

# DRAFT

**MONEY MAGAZINE: GREENBURGH- A BEST PLACE TO LIVE IN AMERICA WINNER  
(2008)  
(One of four in New York State)**

**Since 1987, the Town of Greenburgh has annually been granted the "The Certificate of Achievement for Excellence in Financial Reporting" by the National Government Financial Officers Association**

**Please Note: If the Board has completed the agenda before 11:00 PM, a second opportunity for Public Comment, up to five minutes per speaker, will be provided until 11:00 PM. Speakers will be called in the order of receipt of a Public Comment Request Form for this second Public Comment period.**

**Anyone interested in serving on a board or commission should send a resume to  
Judith A. Beville, Town Clerk, 177 Hillside Avenue, Greenburgh, NY 10607**

## TOWN OF GREENBURGH TOWN BOARD MEETING WEDNESDAY, October 10, 2012, 7:30 PM TENTATIVE AGENDA

This meeting can be viewed live on our Website, [www.GreenburghNY.com](http://www.GreenburghNY.com), as well as viewed archived, generally within 24 hours. Please be reminded that Town Board meetings held at the Greenburgh Town Hall may also be viewed live on the Town's government cable channels, Cablevision Channel 76 and Verizon Channel 35

**THE TOWN BOARD RESERVES THE RIGHT TO MODIFY THE TOWN BOARD AGENDA AT ANY TIME**

Minutes of Town Board Meetings are posted on our Web site  
(Click the link for Meeting Schedules, and then scroll down to Recent Meetings and Minutes)

To e-mail the Town Board (Supervisor Paul Feiner, Councilman Ken Jones, Councilwoman Diana Juettner, Councilman Kevin Morgan, and Councilman Francis Sheehan), e-mail:  
[TownBoard@GreenburghNY.com](mailto:TownBoard@GreenburghNY.com)

**PLEASE NOTE: TOWN BOARD MEETING AGENDAS ARE POSTED ON THE TOWN WEB SITE  
AND ONLY MAILED UPON A WRITTEN REQUEST TO THE TOWN CLERK,  
[TownClerk@GreenburghNY.com](mailto:TownClerk@GreenburghNY.com)**

**EVERYONE IS ENCOURAGED TO SPEAK BEFORE THE TOWN BOARD ON ANY SUBJECT;  
HOWEVER, PERSONAL ATTACKS, OF ANY KIND, TOWARD ANYONE, WILL NOT BE  
PERMITTED**

John Tomlin, a representative from the office of State Senator Andrea Stewart-Cousins, will be present at a Town Board meeting each month from 6:30 PM to 7:30 PM to respond to constituent concerns

Mary Jackson, a representative from the office of County Legislator Alfreda Williams, will be present at the 2nd Town Board meeting each month from 6:30 PM to 7:30 PM to respond to constituent concerns

### UPCOMING TOWN BOARD MEETINGS:

Wednesday, October 24, 2012 7:30 PM

Wednesday, November 28, 2012, 7:30 PM

Wednesday, November 14, 2012 7:30 PM

Wednesday, December 12, 2012, 7:30 PM

### PLEDGE OF ALLEGIANCE

ROLL CALL: Town Clerk Judith Beville

### MOMENT OF SILENCE

In memory of Ernestine Conner Bartlett

In memory of James O. Boykin

### SUPERVISOR & TOWN COUNCIL REPORTS/ANNOUNCEMENTS

GOOD NEWS...The Town continues to have the highest possible bond rating from both

Standard & Poors (AAA) and Moodys (AAA). Only 3% of communities in nation have this rating  
Any individual or group interested in a visit from the Town Board should email the Board at  
[TownBoard@GreenburghNY.com](mailto:TownBoard@GreenburghNY.com)

### **TOWN CLERK COMMENTS**

### **DECISION**

To consider the establishment of the Gelsprain Drainage District in the Town of Greenburgh (See Resolution AT 15 - 10/10/12)

To consider a Special Permit Application and all related actions by Cumberland Farms Inc. affecting real property located at 628 South Central Park Avenue (also known and designated on the Tax Assessment Map of the Town as Parcel ID: 8.410-299-5 (See Resolution CD 3 - 10/10/12)

