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TOWN OF GREENBURGH
PLANNING BOARD

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- 1. ROLL CALL

- 5. ITEMS FOR PUBLIC HEARING/PUBLIC DISCUSSION

- a. CASE NO. PB 23-11
Collins
19 Pine Lane
(P.O. Irvington, N.Y.)

- b. CASE NO. PB 24-23
Indy Lab
1053 Saw Mill River Road
(P.O. Ardsley, N.Y.)

ADJOURNMENT.

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Greenburgh Town Hall
177 Hillside Avenue
Greenburgh, New York 10607
February 5, 2025

PLANNING BOARD MEETING CONDUCTED IN PERSON

NICOLE AMENEIROS,
Official Court Reporter

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

LESLIE DAVIS, ACTING CHAIRPERSON

KIRIT DESAI, Board Member (Not present)
MICHAEL GOLDEN, Board Member
DYLAN PYNE, Board Member
JOHAN SNAGGS, Board Member (Not Present)
MICHELE MOIR, Board Member (Via Zoom)
EDWIN WEINBERG, Alternate Board Member

AMANDA MAGANA, ESQ., Deputy Town Attorney

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

1 CHAIRPERSON DAVIS: Good evening, everyone. Once
2 again, this is the Wednesday, February 5th, 2025 planning
3 board meeting. We are in -- going into -- we're opening up
4 the section which is public comments, the public hearing.

5 The first case is going to be Case No. PB 23-11,
6 Collins, at 19 Pine Lane. And at the podium?

7 MR. STEVEN ANDERSON: Good evening. Steve
8 Anderson.

9 CHAIRPERSON DAVIS: I'm sorry. We have to take the
10 roll call. I apologize. Aaron.

11 DEPUTY COMMISSIONER SCHMIDT: Yes. Ms. Davis?

12 BOARD MEMBER DAVIS: Here.

13 DEPUTY COMMISSIONER SCHMIDT: Mr. Golden?

14 BOARD MEMBER GOLDEN: Here.

15 DEPUTY COMMISSIONER SCHMIDT: Mr. Pyne?

16 BOARD MEMBER PYNE: Here.

17 DEPUTY COMMISSIONER SCHMIDT: Mr. Weinberg?

18 BOARD MEMBER WEINBERG: Here.

19 DEPUTY COMMISSIONER SCHMIDT: On Zoom, Ms. Moir?

20 BOARD MEMBER MOIR: Here.

21 DEPUTY COMMISSIONER SCHMIDT: Note for the record
22 that Board Members Kirit Desai and Johan Snaggs are not
23 present this evening, and we want to welcome Nicole who's
24 filling in for Barbara this evening.

25 CHAIRPERSON DAVIS: Welcome, Nicole.

1 So, again, Case No. PB 23-11, Collins, this is a
2 public hearing to discuss a Planning Board Steep Slope
3 Permit application involving the proposed construction of a
4 pergola, retaining walls and expanded driveway. And at the
5 podium we have?

6 MR. STEVEN ANDERSON: Steven Anderson. Good
7 evening. I'm from Gabriel Senor, PC, Land Surveyors and
8 Engineers, and we've been before the Board before on this
9 steep slope. We did have to get a referral to zoning for
10 area variances, and we did get those essentially for the
11 driveway and the patio area.

12 There were issues that were brought up by neighbors
13 about drainage, and the Zoning Board also put in their
14 resolution that we should terrace the property and, you
15 know, to try to stop some of the storm water from coming
16 down.

17 So, I'm going to share the plan.

18 DEPUTY COMMISSIONER SCHMIDT: Yeah, you may. And
19 I'll just quote the Zoning Board condition while you're
20 pulling up the plan.

21 MR. STEVEN ANDERSON: Okay.

22 DEPUTY COMMISSIONER SCHMIDT: So, Condition 4 --
23 and we did circulate the decision of the Zoning Board in
24 Case No. 23-29. It was dated December 14th, 2023. As
25 mentioned, Condition 4 indicates that granting the variances

1 will not have an adverse effect or impact on the physical or
 2 environmental conditions in the neighborhood or district,
 3 i.e., drainage, steep slopes, wetlands, aesthetics,
 4 impervious surface, flooding conditions, etc., because the
 5 applicants are attempting to legalize an existing driveway
 6 and previously installed patio. Also, conditions are to be
 7 met to mitigate the storm water runoff effects created by
 8 the introduction of additional impervious surface material
 9 by introducing a CULTEC drainage system and additional
 10 landscaping and terracing measures.

11 So we'll let Mr. Anderson speak to those measures.

12 MR. STEVEN ANDERSON: Yeah. Let me see --

13 DEPUTY COMMISSIONER SCHMIDT: And I can share if
 14 you have any trouble.

15 MR. STEVEN ANDERSON: Yeah. I think it's easier
 16 for you to share because I'm using the boss's laptop and, of
 17 course, no instructions.

18 DEPUTY COMMISSIONER SCHMIDT: No problem.

19 So it's a plan set --

20 MR. STEVEN ANDERSON: Yeah.

21 DEPUTY COMMISSIONER SCHMIDT: -- dated 10/25 --

22 MR. STEVEN ANDERSON: Yeah.

23 DEPUTY COMMISSIONER SCHMIDT: -- 24?

24 MR. STEVEN ANDERSON: Yes. Because it was also
 25 prepared for --

1 DEPUTY COMMISSIONER SCHMIDT: The ZBA.

2 MR. STEVEN ANDERSON: Well, for the town engineer
3 to review, because at the same time we gave a new drainage
4 report because at that point we had done test pits and
5 percolation tests.

6 Okay. So, that's the plan. And what's new to that
7 from zoning -- and let's see if we get this. So, we put in
8 a wall here on that side, another wall, because the water
9 tends to come down the hill and onto the neighbor's
10 property. Now, as far as drainage, we have hooked up almost
11 the entire house now which doesn't have any system as it is.
12 So they're all -- there's a CULTEC in the front yard and
13 there's a series in the back. Now, we really need to get
14 this mitigation done because of the effects on the neighbor
15 and everything. So, right now there is no drainage system.
16 Everything just dumps out on the ground. We need to do
17 landscaping, the terrace wall, and right now there's a
18 curtain drain behind the patio which actually fills up with
19 water on big storms and they -- then goes -- fills up and
20 keeps going. But the full intention is to get that curtain
21 drain hooked up, which is what's going on right now, so.

22 And we do have water that comes from the
23 neighborhood. I don't know if we need to show that or.

24 DEPUTY COMMISSIONER SCHMIDT: We can show a video.

25 MR. STEVEN ANDERSON: Yeah. Do you have or --

1 DEPUTY COMMISSIONER SCHMIDT: I do. Do you know
2 which date?

3 MR. STEVEN ANDERSON: Either -- they're all the
4 same, the street.

5 DEPUTY COMMISSIONER SCHMIDT: Okay. So, let's see.

6 MR. STEVEN ANDERSON: It -- yeah. Let me see if I
7 can...

8 And I believe the town engineer was looking at the
9 situation again today, so.

10 DEPUTY COMMISSIONER SCHMIDT: Let's see. No.

11 MR. STEVEN ANDERSON: Okay.

12 DEPUTY COMMISSIONER SCHMIDT: I may not be able to
13 play it. I'm going to try to play it a different way.

14 MR. STEVEN ANDERSON: Yeah.

15 DEPUTY COMMISSIONER SCHMIDT: But if you could
16 explain --

17 MR. STEVEN ANDERSON: Yeah.

18 DEPUTY COMMISSIONER SCHMIDT: -- you know, the
19 situation, I think that would be helpful --

20 MR. STEVEN ANDERSON: Yeah.

21 DEPUTY COMMISSIONER SCHMIDT: -- essentially.

22 MR. STEVEN ANDERSON: Mount Pleasant Lane up at the
23 top is -- up at the top of the hill. It's a very steep
24 street, all right, and there is no drainage, town drainage,
25 on it at all, and it comes flying down the street. And we

1 have video -- let me --

2 MR. DOUG COLLINS: I have it on my phone if that
3 helps, but.

4 MR. STEVEN ANDERSON: Yeah, but --

5 MR. DOUG COLLINS: If you want me to email it.

6 MR. STEVEN ANDERSON: Or I can -- it's a problem
7 with the sharing, so. But it essentially comes flying down
8 the street.

