This kid right here, she had multiple
16 learning issues, physical issues. And they made her a
17 silver medal. And at the end of the day, it's always about
18 the kids, just like they did her. They have done numerous
19 jobs on all of them. They all come in for reasons and they
20 take care of them. And that's it.

21 CHAIRMAN SIMON: Thank you very much.

22 DEPUTY COMMISSIONER SCHMIDT: Thank you. So we
23 do have a number of other speakers. We have Mr. John
24 Marsh.

25 CHAIRMAN SIMON: Okay, let him speak, please.

1 MR. JOHN MARSH: Hey guys, can you hear me?

2 CHAIRMAN SIMON: Yes, we can.

3 MR. JOHN MARSH: Thank you for having me. I've
4 been apart of the Greenburgh Community for the past 12
5 years. I do a lot of coaching and strengthening and
6 conditioning. I work in the Hartsdale area where they are
7 located now. I'm very friendly with all the businesses
8 there. I've been in that area also for the last 12 years.
9 And all of them have had success with their business
10 because Essential Jiu Jitsu being there.

11 And whenever I talk to them about Essential Jiu
12 Jitsu, they know us because we love to wear the Essential
13 Jiu Jitsu logo on our clothes. And whether it's the
14 business of Essential, the students and the owners JT and
15 Jolanda, everybody, if you guys speak to them, say how
16 positive everybody is and how well it's helped their
17 business in that area.

18 Also, being in the fitness industry for the last
19 20 years, I know you guys are concerned with the comparison
20 to fitness gyms, like Equinox or New York Sports Club.
21 Aside from personal training and regular flow of traffic,
22 they also have regular classes. They have HIIT classes,
23 spin classes, yoga classes, where they have large groups of
24 people come in and go in at the same time. So I do
25 believe, for your guys' concern, it was a good comparison.

1 The morning classes are much smaller. The
2 evening classes, like everybody else said, are mostly after
3 the main traffic times. I don't see anybody needing to
4 drive through the Town. So there is no concern of that.
5 People would just come and go to the main roads, especially
6 with the signage that you guys requested.

7 For me, I've trained and competed at a very high
8 level of wrestling. I was apart of the Olympic training
9 team. And so I've been around the United States and
10 trained at very high level facilities.

11 JT is very, very modest and you guys will never
12 hear it from him. In the last meeting, the guy mentioned
13 that he's one of the top Jiu Jitsu people in the world, not
14 just the community, not just the United States, but the
15 world. He's even better than that. He's not just one of
16 the top guys. He is the top guy.

17 There is a tournament called Abu Dhabi. It's
18 ADCC. If you guys haven't heard of it, it's like the
19 Olympics for Jiu Jitsu. He's won that the past two times
20 in a row. He is the best of the best in his facility. And
21 White Plains is going to be a top tier facility. And it
22 would be a shame for you guys not to approve it.

23 I've spoken to the people with Rite Aid, the new
24 gym that they have, Hydrogen Fitness, all the restaurants,
25 the barbershop, Bagels & More, the cleaners, they have all

1 had nothing but positive things to say about Essential Jiu
2 Jitsu. And I happen to coach there as well. So it's
3 something that I would love to see this Board approve and I
4 can pass it on to whoever is next to speak.

5 CHAIRMAN SIMON: Okay, thank you.

6 MR. JOHN MARSH: Thank you.

7 CHAIRMAN SIMON: Next speaker, please.

8 DEPUTY TOWN ATTORNEY FRIED: Does anyone else
9 wish to speak?

10 DEPUTY COMMISSIONER SCHMIDT: We have Ms. Lisette
11 Jansson.

12 MS. LISETTE JANSSON: Good evening, everyone. I
13 wanted to speak on behalf of Essential Jiu Jitsu, with
14 Yolanda and JT Torres. Just to double back on the mass
15 transit. I currently live in the Bronx. My two children
16 and myself, we train out of Essential Jiu Jitsu. My
17 14-year old started taking the Metro North up to the
18 Essential Jiu Jitsu on her own after school to be able to
19 train there. She insisted on training there. She doesn't
20 want to train anywhere else within New York City or lower
21 Westchester.

22 So the fact that they seeked and looked for a
23 space that is in close proximity to mass transit was very
24 important for, not just my family, but other people, other
25 families, people are who are willing to make the commute

1 into your Town. And I think it's vitally important to
2 consider that because we're not the only family coming from
3 the Bronx. We're also commuting from going back into the
4 City, going back to work and working in Manhattan. It will
5 make it easier for me to be able to continue taking classes
6 because I can just get on to the Metro North, take it to
7 the White Plains station and continue my training as well.
8 And that doesn't add to any kind of traffic because I'll be
9 walking from the train station or taking the bus from the
10 train station to be able to do such a thing. So I just
11 wanted to make sure that everyone is aware of the fact that
12 we're not all just driving. We do car pool.

13 If my child needs to get a ride home from one of
14 the other parents, there is always another parent who
15 willing to pick up my child and bring them to another
16 location. So I don't see that there would be any issue
17 with traffic or any issues of that. Thank you.