### **PUBLIC HEARINGS**

To consider a Special Permit Application and all related actions by BP Atlantis Management affecting real property located at 74 South Central Park Avenue (also known and designated on the Tax Assessment Map of the Town as Parcel ID:8.250-195-11)

To consider a Local Law entitled "Independent and/or Assisted Living Facilities" (1) amending the Zoning Ordinance of the Town of Greenburgh by adding a definition of "Independent and/or Assisted Living Facilities" and by creating Special Permit criteria for such facilities and (2) amending the Zoning Map of the Town of Greenburgh by rezoning the property shown on the Tax Assessment Map of the Town as Section 25, Sheet 3, Block 6, Lots 17, 29, 32 and Section 19, Sheet 3, Block 0000, Lots P-1, 18, 22, 23, 26, 33, 34, 35, 36 and 37 from R-7.5 Single Family Residence and Close Business (C.B.) to R-7.5 Single Family Residence(Hold over to Town Board Meeting of Nov.14, 2012)

### **PUBLIC COMMENT**

Advance signup is preferred. Speakers will be called in the order of receipt of a Public Comment Request Form. The forms are available on the Town Web site, in the Town Clerk's Office (until 7:00 PM on the day of the meeting), and on the dais next to the Town Clerk during the meeting. A three minute limit per speaker will be strictly enforced. No interruptions by the members of the Town Board or public will be permitted. Any questions on agenda items should be asked at this time. Department Heads have the option of leaving the meeting following Public Comment. Therefore, if anyone has questions that are related to resolutions/items on the agenda that she/he would like to direct to a specific Department Head, those questions should be raised at this time.

### **BOARDS & COMMISSIONS**

The Town Board accepts with regret the resignation of Donna Rosengren from the Greenburgh Parks and Recreation Advisory Board

Appointment of Kristi Knecht to the Zoning Board of Appeals for a term to expire December 31, 2014

### **ATTORNEY – 993-1547**

#### **AT 1 - 10/10/12**

Resolution authorizing the retention of Morris, Duffy, Alonso & Faley Lip, as Outside Trial Counsel in the Matter of Grigory Kravtsov, et al v. Town of Greenburgh, for an amount not to exceed an additional \$25,000.00, \$50,000.00 in total

#### **AT 2 - 10/10/12**

Resolution authorizing Valuation Plus, Inc. be retained as Real Estate Appraiser for various properties, at a total cost not to exceed \$4,350

#### **AT-3 10/10/12**

Resolution authorizing tax certiorari settlement with petitioner Coca-Cola Enterprises, Inc. for property located at 111 & 115 Fairview Park Drive. The Town's share of the refund is \$301,637±; the Pocantico Hill Central School District's share is \$473,528±; the County's share is \$197,704±; the Saw Mill Valley Sewer District's share is \$30,500±; the Consolidated Sewer Mtc. District's share is \$6,636±; the N. Elmsford Fire Protection District's share is \$37,111±. Refunds from all sources total \$1,047,116±. (Please refer to the attached spreadsheet).

#### **AT 4 - 10/10/12**

Resolution authorizing tax certiorari settlement with petitioner Mack-Cali CW Realty Associates for property located at 200 Clearbrook Road. The Town's share of the refund is \$358,763±; the Pocantico Hill Central School District's share is \$595,959±; the County's share is \$261,331±; the Saw Mill Valley Sewer District's share is \$40,988±; the Consolidated Sewer Mtc. District's share is \$7,299±; the N. Elmsford Fire Protection District's share is \$42,550±. Refunds from all sources total

\$1,306,890±.

**AT 5 - 10/10/12**

Resolution authorizing tax certiorari settlement with petitioner Mack-Cali CW Realty Associates for property located at 50 Executive Blvd. The Town's share of the refund is \$182,014±; the Pocantico Hill Central School District's share is \$302,624±; the County's share is \$133,717±; the Saw Mill Valley Sewer District's share is \$21,011±; the Consolidated Sewer Mtc. District's share is \$3,682±; the N. Elmsford Fire Protection District's share is \$21,493±. Refunds from all sources total \$664,540±.