9 BOARD MEMBER GOLDEN: What does the video show?
10 Water flowing --

11 MR. STEVEN ANDERSON: Flowing down --

12 BOARD MEMBER GOLDEN: I can imagine.

13 MR. STEVEN ANDERSON: Yeah, Pine Street.

14 BOARD MEMBER GOLDEN: We've seen it.

15 CHAIRPERSON DAVIS: The one you have the silt?

16 MR. STEVEN ANDERSON: Yeah.

17 DEPUTY COMMISSIONER SCHMIDT: No, so --

18 MR. STEVEN ANDERSON: The one with the silt might
19 be some of the neighboring property up above on Mount
20 Pleasant Lane. The curbing is only a stone curb with large
21 gaps. They're not even set to a height at -- that would
22 prevent the water so it probably is jumping as it comes
23 shooting down Mount Pleasant Lane. And there's also
24 sections where the driveway -- it might be -- have a hump on
25 the blacktop, but there is a flat section which I'm pretty

1 sure --

2 BOARD MEMBER GOLDEN: By the way --

3 MR. STEVEN ANDERSON: Yeah?

4 BOARD MEMBER GOLDEN: -- if the lack of curb
5 stones, -- if you have low curb stones are an issue relating
6 to flooding --

7 MR. STEVEN ANDERSON: Yeah.

8 BOARD MEMBER GOLDEN: -- you should speak to the
9 Town Building Department.

10 MR. STEVEN ANDERSON: Yeah. Well, that's --

11 BOARD MEMBER GOLDEN: I've done that. They may
12 come in and put in an asphalt --

13 MR. STEVEN ANDERSON: Right.

14 BOARD MEMBER GOLDEN: -- curb or rebuild it with a
15 stone and --

16 MR. STEVEN ANDERSON: Yeah, I think that's --

17 BOARD MEMBER GOLDEN: -- it does belong to the
18 town, that right of way, probably.

19 MR. STEVEN ANDERSON: Yeah, I believe Jason now has
20 all that information.

21 DEPUTY COMMISSIONER SCHMIDT: He does.

22 MR. STEVEN ANDERSON: And he --

23 BOARD MEMBER GOLDEN: All right.

24 MR. STEVEN ANDERSON: -- you know. But at this
25 point we just need to get our end of it. We can't solve the

1 whole neighborhood, but we need to get our mitigation in,
2 so.

3 DEPUTY COMMISSIONER SCHMIDT: Yeah. Speaking of
4 the videos very briefly --

5 MR. STEVEN ANDERSON: Yeah.

6 DEPUTY COMMISSIONER SCHMIDT: -- so there was
7 correspondence submitted by the downhill slope neighbor.
8 That gentleman could not be here this evening. He had a
9 prior engagement. But I did assure him that his comments
10 and video were forwarded to the Planning Board, forwarded to
11 the project team, made part of the official record for the
12 project and reviewed by town staff, including our office,
13 the Town Attorney's Office and the town's -- the town
14 engineer as well. So that was all taken into consideration.
15 The -- Mr. Anderson submitted a series of videos that he
16 received from the owners today.

17 MR. DOUG COLLINS: I just emailed you directly, if
18 that helps.

19 DEPUTY COMMISSIONER SCHMIDT: Okay. We can take a
20 look at that.

21 And that shows that even in smaller rain events,
22 half-inch rain, one-and-a-half inches of rain, videos I saw
23 show a stream of water coming down Pine Lane. So it just
24 shows what I'll call the contributing --

25 MR. STEVEN ANDERSON: Yeah.

1 DEPUTY COMMISSIONER SCHMIDT: -- watershed.

2 If you were to travel to Pine Lane, it's nearly a
 3 45-degree angle for several hundred feet up to where it
 4 starts to level off. So at this upper roads. And then the
 5 grade and topography continues to climb up into Taxter
 6 Ridge. So there's a large -- a very significant area that's
 7 draining down, if you will, towards Pine Lane and down to
 8 Taxter Road and ultimately down the brook that runs along
 9 that area and then ultimately into the Hudson River. So
 10 it's a very large --

11 MR. STEVEN ANDERSON: Yeah.

12 DEPUTY COMMISSIONER SCHMIDT: -- contributing --

13 MR. STEVEN ANDERSON: Right.

14 DEPUTY COMMISSIONER SCHMIDT: -- watershed.

15 I'll turn it back over to the applicant.

16 MR. STEVEN ANDERSON: Yeah.

17 DEPUTY COMMISSIONER SCHMIDT: Just walk us and --

18 BOARD MEMBER MOIR: Sorry. Aaron, could I just
 19 interrupt and ask a quick question?

20 DEPUTY COMMISSIONER SCHMIDT: Sure.

21 BOARD MEMBER MOIR: My understanding from the down
 22 -- down slope neighbor's correspondence is that the runoff
 23 into their property was an issue that occurred after 2019
 24 and not before, or am I misunderstanding their --

25 DEPUTY COMMISSIONER SCHMIDT: Say that one more

1 time, Michele, please.

2 BOARD MEMBER MOIR: My understanding from the
3 homeowner downhill of 19 Pine, so from 17 Pine, is that the
4 runoff into their land only started in 2019.

5 DEPUTY COMMISSIONER SCHMIDT: So, as I understand
6 it, that was the first video that we received of there being
7 an issue. When I spoke with the neighboring property owner
8 earlier today, he indicated that he was -- let me say it
9 this way, that the water that he has gotten of late,
10 including 2019, including 2024, were a result of the
11 disturbances that took place on the property. Those were
12 his words.

13 BOARD MEMBER MOIR: Yeah. So -- so the runoff for
14 the neighbors down -- down the road from 19 Pine was because
15 of changes made in 2019, correct? Or that's his take?

16 DEPUTY COMMISSIONER SCHMIDT: That's his take, yes.

17 MR. STEVEN ANDERSON: Now, 20 --

18 BOARD MEMBER MOIR: Is there a different take?

19 DEPUTY COMMISSIONER SCHMIDT: Well, we'll let the
20 applicant's engineer speak to that. What I can tell you is
21 that there was work done without necessary and appropriate
22 permits so there was a stop work order issued. There also,
23 and I mentioned this to the neighbor on the phone this
24 afternoon, currently, and as Mr. Anderson indicated, there
25 are absolutely zero storm water management facilities on the

1 property. And the property has been sitting, more or less,
2 in this state awaiting these various approvals for a few
3 years now --

4 MR. STEVEN ANDERSON: Yeah.

5 DEPUTY COMMISSIONER SCHMIDT: -- so there hasn't
6 been any installation of these storm water management
7 systems which they are now proposing in connection with this
8 project.

9 BOARD MEMBER GOLDEN: What work was done in 2019
10 that was not permitted? Or permitted?

11 CHAIRPERSON DAVIS: You have to come to the podium.

12 BOARD MEMBER GOLDEN: If you want to talk you have
13 to come to the podium.

14 DEPUTY COMMISSIONER SCHMIDT: And just state your
15 name for the record.

16 MR. DOUG COLLINS: Sure. Doug Collins, homeowner.
17 This was actually done -- 2019 we had a different engineer.
18 But the stop work order was actually due to the driveway
19 that you see at the bottom of the drawing there, and it was
20 just originally built over 30 feet, which is the regulation,
21 so then we went back and redid it and now it's 30 feet.
22 That was the essence of the stop work order.

23 BOARD MEMBER GOLDEN: I'm sorry. What work did you
24 do in 2019? Did you widen the driveway, narrow it, pave it?

25 MR. DOUG COLLINS: Widened.

1 BOARD MEMBER GOLDEN: From what to what?

2 MR. DOUG COLLINS: I don't know exactly.

3 BOARD MEMBER GOLDEN: About?

4 MR. DOUG COLLINS: I don't know.

5 MR. STEVEN ANDERSON: It would be approximately
6 35 feet. It was much -- a little bit wider than that.

7 BOARD MEMBER GOLDEN: 35 feet from what?

8 MR. DOUG COLLINS: It was probably 17, 15 to 17
9 before.

10 CHAIRPERSON DAVIS: Twice. Double that.

11 BOARD MEMBER GOLDEN: Okay. So you doubled it?

12 BOARD MEMBER MOIR: There wasn't any slope
13 landscaping work in 2019?

14 DEPUTY COMMISSIONER SCHMIDT: In the rear there was
15 some modification, to the rear yard; is that accurate?

16 MR. DOUG COLLINS: Yeah.

17 BOARD MEMBER MOIR: The video submitted, right, by
18 the homeowner shows the runoff coming down from the rear
19 yard into the -- near where the driveway is, yeah?

