

TOWN OF GREENBURGH
PLANNING BOARD

-----x
ROLL CALL

4. ITEMS FOR PUBLIC HEARING/PUBLIC DISCUSSION

- a) Case No. PB 21-05
Ferncliff Cemetery
280 Secor Road
(P.O. Hartsdale, N.Y.)

- b) Case No. PB 19-32, Van Ness
250 Fort Hill Road
(P.O. Scarsdale, N.Y.)

ADJOURNMENT.

-----x
Greenburgh Town Hall
177 Hillside Avenue
Greenburgh, New York 10607
July 7, 2021

Barbara Marciante,
Official Court Reporter

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

WALTER SIMON, CHAIRMAN

HUGH SCHWARTZ, VICE CHAIRMAN

JOHAN SNAGGS, Board Member (Not Present)
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

1 CHAIRMAN SIMON: I ask Deputy Commissioner
2 Schmidt to call the roll call, please.

3 DEPUTY COMMISSIONER SCHMIDT: Sure. Michael
4 Golden?

5 BOARD MEMBER GOLDEN: Here.

6 DEPUTY COMMISSIONER SCHMIDT: Tom Hay?

7 BOARD MEMBER HAY: Here.

8 DEPUTY COMMISSIONER SCHMIDT: Chairperson Simon?

9 CHAIRPERSON SIMON: Here.

10 DEPUTY COMMISSIONER SCHMIDT: Hugh Schwartz?

11 VICE CHAIRPERSON SCHWARTZ: Here.

12 DEPUTY COMMISSIONER SCHMIDT: Mona Freitag?

13 BOARD MEMBER FRAITAG: Here.

14 DEPUTY COMMISSIONER SCHMIDT: Mr. Desai?

15 BOARD MEMBER DESAI: Here.

16 DEPUTY COMMISSIONER SCHMIDT: Note for the record
17 that Mr. Snaggs is not present this evening.

18 CHAIRPERSON SIMON: So we will go into the Public
19 Hearing now. There is a statement that we have regarding
20 our Public Hearings that's on the agenda. But I just want
21 to take the time to read it, just to reemphasis the role
22 that the Planning Board plays. So I just want to read that
23 to you:

24 The Planning Board is a group of volunteers
25 appointed by the Town Board to evaluate the land use

1 applications in accordance with the Town Code. When
2 property owners seek to develop their land or make
3 improvements via subdivision, or if they will be disturbing
4 an area with a regulated steep slope or within a wetland,
5 watercourse or adjacent buffer area, they must apply to the
6 Planning Board for approval.

7 I emphasize the next sentence. It is the job of
8 the Planning Board to balance the rights of lands owners
9 while ensuring adverse impacts to the surrounding community
10 are minimized. Decisions on adjustments to the proposed
11 plan are based on factual evidence and reviewed by for
12 consistency with the Town Code and Comprehensive Plan.

13 The evidence primarily comes from the applicants,
14 their advisers, site visits conducted by the Planning Board
15 Members and input from the Town Staff, appropriate Fire
16 District, and the public as part of the hearing process.

17 Another thing I would like to emphasize:
18 Relative popularity of an application is not a factor in
19 Planning Board decisions. Decisions are based on the facts
20 presented.

21 The Public Hearing provides the public the
22 opportunity after having this information that was
23 generated, a Public Hearing is now the opportunity for the
24 public to opine on the application. We do not have a
25 specific time for the public to speak. We don't have a

1 time limit.

2 But what we ask is that you are brief, to the
3 point and do not repeat what a previous individual has
4 stated. If you agree with them, say I agree with Miss So
5 And So, Mr. So And So. Or if you had something to add,
6 then you can add new information.

7 With that said, we will go to the first, which is
8 PB 21-05, Ferncliff Cemetery. That was adjourned because
9 that was a -- We provided a recommendation to the Town.
10 The Town has not, because of the calendars, the Town did
11 not have the opportunity to get back to us prior to this
12 meeting. So we're adjourning it until after the Town meets
13 on this project.

14 DEPUTY COMMISSIONER SCHMIDT: That's right. So
15 the Planning Board is waiting for the Town Board to
16 complete SEQRA with respect to this project.

17 BOARD MEMBER GOLDEN: Is your mic on, Aaron?

18 VICE CHAIRPERSON SCHWARTZ: I don't think your
19 mic is working at all.

20 DEPUTY COMMISSIONER SCHMIDT: Can you hear me
21 now?

22 CHAIRPERSON SIMON: Yes.

23 DEPUTY COMMISSIONER SCHMIDT: Okay, great. Thank
24 you. So the Town Board has not completed SEQRA on this
25 project. It is scheduled to do that at its July meeting,

1 which, I believe, is July 27th.

2 The recommendation from staff is that you adjourn
3 the Public Hearing on the steep slope permit to the
4 August 4th meeting, which is the meeting next following
5 July 27th.

6 CHAIRPERSON SIMON: All right. Do we have to a
7 take a formal vote on that?

8 DEPUTY TOWN ATTORNEY FRIED: Yes.

9 DEPUTY COMMISSIONER SCHMIDT: Yes.

10 DEPUTY TOWN ATTORNEY FRIED: Yes.

11 VICE CHAIRPERSON SCHWARTZ: I'll move that.

12 BOARD MEMBER HAY: I'll second.

13 CHAIRPERSON SIMON: All in favor? Aye.

14 BOARD MEMBER GOLDEN: Aye.

15 VICE CHAIRPERSON SCHWARTZ: Aye.

16 BOARD MEMBER HAY: Aye.

17 BOARD MEMBER DESAI: Aye.

18 BOARD MEMBER FRAITAG: Aye.

19 CHAIRPERSON SIMON: Oppose?

20 (Whereupon, there was no response.)

