

Donna Conkling

From: mark nadler <nadler.mark@gmail.com>
Sent: Thursday, March 18, 2021 7:12 PM
To: Greg Cutler
Cc: proscars@aol.com; Elizabeth Schiffman; Peter Gelfman; Frank Diodati; Shelby Miller; David Goessl; Joanne Wallenstein; Todd Sliss; Laura Strauss; Elaine Schroeder; Ed Schroeder; Vicki Nadler; Mayor; Trustee Crandall; Donna Conkling; Clifford Davis; George M. Janes; Michael Stein
Subject: Re: Update, 4 Kingston Road, Scarsdale

CAUTION: External sender.

Dear Greg, Frank, Mayor and Trustees,

The involvement I have requested of the Mayor and Trustees is to oversee the members of an appointed board who are operating inefficiently, unprofessionally and without reason or logic being applied in their decision making.

The Mayor did get involved previously when he assured me I would receive a fair review of the project at 4 Kingston Road.

This request is made with the hope of avoiding a lawsuit against the Village and community where I have lived, worked, paid taxes since 1984.

Please see the request below and respond.

Chair

Board of Architectural Review

Scarsdale Village Hall

Popham and Crane Roads

Scarsdale, NY 10583

Dear Chair,

I, Mark Nadler, with my wife Vicki Nadler, 171 Brite Avenue, Scarsdale are aggrieved persons with regard to the determination re 4 Kingston Avenue made by the Board of Architectural Review on March 1, 2021.

Pursuant to Chapter 18-19 we hereby request that the BAR timely provide formal findings of fact.

Please confirm that my wife and I as adjoining neighbors and aggrieved persons have the right to appeal pursuant to this section, 18-19. Otherwise, there would be no mechanism to appeal such a decision which has set forth no formal findings of fact and no reasons for its determination.

Sincerely,

Mark Nadler

On Mar 9, 2021, at 1:27 PM, Greg Cutler <gcutler@scarsdale.com> wrote:

Dear Mr. Nadler,

Your email to the Mayor was forwarded to me for response. Thank you for your comments regarding the recent Board of Architectural Review meeting. Please note that the Board of Architectural Review operates independent of the Mayor and Board of Trustees. The Board of Trustees convenes on an annual basis to appoint members to the land use boards, including the Board of Architectural Review, but once members are appointed they review applications in accordance with Village law and without the involvement of the Mayor and Board of Trustees. Your comments are certainly noted but it would be inappropriate for the Mayor or Board of Trustees to comment on the substantive or procedural aspects of a matter that had been considered by a Village land use board.

Best regards,

Gregory Cutler, AICP
Village Planner
914-722-1132
Gcutler@scarsdale.com
planning@scarsdale.com

From: mark nadler [mailto:nadler.mark@gmail.com]

Sent: Sunday, March 7, 2021 10:10 AM

To: Mark <nadler.mark@gmail.com>; proscars@aol.com; Elizabeth Schiffman <elizschiff@verizon.net>; Peter Gelfman <pgelfman@aol.com>

Cc: Frank Diodati <fdiodati@scarsdale.com>; Greg Cutler <gcutler@scarsdale.com>; Shelby Miller <smiller@scarsdale.com>; David Goessl <dgoessl@scarsdale.com>; Joanne Wallenstein <scarsdalecomments@gmail.com>; Todd Sliss <tsliss@scarsdalenews.com>; Laura Strauss <lgstrauss56@gmail.com>; Elaine Schroeder <elainediz@aol.com>; Ed Schroeder <edschroeder33@gmail.com>; Vicki Nadler <Vnadler171@gmail.com>; Mayor <mayor@scarsdale.com>; Trustee Crandall <lcrandall@scarsdale.com>; Donna Conkling <dconkling@scarsdale.com>; Clifford Davis <cdavis@clifforddavis.com>; George M. Janes <george@georgejanes.com>; Michael Stein <michael@hudsonec.com>

Subject: Update, 4 Kingston Road, Scarsdale

CAUTION: External sender.

Everyone,

The meeting last Monday in front of the BAR did not go well for many reasons and ended with a 4-3 vote to approve the new plans submitted by the developer despite many issues with what was presented.

The new plans;

1. Increased the number of retaining walls and added fences on top of them.
2. The length of the primary retaining wall increased to approximately 120' with its new curved shape and begins approximately 12-15 feet from my property line.
3. The landscaping plan described and put forth does not match what was described verbally.
4. The number of trees being removed was not reduced.
5. The hill was NOT saved.
6. The house will tower at least 57' above my property and be visible from all sides.

The link to the meeting is below as is a copy of the email sent to the Mayor.

