

TOWN OF MOUNT PLEASANT

MINUTES OF THE MEETING OF THE PLANNING BOARD TOWN OF MOUNT PLEASANT WESTCHESTER COUNTY, N.Y. HELD APRIL 21, 2025

BUSINESS ITEMS

Acceptance of minutes drafted from the 4-3-2025 Planning Board meeting

Motion was made by John Piazza to adopt the drafted minutes, seconded by Eileen McClain, all members present voted in favor.

NEW PUBLIC HEARINGS

- Proposed: 399 Old Sleepy Hollow Road, Pleasantville**
Subdivision of one lot into two for the purposes of development of a single family dwelling.

Application: PSD 25-01

Location: 399 Old Sleepy Hollow Road, Pleasantville

Section/Block/Lot: 105.18-1-19 & 20

Zone: R-40

Owner & Applicant : Joes & Zulema Montiel

Engineer/Architect: ARQ Architecture, P.C

Attorney Korey Salomon appeared on behalf of the property owner to present the application for a two-lot subdivision.

Public comments:

- Steven Kavee, Conservation Advisory Council - This parcel is in close proximity to the Pocantico Lake and is part of the Pocantico Watershed. Noted there is a water course close to where the septic treatment is proposed. Conditions of the code require a five-year maintenance for those septic systems within the New York City DEP watershed area. The suggestion I might have as part of a condition of approval is to require a five-year maintenance plan of the septic system in order to protect the watershed area. This is a very valuable watershed and habitat area. Patrick Cleary commented county health department has the sole authority to approve the septic system. You could impose a condition that is to comply with the county's conditions to maintain the septic system. That's okay. But something additional above and beyond you have to be careful with that. The DEC is assuming control over this wetland permit. Our typical local wetland permit is now in the hands of the DEC. They didn't tell us why they are assuming

control necessarily, there may be a concern related to septic effluent into the wetland. If the DEC or another regulatory agency has a different concern that somehow relates to the septic system, that could be a condition of approval at the end of the day. Steven Kavee clarified, the code is once every five years to perform a pumping, which is what they call maintenance. You think people would just do it, but they don't and there is not much monitoring, oversight or enforcement so it's really left up to homeowners to comply on their own. We're talking about the consequences from seepage that may not actually cause the homeowner problems, but are environmental and may have impacts on vulnerable watersheds.

End of public comments

Board Member Comments

- What's going in the resolution is that we're going to conform to the DEC's requirements, however enforcement is a concern. Mr. Patrick Cleary replied, it's tricky for us to get into that, there are considerations for number of bedrooms, number of people etc., and because it is in the realm of the health department or the DEP, until we adopt a code provision for that, I kinda think it's those agencies responsibility.
- It's a good idea to have these items memorialized as part of the resolution, we have an open Public Hearing.
- Mr. Patrick Cleary commented, the unusual thing here is we are engaged with the DEC. So the plan, as you currently see now, conforms with our local wetland setback provision, which is 50 feet. The state setback provision is a hundred feet, and a corner of this building and the swimming pool would be within the state's regulated area. The state may come back and say we're not going to give you a permit we want you to move the pool and the building, that would change the plan. We've just never been through this dance with the DEC before, so I would be inclined to wait to hear what the DEC tells you before you close the public hearing and act on this when the 90 days is up. Korey Salomon replied the 90 days is just for them to take to confirm their jurisdictional determination, and we have that, they have taken jurisdiction. How long it's going to take them for their approval - we don't know. Mr. Patrick Cleary added, statutorily it's another ninety days for their decision, but I think that's from when they issued the JV, so I'd be careful, in this case, if the DEC tells them to move the house, that's a whole new plan. John Piazza commented, to have to wait 180 days for something, is pretty crazy, if they have to redo the plan then let them redo it. Korey Salomon added it's mostly the pool that's in the buffer if we have an issue with the pool we'll just take the pool off the plan. We're seeking conditional approval so we can get into the health department as soon as possible, as you know that can be problematic. We're willing to take that risk that we may have to come back and do the whole process over again. Chairman Collins clarified, any change at all that you made to that plan you would have to come back to this

board to make that change. Yeah it's uncharted territory, but we're trying to figure this out. They are aware of the risk that they may have to come back for any changes.

Motion was made by John Piazza to close the public hearing, seconded by JD Summa, all remaining members voted in favor.

Motion was made by John Piazza to have the consultant draft a resolution of approval with the conditions mentioned here tonight, seconded by Jane Abbate, all members voted in favor.