20 DEPUTY COMMISSIONER SCHMIDT: We'll let the
21 homeowner other speak to that.

22 MR. DOUG COLLINS: Sorry? What was the question
23 again?

24 DEPUTY COMMISSIONER SCHMIDT: Was there rear yard
25 work -- whether it was permitted or not, was there a

1 manipulation or a modification to the rear yard?

2 MR. DOUG COLLINS: Yeah, as part of the patio in
3 the back.

4 DEPUTY COMMISSIONER SCHMIDT: As part of the patio
5 installation --

6 MR. DOUG COLLINS: Yeah.

7 DEPUTY COMMISSIONER SCHMIDT: -- which you had a
8 building permit for?

9 MR. DOUG COLLINS: Yes.

10 DEPUTY COMMISSIONER SCHMIDT: Okay. And did that
11 involve grading?

12 MR. DOUG COLLINS: Yes.

13 DEPUTY COMMISSIONER SCHMIDT: Okay. So there was
14 some grading done?

15 MR. DOUG COLLINS: Yeah.

16 DEPUTY COMMISSIONER SCHMIDT: Okay.

17 All right. What I'd like to do, just for the
18 benefit of the members that don't have the history of the
19 project, as well as anyone from the public that's watching,
20 if you -- we kind of jumped right into the changes you made
21 and everything like that.

22 MR. STEVEN ANDERSON: Yeah, okay. All right.

23 DEPUTY COMMISSIONER SCHMIDT: If you could speak a
24 little bit more to --

25 MR. STEVEN ANDERSON: Okay. We were hired --

1 entered -- did get a steep slope permit back in March of
2 2020 and --

3 DEPUTY COMMISSIONER SCHMIDT: A clearance form?

4 MR. STEVEN ANDERSON: Yeah, clearance form. Never
5 came to planning board at that point I guess because of, you
6 know, didn't disturb enough steep slopes. And the plan at
7 that time, when we received it, is essentially how it's
8 graded now. And maybe it was, whatchamacallit, a little
9 more for the patio, but it didn't show anything significant.
10 We were asked at one point by the town engineer who felt
11 that we brought in fill. So we did do a site. A little
12 fill was brought in. And he asked us to go back to 2004
13 topography, which is the available number of sources,
14 sources of GIS and everything, and it was a much steeper
15 slope, right.

16 DEPUTY COMMISSIONER SCHMIDT: In 2004?

17 MR. STEVEN ANDERSON: Yeah, in 2004. But, you
18 know, there wasn't any significant fill brought in then.
19 So, at that point, it would be an improvement what we --
20 what's there now. If that slope, the way it was supposedly
21 in 2004, that water would be -- have a really quick time of
22 concentration and have a higher flow, all right. So, right
23 now we're pretty much where it was for the 2020 steep
24 clearance form, and we went once for storm water review and
25 planning board asked us to look at it a lot more because of

1 the front driveway. And so we --

2 CHAIRPERSON DAVIS: I'm sorry. Can you clarify?
 3 You said the planning board asked you to --

4 MR. STEVEN ANDERSON: Yeah.

5 CHAIRPERSON DAVIS: -- look at it a lot more. What
 6 does that mean?

7 MR. STEVEN ANDERSON: Yeah, do like a drainage
 8 report, full study of the flows on the property. And
 9 there's -- there is a program that we use called HydroCAD,
 10 which is almost like a governmental TR-55, TR-20. It's an
 11 engineering -- it's the standard. New York State uses it,
 12 DOT, DEC and, you know, so it's a general method. So they
 13 wanted to see that so we did that. Then we went again to
 14 the zoning board, which were for area variances, and they
 15 brought up drainage. So we -- we complied with that. We --
 16 I agree with the terracing and putting the wall there
 17 because that would prevent that flow or slope much further
 18 now into the neighbor's property. And we then, again, did
 19 another study because we wanted to make sure and we examined
 20 all the roof leaders and, like I said, right now it just
 21 dumps in the street but now we're going to mitigate it by
 22 putting in the CULTEC systems. So, it's just a question
 23 that we can do our part, right, might not be able to solve
 24 the neighborhood, but we can do our part to prevent --
 25 prevent it from going fast down into the neighbor, so.

1 BOARD MEMBER GOLDEN: Is the water from that
 2 driveway going to be collected in CULTEC?

3 MR. STEVEN ANDERSON: No, there's too much rock in
 4 that section. But we did a study as to whether -- you know,
 5 when you do the study, you do a calculation of the
 6 impervious surface and the grass area, right. So most of it
 7 goes straight into the CULTEC, but whatever's left you just
 8 make sure that the flows are less than the predevelopment,
 9 so, you know.

10 DEPUTY COMMISSIONER SCHMIDT: So, if I may, you
 11 know, the zoning board looked at it and granted the
 12 variances. The planning board has looked at this
 13 previously --

14 MR. STEVEN ANDERSON: Yeah.

15 DEPUTY COMMISSIONER SCHMIDT: -- and you know, the
 16 primary concern here is -- well, one of the primary concerns
 17 is the flows that have been seen through the videos --

18 MR. STEVEN ANDERSON: Yeah.

19 DEPUTY COMMISSIONER SCHMIDT: -- to the down slope
 20 neighbor where his property, you know, there was a lot of
 21 water on the property.

22 MR. STEVEN ANDERSON: Uhm-hum.

23 DEPUTY COMMISSIONER SCHMIDT: It looked to be like
 24 that video was taken -- or the two videos were taken during
 25 a period when there was a silt fence that was installed --

1 MR. STEVEN ANDERSON: Yeah.

2 DEPUTY COMMISSIONER SCHMIDT: -- improperly, the
3 silt fence was breached --

4 MR. STEVEN ANDERSON: Right.

5 DEPUTY COMMISSIONER SCHMIDT: -- with a large
6 volume of water. There were plantings that were installed
7 that were washed out --

8 MR. STEVEN ANDERSON: Yes.

9 DEPUTY COMMISSIONER SCHMIDT: -- but that's all
10 absent the proposed storm water management system, the
11 CULTEC --

12 MR. STEVEN ANDERSON: Yeah, yes.

13 DEPUTY COMMISSIONER SCHMIDT: -- units that are
14 proposed in the rear yard --

15 MR. STEVEN ANDERSON: Uhm-hum.

16 DEPUTY COMMISSIONER SCHMIDT: -- and then the one I
17 believe in the front yard.

18 MR. STEVEN ANDERSON: Yeah.

19 DEPUTY COMMISSIONER SCHMIDT: So, I would want, if
20 you can --

21 MR. STEVEN ANDERSON: Yeah.

22 DEPUTY COMMISSIONER SCHMIDT: -- to explain to the
23 Board the benefit of terracing. So, one of the videos that
24 was provided, and I think even a picture more so that was
25 provided by the neighbor, showed that the sloped landscaped

1 area, which was mulched and there were plantings and
 2 everything installed, after one of the rain events -- there
 3 was also a chain-link fence that kind of delineated the edge
 4 of the lawn and then the landscaping down below, due to that
 5 significant volume of water, at least in the rain event that
 6 was depicted, I think June 14th, 2024 --

7 MR. STEVEN ANDERSON: Yeah.

8 DEPUTY COMMISSIONER SCHMIDT: -- it washed out and
 9 eroded a fairly significant portion of that landscaped area,
 10 and I believe you probably had this discussion with the
 11 zoning board because ultimately they conditioned --

12 MR. STEVEN ANDERSON: Yeah.

13 DEPUTY COMMISSIONER SCHMIDT: -- that you terrace
 14 it. So if you can speak to the Board --

15 MR. STEVEN ANDERSON: Yeah.

16 DEPUTY COMMISSIONER SCHMIDT: -- a little bit about
 17 the benefits of terracing in a landscaped area versus it
 18 just having an almost 45 -- 35, 45 percent slope.