**AT 6 - 10/10/12**

Resolution authorizing tax certiorari settlement with petitioner Pelis Corp. for property located at 19 Livingston Avenue. The Town's share of the refund is \$2,744±; the Dobbs Ferry Union Free School District's share is \$175,376±; the County's share is \$27,480±; the No. Yonkers Sewer District's share is \$4,260±. Refunds from all sources total \$209,859±.

**AT 7 - 10/10/12**

Resolution authorizing tax certiorari settlement with petitioner Ioannis Rentoulis for property located at 52 Saw Mill River Road. The Town's share of the refund is \$139±; the Elmsford Union Free School District's share is \$7,841±; the County's share is \$1,689±; the Saw Mill Valley Sewer District's share is \$261±. Refunds from all sources total \$9,929±.

**AT 8 - 10/10/12**

Resolution authorizing tax certiorari settlement with petitioner Fulton Gardens LLC for property located at 25 County Center Road. The Town's share of the refund is \$34,012±; the Greenburgh Central School District No. 7's share is \$85,552±; the County's share is \$22,442±; the Bronx Valley Sewer District's share is \$3,201±; the Consolidated Sewer Mtc. District's share is \$734±; the Fairview Fire District's share is \$26,105±. Refunds from all sources total \$172,045±.

**AT 9 - 10/10/12**

Resolution authorizing tax certiorari settlement with petitioner Livingston Ridge Condominium for property located on Rivercrest Lane, Highview Circle and Livingston Avenue. The Town's share of the refund is \$34,012±; the Greenburgh Central School District No. 7's share is \$85,552±; the County's share is \$22,442±; the Bronx Valley Sewer District's share is \$3,201±; the Consolidated Sewer Mtc. District's share is \$734±; the Fairview Fire District's share is \$26,105±. Refunds from all sources total \$172,045±.

**AT 10 - 10/10/12**

Resolution authorizing tax certiorari settlement with petitioner Courtyard by Marriott Limited Partnership for property located at 475 Tarrytown Road. The Town's share of the refund is \$40,749±; the Tarrytown Union Free School District's share is \$155,041±; the County's share is \$26,386±; the Saw Mill Valley Sewer District's share is \$4,060±; the Consolidated Sewer Mtc. District's share is \$949±; the Glenville Fire Protection District's share is \$5,522±. Refunds from all sources total \$232,707±.

**AT 11 - 10/10/12**

Resolution authorizing tax certiorari settlement with petitioner 32 Hayes Street Limited for property located at 32 Hayes Street. The Town's share of the refund is \$583±; the Elmsford Union Free School District's share is \$21,761±; the County's share is \$4,511±; the Saw Mill River Sewer District's share is \$698±. Refunds from all sources total \$27,553±.

**AT 12 - 10/10/12**

Resolution authorizing tax certiorari settlement with petitioner Manor House Holding Corp. for property located at 140 Saw Mill River Road. The Town's share of the refund is \$10,609±; the Hastings-on-Hudson Union Free School District's share is \$51,330±; the County's share is \$8,561±; the Donald Park Fire Protection District's share is \$2,394±; the Saw Mill River Sewer District's share is \$1,368±; Refunds from all sources total \$74,263±.

**AT 13 - 10/10/12**

Resolution authorizing tax certiorari settlement with petitioner Edgemont at Tarrytown Condominium for property located at 175-569 Martling Avenue. The Town's share of the refund is \$17,157±; the Tarrytown Union Free School District's share is \$1,323,061±; the County's share is \$226,230±; the Saw Mill River Sewer District's share is \$35,205±; Refunds from all sources total \$1,601,652±.