21 CHAIRPERSON SIMON: Okay.

22

23

24

25

Case PB 19-32

1 CHAIRPERSON SIMON: The next thing on the agenda
2 is Case PB 19-32, 250 Fort Hill Road. I ask the Deputy
3 Commissioner to introduce the project.

4 DEPUTY COMMISSIONER SCHMIDT: Yes. As
5 Chairperson mentioned, the next item on the agenda is Case
6 Number PB 19-32, the Van Ness Subdivision, located at 250
7 Fort Hill Road.

8 (Whereupon, an off-the-record discussion took
9 place among Planning Board Members.)

10 CHAIRPERSON SIMON: Okay.

11 VICE CHAIRPERSON SCHWARTZ: Okay, go ahead.

12 DEPUTY COMMISSIONER SCHMIDT: Thank you. Again,
13 Case Number 19-32, PB 19-32, Van Ness Subdivision, located
14 at 250 Fort Hill Road, P.O. Scarsdale in an R-20 One-Family
15 Residence Zoning District.

16 The applicant has applied for a preliminary
17 subdivision and tree removal permit and approvals for a
18 proposal involving the proposed subdivision of one existing
19 lot, approximately 67,075 square feet in size into two
20 buildable lots for the purpose of constructing one new
21 single-family residence.

22 Proposed Lot 7A would total approximately 33,186
23 square feet and would be improved with one new
24 single-family residence. Proposed Lot 7B would total
25 approximately 33,889 square feet and an existing on-site

1 residence would remain.

2 Thirteen regulated trees are proposed for removal
3 as part of the project requiring a tree removal permit from
4 the Planning Board. The applicant has prepared a
5 landscaping plan, which it will review with you this
6 evening. The Planning Board last discussed this matter at
7 its June 16th meeting.

8 Email correspondence was received from a neighbor
9 to the project site, Mr. Rosenthal, which was forwarded to
10 the Board and the applicant and made part of the official
11 record for the project. Further, an email was delivered
12 this afternoon, which was copied and provided to you this
13 evening, from the Historic Board related to this project
14 with a few comments. I will also provide a copy of that to
15 the applicant.

16 However, lastly I should say, before we open the
17 Public Hearing on this matter, staff has prepared a draft
18 SEQRA determination for the Board's consideration this
19 evening. Thank you.

20 BOARD MEMBER GOLDEN: Aaron, George needs you.

21 (Whereupon, there was a brief pause in the
22 proceedings.)

23 MR. ELIOT SENOR: Aaron, do you want to say
24 something about the traffic engineer?

25 DEPUTY COMMISSIONER SCHMIDT: Any better?

1 CHAIRPERSON SIMON: Yes. Okay. As the Deputy
2 Commissioner indicated, in your packet was SEQRA
3 declaration indicating that this project is an Unlisted
4 Action, which would require two votes; one to certify that
5 it is an Unlisted Action and the second one to the neg.
6 dec. application. So on the first one --

7 BOARD MEMBER GOLDEN: So moved, Unlisted Action.

8 CHAIRPERSON SIMON: Okay.

9 VICE CHAIRPERSON SCHWARTZ: Second.

10 CHAIRPERSON SIMON: All in favor? Aye.

11 BOARD MEMBER HAY: Aye.

12 VICE CHAIRPERSON SCHWARTZ: Aye.

13 BOARD MEMBER FRAITAG: Aye.

14 BOARD MEMBER GOLDEN: Aye.

15 BOARD MEMBER DESAI: Aye.

16 CHAIRPERSON SIMON: Okay. On the second vote we
17 have to take to declare this a neg. dec.?

18 BOARD MEMBER GOLDEN: So moved.

19 VICE CHAIRPERSON SCHWARTZ: Second.

20 CHAIRPERSON SIMON: All in favor? Aye.

21 VICE CHAIRPERSON SCHWARTZ: Aye.

22 BOARD MEMBER GOLDEN: Aye.

23 BOARD MEMBER HAY: Aye.

24 BOARD MEMBER FRAITAG: Aye.

25 BOARD MEMBER DESAI: Aye.

1 CHAIRPERSON SIMON: Okay. You may proceed.

2 MR. ELIOT SENOR: All right. Good evening.

3 BOARD MEMBER GOLDEN: Before you start, I'm
4 sorry, I usually don't do this.

5 VICE CHAIRPERSON SCHWARTZ: Michael, speak into
6 the microphone, please.

7 BOARD MEMBER GOLDEN: Okay. What work are they
8 doing on the house now? Unless you're going to get to it
9 in your presentation.

10 MR. ELIOT SENOR: Well, I mean we can discuss it.
11 Basically, they are renovating the existing house into a
12 liveable dwelling.

13 BOARD MEMBER GOLDEN: I know they are renovating,
14 okay. All right, thanks.

15 MR. ELIOT SENOR: I mean there was a lot of -- I
16 mean the plans and specifications were submitted for a
17 building permit. Basically, the biggest thing, I think the
18 architect is here, is that the house had to be raised
19 six inches in the back because the back had sunk more than
20 six or seven inches in the back.

21 BOARD MEMBER GOLDEN: I only ask you because I
22 pass it everyday and I'm curious, you know, as to what's
23 going on.

24 CHAIRPERSON SIMON: Could you make sure that you
25 speak, it's a challenge, Mr. Senor, it's a challenge with

1 the microphone. So you have to take the extra effort to
2 speak directly into the microphone. I don't know if that's
3 a moveable microphone that you can pick up. But just
4 notice that it is difficult to speak through your mask and
5 speak into the microphone.

6 DEPUTY TOWN ATTORNEY FRIED: Mr. Chair, I've been
7 trying to monitor this on TV. Yes, so if you can just
8 direct yourselves, and that includes Michael, you and all
9 Members of the Board, to try to speak as close into it as
10 possible. Thank you.