18 CHAIRMAN SIMON: Thank you.

19 DEPUTY COMMISSIONER SCHMIDT: Thank you very
20 much. We have Dorcas Cruz.

21 MS. DORCAS CRUZ: Hi, can you hear me?

22 CHAIRMAN SIMON: Yes.

23 DEPUTY COMMISSIONER SCHMIDT: Yes.

24 MS. DORCAS CRUZ: Okay, sorry. I'm actually on
25 my way to work. So my name is Dorcas Cruz. I'm actually a

1 student at Essential Jiu Jitsu. So I am speaking on behalf
2 of them. First and foremost, as everyone else has said
3 before me, I would like to, you know, basically, I don't
4 want to reiterate it, but it's a great business. JT and
5 Jolanda, you know, they are amazing instructors, everyone
6 there.

7 Essential, you know, it gives us an opportunity
8 to stay active, have self defense and basically gives us a
9 better lifestyle and a way to communicate with others in
10 the community.

11 So about myself, I'm actually an ICU nurse at
12 Westchester Medical Center and I'm also one of the vaccine
13 administrators actually at the County Center. So I,
14 ironically, live in Fulton Gardens, which is actually
15 across the street from 10 County Center Road. So since I'm
16 a nurse at the Medical Center, I'm frequently in and out of
17 my apartment at random hours of the day, rush hour,
18 especially because, as we know, hospital never stops.

19 I just want to point out that I really never
20 experience that much traffic perse. It's a circle,
21 obviously, so there is four different outlets. So I think
22 that, I don't necessarily think that, you know, adding the
23 business there would contribute to any type of congestion
24 in the Fulton Garden Circle.

25 So I just wanted to point that out, especially

1 since, you know, I'm a member of the community, a student
2 of theirs and also since I actually live across the street
3 from the potential location of Essential Jiu Jitsu.

4 CHAIRMAN SIMON: Okay, thank you. Anyone else?

5 DEPUTY COMMISSIONER SCHMIDT: Yes. We have
6 Everett Vaccaro.

7 (Whereupon, there was no response.)

8 CHAIRMAN SIMON: No? He's not here. Okay, let's
9 move to the next one.

10 DEPUTY COMMISSIONER SCHMIDT: We would just ask
11 you to unmute yourself. Let's see if I can do that.

12 MR. EVERETT VACCARO: Hi, how are you.

13 DEPUTY COMMISSIONER SCHMIDT: Hi there. We can
14 hear you now.

15 MR. EVERETT VACCARO: Okay, hi, how are you. I
16 just want to say that -- I just want to say hello to
17 everyone. I am also an Essential Jiu Jitsu member.

18 And basically everyone kind of hit on all the
19 same things that everyone has been saying, is that I think
20 we understand that the traffic is going to be limited based
21 on, because the amount of people coming to the classes. So
22 I think we kind of established that. It's going to be
23 staggered. And I think the perception at first was a
24 little bit skewed.

25 But just going back, this year, obviously,

1 everybody knows the hardship. I just want to reiterate
2 what kind of people you're dealing with when you deal with
3 JT and Jolanda. When Covid hit, they called and, you know,
4 JT was like, Everett, I don't know, I'm going to close the
5 school. I said no. I said we got to stay focused and
6 never give up. And the hardship that I've seen them go
7 through and the members and all the mental stress that has
8 been put on them, and everybody through this year. It's
9 like I just want to see them catch a break.

10 And to be honest with you, there is no better
11 people to have in your neighborhood than them. It brings
12 such diversity, the amount of people, I mean I train with
13 military. I train with Greenburgh cops. I train with
14 detectives. I train with all different types of people
15 that I would never come across with sometimes just in my
16 day-to-day life. And to see us all stick together, I think
17 that's what community is about.

18 And I think that if Greenburgh -- I remember
19 working in Greenburgh. I had businesses in White Plains
20 before the White Plains boom. And I just think that, if
21 you're trying to build a community, this is the way you
22 build the community. And this is the right step going
23 forward, is to have these small businesses and types of
24 atmosphere where everybody is welcomed. They are not
25 limited to any type of limitations towards anyone.

1 I mean, you get any type of -- like you said,
2 Joe's daughter suffers from different things. And like I
3 said, these are people that are going to add a positive to
4 your environment.

5 And just try to think, like I said, I'll never
6 forget that phone call. And I said, like I said, we're not
7 giving up. We didn't give up. We made it this far. And
8 to think that a business that was on the verge of closing
9 is now looking to expand within the same year, I mean I
10 really hope that you guys really think about this and give
11 that approval. Because like I said, it would only be a
12 great thing for the community.

13 All the people that are in Jiu Jitsu are all
14 martial artists and we're basically respectful. That's how
15 we are. We are not loud people. And hopefully, you guys
16 find it within yourselves to give that approval for them.