NEW APPLICATIONS

2. Proposed: 9 Skyline Drive Legalize installation of a 60KW Generator for River Valley Wine Cellars

Application: Site Plan # PSP 25-3

Location: 9 Saw Mill River Road, Suite 1, Hawthorne

Section/Block/Lot: 116.8-1-12.4

Zone: OB-6

Owner: M&S Storage, LLC

Applicant: Marcy Engineering

Mike Letizia and Jake Stone of Marcy Engineering appeared on behalf of the property owners to discuss the application to legalize the existing generator on site. The following was discussed:

1. River Valley Wine Cellars, a wine storage facility in Hawthorne, had a generator installed at their location several years ago, but unfortunately it was never legalized by the contractor who installed it.
2. This is an emergency generator in the event there is a power failure to the facility. The business has a very large amount of wine in stock which will go bad if not properly stored and at the proper temperature.
3. The gas pipe feeding into the generator had a lock put on it by Con Edison
4. A bird's eye view of the generator shows it in the back corner of a commercial building where the loading dock is.
5. The specs for this generator were provided
6. Showed site plan with all generators on site including the two from last year for Crown Awards who went through this approval procedure. Each of the generators have a fence enclosing it. Our generator would be a couple of hundred feet away towards the end of the building. The new master plan would have the two existing generators and our one.

Board member comments:

1. When you say the contractor didn't file the permits, who hired the contractors?

Reply - River Valley Wine Cellars did. So it was really the applicant who has not legalized the generator.

2. Why did Con Edison put a lock on it? Jake Stone replied when they went to fire the generator for a test, it sucked the gas right out of the line which alerted Con Ed, realizing there was an increase in gas consumption Con Ed locked out just the generator valve for the building. There's already gas for the facility for communicators and other things going on so when they added this to the loads without filing with Con Ed that triggered this whole legalization process.
3. Aren't there supposed to be some bollards enclosing this for security? Patrick Cleary added not only does our code require it to be screened and enclosed, but when this was originally approved, there were bollards to be installed around it. There were prior issued approvals, but never a building permit.
4. If you put the bollards up and you put the fencing up, does it reduce the parking at all? Reply - No, it was not a parking space. The previous footprint of the earlier generator is where this is going. Mr. Patrick Cleary added if there's a way to confirm that, they may have replaced that parking space with another parking space on the site a long time ago. If there's a way to go back to old site plans to verify that, it would be useful.
5. Reading the Crown Award generator approval from last year, on the same site but on the other side of the building, there is another generator and that's why we have the master generator plan so they are not scattered all over the place and we can avoid multiple generators. Mr. Patrick Cleary added, the intent of the master plan was to have a single located, sort of generator park within these facilities. It was to benefit multiple-tenant buildings and may not have taken under consideration multiple owners.
6. That crown awards resolution had 21 conditions in it. Have you seen that and can you meet them, because they were kind of general conditions from the Town Code for generators, including the enclosure and the bollards and others.
7. I would make a point that this landlord or the owners know there is no putting in any more generators. If there is an need for more then they come in and reapply then redo the master plan for better compliance.
8. Was the electrical panel updated to handle that? Reply - Yes. Board asked, did they get a permit for that? Reply - No.
9. Have they resolved the gas flow problem from Con Ed's perspective that alerted Con Ed to the usage? Reply - They do have the upgraded meter, the plumber has gone through that process, but the work has not been done because everything was put to a stop.
10. This is not visible from the surrounding roadways, there are no residents nearby that would hear it running, it's in a location where there was already some kind of generator however this is bigger. I feel like if you can meet the code requirements this may work out.
11. There are some more questions to answer on Pat Cleary's memorandum, and we still need to have comments weighed in from Engineering.

3. Proposed: 70 Leroy Road Development of a single-family dwelling, new

driveway, well and on-site wastewater/septic system.

Application: Steep Slope #SS 25-0

Location: Vacant Land on Leroy Road and Bristol Lane, Chappaqua

Section/Block/Lot: 99.6-2-20.2

Zone: R-40

Owner: Sean Shephard

Applicant: Jacobschang Architecture

Engineer/Architect: Mike Jacobs

Architect Mike Jacobs appeared on behalf of the owner to present the proposal for a single-family home on the property, which is currently undeveloped. The below was discussed:

1. The neighborhood is really a collection of single-family homes of varied shape and size, on somewhat generous properties.
2. In 2009 there was a successful subdivision of a neighboring property, 68 Leroy, creating this lot.
3. The original home still exists, with this lot currently undeveloped. From the prior subdivision map you can see some of the areas of septic and expansion on the existing property, and septic with expansion on the proposed property in an area that meets the zoning setback requirements.
4. The wetland gets triggered on the EAF. There's a wetland designation down on the opposite side of the road and down the hill on the opposite side of the hillside. The area is defined as an information freshwater wetland which looks like a pond.
5. We come in through a flag lot where it starts fairly level, as the property opens up there are varying ranges of slopes, tree clusters and some rock outcroppings.
6. Our proposed building height is below the maximum allowable; the grade of the driveway meets the code criteria; the floor area we're proposing is 4,300 square feet; and our building coverage is under the allowable 10%.
7. Since this is a bit of a funky lot I met with the building inspector to get the yard designations for this lot. There's a Paper Street down on the east side of the property that is going to be called a front yard, so 60 feet. We also have been asked to do a second front yard from the flag portion, which is also 60 feet, and three side yards, side yard on the north, side yard on the west, and side yard on the south. We're not asking for any zoning variances on setbacks.
8. There are eight trees that we've designated as potentially being removed. One is a beautiful ornamental specimen 14" Japanese Maple tree. We really don't want to take it out, but we can't really figure out how to find overflow parking on the property that's not down below. The driveway is very narrow, so this seemed like the right spot and it just happens to not work out very well. We do our best to try and keep it, but it's going to be difficult. The remaining seven trees are what are called princess trees and they are considered an invasive species from China. According to the experts these trees really shouldn't be planted as they present a spreading problem.
9. On the backside of this forsythia is where the the hillside kind of drops off

towards that freshwater area or whatever we're understanding that wetland to be.