19 MR. STEVEN ANDERSON: Sure. Well, essentially, a
 20 raindrop falls, right, and as it goes down the steep slope
 21 it gathers speed and that's where you get the major flows.
 22 Since we began the project that raindrop now would go to a
 23 flat surface and then down an incline, but terracing it now
 24 will make the raindrop have to stop, go down, stop and go
 25 down. So that -- that changes the -- the peak runoff, so it

1 would reduce the peak runoff for the -- for the storm. So,
 2 when you compare it to a post development, it would be a
 3 higher number. I believe we're about like 11 percent. So
 4 that's -- that's the purpose of that.

5 And if you look on that, again, on that street, the
 6 gravel -- the gravel curtain drain, which was supposed to
 7 pick up the patio, kind of lines up where the problem was,
 8 and right now it fills with water but it's got no place to
 9 go, right. And so, between terracing the wall and hooking
 10 it into a storm water system, it's going to reduce it quite
 11 a bit, so.

12 DEPUTY COMMISSIONER SCHMIDT: Would it be fair to
 13 say that the curtain drain that was installed was --

14 MR. STEVEN ANDERSON: Yeah.

15 DEPUTY COMMISSIONER SCHMIDT: -- improperly
 16 installed?

17 MR. STEVEN ANDERSON: No. It was supposed to be
 18 hooked up originally to a CULTEC --

19 DEPUTY COMMISSIONER SCHMIDT: Right.

20 MR. STEVEN ANDERSON: -- but because the stop work
 21 order can't do anything, you know, so.

22 DEPUTY COMMISSIONER SCHMIDT: Okay. So it is
 23 currently not --

24 MR. STEVEN ANDERSON: Not --

25 DEPUTY COMMISSIONER SCHMIDT: -- hooked up?

1 MR. STEVEN ANDERSON: It is not hooked up.

2 DEPUTY COMMISSIONER SCHMIDT: So when it
3 overflows --

4 MR. STEVEN ANDERSON: Yeah.

5 DEPUTY COMMISSIONER SCHMIDT: -- it will run
6 downhill?

7 MR. STEVEN ANDERSON: Running downhill, yes.

8 BOARD MEMBER GOLDEN: So do you need this Board's
9 final approval to hook up all of this drainage system?

10 MR. STEVEN ANDERSON: Yeah, yeah.

11 BOARD MEMBER GOLDEN: Okay.

12 DEPUTY COMMISSIONER SCHMIDT: That's part of the
13 steep slope permit, yes.

14 CHAIRPERSON DAVIS: Are there any other questions
15 regarding the storm drains and the storm water plan that
16 they're going to install? Michele?

17 BOARD MEMBER MOIR: Yep, I'm sorry. I have one
18 more. Sir, in the drainage report with this proposed storm
19 water management plan I think for the backyard you're
20 expecting a 16 or 17 percent decrease in runoff?

21 MR. STEVEN ANDERSON: Yeah, that's what the
22 calculations are showing because we've put in the drainage
23 path, and we used the standard TR-55, TR-20 and that's what
24 it's showing us, yes.

25 BOARD MEMBER MOIR: Right. But that 16 or

1 17 percent -- so, I'm sorry. I'm again referring to the
 2 June video which was like a half-inch of rain or
 3 three-quarters of an inch over two hours. If you reduce
 4 that flow by 16 or 17 percent --

5 MR. STEVEN ANDERSON: Well, it's like we said, we
 6 can't cure the neighborhood, right, and that's what's
 7 happening. The neighborhood's having, over the past couple
 8 of years, major storms and -- and --

9 BOARD MEMBER MOIR: That's not a major storm
 10 though, right? A half-inch storm isn't a major storm.

11 MR. STEVEN ANDERSON: The way it's been acting --
 12 well, on that street with Mount Pleasant Lane when it comes
 13 flying down it's a good rain and it's a large drainage
 14 basin. It's couple of acres, so, you know.

15 DEPUTY TOWN ATTORNEY MAGANA: Correct me if I'm
 16 wrong, but I believe previously it was discussed that you
 17 were building to a 100-year storm instead of the required
 18 25.

19 MR. STEVEN ANDERSON: Yes, we designed to 100-year
 20 storm, which is nine inches of rain, 9.2 inches.

21 BOARD MEMBER MOIR: Right. But that 9.2 inches
 22 still -- from a runoff experience down stream still is
 23 17 percent increase, yes? Decrease with 17 percent?

24 MR. STEVEN ANDERSON: Yeah. If that's -- that's
 25 how the program works, and that's -- I believe in it, I've

1 been doing it for 40 years. That's -- but we can't solve
2 the neighborhood problem. The drainage basin goes right to
3 --

4 BOARD MEMBER MOIR: No, no. I understand, right.

5 MR. STEVEN ANDERSON: Yeah.

6 BOARD MEMBER MOIR: But what I think I'm still
7 having a tough time with is the neighborhood catch basin
8 problem, and there was this problem from 2019, and are we
9 solving the 2019 problem by reducing it by 17 percent? Does
10 that help the neighbor?

11 MR. STEVEN ANDERSON: Yeah, it helps the neighbor.

12 BOARD MEMBER MOIR: By 17 percent?

13 MR. STEVEN ANDERSON: That percent of water is not
14 coming there anymore.

15 DEPUTY COMMISSIONER SCHMIDT: Right. So speaking
16 of code, I should speak to the code briefly.

17 MR. STEVEN ANDERSON: Yeah.

18 DEPUTY COMMISSIONER SCHMIDT: And we did submit a
19 response. Amanda provided a response. I don't know if you
20 had an opportunity to see it, Michele, but the code
21 requirement for storm water management is that there be zero
22 net increase, increase --

23 BOARD MEMBER MOIR: No, I understood.

24 DEPUTY COMMISSIONER SCHMIDT: -- in runoff from the
25 property.

1 So, I just wanted to finish my thought, if I can.

2 So, the -- you know, the town engineer, when storm
3 water management systems are proposed and they run the
4 drainage calculations and the reports, as the applicant has
5 done here, you know, the town engineer has to look and is
6 charged with ensuring that there's no net increase from
7 preexisting conditions. So, but what the town engineer said
8 was, look, we want you to look at the preexisting conditions
9 before they conducted this disturbance, okay, and go back to
10 the 2004's topography, which they did. They evaluated that,
11 -- they evaluated the 2019. Obviously, there appears to be
12 an issue with the fact that there was a drain installed
13 along the edge of the patio that was never hooked up into
14 anything, and the applicant's did provide a video that shows
15 when that drain fills up it overflows and the pitch of the
16 property goes towards the neighbor. So it would only be
17 reasonable to assume that when that -- when that drain fills
18 up and overflows it starts to pitch across the rear of the
19 property towards the down slope neighbor.

20 So, with all that said, we met with the town
21 engineer yesterday and today, and he was able to confirm
22 that the proposal meets and/or exceeds the code requirement.
23 There will be a storm water -- if this project moves
24 forward, there will be a storm water management control
25 permit required to be obtained, or submitted to the town

1 engineer and obtained by the applicant, prior to obtaining
 2 the building permit, and at that time he will ensure that
 3 the design meets or exceeds the --

4 MR. STEVEN ANDERSON: Can I say one thing?

5 DEPUTY COMMISSIONER SCHMIDT: Yes.

6 MR. STEVEN ANDERSON: The video --

7 DEPUTY COMMISSIONER SCHMIDT: Please.

8 MR. STEVEN ANDERSON: -- you're really seeing there
 9 point discharge because it looks to me like the ground
 10 failed, a little divot came out atop, so all that water is
 11 going to have what we call point discharge. It's like a
 12 pipe and it's shooting the water out. But once we get the
 13 terracing in, that the zoning board recommended, it will be
 14 kind of like a sheet flow. It's actually shallow
 15 concentrated flow. But it's not a point discharge, which is
 16 more corrosive than a shallow concentrated flow or sheet
 17 flow.

18 DEPUTY COMMISSIONER SCHMIDT: So it almost like
 19 channelized?

20 MR. STEVEN ANDERSON: Yeah, yeah. I believe that's
 21 what happened, yeah.

22 CHAIRPERSON DAVIS: I'm sorry. If I may. A couple
 23 things. You talked about the terracing -- well, I want to
 24 go to Michele's point and kind of combine it with your point
 25 in terms of solving for the neighborhood.