11 VICE CHAIRPERSON SCHWARTZ: I would like to just
12 follow up on Michael's question. I went by there today. I
13 assume that all the work that is being done there was
14 cleared by the Historic Board, right?

15 I read all of that pile of paper from the
16 Historic Board, and what's going on is with the building
17 permit. But what I saw going on there today was
18 reconstruction. I saw you, actually, in front of the
19 building.

20 MR. ELIOT SENOR: Yeah. Should have said hello.

21 VICE CHAIRPERSON SCHWARTZ: They are
22 reconstructing the porch, I noticed. And what else besides
23 raising the house are they doing on the outside, anything?

24 CHAIRPERSON SIMON: Well, wait a minute. Before
25 we get off point -- Yes, that's something we should talk

1 about. But let's first talk about the subdivision and then
2 we could also talk about the existing work done on the
3 house.

4 And there was also some comment in terms of the
5 design of the house that might be built. So let's first
6 talk about the subdivision, what you're doing in terms of
7 making -- going through with the subdivision. And then we
8 can answer those questions, because they are very valid
9 questions. I think they should be answered. But I would
10 like to do it stepwise.

11 MR. ELIOT SENOR: All right. First of all, Aaron
12 had said something about the Historical Board had submitted
13 some emails recently. I hadn't seen that. But I don't
14 know if it's relevant.

15 BOARD MEMBER HAY: We just got it when we walked
16 in here tonight.

17 DEPUTY TOWN ATTORNEY FRIED: Speak closer to the
18 mic.

19 CHAIRPERSON SIMON: It refers to the design of
20 the driveway.

21 MR. ELIOT SENOR: All right. Why don't we look
22 at the design of the driveway. Aaron, do you have that
23 original --

24 DEPUTY TOWN ATTORNEY FRIED: Why don't we start
25 with the presentation for the subdivision and then we will

1 go on to other matters.

2 MR. ELIOT SENOR: All right.

3 CHAIRPERSON SIMON: Yes.

4 MR. ELIOT SENOR: So as far as the subdivision is
5 concerned, as Aaron had said, we're dividing 67,000 foot
6 lot in a R-20 zone into two about 33,000 square foot lots.
7 We currently have a driveway curb cut on the southerly side
8 of the property. And we're proposing to put a new curb cut
9 directly in front of the front door so it lines up with the
10 front door.

11 There was a comment from the Traffic Officer who
12 had a comment about the sight distance. We did revise the
13 sight distance map to his specifications. And we also got
14 an email this afternoon that it was acceptable to him, the
15 sight distance being extended to about 330 feet, at least
16 in one direction. So that the curb cut and the location is
17 acceptable to the Highway Department -- to the Traffic
18 Officer.

19 VICE CHAIRPERSON SCHWARTZ: Eliot, where is the
20 curb cut on the new property?

21 MR. ELIOT SENOR: The new property -- the old
22 property is there on the southerly corner and the new one
23 is right directly in front of the house.

24 The new -- the existing curb cut can be used by
25 the new house. We're not changing that curb cut. There is

1 a plan or there is an application or a permit for a new
2 garage on the north side of the house, as you see there
3 with the driveway. Originally, the driveway just went
4 around the back of the house and there was no garage.

5 So that's essentially the only place to put a
6 garage while keeping the original front facade intact. So
7 there was no change really to the front facade. We did do
8 a landscape plan, as Aaron had alluded to. I guess it's
9 up --

10 DEPUTY COMMISSIONER SCHMIDT: It's on a different
11 drawing.

12 MR. ELIOT SENOR: Oh, is it. So we were taking
13 out several trees in the front. There is a major Beech
14 Tree on the -- just off the driveway there on the right
15 that we're saving. We moved the driveway -- Originally,
16 the driveway was going to come up in that direction.

17 But we moved it to facilitate saving of that
18 tree. Most of the trees that are coming out were not in a
19 good condition. We're just taking out the trees that are
20 in the driveway area near the curb cut, near the existing
21 wall.

22 We are taking out some trees for the proposed
23 building. And we proposed to do a screening barrier
24 between the two buildings as well as along the southerly
25 and northerly property lines to shield the neighboring

1 properties from the new construction.

2 DEPUTY COMMISSIONER SCHMIDT: I should add that I
3 recently had some comments with respect to the landscaping
4 plan to diversify the plant scheme to meet the new tree
5 ordinance. And this is the revised landscape plan, which
6 meets that. So we're satisfied in that regard.

7 BOARD MEMBER HAY: I believe in our last meeting
8 it was suggested to kind of stagger the plantings on the
9 property line. It looks like that was also taken care of.

10 DEPUTY COMMISSIONER SCHMIDT: Correct.

11 VICE CHAIRPERSON SCHWARTZ: Do you want to just
12 go through and describe the screening between the two
13 properties, please?

14 MR. ELIOT SENOR: All right. So the screening
15 between the two properties, they are going to be planting
16 Sugar Maples, Green Giant Arborvitaes, Norway Spruce,
17 Eastern Redbud, Hollies and Cypress. So we intermittently
18 did some Arborvitaes with some Norway Spruces on the north,
19 on the northerly new line, on the new dividing line there.
20 We tried to vary the species in the grouping.

21 On the southerly property line along the
22 neighboring property, we have some Leyland Cypress and some
23 American Hollies, which are also Evergreens. And on the
24 northerly property line of the existing house, we got some
25 Norway Spruce, some Leyland Cypress in that area along the

1 new construction.

2 Now, currently, there is a new house going on on
3 that tax lot, on that Tax Lot Eight, that is not us.
4 That's somebody else. I have not seen their landscape
5 plan. But I'm sure they are going to be trying to add some
6 more of their own shrubbery in there.