17 Because like I said, it's only going to be an
18 asset for your community. And I'm glad that, I heard you
19 guys speak and I think you guys recognized, that it's not
20 like a full fledge gym in respect to --

21 CHAIRMAN SIMON: Could you wrap up, Mr. Vaccaro?

22 MR. EVERETT VACCARO: Yes, okay. So I'm good to
23 go. Thank you.

24 DEPUTY COMMISSIONER SCHMIDT: Thank you very
25 much.

1 DEPUTY TOWN ATTORNEY FRIED: Thank you.

2 MR. EVERETT VACCARO: All right.

3 DEPUTY COMMISSIONER SCHMIDT: I don't believe we
4 have any other folks on that wish to speak at this time,
5 but if there are, kindly speak up and we just ask not to
6 repeat any of the same comments that others have mentioned.
7 You can say you agree with another speaker.

8 DEPUTY TOWN ATTORNEY FRIED: And we are going to
9 keep the record open. So if you don't wish to speak, just
10 send a letter. Just get it to us within the next few days,
11 that will be great as well.

12 DEPUTY COMMISSIONER SCHMIDT: That is correct.

13 CHAIRMAN SIMON: Before we close, I would like to
14 make a comment also. Back in, I guess, in the 90's when
15 Verizon Building was fully occupied, I belonged to a
16 regional professional organization and we used to meet
17 periodically at that site. And at that time, that parking,
18 that building was full. The parking lot was full. And
19 that was, I don't think that created any unusual traffic
20 flow at that site. Granted since that time, you have that
21 housing, work force housing and you have the drive-in
22 restaurant there.

23 But if you look at the amount of traffic that
24 that site created, which I don't think there is any great
25 issue with those establishments, and the fact that that

1 Verizon Building is far from being fully occupied. And
2 when you look at the comments from John Canning, you know,
3 I think that it is a viable application, but we will keep
4 the record open for further comments until --

5 DEPUTY COMMISSIONER SCHMIDT: Staff would suggest
6 May 26th, yes.

7 CHAIRMAN SIMON: -- to May 26th. At that point,
8 we will have to make a decision. Is there a motion to
9 close the Public Hearing and keep the record open until May
10 26th?

11 BOARD MEMBER GOLDEN: So moved.

12 CHAIRMAN SIMON: Is there a second?

13 BOARD MEMBER HAY: Second.

14 CHAIRMAN SIMON: All in favor? Aye.

15 VICE CHAIRPERSON SCHWARTZ: Aye.

16 BOARD MEMBER GOLDEN: Aye.

17 BOARD MEMBER HAY: Aye.

18 BOARD MEMBER FRAITAG: Aye.

19 BOARD MEMBER DESAI: Aye.

20 BOARD MEMBER SNAGGS: Aye.

21 CHAIRPERSON SIMON: Oppose?

22 (Whereupon, there was no response.)

23 CHAIRPERSON SIMON: Okay, fine.

24 DEPUTY TOWN ATTORNEY FRIED: Captain Lawrence.

25 CHAIRMAN SIMON: Is there a representative for

1 Captain Lawrence here?

2 MR. PETER CATIZONE: Yes.

3 DEPUTY COMMISSIONER SCHMIDT: Yes. Before we do
4 that, I'll just circle back to just make a brief
5 introduction of the project. And then we can get right
6 into it. Hold on one moment.

7 The next and final Hearing on the agenda this
8 evening is Case Number PB 20-16, Captain Lawrence, located
9 at 444 Saw Mill River Road, P.O. Elmsford in the PD
10 Nonresidential Planned Development Zoning District. The
11 applicant seeks steep slope and tree removal permit
12 approvals from the Planning Board.

13 The applicant is proposing the construction of a
14 36-space parking area with a new curb cut on Clearbrook
15 Road to access the proposed parking area and the stairwell
16 leading from the proposed parking area to an existing
17 parking area. The applicant proposes the removal of 53
18 regulated trees requiring a tree removal permit and has
19 prepared a landscaping plan calling for the planting of
20 various trees, shrubs and ground covers as replacement.

21 The Planning Board last discussed this matter
22 during its April 21st work session where the Board raised
23 certain questions and requested additional information from
24 the applicant.

25 The applicant's representative is present this

1 evening to detail the project for the benefit of the public
2 as well as review the revisions since the last meeting with
3 the Board, and as well to answer any questions that Board
4 Members or members of the public may have. Thank you. I
5 turn it over to Mr. Catizone.

6 MR. PETER CATIZONE: Thank you, Aaron. And good
7 evening, Mr. Chairman and Planning Board Members. My name
8 is Peter Catizone. I'm with Catizone Engineering. We're
9 the site civil engineers for the Captain Lawrence project.
10 We also have with us tonight Scott Vaccaro. He's the owner
11 of Captain Lawrence Brewery. And I've realized that, for
12 the benefit of the public, I'll just take you through the
13 entire project.

14 CHAIRMAN SIMON: Yes.

15 MR. PETER CATIZONE: So I would like to share my
16 screen, if that's okay. And so the Captain Lawrence site
17 is located on Saw Mill River Road. It's on the northbound
18 side, to the north is straight up. To the east of the site
19 is Clearbrook Road and you can't see it on the sheet, but
20 the bottom of the sheet, the south side of the site, is
21 Hunter Lane. The property line to the north abuts another
22 non-residential PD District property. So there is really
23 no impacts to residential here.