1 MR. STEVEN ANDERSON: Yeah.

2 CHAIRPERSON DAVIS: If you are to code or exceeding
 3 code on your property, then my question is, with the
 4 increase, because you know we moved from 25- to 50- to
 5 100-year storms, with that increase, what is the
 6 responsibility for any other properties around there to
 7 maybe increase their ability to take on water? And is that
 8 -- would that be part of it? Not that we're solving that
 9 today but.

10 DEPUTY COMMISSIONER SCHMIDT: Right. So, the
 11 code -- you know, we can only -- we can't go in and mandate
 12 that people --

13 CHAIRPERSON DAVIS: Right.

14 DEPUTY COMMISSIONER SCHMIDT: -- upgrade their
 15 storm water management systems or install a system on a
 16 property where one's not present. In a situation like this,
 17 there were -- there are no systems present --

18 MR. STEVEN ANDERSON: Right. On our property.

19 DEPUTY COMMISSIONER SCHMIDT: -- on the property
 20 today, but they came into the town, they were seeking
 21 permits and approvals, and the town now has the ability to
 22 speak with the applicant about installing a system. They
 23 were agreeable to the installation of a system. They have
 24 to demonstrate that they meet the code requirement, and
 25 they're in the process of doing that. We can't go out to

1 other --

2 CHAIRPERSON DAVIS: No.

3 DEPUTY COMMISSIONER SCHMIDT: -- property owners in
4 the neighborhood and request that it be done.

5 But one thing, and even Michael said, maybe there's
6 an opportunity to walk Mount Pleasant Lane and Pine Lane
7 with our DPW to see if there's an opportunity where there
8 might be some curbing issues and to see if we can --

9 CHAIRPERSON DAVIS: Right.

10 DEPUTY COMMISSIONER SCHMIDT: -- you know, improve
11 upon that to get -- because what appears to be happening is
12 road water potentially and uphill water is not making its
13 way into the systems along the roadways because there might
14 be blocks of curb missing and then it's shooting onto
15 private property and across private property and onto other
16 private properties. So we want to make sure that we have an
17 opportunity, if there is an issue, to correct that. If it
18 is. I can't say that there is.

19 CHAIRPERSON DAVIS: Right. We don't know that.

20 DEPUTY COMMISSIONER SCHMIDT: But we're going to
21 take a look at the area --

22 MR. STEVEN ANDERSON: Yeah.

23 DEPUTY COMMISSIONER SCHMIDT: -- and see if there
24 is a curb stone missing, maybe it's something we can replace
25 and that might improve upon the situation.

1 CHAIRPERSON DAVIS: All right. So the question is,
 2 within all of the parameters that were laid out for this
 3 property, or this applicant 23-11, that is what he's
 4 meeting, and so some of the extra additional water may not
 5 be something that he can control at this time?

6 DEPUTY COMMISSIONER SCHMIDT: Right. I mean, I
 7 think Mr. Anderson mentioned they can demonstrate that with
 8 respect to their site and what they're responsible for, the
 9 post-development condition, if the project is approved, even
 10 up to a 100-year storm event, which is exceeding the code
 11 requirement, even though the planning board often asks
 12 applicants to exceed -- you know, if there's an opportunity
 13 to exceed the code requirement, they're demonstrating that
 14 there would be a reduction even with the 100-year storm
 15 event for what they're responsible for. They can't be
 16 responsible for the entire drainage area.

17 Yes?

18 BOARD MEMBER MOIR: When you say -- what I'm still
 19 not clear on, are we -- is there 16 or 17 percent reduction
 20 against today's conditions or 2004's conditions or 2019's
 21 conditions?

22 DEPUTY COMMISSIONER SCHMIDT: So, I would have to
 23 ask the town engineer specifically.

24 BOARD MEMBER MOIR: Okay. So -- okay. Sorry.
 25 Because I thought Mr. Anderson --

1 MR. STEVEN ANDERSON: Yeah, well, in 2004, if it
 2 was that condition, it would be worse, right. It would --
 3 it's a steep slope and it would have just kept going, you
 4 know.

5 BOARD MEMBER GOLDEN: I think -- I think we should
 6 also bear in mind that up until now the water on the roof
 7 and through the leaders and gutters went right onto the
 8 ground, correct?

9 MR. STEVEN ANDERSON: Yes. Correct.

10 BOARD MEMBER GOLDEN: And after this storm system
 11 is installed all of that water will be directed into CULTEC?

12 MR. STEVEN ANDERSON: Right.

13 BOARD MEMBER GOLDEN: Which is a fairly
 14 significant --

15 MR. STEVEN ANDERSON: Yeah.

16 BOARD MEMBER GOLDEN: -- square footage.

17 MR. STEVEN ANDERSON: Right.

18 DEPUTY TOWN ATTORNEY MAGANA: I did have one
 19 question. On the plans -- because I remember when you'd
 20 come to the planning board the first time and there was
 21 discussion about the driveway and whether you could put
 22 CULTEC in, and I think we did talk about the fact that there
 23 was limestone or shallow rock and you weren't able to do
 24 that --

25 MR. STEVEN ANDERSON: Yes.

1 DEPUTY TOWN ATTORNEY MAGANA: -- and I think the
2 town engineer had recommended other potential practices,
3 maybe plants along the edge that could absorb water. I
4 don't know if that was possible either based upon the
5 existing topography. But it looks like in looking at this,
6 I think it's sheet two, SP-2, there's a swale along the edge
7 of the property. Is that existing --

8 MR. STEVEN ANDERSON: I believe --

9 DEPUTY TOWN ATTORNEY MAGANA: -- or is that --

10 MR. STEVEN ANDERSON: -- that's existing swale
11 there.

12 DEPUTY COMMISSIONER SCHMIDT: I can bring it up.

13 MR. STEVEN ANDERSON: Yeah, you want to bring it up
14 for a second?

15 DEPUTY COMMISSIONER SCHMIDT: Sure.

16 Amanda, whereabouts?

17 DEPUTY TOWN ATTORNEY MAGANA: So it was --

18 BOARD MEMBER GOLDEN: Bottom left.

19 DEPUTY TOWN ATTORNEY MAGANA: Bottom left. Thank
20 you.

21 DEPUTY COMMISSIONER SCHMIDT: What sheet number?

22 DEPUTY TOWN ATTORNEY MAGANA: Sheet number SP-2.

23 DEPUTY COMMISSIONER SCHMIDT: Thank you.

24 Oh, this? So that looks to be off site.

25 MR. STEVEN ANDERSON: Yeah.

1 DEPUTY TOWN ATTORNEY MAGANA: It's on the
2 neighboring property?

3 MR. STEVEN ANDERSON: Yeah. That shouldn't be
4 there because you can't touch that area, so.

5 DEPUTY COMMISSIONER SCHMIDT: So that's not --
6 okay.

7 MR. STEVEN ANDERSON: Yeah.

8 DEPUTY COMMISSIONER SCHMIDT: I mean, the way I
9 would read this --

10 MR. STEVEN ANDERSON: Yeah.

11 DEPUTY COMMISSIONER SCHMIDT: -- would be it's a
12 swale pitching in towards the neighbor's property --

13 MR. STEVEN ANDERSON: Yeah, I don't know --

14 DEPUTY COMMISSIONER SCHMIDT: -- from Pine Lane?

15 MR. STEVEN ANDERSON: Yeah, that's definitely --
16 could you zoom in for a second? It's definitely should be
17 going the other way, because the bottom wall is at 3083 and
18 the street is practically flat and that's on the neighbor's
19 property. So I don't think that -- I think that's just a
20 drafting -- drafting error because the elevation show that's
21 sloping towards -- towards the street, so. Yeah, spot
22 elevation is there.