7 The Redbuds, where did we put the Redbuds.

8 DEPUTY COMMISSIONER SCHMIDT: Those are in the
9 front.

10 MR. ELIOT SENOR: There's a Redbud on the
11 southerly property line, just by the arrow there, and there
12 are a couple of new ones in the front along the driveway.
13 Redbuds have a nice reddish color flower. So that is
14 essentially the landscaping.

15 The minimum setback for the property is 30 feet.
16 We show the house about 50 feet back. We tried to do it
17 not quite far back as the existing house, but farther than
18 the minimum setback.

19 VICE CHAIRPERSON SCHWARTZ: What about the other
20 houses in the neighborhood, Eliot?

21 MR. ELIOT SENOR: Well, directly to the south is
22 a vacant lot that we did a subdivision several years ago.
23 And that existing house is probably about 60, 50 or 60 feet
24 off of the street as well. And that property is currently
25 for sale, I guess, or that lot. Well, I guess the whole

1 property.

2 So that's about it. The drainage for the new
3 existing -- for the new house is going to be underground
4 detention. We did some drainage design, preliminary
5 drainage design for it, for what we show. But generally,
6 that will have to be submitted to the Engineering
7 Department at the time permit is issued. But the lot is
8 relatively flat. There is lots of space for drainage.

9 DEPUTY COMMISSIONER SCHMIDT: You're putting in
10 Cultec on the existing lot, too, with respect to the new
11 driveway?

12 MR. ELIOT SENOR: Yes, right. Any of the new
13 construction on the existing house lot is also going to get
14 drainage for its new impervious surface.

15 DEPUTY COMMISSIONER SCHMIDT: And I think the
16 Board at the work session asked about the surface of the
17 driveway and its width and the fountain in the middle. I
18 think there are some revisions to that, pervious pavers.

19 MR. ELIOT SENOR: Yes. Well, we show gravel in
20 the main field of the driveway with, I guess, a pervious
21 pavement border around the outside on the curb. It's the
22 hatching on the drawing.

23 As far as the driveway, the driveway, now we can
24 go to that historical. We found some plans that showed the
25 original driveway when the building was proposed and its

1 plantings. And it's a similar driveway. Similar driveway,
2 it came in straight directly in front of the front door,
3 had a much bigger circle that you see there, and then went
4 around to the north side of the house, as we are showing
5 you.

6 So, historically, what we're building is a
7 somewhat of a recreation of what was originally proposed.
8 I think it was built that way. And then subsequently, they
9 changed it. Because if you look at the freestanding wall
10 in the front of the street, there is a significant change
11 in its construction type for that area. So somebody had
12 discontinued its use at some point.

13 CHAIRPERSON SIMON: I have a question. I just
14 want to make sure the record is clear. On one of
15 Mr. Rosenthal's statement, he questioned whether or not
16 there was dual notice given to the public. I was at the
17 site and I saw one requirement was met. That is the sign
18 indicating the Public Hearing.

19 I just want to be reassured that the letters were
20 sent out to all of the residents within 500 feet of the
21 property. Was that done?

22 DEPUTY COMMISSIONER SCHMIDT: That was provided
23 to the applicant. The applicant submitted the affidavit
24 indicating that they did.

25 MR. ELIOT SENOR: Yes.

1 CHAIRPERSON SIMON: Okay. I just wanted to make
2 sure because if that wasn't done, then we could not have
3 this Public Hearing.

4 DEPUTY COMMISSIONER SCHMIDT: Right.

5 CHAIRPERSON SIMON: So I just wanted that to go
6 on the record, that dual notice was given. Therefore,
7 legitimizing this hearing. Thank you.

8 DEPUTY COMMISSIONER SCHMIDT: I think
9 Mr. Rosenthal's comment related to a checklist that is
10 within the subdivision application package.

11 CHAIRPERSON SIMON: Yes.

12 DEPUTY COMMISSIONER SCHMIDT: And the box related
13 to notification was not checked off. But that's more for
14 the applicant to be aware of the requirements of
15 submission. So they were properly provided.

16 CHAIRPERSON SIMON: Okay. I'm sorry. You can
17 continue now. I just wanted to make that clear.

18 MR. ELIOT SENOR: I mean I did get that email
19 from the neighbor. I mean I can go through a couple of the
20 points that we had.

21 CHAIRPERSON SIMON: Yes.

22 VICE CHAIRPERSON SCHWARTZ: Yes, please do.

23 MR. ELIOT SENOR: As far as the property, the
24 subdivision to the south, there is an easement for street
25 widening purposes. It has nothing to do with the aid in

1 sanitary sewer that is in the street. We show that
2 easement ending just the south property line there. But
3 that only was for street easement, for street widening
4 purposes.

5 DEPUTY TOWN ATTORNEY FRIED: Is there a similar
6 one for your property, for the property?

7 MR. ELIOT SENOR: We don't propose one.

8 DEPUTY TOWN ATTORNEY FRIED: No, no. There is
9 not --

10 MR. ELIOT SENOR: There is not currently one, no.

11 DEPUTY TOWN ATTORNEY FRIED: Okay, thank you.

12 CHAIRPERSON SIMON: Now, my understanding is that
13 the Town on everybody's property, a certain amount of feet
14 is actually Town property?

15 MR. ELIOT SENOR: Yes.

16 CHAIRPERSON SIMON: So if you apply that
17 requirement to your property, where would that line be,
18 would it be the first --

19 MR. ELIOT SENOR: Yeah. The heavy line is our
20 right of way line. That area is, there is quite a distance
21 from the curb. The curb line on the drawing is the stone
22 curb. Well, now it's concrete. But it was stone. That's
23 the double line there.