24 The project is proposing a parking area on the
25 northern side of the site. It's 36 spaces. If I can just

1 back-up one minute. This is a mixed use facility. Blue
2 Line Shooting is on the northwest side. Dom's Pizza.
3 There is a self-storage facility. And in the rear of the
4 property is Captain Lawrence, either manufacturing or they
5 do have, you know, a brewery pub where you can get food and
6 drinks. And there is outside seating.

7 So this new parking lot, 36 spaces, is proposed
8 on the north side off of Clearbrook. The grades on this
9 particular project, they're such that we cannot connect the
10 two parking lots. So that's why we're proposing a separate
11 entrance.

12 It is in a location where there is evidence that
13 a driveway existed. Although not to this size, but that
14 there was a driveway there at some point in the past. So
15 we provided the breakdown of parking. Currently, the
16 project is slightly under-parked under the existing
17 conditions with 184 spaces required and only 180 available.

18 There was a previous action by this Board to
19 allow a shared -- eight shared space use for Dom's Pizza.
20 The 36 spaces puts this overall site into compliance in
21 many ways. One is the overall parking spaces would go up
22 to 215 with the additional spaces.

23 Now, some of you may challenge me and say, well,
24 you're proposing 36 spaces, but there is only 35 difference
25 in the table. And that's because we also took this

1 opportunity to recount all of the existing spaces,
2 including the ADA spaces and make the site ADA compliant.

3 So one of the spaces that was lost is this space
4 on the north side, northeast side, which we added -- we had
5 to net out to provide an additional ADA space. We're also
6 providing an ADA space in front of the, what I'll call the
7 retail portion of the project where Dom's Pizza and Blue
8 Line Shooting, and I believe this is an office supply on
9 the corner. So we added one additional space there and one
10 additional space on the south side.

11 So the site not only complies with the overall
12 number of parking spaces, but also with the number of ADA
13 required parking spaces for this site. We did not propose
14 any ADA spaces in the new parking lot just because there is
15 a staircase here and we just thought closer to the building
16 is where those spaces need to be.

17 We're removing quite a bit of trees, 63 trees --
18 I just got to check my -- 63 trees. Of those trees, there
19 are several that are invasive, which will be removed.
20 We've been working with the arborist, the Town arborist,
21 using the new tree removal guidelines or requirements using
22 the software.

23 And I have to say, with a lot of help from Aaron
24 Schmidt and from the Arborist Sven, we were able to revise
25 the tree removal application. And now we're just in the

1 process of getting you a revised fee. So we submitted a
2 fee with the last application, which was higher than
3 required because the invasive species are not counted
4 against the fee.

5 We are, you know, grading, no off-site grading.
6 So all of our grading is entirely within our property line
7 with, you know, some minor grading in the right of way just
8 to accommodate the entrance. We will be removing a portion
9 of a stone wall. It's a dry, stacked stone wall. So it
10 doesn't have the perfect perpendicular edges on the tops
11 and sides. But we are going to, and there is a note on one
12 of these plans, that we are going to freshen up that wall.
13 And if there is any misplaced stones, we will clean it up,
14 remove the vegetation from around it, you know.

15 As far as tall grass, it's just maintenance type
16 of things. Just to give a little more presence to that
17 wall. The wall is in pretty decent shape so it's not a lot
18 of work to do that, but we just, it was a comment from this
19 Board and we want to responsive to that.

20 We did conduct test pits and percolation tests in
21 the area of the parking lot. And we're proposing a
22 subsurface detention system to capture and treat the
23 additional runoff resulting from the development and also
24 to provide the required water quality and rainfall
25 reduction volumes for the project.

1 That system will over flow into via a new 12-inch
2 pipe to an existing drain and ultimately around the east
3 side of the building where it ultimately goes into a small
4 creek that runs parallel to Clearbrook and -- or maybe it's
5 a brook, hence the name, and discharged into that creek.
6 Again, we are providing the required water quality and the
7 required mitigation as far as flow mitigation for the
8 project.

9 We have developed an erosion sediment control
10 plan with your typical construction entrance in that
11 protection and such, as far as contractor, you know, field
12 offices, we assume there is going to be some accommodation
13 in the existing building for that.

14 So we also provided a photometric plan. So last
15 time we were here, this plan was a little different. We
16 did not have this pole mounted light over the staircase.
17 We did have some lower bollard lighting here. We also had
18 bollard lighting on either side of the new entrance.

19 So what we've done is we've added a pole mounted
20 light at the landing between the two stairs going down and
21 I think that gives -- that was a comment from this Board
22 and a very good comment. And I think that gives a much
23 better light distribution for that area. You know, we get
24 some spill over into the lower lot, which I don't think is
25 a terrible thing.

1 We've also added a second luminaire on a proposed
2 pole just to light up this entrance a little bit more. And
3 we've removed the two bollard lighting that were previously
4 shown.