23 DEPUTY COMMISSIONER SCHMIDT: And -- okay. Does
24 that answer the question?

25 MR. STEVEN ANDERSON: We can't touch that area.

1 But based on our survey and spot elevations, it goes towards
2 the streets, so.

3 DEPUTY COMMISSIONER SCHMIDT: Right. And the
4 left-hand side of this drawing is how it preexisted and the
5 right-hand side --

6 MR. STEVEN ANDERSON: Yeah.

7 DEPUTY COMMISSIONER SCHMIDT: -- is the future
8 condition?

9 MR. STEVEN ANDERSON: And that's the proposed,
10 yeah, right.

11 DEPUTY COMMISSIONER SCHMIDT: So this includes all
12 the landscaping --

13 MR. STEVEN ANDERSON: Yeah.

14 DEPUTY COMMISSIONER SCHMIDT: -- all the wall --

15 MR. STEVEN ANDERSON: Right.

16 DEPUTY COMMISSIONER SCHMIDT: -- the terrace?

17 MR. STEVEN ANDERSON: And you can see we can put
18 landscaping above that new terrace wall.

19 DEPUTY COMMISSIONER SCHMIDT: Right.

20 MR. STEVEN ANDERSON: And --

21 CHAIRPERSON DAVIS: If I may, regarding the
22 terrace --

23 MR. STEVEN ANDERSON: Yeah.

24 CHAIRPERSON DAVIS: -- how -- I guess that would be
25 the run? Is that what you call it? It's kind of like steps

1 rise and run?

2 MR. STEVEN ANDERSON: Okay. Yeah.

3 CHAIRPERSON DAVIS: How deep is it?

4 MR. STEVEN ANDERSON: We kept it below 24 inches, I
5 believe. 24 inches or -- you know, the terrace is just
6 24 inches, I believe.

7 DEPUTY COMMISSIONER SCHMIDT: The height of it?

8 MR. STEVEN ANDERSON: Yeah, yeah.

9 DEPUTY COMMISSIONER SCHMIDT: And then what's the
10 run --

11 MR. STEVEN ANDERSON: So it's probably four feet,
12 four, but it gets close to the existing wall. So, and it
13 could get up to six feet. See, if you -- if the -- that new
14 terrace wall that we added for the zoning board, it might
15 even be 10 feet there at that end. And then it kind of is
16 four feet from the end of the existing wall that's there now
17 and continues on a little bit more. Beyond the rear -- see
18 the line with -- above the C? That would be the rear
19 property line of the person next door.

20 DEPUTY COMMISSIONER SCHMIDT: Right.

21 MR. STEVEN ANDERSON: So that wall would continue
22 on and, you know --

23 DEPUTY COMMISSIONER SCHMIDT: And this wall
24 exists --

25 MR. STEVEN ANDERSON: Yeah.

1 DEPUTY COMMISSIONER SCHMIDT: -- across the
2 property line?

3 MR. STEVEN ANDERSON: Yeah. And like I said, I
4 think the point discharge was in line with the curtain drain
5 and that's because it was filling up and just straight, you
6 know, sending it out.

7 DEPUTY COMMISSIONER SCHMIDT: Right. So your
8 belief is that when this --

9 MR. STEVEN ANDERSON: Yeah.

10 DEPUTY COMMISSIONER SCHMIDT: -- overfilled --

11 MR. STEVEN ANDERSON: Right now as it exists now.

12 DEPUTY COMMISSIONER SCHMIDT: -- it spills out
13 across --

14 MR. STEVEN ANDERSON: Yeah.

15 DEPUTY COMMISSIONER SCHMIDT: -- and then down onto
16 the neighbor's property?

17 MR. STEVEN ANDERSON: Yeah, right.

18 DEPUTY COMMISSIONER SCHMIDT: And I did ask the
19 neighbor when I spoke with him this afternoon if -- because
20 the video that was provided and the photos provided were
21 from June 2024 if he was aware of this happening since
22 then --

23 MR. STEVEN ANDERSON: Right.

24 DEPUTY COMMISSIONER SCHMIDT: -- and he did
25 indicate that he hasn't --

1 MR. STEVEN ANDERSON: Yeah.

2 DEPUTY COMMISSIONER SCHMIDT: -- but he also
3 indicated, which is accurate, that, you know, it was quite a
4 dry spell.

5 MR. STEVEN ANDERSON: November was dry.

6 DEPUTY COMMISSIONER SCHMIDT: Quite a dry spell for
7 a significant number of months, yes.

8 MR. STEVEN ANDERSON: Yes, so.

9 BOARD MEMBER PYNE: Who installed the retaining
10 wall that is on both sides of the property line and how long
11 has it been there?

12 MR. STEVEN ANDERSON: Yeah. Was it there when you
13 purchased the --

14 MR. DOUG COLLINS: When we --

15 MR. STEVEN ANDERSON: That I wouldn't know. That's
16 not new, per se.

17 DEPUTY COMMISSIONER SCHMIDT: When did you purchase
18 -- when did they purchase the property?

19 MR. DOUG COLLINS: 2017.

20 MR. STEVEN ANDERSON: 2017 according to deed, yeah.

21 MR. DOUG COLLINS: End of 2017.

22 BOARD MEMBER PYNE: And what's the condition of the
23 retaining wall?

24 MR. STEVEN ANDERSON: It's in good condition. It's
25 not in failure or anything, so.

1 DEPUTY TOWN ATTORNEY MAGANA: Are there weep holes
 2 in the existing retaining wall?

3 MR. STEVEN ANDERSON: I don't know off the top of
 4 my head. I don't think so. It's not high enough really for
 5 an engineering -- anything under four feet you really don't
 6 have to do an engineering drawing for it in the old days.
 7 So, whether it has the drainage weep holes, you know.

8 BOARD MEMBER PYNE: Is there an easement or, like,
 9 who owns the wall?

10 MR. STEVEN ANDERSON: That's -- you know, it could
 11 have been there for 50 years, 100 -- well, not a hundred,
 12 but, you know, could be -- could have been there quite some
 13 time.

14 DEPUTY COMMISSIONER SCHMIDT: So absent an easement
 15 it would be for the portion that's on your client's
 16 property --

17 MR. STEVEN ANDERSON: Yeah.

18 DEPUTY COMMISSIONER SCHMIDT: -- that portion would
 19 be their responsibility --

20 MR. STEVEN ANDERSON: Right.

21 DEPUTY COMMISSIONER SCHMIDT: -- and once it
 22 crosses the property line the other portion would be the
 23 downhill slope neighbor.

24 CHAIRPERSON DAVIS: Okay. If there aren't any
 25 other questions we're going to open it up for public

1 comment.

2 BOARD MEMBER MOIR: I'm sorry. I'm just stuck on
 3 this one. The requirement is no increase. We know that
 4 there's 16 or 17 percent decrease from the backyard, but we
 5 don't know if that's against 2004, 2019 or 2024. Am I
 6 correct in saying that?

7 DEPUTY TOWN ATTORNEY MAGANA: So, it's my
 8 understanding when the town engineer reviewed it, and we can
 9 have him respond in writing, but the -- it would be from
 10 prior to the installation of the improvements in 2019. So I
 11 don't know if it's exactly from 2004, but based upon --
 12 that's how they would run the comparison to determine --

13 DEPUTY COMMISSIONER SCHMIDT: Right.

14 DEPUTY TOWN ATTORNEY MAGANA: -- the amount of
 15 runoff collected.

16 DEPUTY COMMISSIONER SCHMIDT: Right. When there's
 17 work done that's unauthorized they like to see what the
 18 topography and the layout of the site was prior to, so
 19 that's probably why they --

20 MR. STEVEN ANDERSON: Yeah.

21 DEPUTY COMMISSIONER SCHMIDT: -- had the project
 22 engineer looked at topography from 2004 because that's
 23 readily available in the Westchester County GIS, so --

24 MR. STEVEN ANDERSON: Yeah.

25 DEPUTY COMMISSIONER SCHMIDT: -- I believe that to

1 be the case.

2 MR. STEVEN ANDERSON: Right. And like I said, if I
3 use that number it will be much higher, the predevelopment
4 runoff, to into what it is now, so.

5 BOARD MEMBER MOIR: So it wouldn't be 16 or
6 17 percent you're saying, it would be higher?

7 MR. STEVEN ANDERSON: Yeah, it would probably be
8 higher. Probably be not as significant in the decrease
9 because --

10 BOARD MEMBER MOIR: All right. That conflicts a
11 little with, you know. So, the 16 or 17 percent you used
12 which number to calculate that? Which topography?