24 Then there is a new sidewalk there, a new macadam
25 sidewalk. Then a landscape area that's relatively grass,

1 and then the wall. So there is a lot of area. I think
2 that that road widening purpose or that easement, which
3 they haven't widened the road since 1982, was because, I
4 think, there is a curve in the road. The curve in the road
5 is way past.

6 But I don't know why they took it on that
7 property. I don't think, you know, because we have proper
8 sight distance, the Town just paid for a new sidewalk to go
9 in and we have an extra four or 5 feet of grass area. I
10 don't know why it would be necessary in front of this
11 property, but if the Town requires to take it, then, you
12 know.

13 BOARD MEMBER HAY: I don't know if anyone was
14 proposing that. I think it was actually a question since it
15 shows up on the drawing.

16 DEPUTY COMMISSIONER SCHMIDT: Right.

17 MR. ELIOT SENOR: Yeah. Right. There is a
18 question about, again, with the checklist. Number six was
19 not checked. There is no -- it was about, are there any
20 covenants, restrictions on the property. There are none.

21 We did submit a wetland and watercourse form that
22 states there are no easements or restrictions on the
23 property. I think that the -- Well, we already talked
24 about the 500-foot line. We did get the Traffic Officer to
25 accept our increased sight distance map because he asked

1 about sight distance.

2 His next point was about the EAF Form, I guess.
3 We talked about traffic. He asked about the determination
4 of the property. We checked no about the historical nature
5 of the property.

6 The question reads, I'm paraphrasing, about is
7 the property on the National Historic Register. It is not.
8 It's not on the State Register. It's not on the National
9 Register. We understand the historic nature of the site.

10 When we were here originally, we originally
11 presented this application for the previous owner, who
12 lived in the house, and she sold it midstream. So that's
13 why we changed ownership. But the seller of the house, the
14 original owner, didn't want it torn down. This purchaser
15 is renovating it to live in.

16 BOARD MEMBER HAY: And you have had significant
17 back and forth with the local Historical Preservation
18 Board?

19 MR. ELIOT SENOR: Yes. He talked about the
20 sidewalk having ponding. I'm not sure historically where
21 that is. But I know that the Town has the contract -- it
22 has replaced the sidewalks in the area.

23 I looked at the site today when I was out there.
24 There is no -- The edge of the sidewalk is higher than the
25 street. I don't see any where ponding could occur. So I

1 don't really know what he's alluding to in that comment.

2 DEPUTY TOWN ATTORNEY FRIED: Do you know when the
3 sidewalk was installed?

4 MR. ELIOT SENOR: The last five -- Aaron, do you
5 know?

6 DEPUTY COMMISSIONER SCHMIDT: Within the last few
7 years.

8 DEPUTY TOWN ATTORNEY FRIED: That was done by the
9 Town, correct?

10 DEPUTY COMMISSIONER SCHMIDT: I believe it was,
11 yes.

12 MR. ELIOT SENOR: So on the EAF, 17B, it has to
13 do with runoff from the property. And we checked no
14 because we're containing all of our water on site. Perhaps
15 a revision to that is that there is runoff generated from
16 the site, but we're mitigating it on-site and, therefore,
17 there is no runoff to the neighbors, that type of thing.
18 So that's why we checked no originally.

19 And then there was some questions about Part Two
20 on the EAF. That is filled out by the lead agency and not
21 by us. And that's the reason why it was not filled out.
22 Because you didn't declare lead agency and go through SEQRA
23 yet.

24 DEPUTY COMMISSIONER SCHMIDT: Right. That's now
25 been completed.

1 CHAIRPERSON SIMON: Right.

2 MR. ELIOT SENOR: And then there was some
3 questions about a roadway in the back on High Point. So
4 there is some vacant property that is now being developed
5 beside us to the north, but also to the west of the
6 property. That roadway that he's talking about is a
7 driveway to a new house. It's not a roadway. It's not
8 going through.

9 Once we build these houses, there is no place for
10 a road to go in any event. So I don't know how to answer
11 the question, other than there is no proposed roadway going
12 in. I think that was all his questions that he had.

13 DEPUTY COMMISSIONER SCHMIDT: I think the other
14 one related to traffic generation in connection with one
15 new single-family residence.

16 MR. ELIOT SENOR: Yeah. I mean a new single
17 residence isn't going to generate -- Basically generates
18 one trip at peak hour a day; peak morning and peak
19 afternoon. So it's not going to -- it's not a significant
20 increase in traffic generation.

21 CHAIRPERSON SIMON: Are there any additional
22 questions by Board Members?

23 BOARD MEMBER GOLDEN: Let's hear from the public.

24 CHAIRPERSON SIMON: Before I go to the public,
25 I'm asking the question, are there any other questions --

1 BOARD MEMBER DESAI: Yes. I think I have a
2 question. Regarding these comments that came from --

3 DEPUTY COMMISSIONER SCHMIDT: Can you speak up,
4 Kirit?

5 BOARD MEMBER DESAI: Yeah. The comment that we
6 are hearing from the Historical Board regarding that,
7 matching the driveway to -- what is it -- the existing
8 house, instead of a short driveway that's been proposed.
9 So it kind of looks similar frontage. So have you looked
10 at it or you have any comments on it?

11 MR. ELIOT SENOR: So we have the project
12 architect here who can come up and talk about that and also
13 talk about the other questions that you had now if you'd
14 like about what's happening to the house and the
15 renovations.

16 CHAIRMAN SIMON: Well, let's get finish --

17 DEPUTY TOWN ATTORNEY FRIED: Before he starts, I
18 just want to be clear. Kirit, the email --

19 BOARD MEMBER DESAI: Yes.

20 DEPUTY TOWN ATTORNEY FRIED: -- came at 4:10
21 today and was submitted to the applicant and to the Board
22 this evening so.