5 We've created a landscape plan. We developed a
6 landscape plan as mitigation for the trees that are
7 proposed to be removed. This mitigation plan provides
8 90 percent of the removal benefit as required by the Code.
9 And you know, and that was something that we had to get
10 clarification on. And again, staff was, you know, just
11 more than helpful on this. But even our previous
12 mitigation plan was already at over 60 percent. And we
13 were shooting for 30.

14 So I feel good about this plan. There are native
15 species. We do have some lower shrubs flanking the walkway
16 just to soften that a little bit. And we provided profiles
17 and sections through the parking lot and in our general
18 site details.

19 We also have ready to go a stormwater pollution
20 prevention plan, which I don't want to test my memory, but
21 I believe that we may have already submitted that to
22 engineering early on in the process. But you know, we do
23 have that ready to go as well. And we're prepared to
24 answer any questions that this Board may have.

25 CHAIRMAN SIMON: Okay, I have two questions.

1 MR. PETER CATIZONE: Okay.

2 CHAIRMAN SIMON: I'm glad that you responded to
3 the comment that was made by Mona Fraitag and myself in
4 terms of having that handicap space on the other side of
5 the road, and you brought it right next to the building.
6 So thank you for that. That's very good.

7 Now, could you put your screen up again. That
8 from the steps that comes down from the upper parking
9 lot --

10 MR. PETER CATIZONE: Yes.

11 CHAIRMAN SIMON: -- you still have to cross over
12 to get to the main building, cross over the entrance. And
13 I think you have some striping there between --

14 MR. PETER CATIZONE: I got you. So that's
15 something that we can --

16 CHAIRMAN SIMON: Yeah, from the bottom of the
17 steps --

18 MR. PETER CATIZONE: -- absolutely that we can
19 add so.

20 CHAIRMAN SIMON: Yeah, because it's still, it's
21 close to the entrance. So if you have some striping there,
22 I think that would help, from the bottom of the steps, that
23 staircase of the upper lot.

24 MR. PETER CATIZONE: So I just drew this grey-ish
25 color box here.

1 CHAIRMAN SIMON: Yeah.

2 MR. PETER CATIZONE: Which extends, you know,
3 represents extension of -- is that what you're thinking,
4 Mr. Chairman?

5 CHAIRMAN SIMON: Yes.

6 MR. PETER CATIZONE: I'll try and cross this
7 roadway perpendicular?

8 CHAIRMAN SIMON: Yes.

9 MR. PETER CATIZONE: I think that's a good
10 comment that we would be happy to add.

11 CHAIRMAN SIMON: My other comment, in terms of,
12 you know, you're catching the water from there and you're
13 sending it down, and eventually it goes into, you know, the
14 brook.

15 MR. PETER CATIZONE: Yes.

16 CHAIRPERSON SIMON: Do you have an oil separator
17 in any place in your system?

18 MR. PETER CATIZONE: So Mr. Chairman, for
19 stormwater, typically an oil/water separator is not
20 required. That would be for interior uses or restaurants.
21 But having said that, the way the infiltration system works
22 is the water is captured and put into an underground
23 detention system, which then has to fill up to a certain
24 level --

25 CHAIRMAN SIMON: Yes.

1 MR. PETER CATIZONE: -- before it discharges.

2 CHAIRMAN SIMON: Right.

3 MR. PETER CATIZONE: So that system has, you
4 know, as required by DEC, has a water quality component
5 specifically to remove sediment, you know, oils, you know,
6 even thermal, mitigate, you know, it's a hot, sunny day,
7 the blacktop is 100 degrees, it rains. You really don't
8 want that water to be discharged at a higher temperature.

9 So I think to your comment, although we don't
10 have an oil/water separator, we do have a fair amount of,
11 you know, water quality, you know, capability already built
12 into this system.

13 CHAIRMAN SIMON: Okay. But the sediments goes to
14 the bottom. And why I said oil separator because it's
15 coming off of a parking lot, where you can have oil
16 dripping from automobiles because it's a parking lot. So
17 that's the genesis of my question, is that if you have oil
18 from cars dripping on the parking lot, that could line up
19 being washed into the system.

20 DEPUTY COMMISSIONER SCHMIDT: Mr. Catizone, when
21 you spoke to, you know, broadly about what the water
22 quality, you know, would be, is there a specific, you know,
23 component that you can speak to? Like, so the Board is
24 familiar with the oil/water separators, hydrodynamic
25 separators.

1 Perhaps there is one that's being utilized in
2 connection with this system that you can name for us and we
3 can, you know, I can speak to the Town Engineer about it to
4 see if it truly does function and be able to report back to
5 the Board that, you know, it would function the way the
6 Board, Chairperson Simon was asking.

7 MR. PETER CATIZONE: The water quality volume and
8 there is two pieces of that. You know, again, we do a lot
9 of larger commercial developments, a lot of big parking
10 lots. So the DEC establishes certain criteria. And the
11 criteria for the, what they call water quality volume, is
12 based on the percentage of impervious for the project.

13 I'll use that in quotes because when we
14 calculated our percent impervious, we basically took the
15 disturbance limits of the project. So you know, we
16 wouldn't do this, but there is some, you know, concepts
17 that, you know, you can take more green area to reduce that
18 water quality. But we don't do that. We follow the letter
19 of the law, which is the project area, which is really the
20 disturbance areas. So there is not an actual calculation.

