

The Edgemont Community Council, Inc.

Founded in 1947 to determine community opinion on civic matters and coordinate community action thereon and to plan and promote the general welfare of the community embraced within Union Free School District #6.

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February 1, 2012 – Re: Dromore Road

Below are e-mails between ECC President Geoff Loftus, Corresponding Secretary Aubrey Graf-Daniels and Greenburgh Town Supervisor Paul Feiner and Town Attorney Timothy Lewis.

Despite numerous requests that the Town honor state law and protect Greenburgh's residents in the Dromore Road case, not once was anyone at Town Hall willing to confirm, in writing, that they would do so.

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From: [Timothy Lewis](#)
To: Aubrey Graf-Daniels
Date: Tue, 31 Jan 2012 09:29:14 -0500
Subject: RE: Dromore Road - Building Permit

Thank you. I will not be responding by email.

Tim

* * *

From: Aubrey Graf-Daniels
Sent: Monday, January 30, 2012 9:09 PM
To: Timothy Lewis
Subject: Re: Dromore Road - Building Permit

Mr. Lewis-

Thanks for suggesting I call, but I would prefer that you respond to my inquiry in writing, or if you cannot, please explain in writing why you cannot. Your prompt response would be appreciated.

Thank you, Aubrey Graf-Daniels

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From: [Timothy Lewis](#)
To: Aubrey Graf-Daniels
Date: Mon, 30 Jan 2012 4:58 PM
Subject: RE: Dromore Road - Building Permit

Please call me at (914) 993-1546 if you get a moment.

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From: Aubrey Graf-Daniels
Sent: Monday, January 30, 2012 2:02 PM
To: Timothy Lewis; Paul Feiner; Geoff Loftus; Town Board
Subject: RE: Dromore Road - Building Permit

Mr. Lewis-

Thank you for your response on Friday, but, again, I still have more unanswered questions. For example, can you please confirm my understanding that because an automatic stay is in effect, no building permit can legally be issued to develop that property for multifamily housing. Period.

Thank you, Aubrey Graf-Daniels

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From: Timothy Lewis, Town Attorney
To: Aubrey Graf-Daneils, Paul Feiner, Geoff Loftus, Town Board
Date: Fri, 27 Jan 2012 16:36:38 -0500
Subject: RE: Dromore Road - Building Permit

Ms. Graf-Daniels, I guess the answer is really simple. The Town Board is not immediately proceeding to correct the erroneous Zoning Map because I, and the outside law firm retained to handle this matter, have information that you and others may not be privy to and, for legal reasons, we have advised the Town Board not to amend the Map at this time.

Tim Lewis, Town Attorney

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From: Aubrey Graf-Daniels
Sent: Friday, January 27, 2012 3:48 PM
To: Paul Feiner; Geoff Loftus; Town Board; Timothy Lewis
Subject: RE: Dromore Road - Building Permit

Dear Mr. Feiner:

Why can't you EVER answer a direct question without personal attacks and runaround?

Aubrey Graf-Daniels

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From: Paul Feiner
To: Geoff Loftus, Town Board, Town Attorney
Date: Fri, 27 Jan 2012 12:45:17 -0500
Subject: RE: Dromore Road - Building Permit

he ECC has been publishing unfair accusations about my role re: DROMORE Road lawsuit. They have made representations that are not true --on their website, in newspaper articles, in scarsdale10583.com. I was planning to say nothing. But- I think it is unfair for residents to be given inaccurate information.

[NOTE FROM GEOFF LOFTUS: At this point in the e-mail, Mr. Feiner launches into a personal attack on Bob Bernstein and Michelle McNally. We're not going to repeat those attacks. Mr. Feiner accuses Mr. Bernstein and Ms. McNally of unethical behavior – something a state commission on open government found no evidence to support. Greenburgh's Zoning Board and the NYS Court in the Dromore case also chose to ignore these empty accusations.]

I find it upsetting that my views keep getting misrepresented on the Edgemont Community Council page.

PAUL FEINER

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From: Geoff Loftus
Sent: Friday, January 27, 2012 11:32 AM
To: Paul Feiner; Town Board; Timothy Lewis
Subject: Dromore Road - Building Permit

Paul,

Thanks for calling me to let me know you do not support multi-family development on Dromore Road. Even if the Court is wrong, and we think he is, we still think the Town Board needs to correct the erroneous Zoning Map as soon as possible so to remove any uncertainty that may exist as to the correct zoning classification for that property. We do not understand why you are not moving quickly to get this done.

In addition, your note to John Lucido and Timothy Lewis does not go nearly as far as it should. Under New York state law, the filing of a notice of appeal by any political subdivision of the state, including a Town, automatically "stays all proceedings to enforce the judgment or order appealed from pending the appeal." The relevant state law is CPLR 5519(a)(1). Since the law in New York grants Towns an automatic stay of a court's rulings whenever the towns file a notice of appeal, I would think the proper instruction to Mr. Lucido is "Under no circumstances, while the Town's appeal is pending, should any permits be issued in respect of the Dromore Road property."

Similarly, I do not understand Mr. Lewis's email which, if I understand it correctly, means the Dromore application will continue to go forward while the appeal is pending. Thus, he writes, "Please note that a building permit will not and cannot be issued to S&R Development until SEQRA (State Environmental Quality Review) is initiated and completed and the Town Planning Board site plan approval process is

commenced and completed." If the entire application is based on a court ruling that is automatically stayed pending appeal, why is the Town continuing to process the application and why is the Town Attorney then telling us that once these procedures are commenced and completed, a building permit will be issued?

We need you to confirm our understanding that because an automatic stay is in effect, no building permit can legally be issued to develop that property for multifamily housing. Period. And we need you to confirm it publicly so that it's on the record, and the whole community knows what is going on.

Thanks, Geoff

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From: Paul Feiner

Sent: Thursday, January 26, 2012 12:01 PM

To: Timothy Lewis; Town Board; John Lucido; Geoff Loftus

Subject: dromore road building permit

John: Before any building permit is issued re: Dromore Road, please provide the Town Board with the opportunity to review the request. We can schedule a work session on this as soon as a request for a permit is made. A number of residents have expressed concern that a building permit could be issued anytime and I want the Board to be aware of any request before actions are taken.

PAUL FEINER