23 BOARD MEMBER DESAI: They didn't seem to have a
24 comment.

25 DEPUTY TOWN ATTORNEY FRIED: Yes, I just wanted

1 to be clear.

2 BOARD MEMBER DESAI: I understand.

3 DEPUTY TOWN ATTORNEY FRIED: I just wanted to be
4 clear so that they may not -- they are getting this
5 information just now.

6 BOARD MEMBER DESAI: I just read it about five
7 minutes ago.

8 DEPUTY TOWN ATTORNEY FRIED: I'm just actually
9 giving them time to read it.

10 BOARD MEMBER DESAI: Sure, definitely.

11 MR. ELIOT SENOR: Yeah, I haven't even had time
12 to read the email yet.

13 BOARD MEMBER DESAI: Sure. No, I understand.

14 DEPUTY COMMISSIONER SCHMIDT: While they are
15 reading it, I just wanted to announce that we do have a
16 member of the public that does wish to speak after.

17 CHAIRPERSON SIMON: Okay. But after we finish
18 this then we move on. But I would remind everyone that
19 this is an application for a subdivision. And although
20 architectural elements of the existing building is an
21 important factor for the Town, this is an application for a
22 subdivision.

23 DEPUTY TOWN ATTORNEY FRIED: State your name for
24 the record.

25 MR. CHARLES VAN NESS: Sure. My name is Charles

1 Van Ness. I'm the actual owner. I'm not the project
2 manager.

3 MR. ELIOT SENOR: Oh, sorry.

4 MR. CHARLES VAN NESS: Actually, I am a project
5 manager also so, and I'm developing the property for myself
6 also.

7 In regard to the entranceway for the driveway, we
8 actually are going to keep the stone wall intact and swing
9 it back and then put two pillars, same as existing that's
10 there.

11 We're going to -- the new property that's next to
12 us that's being built has two perfectly stone pillars that
13 they actually want to give us. So we are actually taking
14 them. So it will be the same stone work. It will actually
15 go in at the edge of the new entranceway.

16 CHAIRPERSON SIMON: Okay.

17 MR. CHARLES VAN NESS: So it's --

18 MR. ELIOT SENOR: If you see on the plan, we show
19 a proposed curved entrance with a stone pillar set back
20 from the street a little bit. Those are the new --

21 VICE CHAIRPERSON SCHWARTZ: I think the question
22 is more for --

23 BOARD MEMBER DESAI: To the proposed --

24 VICE CHAIRPERSON SCHWARTZ: -- is the character
25 of the whole driveway, which is -- And I'm not recommending

1 anything. I'm just telling you what I think the question
2 was. Which is, you know, you have this long very
3 picturesque driveway with this circular -- with the circle
4 and the fountain in the middle.

5 And then next to it, you have a driveway going
6 straight into a garage. I think that's probably what -- am
7 I correct, Kirit, does that --

8 BOARD MEMBER DESAI: Yeah, yeah, very good, yeah.

9 MR. ELIOT SENOR: I mean, you know, we don't have
10 a house or a proposed house in yet. So this is just a
11 generic item. There are certainly, the private property is
12 wide enough to have, you know, some other configuration.
13 But I think that that would be up to whoever is building
14 the house.

15 CHAIRPERSON SIMON: All right.

16 BOARD MEMBER DESAI: Yeah, but the question is
17 that, would you, I mean, since you are proposing the
18 driveway, and it has a hypothetical house being proposed --

19 MR. ELIOT SENOR: Are you talking about the new
20 driveway, the new house --

21 CHAIRPERSON SIMON: But let me just -- let's be
22 clear. When we talk about a subdivision, we ask the
23 applicant to put in a generic home so we could see, you
24 know, what will be the general effects, whether or not if
25 that house would have enough room to put a deck or a pool

1 on it. So it would not have to come back to the Zoning
2 Board. Or would the house have enough side setback, a
3 front setback so to put a generic house.

4 So the applicant is not required for a
5 subdivision to come up with the finished product of a home.
6 But a generic home to say if we subdivide this property,
7 you could put on a zoning compliant home on the property.
8 So we have to remember, this is the subdivision.

9 BOARD MEMBER HAY: And we are not approving the
10 configuration of that house as is.

11 CHAIRPERSON SIMON: Right. This is a generic
12 home.

13 VICE CHAIRPERSON SCHWARTZ: But I do have one
14 question about the safety of the driveway. Do you have
15 some kind of hammerhead so that they can turn around and
16 come out frontwards?

17 DEPUTY COMMISSIONER SCHMIDT: Yes.

18 MR. ELIOT SENOR: It does show on there a
19 hammerhead. There is a restriction of the driveway being a
20 maximum of 30 feet wide. We do show a dimension there of
21 30 feet wide. And that hammerhead is about 20 feet off of
22 the house, which gives you enough room to pull out and to
23 actually use the hammerhead.

24 A lot of people put the hammerheads too close to
25 the house and you can't actually use it, or too close to

1 the street. You actually need enough space to do it.

2 VICE CHAIRPERSON SCHWARTZ: Because if it's too
3 close then you can't have parking, that's the problem.

4 BOARD MEMBER DESAI: Yeah. I think the other
5 question was not, considering that this is a special house
6 that you're restoring, which is wonderful that you're going
7 taking care of a very nice historical house in the Town of
8 Greenburgh.

9 But it was intent of the thing was to that they
10 can create next house with a similar kind of configuration
11 as least to enter into it. Yes, it is not required, but we
12 just wanted to know your thoughts on it, since you are
13 restoring the historic house.