21 CHAIRMAN SIMON: I'm sorry to interrupt you,
22 Mr. Catizone. I am familiar with that.

23 MR. PETER CATIZONE: Right.

24 CHAIRMAN SIMON: My question is, if a car drips
25 oil on the parking lot, how do you address that?

1 MR. PETER CATIZONE: If a car drips oil in a
2 parking lot, and I assume you're referring to like
3 incidental leakage, not a catastrophic failure of a gas
4 tank. But there is a certain amount of oil, rubber, other
5 contaminants that drip off cars on roadways, not only
6 parking lots.

7 CHAIRPERSON SIMON: Right.

8 MR. PETER CATIZONE: And that's meant to be
9 treated by water quality aspect of the storm system. So
10 the water quality aspect is infiltration. And the
11 preference of the DEC is that as much water of that water
12 quality volume be put back into the ground as RRV, which is
13 rainfall recovery as possible. So that's really the
14 guidance of the DEC --

15 CHAIRMAN SIMON: Okay.

16 MR. PETER CATIZONE: -- on, you know, how they
17 treat the risk of parking lots, roof areas and others.

18 CHAIRMAN SIMON: Okay. Aaron, could you just
19 check with our Engineering Department if they say, you
20 know, that's fine, that my question is really the applicant
21 is addressing it, then that's fine.

22 DEPUTY COMMISSIONER SCHMIDT: Yes.

23 CHAIRMAN SIMON: I just want to make sure that
24 it's the system --

25 MR. PETER CATIZONE: And Mr. Chairman and Members

1 and Aaron, you know, if there is an additional measure
2 that, you know, the Town feels is appropriate for this
3 project, you know, we will add it.

4 CHAIRMAN SIMON: Okay.

5 MR. PETER CATIZONE: You know, we are meeting the
6 standards.

7 CHAIRMAN SIMON: Yes.

8 MR. PETER CATIZONE: There are other alternative
9 measures, some of which were measured, like, you know, a
10 swirl chamber or hydrodynamic separator, which is
11 considered an alternative practice, which is typically used
12 on a redevelopment site in lieu of what they favor, which
13 is the RRV aspect. But it doesn't mean you can't use it as
14 well as that.

15 CHAIRMAN SIMON: Okay. I am not interested in
16 adding costs to the project, if it is not truly justified.
17 So as long as our Engineering Department feels satisfied
18 that what you have adequately addresses the concerns. I
19 have no problem with that. So I would just ask Aaron just
20 to double-check with Engineering Department and if they
21 feel fine with that, then it's fine with me.

22 DEPUTY COMMISSIONER SCHMIDT: I've already sent
23 myself a note to follow up tomorrow. So will do.

24 CHAIRMAN SIMON: Okay. Are there any other
25 questions from Planning Board Members?

1 BOARD MEMBER DESAI: I have a question, Walter.

2 CHAIRMAN SIMON: Yes.

3 BOARD MEMBER DESAI: Can you put up the parking
4 plan that's showing the parking spaces? The next, yeah,
5 yes, that's it. So I think it's, all the corrections and
6 accommodation that you have incorporated with the comments,
7 the only thing that I have still little concern is the four
8 parking spots that are kind of at the entrance of the --
9 yeah, that four.

10 And my two concern is that people are backing up
11 and people coming in and also the people are getting out
12 from the main parking area would create kind of a conflict.
13 So is there any way that you can rework that? There are
14 only four parking spots. And if you can accommodate in the
15 main parking area and then eliminate that backup where the
16 peopling coming on the curve, and then also people coming
17 down at a much more speed from the entrance. So my
18 question is that, do you have any thoughts on preserving
19 that conflict?

20 MR. PETER CATIZONE: I do. I mean if we look at
21 other parts of the site, you know, you see this. Cars come
22 in, you have cars backing out. It's just typical of, you
23 know, retail and commercial use, even office buildings.
24 You know, it's a typical layout. This is not intended to
25 be, you know, a freeway. If we eliminated these four

1 spaces, you could argue that the same condition exists
2 around this curve. Cars are coming in and you have cars
3 backing out.

4 So I don't think -- I mean, our intent was to
5 basically get these parking spaces as close to this
6 property line as possible to increase the distance from
7 either parking space to the roadway. So I'm just going to,
8 if you bear with me.

9 DEPUTY TOWN ATTORNEY FRIED: Let me make a
10 suggestion. Maybe perhaps what we're talking about is
11 traffic calming, rather than moving that. And if there is
12 striping or something, just making people aware coming
13 around that their car is over there, you know, both coming
14 in and coming around there. If you can calm that area a
15 little bit.

16 MR. PETER CATIZONE: We can do that. I have some
17 ideas.

18 BOARD MEMBER HAY: Great.

19 CHAIRMAN SIMON: Okay.

20 BOARD MEMBER DESAI: And also --

21 BOARD MEMBER HAY: Also that striped area is
22 flat. There is no obstacle there to see when you're coming
23 around those parking spaces, correct?