13 MR. STEVEN ANDERSON: We used the one of the steep
14 slope -- well, essentially what's -- what's there pretty
15 much is in line with the 2020 approved steep slope
16 clearance, so.

17 DEPUTY COMMISSIONER SCHMIDT: So the steep slope
18 clearance which showed the preexisting condition?

19 MR. STEVEN ANDERSON: Yeah, yeah. That was --

20 DEPUTY COMMISSIONER SCHMIDT: Prior to the
21 disturbance taking place?

22 MR. STEVEN ANDERSON: Right, right.

23 DEPUTY COMMISSIONER SCHMIDT: Okay.

24 MR. STEVEN ANDERSON: Okay.

25 DEPUTY COMMISSIONER SCHMIDT: So, and that 2020

1 steep slope clearance form, assuming the property hadn't
2 changed in the rear between 2004 and 2020 --

3 MR. STEVEN ANDERSON: Yeah.

4 DEPUTY COMMISSIONER SCHMIDT: -- that would be --

5 MR. STEVEN ANDERSON: It's pretty much --

6 DEPUTY COMMISSIONER SCHMIDT: -- pretty much the
7 same?

8 MR. STEVEN ANDERSON: Yeah. I mean, topography
9 surveying you have a discrepancy, you can have a difference
10 of a half a foot. It's allowable by the standards for land
11 survey, for topography --

12 DEPUTY COMMISSIONER SCHMIDT: Okay.

13 MR. STEVEN ANDERSON: -- so.

14 DEPUTY COMMISSIONER SCHMIDT: With that said, I
15 think only because it would be worthwhile to get a direct
16 answer to Michele, even if -- and we still have yet to see
17 if there's any public comment, but whether or not the board
18 decides to close the public hearing this evening, we will
19 certainly get a response to Michele on exactly what year and
20 -- that the town engineer requested with respect to the
21 design of the storm water management system and how this --
22 and which year the 16 to 17 percent reduction applies to.
23 Okay? Michele?

24 BOARD MEMBER MOIR: Yeah. Thank you.

25 DEPUTY COMMISSIONER SCHMIDT: You're welcome.

1 CHAIRPERSON DAVIS: Okay. So we're going to open
2 it up for public comment.

3 DEPUTY COMMISSIONER SCHMIDT: Is there anyone in
4 the audience that wishes to speak?

5 Is there anyone on the Zoom call that wishes to
6 speak on this project?

7 CHAIRPERSON DAVIS: Okay. So we're going to close
8 this meeting and keep the record open for --

9 DEPUTY COMMISSIONER SCHMIDT: So, yeah, I think
10 there should be just a brief poll of members if it -- if --
11 so the Board can choose to adjourn the public hearing or
12 they can choose to close the public hearing, leave the
13 record open for one week, which is standard. In the
14 interim, myself and Ms. Magana will meet with the town
15 engineer to get an answer for Michele and to the entire
16 Board on the 16 to 17 percent reduction.

17 BOARD MEMBER GOLDEN: I vote we close the public
18 hearing and leave the record open a week.

19 CHAIRPERSON DAVIS: Is one week enough?

20 DEPUTY COMMISSIONER SCHMIDT: Yeah.

21 CHAIRPERSON DAVIS: Okay. So can I have a motion
22 to close the public hearing and --

23 BOARD MEMBER GOLDEN: I just made it.

24 CHAIRPERSON DAVIS: I'm sorry. I didn't hear you.

25 DEPUTY COMMISSIONER SCHMIDT: He did.

1 CHAIRPERSON DAVIS: Second?

2 BOARD MEMBER WEINBERG: I'll second.

3 CHAIRPERSON DAVIS: All in favor?

4 BOARD MEMBER GOLDEN: Aye.

5 BOARD MEMBER DAVIS: Aye.

6 BOARD MEMBER PYNE: Aye.

7 CHAIRPERSON DAVIS: All opposed?

8 DEPUTY COMMISSIONER SCHMIDT: Michele, you're in
9 favor?

10 BOARD MEMBER MOIR: I don't know. I'm sorry. I
11 don't know if it's -- I don't know what your discussion was,
12 Aaron.

13 CHAIRPERSON DAVIS: What we're doing --

14 DEPUTY COMMISSIONER SCHMIDT: I can explain it.

15 CHAIRPERSON DAVIS: All right.

16 DEPUTY COMMISSIONER SCHMIDT: So Michael made a
17 motion to close the public hearing on this project, to leave
18 the written record for additional comments open for one week
19 through February 12th, and, with that said, for staff to get
20 a response to your question on what year the 16 to
21 17 percent reduction was directed towards. Was it the 2020,
22 the 2004? We will get that response --

23 MR. STEVEN ANDERSON: Can I --

24 DEPUTY COMMISSIONER SCHMIDT: -- between now and a
25 week from now.

1 MR. STEVEN ANDERSON: Can I just say something?
2 The 2004 was essentially to see if it needed a fill permit
3 because that was also questionable at the time, and
4 that's -- I believe -- I forget who was the engineer at the
5 time. It was --

6 DEPUTY COMMISSIONER SCHMIDT: Jim Meehan.

7 MR. STEVEN ANDERSON: Yeah.

8 BOARD MEMBER GOLDEN: Why don't you discuss this
9 after the meeting.

10 DEPUTY COMMISSIONER SCHMIDT: Yeah, we can do that.

11 MR. STEVEN ANDERSON: Yeah.

12 DEPUTY COMMISSIONER SCHMIDT: Okay. So we'll
13 verify everything.

14 So, if you didn't hear that, the project engineer
15 indicated that engineering -- our bureau of engineering
16 actually wanted them to pull the topography from 2004 to
17 compare it to the 2019/2020 because he wasn't sure if fill
18 was brought onto the site. That was the purpose of looking
19 at the 2004. In terms of the drainage system that was based
20 --

21 MR. STEVEN ANDERSON: That was what the design --
22 the two design -- the twice reviewed design by Jason was
23 based on the 2019/2020 predevelopment, and then --

24 DEPUTY COMMISSIONER SCHMIDT: Okay.

25 MR. STEVEN ANDERSON: Yeah.

1 CHAIRPERSON DAVIS: So that's what should be in
2 this report.

3 DEPUTY COMMISSIONER SCHMIDT: Okay. So that's what
4 we're going to get confirmation on from the town engineer.

5 BOARD MEMBER GOLDEN: So how is Michele voting on
6 this motion?

7 DEPUTY COMMISSIONER SCHMIDT: Right. So do you
8 understand it?

9 BOARD MEMBER MOIR: Can I abstain?

10 DEPUTY COMMISSIONER SCHMIDT: Okay.

11 CHAIRPERSON DAVIS: You're abstaining?

12 BOARD MEMBER MOIR: Uhm-hum.

13 DEPUTY COMMISSIONER SCHMIDT: Okay. We'll make
14 note of that.

15 So the record's open until February 12th. Staff
16 will get the response. We'll also draft up a decision for
17 the board's consideration on February 19th.

18 MR. STEVEN ANDERSON: Okay.

19 DEPUTY COMMISSIONER SCHMIDT: Have a good evening.

20 MR. STEVEN ANDERSON: Okay. Thank you.

21 CHAIRPERSON DAVIS: Thank you.

22 Okay. So, our next case is PB 24-23, Indy Lab at
23 1053 Saw Mill River Road.

24 MS. FRIDA MATUTE: Good evening to the Planning
25 Board and the public.

1 CHAIRPERSON DAVIS: If you can give us a brief
2 description of the project.

3 MS. FRIDA MATUTE: No problem. Let me share my
4 screen.

5 DEPUTY TOWN ATTORNEY MAGANA: Could you state your
6 name for the record, please.

7 MS. FRIDA MATUTE: My name is Frida Matute. I'm
8 the founder and owner of the Indy Lab.

9 DEPUTY COMMISSIONER SCHMIDT: If I may, while
10 you're setting up. Is there anyone on Zoom that wishes to
11 speak on the project? If so, if you could use the raised
12 hand function just so we can get a sense, because there are
13 a lot of participants but I don't know if they all wish to
14 speak or if they're just observing.