**AT 14 - 10/10/12**

Resolution Authorizing Settlement of Property Damage Related Claim, File No.: 241/12C, By Erwin Lee Trollinger for an amount not to exceed \$2,806.34

**AT 15 - 10/10/12**

Resolution approving the establishment of the Gelsprain Drainage District in the Town of Greenburgh after Public Hearing

**CLERK – 993-1500**

**CL 1- 10/10/12**

Resolution authorizing closing Edgemont Road, from Round Hill Road to Roxbury Road, on Sunday, October 28, 2012, from 2:30 PM to 4:00 PM, for the Edgemont Community Council to host its "Annual Halloween Parade"

**CL 2- 10/10/12**

Resolution authorizing closing Walbrooke Road, from Glenwood Road to Roxbury Road on Wednesday, October 31, 2012, from 4:30PM to 8:30 PM for the safety of children Trick-or-Treating

**COMMUNITY DEVELOPMENT – 993-1505****CD-1 – 10/10/12**

Resolution for approval of a two year time extension on the October 5, 2010 approval of an application by Fortress Bible Church and School for (1) Site Plan Approval for a proposed five hundred seat church and one hundred and fifty student, Kindergarten through twelfth grade school, (2) A waiver of Section 285-38D(9), to allow more than fifteen (15) parking spaces in a single line to be permitted without such a suitable landscaped curbed island; and (3) a tree removal permit for the application (case No. TB 99-01)

**CD-2 10/12/12**

Resolution issuing a a Negative Declaration for the SEQRA Determination of Significance by the Town Board of the Town of Greenburgh with respect to the Special Permit Application and all related actions by Cumberland Farms Inc. affecting real property located at 610-632 South Central Park Avenue (also known and designated on the Tax Assessment Map of the Town as Parcel ID: 8.410-299-5 and 8.410-299-4)

**CD-3 10/10/12**

Resolution approving, with conditions, the Special Permit Application by Cumberland Farms, Inc. affecting Real Property located at 610-632 South Central Park Avenue (Aalso known and designated on the Tax Assessment Map of the Town as Parcel ID: 8.410- 299-5 and 8.410-299-4)

**COMPTROLLER – 993-1528****CO 1 - 10/10/12**

Resolution approving Budget Transfers for fiscal year 2012

**PARKS & RECREATION – 693-8985****PR 1 - 10/10/12**

Resolution authorizing the Town of Greenburgh Department of Parks & Recreation to go out to bid for Paper Goods, Athletic Supplies, T-Shirts, Landscape Supplies, Grounds Maintenance & Supplies, Turf & Landscape Equipment, Pool Supplies, Professional Tree Service, Turf Fertilization, Arts & Crafts Supplies, Security Guard Services, Bus Transportation Services, Road Lighting at Anthony F. Veteran Park and Pool Shell Renovations

**PR 2 - 10/10/12**

Resolution authorizing the execution of an agreement to provide Site Meals, Home Delivered Meals and Transportation between the Town of Greenburgh and the County of Westchester, the Town of Eastchester and the Town of Mt. Pleasant.

**PR 3 - 10/10/12**

Resolution authorizing the execution of a \$113,459.00 grant agreement between the Town of Greenburgh and the County of Westchester, the Town of Eastchester and the Town of Mt. Pleasant to provide site home delivered meals and transportation.

**PHILANTHROPY – 993-1515****PH 1 - 10/10/12**

Resolution authorizing the execution of a contract between the Town of Greenburgh and Xposure Foundation, Inc. to provide After-School Services for the Town of Greenburgh-Xposure Greenburgh After School Program located at the Theodore D. Young Community Center

**POLICE – 682-5340****PO 1 -- 10/10/12**

Resolution adopting the recommendations of the Greenburgh Police Department to restrict commercial vehicle traffic on Greenvale Circle amending Chapter 460 of the Code of the Town of Greenburgh

**PO 2 - 10/10/12**

Resolution authorizing the Supervisor to enter into an Inter-Municipal Agreement with the Village of Tarrytown to formalize the Mutual Aid Agreement for Greenburgh Technical Rescue Team (GTRT)

**Reesponse Purpsoes**

**PUBLIC WORKS - 993-1573**

**PW 1 - 10/10/12**

Resolution authorizing an agreement to extend the Indexed Lump Sum Municipal Snow & Ice Contract between the Town of Greenburgh and the State of New York until June 30, 2013, for an amount of reimbursement to the Town by the State, not to exceed \$20,495.20