24 MR. PETER CATIZONE: Right, that's correct.

25 BOARD MEMBER HAY: That's open. So you have a

1 clear view when you're coming around. It's not like there
2 is something tall there.

3 CHAIRMAN SIMON: Are there any other comments on
4 this from Board Members?

5 BOARD MEMBER DESAI: Yeah. I think my second
6 comment is similar to the people coming to the stairs
7 crossing over the roadway. So can you extend that, kind of
8 zebra lines to that, yeah, from there to the, yeah, so that
9 people are aware that some people may be --

10 CHAIRMAN SIMON: Oh, on the other side also?

11 BOARD MEMBER DESAI: Correct.

12 CHAIRMAN SIMON: Okay.

13 MR. PETER CATIZONE: On what side also?

14 DEPUTY COMMISSIONER SCHMIDT: The one you just
15 identified.

16 MR. PETER CATIZONE: Okay.

17 DEPUTY COMMISSIONER SCHMIDT: Kirit, does that
18 satisfy your comment?

19 BOARD MEMBER DESAI: Correct.

20 DEPUTY COMMISSIONER SCHMIDT: Okay.

21 CHAIRMAN SIMON: Are there any other comments
22 from the Board?

23 DEPUTY TOWN ATTORNEY FRIED: I've lost audio.
24 Did anyone hear me?

25 CHAIRMAN SIMON: Yes.

1 DEPUTY TOWN ATTORNEY FRIED: Aaron, I couldn't
2 here you.

3 DEPUTY COMMISSIONER SCHMIDT: You can't hear me
4 now?

5 DEPUTY TOWN ATTORNEY FRIED: Now, I can, yes.

6 DEPUTY COMMISSIONER SCHMIDT: Okay. I know, if
7 there are no other comments from the Board Members, we do
8 have members --

9 CHAIRMAN SIMON: Is there anyone from the public?

10 DEPUTY COMMISSIONER SCHMIDT: Yes, we do. We
11 have Mr. Bodin and he will speak --

12 BOARD MEMBER FRAITAG: Aaron? Aaron?

13 DEPUTY COMMISSIONER SCHMIDT: I'm sorry. Go
14 ahead, Ms. Fraitag.

15 BOARD MEMBER FRAITAG: Those walkways are going
16 to be striped, correct?

17 MR. PETER CATIZONE: Yes.

18 DEPUTY COMMISSIONER SCHMIDT: Yes.

19 BOARD MEMBER GOLDEN: Yes.

20 BOARD MEMBER FRAITAG: Okay, thank you.

21 DEPUTY COMMISSIONER SCHMIDT: We do have
22 Mr. Bodin who wishes to speak.

23 CHAIRMAN SIMON: Mr. Bodin, you are recognized to
24 speak on this application.

25 MR. MURRAY BODIN: The screen -- can you hear me?

1 CHAIRMAN SIMON: Yes, we can.

2 MR. MURRAY BODIN: My name is Murray Bodin. I
3 first became aware of beer gardens in 1955. Joe King's
4 Rathskeller on 3rd Avenue and 17th Street, I loved it. And
5 then the one on Valhalla.

6 And in the meantime, I wanted to -- slide that
7 back a little bit. I want to talk about global warming.
8 President Biden was in Detroit and the Ford 150 truck is
9 going all electric. The world has changed because of
10 global warming and we have to think about parking in a
11 different way. Could you give me that slide better of the
12 parking area?

13 MR. PETER CATIZONE: You want me to zoom in, sir?

14 MR. MURRAY BODIN: Yeah. I want to see the
15 parking areas, okay. One, because we have to conserve
16 energy, that bump out between the 15 spaces will have to go
17 in the future. Because a number of reasons. When a truck
18 comes in there to plow the snow, he can't plow it
19 efficiently. It creates a problem. It was very nice years
20 ago, not anymore.

21 Two, the crosswalk from the bottom of the stairs
22 to the building should be a bar cross walk and the space
23 where the crosswalk comes from the bottom of the stairs
24 should be a shared space. That space can be used by a
25 handicap to get out of the car.

1 I was at Ben & Jerry's in Mount Kisco yesterday,
2 Sunday. And the car pulled up, and the gentleman came out
3 in a wheelchair. I know a lot about wheelchairs. 30 years
4 ago I went to use one because I encouraged my friend to do
5 the New York City marathon in a wheelchair. And he did it
6 a number of times. So I'm pretty good in a wheelchair and
7 I understand the problems of wheelchair people.

8 We need to share the walkway for pedestrians with
9 those cars that have wheelchairs. You can put a wheelchair
10 accessible space on either side of the crosswalk and the
11 van can either back in or drive in, if it's a side loading
12 or a ramp for a wheelchair. We have to think in sharing
13 resources. They are not --

14 CHAIRMAN SIMON: Mr. Bodin --

15 MR. MURRAY BODIN: Are you going to interrupt me?
16 This is about the plan.

17 CHAIRMAN SIMON: I know, but I'm just trying to
18 understand where you're saying we should put it. I'm just
19 trying to identify where you're saying.