14 MR. ELIOT SENOR: Aaron, did you want to say
15 something?

16 DEPUTY COMMISSIONER SCHMIDT: I was only going to
17 say that I've seen the Board in the past. There was
18 project in East Irvington that you may recall. I think
19 Fran McLaughlin was the Chair at the time. The house
20 wasn't built as part of that subdivision.

21 But when it sold, they came back with the
22 architectural plans and the final design of a house to the
23 Planning Board for a brief review. There wasn't a Public
24 Hearing or anything. It was a work session. So the Board
25 can see the final design and layout. That's something that

1 the Board could consider in connection with this project.

2 (Whereupon, several Board Members were talking at
3 the same time.)

4 VICE CHAIRPERSON SCHWARTZ: Let's cut to the
5 chase --

6 BOARD MEMBER DESAI: We didn't give him a
7 chance --

8 DEPUTY TOWN ATTORNEY FRIED: It also wasn't
9 approvals.

10 BOARD MEMBER DESAI: Let the applicant answer.
11 We just aren't -- let him answer what they think.

12 DEPUTY TOWN ATTORNEY FRIED: We will have
13 Mr. Schwartz speak first.

14 VICE CHAIRPERSON SCHWARTZ: Thank you. I think
15 we should cut to the chase and move on here. The fact of
16 the matter is, we're not even sure you are building the
17 house next door. So we cannot be controlling it. It's not
18 the subject for tonight. It's a subject for a later date.

19 You can put in there to request that they come
20 back with an architectural review. We did that to the
21 Secor Road, if you remember as well. We did the same thing
22 with the character of the neighborhood.

23 DEPUTY COMMISSIONER SCHMIDT: Right.

24 VICE CHAIRPERSON SCHWARTZ: So that's all I would
25 say. I don't think there is anything the applicant can do

1 about it. Unless there are other questions from the Board,
2 I think it's time to move on.

3 BOARD MEMBER DESAI: Okay. But let's -- let
4 the --

5 CHAIRPERSON SIMON: Wait. Wait. Wait.

6 BOARD MEMBER DESAI: He was just -- let him
7 answer. So let's just listen to the answer. It takes
8 what, I don't know, if nobody interrupts him. So let
9 finish his answer. I think when he got into here.

10 MR. CHARLES VAN NESS: Truthfully, we haven't
11 decided what we're going to build there, if we are going to
12 build, even. It's really just a concept at this point. I
13 have built in other places, we had to go in front of the
14 Architectural Review Board. So I would assume that you
15 guys had that, but Eliot is telling me that you don't have
16 that so.

17 CHAIRPERSON SIMON: We don't have an
18 Architectural review.

19 MR. CHARLES VAN NESS: Right.

20 CHAIRMAN SIMON: Okay.

21 MR. CHARLES VAN NESS: But there is no plan right
22 now, truthfully, about what we're doing with that.

23 CHAIRPERSON SIMON: I think with that said --

24 BOARD MEMBER DESAI: Thank you.

25 CHAIRPERSON SIMON: -- unless there are

1 additional questions from the Members of the Board, I
2 invite members of the public who wish to speak on this
3 application to move forward and state your name and your
4 residence in proximity to the site.

5 MR. CRAIG ROSENTHAL: Yes. My name is Craig
6 Rosenthal. I'm a New York City resident, but I did grow up
7 in the area and I know this area intimately and I have
8 strong ties to the area.

9 I was the one who wrote the letter. Let me focus
10 on two areas of that letter. One was to suggest to the
11 Board that they request the petitioner to put a restrictive
12 covenant to make sure that High Point Terrace -- that High
13 Point Terrace is never connected to Fort Hill.

14 Because I believe then you'll have a situation
15 like you have in Old Edgemont where you have the various
16 streets, some are one way, some are stop signs. It just
17 would put an undue traffic influence, which is already
18 getting much higher on High Point on that area. All right,
19 so that's one.

20 Some of the historical questions, I guess, were
21 asked, that I put in my letter there, were asked by the
22 Historical Commission you referenced. I haven't seen that
23 letter. With all due respect to the Board, I realize you
24 are not a policy making board in relation to Fort Hill
25 Road, you know. This is years in the making of problems.

1 But, and I realize it's only going to be a few
2 cars that are generated because I all saw you shaking your
3 heads when the petitioner explained that, that it's only
4 going to be, you know, a single-family residence.

5 But the point for a traffic study, and I realize
6 this is an additional expense for the petitioner, is the
7 location of this house, and especially these driveways.
8 Because now you have the intersection, okay, not that it
9 didn't exist with the Louise Clark structure. But this
10 area has increased greatly in traffic.

11 You have Penny Lane right there. And for years
12 I've appeared before the Town Board asking them, is there
13 anything they can do for the remediation of the traffic.

14 I would like to suggest that at least a study be
15 made because of the reasons, because you have the
16 intersection of Penny Lane there. And that also, this is
17 one of the few areas on Fort Hill Road with a lot of land
18 and with a straight path. It just happens to intersect the
19 petitioner's property, right along the wall actually.

20 And if the Town was ever to do some type of
21 remediation on that area for speed remediation on Fort Hill
22 Road, this would be the portion of the roadway that would
23 need to be looked at. For example, for stop signs or a
24 traffic island. Traffic calming methods.

25 So that's why I would like you to request the

1 petitioner to do a traffic study or to see what the
2 petitioner would agree with. Let's face it, if those
3 sidewalks weren't in front of it, if the Town hadn't put in
4 the sidewalks, I would think you would be most in your
5 right to request the petitioner to put the sidewalk in.

6 So this is another aspect of safety for granting
7 the petitioner's petition to do this subdivision.

8 CHAIRPERSON SIMON: Okay.

9 MR. CRAIG ROSENTHAL: That's all I have to say.
10 Do you have any questions for me?

11 DEPUTY TOWN ATTORNEY FRIED: No. Thank you.

12 CHAIRPERSON SIMON: Okay. Are there any other
13 members of the public who would like to speak on this
14 issue?

15 (Whereupon, there was no response.)