To see the meeting, click on the link below and advance the video to the 3:04 mark.

<https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fvimeo.com%2F518704778&data=04%7C01%7C%7Cee05b8b50a1741ac6c9208d8de7936af%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C637503959476636515%7CUnknown%7CTWFPbGZsb3d8eyJWljoimC4wLjAwMDAilLJQljoiv2luMzliLJBTil6lk1haWwiLJXVCl6Mn0%3D%7C1000&sdata=XltP6MIkiwz3PriPYVUHIUv5D6scw9t8N3faK9FGlcE%3D&reserved=0>

The discussion of Kingston did not start until after 10:04 pm and was too late for many of the neighbors and concerned Scarsdale residents to watch. This was the second time this was done and even though the Village called this a “holdover” discussion and did not require notice from the builder to the neighborhood, it was scheduled as the last item on the agenda. The Mayor ignored the emails sent before and after the meeting regarding this issue.

During the discussion, the chair did not permit my hired professional experts to present the plans, showing the changes as they had been made by the developer. The microphone of the developer was left open and he interrupted, contradicted and then called us “liars and manipulators” before threatening legal action. The chair of the BAR did nothing to control this meeting and as a result, WRONG information was allowed to be presented again, making a farce of this approval process.

The chair evidently ran out of patience, or energy and despite several BAR members having objections and wanting conditions made prior to approval of the plan, called for a straw vote, and then, knowing that it would be approved, put it up for vote, where it passed.

The loss of character to the neighborhood and the financial damage to my property value was not addressed or considered by the BAR members who voted in favor of the plan which is a blatant Breach of the stated objectives of the BAR. The chair questioned my expert whether the photo simulation he had created was accurate since it showed how open, and unscreened the massive retaining walls and hill would be. Despite this, the chair voted in favor of the project.

In this lack of responsibility, the BAR has AGAIN failed all Scarsdale residents but more disturbing is the lack of response of our elected trustees, including the Mayor, who has not responded to any of the emails or requests to get involved and prevent this destruction of the hill and neighborhood.

Approximately 750 people signed the petition opposing this development, yet the builder acknowledged this is being done to increase the size of usable backyard that this property will have. The BAR ignored

The only remaining remedies are lawsuits against the Village. As I consider these options, please let me know your feelings and willingness to join this fight. I am extremely disappointed that I have been forced to hire and pay experts to show and prove how destructive this project will be and then those experts were not allowed to present this information at the meeting.

Thanks for your continued support, comments and suggestions.

Sincerely,
Mark Nadler

Dear Mr. Mayor,

Prior to the January BAR meeting you had assured me that we would receive a fair hearing and be allowed to present our information when we spoke prior to the BAR meeting in January. Indeed, that did happen and the approval was **not** given. No such hearing was conducted last night and approval WAS given, despite the number of retaining walls increasing, the length of the walls increasing and the addition of fences on top of the walls!

Please watch the recording of the discussion on [4 Kingston Road](#) that happened at the BAR meeting last night and explain why we were not provided the same opportunity to present our information. The chair admonished us to NOT repeat ourselves since it was so late, prevented my experts from showing the plans that the builder had presented to us WITHOUT RETAINING WALLS or the destruction of the slope, told the BAR members to limit their questions since it was late.

The builder was allowed to have an open microphone for the entire meeting, constantly interrupted the BAR members, my experts and me, threatened us, called us "liars and manipulators" and was not controlled at all.

I am outraged at the way this part of the meeting was run and the unfair result that was delivered despite the facts we had prepared and presented (limited as we were) versus the inconsistencies and misrepresentations of the submissions made by the applicant. One example was the photos of the new "boulder wall" which a BAR member astutely pointed out did not match the description in the plan. The chair dismissed this plus many other important pieces of the discussion such as that the LANDSCAPING PLAN DOES NOT MATCH THE RENDERINGS THE APPLICANT DISPLAYED OF MY BACKYARD. These are the same type of misrepresentations that happened at the June meeting and led the improper approval of the project then.

The chair completely FAILED to run or control this meeting and despite the retaining walls getting LONGER and multiplying with fences on top of them (versus what was presented in January), the vote was rushed and shoved [through 4-3](#) in favor of the applicant DESPITE several of the BAR members asking for conditions to be made for the approval. The chair must have decided that he could not permit the meeting to run any longer since it was after midnight or he wanted to be permanently done with 4 Kingston.

The BAR FAILED to get it right last night and you can now add [4 Kingston Road](#) to the growing list of construction projects that everyone points to and says “How was that ever approved?”

Watch the recording and tell me if you disagree. Otherwise, I would like to hear how you are going to correct this situation.

Sincerely,
Mark