20 MR. MURRAY BODIN: When you come off the bottom
21 of the stairs, there is a crosswalk --

22 MR. PETER CATIZONE: I'll put --

23 MR. MURRAY BODIN: Right, yeah.

24 CHAIRMAN SIMON: It should be a handicap.

25 MR. MURRAY BODIN: The spaces on either side

1 should be handicap and the space where the crosswalk is
2 should be shared with the van that has a lift for a
3 wheelchair. That's a new concept.

4 We've always had the space for the handicap
5 separately. And then when they got out of the van, there
6 was no crosswalk to get anywhere. When you put a handicap
7 van on either side of the crosswalk, they then can continue
8 safely to the entrance. You didn't show original a
9 crosswalk to the entrance and it should be a parallel bar.
10 Yes, there are others available, but the safest crosswalk
11 is the parallel bar continental. New York City uses it
12 exclusively. The rest of the world uses it almost
13 exclusively. Connecticut uses bars, so does California.
14 New York State has a mishmash and I'm having a
15 fight with -- somebody offered \$25,000 to convert the
16 crosswalks to a safer one and nobody took us up on that.
17 Being in honor of a friend who was safety conscious --

18 DEPUTY TOWN ATTORNEY FRIED: Okay, let's get off
19 from the type of crosswalk and go further to other
20 comments.

21 CHAIRMAN SIMON: You made your point. And so
22 we --

23 MR. MURRAY BODIN: Next point. Next point, is
24 the lighting. I made up a small box with two LEDs on it
25 that I have over my garage and it's portable, so that you

1 can test it out. The lights that you use there, those
2 little stanchions there, don't give adequate light. They
3 look nice but they don't work well.

4 And I've watched other installations where people
5 are changing to this kind of lights. If you drive down
6 Joyce Road, where I live, half a dozen driveways will light
7 up with those lights. And it's portable so that different
8 places can test it out.

9 The bump out, I spoke about. The manual Uniform
10 Traffic Controlled Devices. It's up for review. I've been
11 working on it for the last 20 odd years. I, as a matter of
12 fact, was part of the team that developed the dotted line
13 section. So I kind of got put into it. They don't know
14 how to correct it. They don't know how to bring it into
15 this world of less resources. And everybody is going nuts.

16 Understand what we did up until now was good in
17 past years. The world changed. Electric cars are here.
18 There will be everywhere. We have to figure that out. And
19 this is a learning curve. This is the first step in
20 discussing how we use our resources in a different way.

21 And I apologize if I mixed myself out. My mind
22 doesn't work well as I used to and I recognize that. And I
23 am doing the best I can to keep it as short as possible.

24 CHAIRMAN SIMON: Okay.

25 MR. MURRAY BODIN: Chairman Simon, you said the

1 right thing when you said don't repeat yourself. Thank
2 you.

3 CHAIRPERSON SIMON: Okay.

4 DEPUTY COMMISSIONER SCHMIDT: Thank you.

5 DEPUTY TOWN ATTORNEY FRIED: Thank you,
6 Mr. Bodin.

7 CHAIRMAN SIMON: Okay. Are you finished? Okay,
8 fine. Is there anyone else that would like to speak on
9 this issue?

10 DEPUTY COMMISSIONER SCHMIDT: I don't believe
11 there are. There was one other individual that asked for
12 the link. I did provide it. But I do not see that
13 individual on the meeting.

14 CHAIRMAN SIMON: Okay. If there is no additional
15 comments from the Board Members or if a Board Member have
16 an additional comment, please indicate that you would like
17 to speak or make a comment. If not, I entertain a motion
18 to close the Public Hearing and keep the record open to May
19 26th.

20 BOARD MEMBER HAY: So moved.

21 VICE CHAIRPERSON SCHWARTZ: Second.

22 CHAIRMAN SIMON: All in favor? Aye.

23 VICE CHAIRPERSON SCHWARTZ: Aye.

24 BOARD MEMBER SNAGGS: Aye.

25 BOARD MEMBER FRAITAG: Aye.

1 BOARD MEMBER GOLDEN: Aye.

2 BOARD MEMBER HAY: Aye.

3 BOARD MEMBER DESAI: Aye.

4 CHAIRMAN SIMON: Oppose?

5 (Whereupon, there was no response.)

6 CHAIRPERSON SIMON: Okay. No one. So I'll make
7 a motion to close the Public Hearing and go back into work
8 session.

9 BOARD MEMBER FRAITAG: Second.

10 CHAIRMAN SIMON: All in favor?

11 VICE CHAIRPERSON SCHWARTZ: Aye.

12 BOARD MEMBER FRAITAG: Aye.

13 BOARD MEMBER SNAGGS: Aye.

14 BOARD MEMBER HAY: Aye.

15 BOARD MEMBER GOLDEN: Aye.

16 BOARD MEMBER DESAI: Aye.

17 CHAIRMAN SIMON: Abstention or objection?

18 (Whereupon, there was no response.)

19 CHAIRPERSON SIMON: Okay.

20 (Whereupon, the Public Hearing was concluded.)

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

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

Barbara Marciante

Barbara Marciante,
Official Court Reporter