15 Proceed.

16 MS. FRIDA MATUTE: I think a lot of them are
17 family. They're here to support us.

18 DEPUTY COMMISSIONER SCHMIDT: Of course.

19 MS. FRIDA MATUTE: We'll certainly give them an
20 option to speak.

21 Just to provide a little bit of an overview for the
22 Planning Board again, and the public, the Indy Lab is a
23 preschool and a parenting center. We've won a grant to
24 build a daycare at 1053 Saw Mill River Road in Ardsley.
25 This is the location of the building. The building has

1 54 square feet for our school, 1900 square feet will be used
2 for an outdoor playground, and we were in front of the
3 Planning Board for that reason, for the site work in the
4 exterior part of the school. The school has two toddler
5 classrooms, three preschool classrooms, licensed by OCFS,
6 and we plan to build an outdoor playground that we will be
7 talking about today. We have the capacity for 64 families.

8 In order to build that outdoor playground we have
9 looked at -- today I have Ralph Alfonzetti here who's our
10 site engineer, and he will speak to the exterior work in
11 more detail. We had to remove parking spaces to make place
12 for the playground, to also make drive aisles for fire
13 emergency vehicles, fire trucks, police emergency vehicles,
14 things like that. So we had to remove 18 parking spaces.
15 We were able to add seven back in other parts of the parking
16 area. So we had a net loss of 11 parking spaces. We were
17 able to reserve with our landlord 10 for school drop-off,
18 and because we have different programs that end at different
19 times of the day, we can manage the pickup times for
20 students with more ease at different times of the day, which
21 include 3 p.m., 4 p.m., 5 p.m., 6 p.m. The site requires
22 145 off-street parking spaces. We will be providing 154,
23 which meets code.

24 This is the outdoor playground which is a concept
25 design. It's not the building itself, but it's just an idea

1 to give you. Where we have reduced our impervious space
2 from 52.6 percent to 51.5, where 65 is permitted by code.

3 That's just a brief introduction, so I'll leave it
4 now to Ralph to share some plans and the actual site work
5 exterior.

6 MR. RALPH ALFONZETTI: Good evening. Ralph
7 Alfonzetti, the engineer for the project. I will share my
8 drawings for everyone.

9 So that's the existing conditions plan. Just to
10 orient everyone, Saw Mill River Road is on the top of the
11 sheet. The building is in this location, and our work area
12 is outlined by this dashed box in this area. And the second
13 page kind of zooms in on that.

14 So the Indy Lab will take this portion of the
15 building here where my cursor is, if everyone can see that,
16 and then we're going to have two doors opening up into a
17 playground which will have a fenced-in playground with --
18 there will be gates on that also with latches that will let
19 kids out in case of an emergency.

20 As Frida said, we are removing some parking spaces
21 on the rear curb line. That is to allow for the required
22 drive aisle that will meet code. In removing those spaces,
23 we kind of shift around some other spaces, we add some, and
24 we do have a slight reduction on what's there now, but we
25 are still over the required for the entire site. The curb

1 line is also being pushed back approximately three and a
 2 half feet.

3 As Frida said, there was a reduction in the
 4 impervious area in the entire site. It's approximately 1200
 5 to 1300 square feet. We don't require any variances, just
 6 minor site work, other than the curb, a little bit of
 7 drainage work just to remove a top of a catch basin and put
 8 a flat top instead of a curve box and things likes that.

9 I'm here to answer any questions.

10 DEPUTY COMMISSIONER SCHMIDT: I have two. Bumping
 11 the curb out three and a half feet is that into existing
 12 lawn area, wooded area? What exists now?

13 MR. RALPH ALFONZETTI: What exists now? It's umm
 14 -- it's weeds.

15 DEPUTY COMMISSIONER SCHMIDT: Okay.

16 MR. RALPH ALFONZETTI: It's not -- there's no trees
 17 coming down. It's weeds. It's gravel, debris and things
 18 like that.

19 DEPUTY COMMISSIONER SCHMIDT: Okay. Second
 20 question is, or second point, staff identified that due to
 21 some of the modifications in the parking lot it was
 22 identified that that row of parking on the left-hand side of
 23 the building, as shown on the drawing, would involve 15 or
 24 more parking spaces without a landscaped curbed island which
 25 is a requirement under our code. So, we wanted to have that

1 on the record. What staff has identified, as while you do
2 not have a landscaped curbed island on that side, you have
3 proposed a landscaped curbed area to the right-hand side
4 where your cursor is now with two new trees being planted --

5 MR. RALPH ALFONZETTI: Correct.

6 DEPUTY COMMISSIONER SCHMIDT: -- and staff would be
7 recommending to the board that it consider issuing that
8 waiver given that you are proposing a landscaped island to
9 meet the spirit of the code with respect to having
10 landscaping within parking areas.

11 MR. RALPH ALFONZETTI: Right. Thank you.

12 DEPUTY COMMISSIONER SCHMIDT: I have no other
13 questions.

14 CHAIRPERSON DAVIS: Are there any other questions
15 from the board members?

16 BOARD MEMBER WEINBERG: No.

17 CHAIRPERSON DAVIS: Is there any public comment?

18 DEPUTY COMMISSIONER SCHMIDT: Is there anyone on
19 Zoom that wishes to speak?

20 CHAIRPERSON DAVIS: So, if the board approves, I'd
21 like to close the public comments.

22 DEPUTY COMMISSIONER SCHMIDT: Yes. So, just to
23 reiterate what was kind of discussed at the last work
24 session, the board discussed with the applicant if there
25 wasn't any significant public comment made that the board

1 would consider closing the public hearing this evening,
2 closing the written record period, so not extending that and
3 keeping it open for one week like we just did in that other
4 case that was before the board, and then considering a
5 decision down as part of our work session this evening. So,
6 if that's the pleasure of the board, we can do that. We
7 would have a motion and a vote to close the public hearing
8 for this project without keeping any written record period
9 open and then we'd have another vote to close the public
10 hearing session of this meeting.

11 BOARD MEMBER PYNE: So moved to --

12 CHAIRPERSON DAVIS: Well, so, Aaron, can't -- you
13 can't put forth the motion, can you?

14 BOARD MEMBER PYNE: So I'll make the motion.

15 CHAIRPERSON DAVIS: All right. And do we have a
16 second?

17 BOARD MEMBER WEINBERG: I'll second.

18 CHAIRPERSON DAVIS: And can we see Michele?

19 DEPUTY COMMISSIONER SCHMIDT: Yes. Let me -- can
20 you take down the shared screen?

21 MR. RALPH: Oh, sure.

22 DEPUTY COMMISSIONER SCHMIDT: So this is the motion
23 to close the public hearing and with no open written record
24 period.

25 CHAIRPERSON DAVIS: All in favor?

1 BOARD MEMBER GOLDEN: Aye.

2 CHAIRPERSON DAVIS: Aye.

3 BOARD MEMBER PYNE: Aye.

4 BOARD MEMBER WEINBERG: Aye.

5 BOARD MEMBER MOIR: Aye.

6 DEPUTY COMMISSIONER SCHMIDT: All opposed?

7 CHAIRPERSON DAVIS: Zero abstain, none. So, we
8 will also now have a motion to close the public hearing this
9 evening.

10 BOARD MEMBER WEINBERG: So moved.

11 CHAIRPERSON DAVIS: Do we have a second?

12 BOARD MEMBER MOIR: Second.

13 CHAIRPERSON DAVIS: All in favor?

14 BOARD MEMBER GOLDEN: Aye.

15 CHAIRPERSON DAVIS: Aye.

16 BOARD MEMBER PYNE: Aye.

17 BOARD MEMBER WEINBERG: Aye.

18 DEPUTY COMMISSIONER SCHMIDT: Thank you.

19 (Whereupon, the Public Hearing/Discussion was
20 concluded.)

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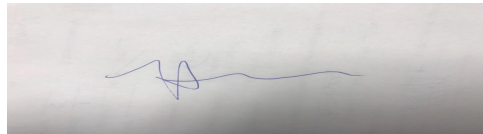
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C E R T I F I C A T I O N

Certified to be a true and accurate transcript of the Public hearing of the Greenburgh Planning Board Meeting proceedings held on February 5, 2025, in person taken by the undersigned, to the best of her ability.



-----X
Nicole Ameneiros
Official Court Reporter