16 CHAIRPERSON SIMON: If not, then I would ask the
17 applicant to speak to the comments that the last gentleman
18 just made.

19 MR. ELIOT SENOR: As far as extending the road,
20 we are not voluntarily doing any deed restrictions on the
21 property. As you can see from the screen, that extension
22 of High Point Terrace is actually privately owned land.
23 It's not a public right of way. And it's the -- and they
24 are building it to create an access to that last vacant lot
25 that's back there.

1 So there is no -- And it runs right through, if
2 you can see, it runs right through the middle of our
3 existing historical house. So going, connecting out to the
4 road would be, you know, it's just not --

5 MR. CHARLES VAN NESS: It would be crazy.

6 MR. ELIOT SENOR: How do you negotiate getting
7 through all of that. So we're not going to voluntarily --

8 BOARD MEMBER HAY: Doesn't seem to make sense.

9 MR. ELIOT SENOR: -- you know, agree to a
10 restriction. I don't know, there was some other comments
11 about the --

12 BOARD MEMBER HAY: Traffic.

13 DEPUTY TOWN ATTORNEY FRIED: Traffic.

14 CHAIRPERSON SIMON: Traffic.

15 MR. ELIOT SENOR: Traffic. As you can see, we're
16 on the straight line for quite sometime. We meet the
17 Traffic Officer's additional intersection sight distance.
18 Generally, a sight distances are only required to be about
19 200 or 225, depending on the speed of the road. I think
20 we're up to like 330 in one direction. And I don't have
21 that plan. Let's see what you have.

22 DEPUTY TOWN ATTORNEY FRIED: 335.

23 MR. ELIOT SENOR: 335 in one direction. I think
24 it's 290 in the other one as required, yeah --

25 BOARD MEMBER HAY: 200.

1 DEPUTY TOWN ATTORNEY FRIED: 290.

2 MR. ELIOT SENOR: 290 in the other direction
3 because which side you're looking at, you need -- it's why
4 you have that. So I'm not -- I don't know what traffic
5 calming devices you can legally put in there.

6 And the Town just redid those sidewalks and I
7 don't think the Town is going to dig up the sidewalks for
8 something. So, I mean if you require it, then we have to
9 do it but...

10 CHAIRPERSON SIMON: Okay. I have a comment in
11 terms of the sight distance. When you are in the proposed
12 new driveway and you look to your right, there is a lot of
13 bushes, wild growth. Is that on your property? Which
14 reduces your line of sight.

15 The offsetting factor is that there is quite a
16 distance from that pillar to the road so you can ease out a
17 good three or four feet to look at the traffic without
18 being in the road so --

19 MR. ELIOT SENOR: Right.

20 CHAIRPERSON SIMON: -- that's a good finding.
21 But the question is, is part of the development or possible
22 development or even before the development, that you could
23 do, clean up all of those wild bushes that's right at that
24 corner that does decrease your line of sight?

25 MR. ELIOT SENOR: That's looking south?

1 CHAIRPERSON SIMON: Coming down to your right,
2 yes. It's quite a bit of with this wild --

3 MR. ELIOT SENOR: I mean if it's within our
4 property line or in front of our property, we would be
5 happy to clean it out. Beyond that, any growth that's in
6 the Town right of way, I think the Town can remove. If
7 we're allowed to remove it in the right of way, we will.

8 But when you're looking south, you're looking
9 actually to the other side of the street. Because that's
10 the side that the oncoming cars are on.

11 So I was there today and saw that as well. But I
12 didn't think it obstructed the view because you're actually
13 looking to the other side of the street and not down along
14 the roadway.

15 BOARD MEMBER FRAITAG: Yes.

16 VICE CHAIRPERSON SCHWARTZ: That's true.

17 CHAIRPERSON SIMON: Okay. Are there any other --
18 if there are no other questions from the public or from the
19 Members of the Board, I make a motion that we close this
20 Public Hearing and keep the record open. What would be
21 that date?

22 DEPUTY COMMISSIONER SCHMIDT: July 14th.

23 CHAIRPERSON SIMON: To July 14th.

24 BOARD MEMBER FRAITAG: So moved.

25 VICE CHAIRPERSON SCHWARTZ: Second.

1 CHAIRPERSON SIMON: All in favor? Aye.

2 BOARD MEMBER HAY: Aye.

3 VICE CHAIRPERSON SCHWARTZ: Aye.

4 BOARD MEMBER GOLDEN: Aye.

5 BOARD MEMBER FRAITAG: Aye.

6 BOARD MEMBER DESAI: Aye.

7 MR. ELIOT SENOR: Thank you for your time.

8 DEPUTY TOWN ATTORNEY FRIED: Thank you.

9 DEPUTY COMMISSIONER SCHMIDT: Would you like to
10 close the Public Hearing session?

11 CHAIRPERSON SIMON: I make a motion to close the
12 Public Hearing and go back into work session.

13 VICE CHAIRPERSON SCHWARTZ: So moved.

14 BOARD MEMBER DESAI: Second.

15 CHAIRPERSON SIMON: All in favor? Aye.

16 VICE CHAIRPERSON SCHWARTZ: Aye.

17 BOARD MEMBER FRAITAG: Aye.

18 BOARD MEMBER HAY: Aye.

19 BOARD MEMBER GOLDEN: Aye.

20 BOARD MEMBER DESAI: Aye.

21 (Whereupon, the Public Hearing was concluded.)
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

* * * * *

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

Barbara Marciante

Barbara Marciante,
Official Court Reporter