10. The gray area is the driveway. We have two cars in the garage for parking, there's also a sort of level area for two in tandem spots above on the upper portion of the driveway. So there are two overflow spots and four total spots on the site.
11. The septic expansion field is on the southern side. This is where we're currently showing kind of a pea gravel seating area, but if the septic needs to get expanded, that's where we'll go, and it will require the import of certified backfill to raise the entire area by about three feet. There's a well that's proposed down at the lower portion of the topography so it'll require a pump, but it is within the hundred-foot radius of all the structures around it.
12. For storm water mitigation the engineer provided us with two in-ground cultec units that will take all the stormwater from the impervious areas of both the roof and the driveway.
13. As we drive up the hill it's a moderately maintained road, there's a two and a half to three foot stone wall that kind of carries into the property all the way to where it opens up and that stone wall continues sort of around the property line.

Board member comments:

1. Do you have any plans for a pool or anything like that? If there is going to be a pool we need to think about it now and not later because we're running into a problem with these excessively steep slopes where people either start to live in it and decide they now want a pool, or they sell these homes and the new owners want a pool. Mr. Jacobs replied, not sure actually, but in this initial proposal, no. It's not in the budget so it's not in the plans.
2. That road is very windy and tight so street parking is not a great option, the off-street parking is met, but what about having guests? Mr. Patrick Cleary added, that was a conversation when this was subdivided originally because there really isn't any on-street parking on Leroy and this is it. So there was a conversation about the adequacy of parking. That's why even at the time, if the requirement is two parking spaces, you've got to provide more than that on your site. Eileen McClain commented, isn't your overflow designed like a cutout where you have nine feet so that people can go in and out and not everybody has to move their cars, kind of like bypass. So when you have company, your company would just line up along there and then have the two overflow and the two in the garage giving you the whole length of the driveway. Those people are wildly inconvenienced when somebody inside wants to get out. Reply - That's exactly the idea, but it's only about 12 feet wide for the cars. Eileen McClain added it would also be really good given the length and the turn and the narrowness of the driveway that one could go nose out, so is there an opportunity for you to provide that? Reply - We do have room for that up at the garage. John Piazza suggested, I think you also have room on the side to build some type of retaining

wall if they want for more spots. The kids are going to get older, they're going to get cars.

3. What is the distance between the road and the house? Reply - No plans have been submitted on this yet, but probably about 200 feet.
4. Two cultecs on an acre site with a 4,300 square foot house seem very light.
5. What's your fuel source for heating? Reply - it'll be electric, there will be no liquid fuel on this property.
6. Will you be proposing a backup generator as well for this property? Reply - Most likely, that hasn't really been discussed, but I think it's probably wise. Is that something we need to include in our plans? Board replied, yes.
7. Is this a house that's going to be sold on spec or is it going to be for this owner? Reply - The intention is for them to raise their two young kids here.
8. I want to make sure whoever the owner of this property is now, in the immediate future, in ten or fifteen years from now, that they understand they're buying a severely constrained lot. A lot of times these applications come back before us as they want to put in a play set, they want to put in a pool. Pat, we have to figure out a way to make sure that we are very clear that this board is very aware that it's a severely constrained site and that there's hesitation about adding other things to the site without adequate thought.
9. Play/gyms sets were mentioned earlier only because somebody wanted to put a play gym literally on a cliff and they wanted to alter the property to accommodate that. If you put the play gym in a flat part of the property, then we have no jurisdiction, but it's when you start altering the site to accommodate things that probably should have been thought about in the beginning.
10. Where you are proposing the septic and bringing in about three feet of fill, it seems that the septic system may be higher than the first floor elevation. Are you going to have to pump your sewage out? Reply - No, it's not required. It will still be lower, we may need to pump from the lower level up, but everything on the main level is gravity fed.
11. What we want to convey and to make sure you understand, is we want to know everything that is planned to hit this site whether this year or next year or future, so we can look at the entire site. And not just us, but the staff and the public, so consider a pool, generator, shed, playset etc.
12. Your limit of disturbance line where you're going to be going into those steep slopes, your stabilization with plantings for the long term will be really important. Mr. Patrick Cleary added, there are the 25 review standards for the steep slope permits, many of those relate to things like slope stabilization. So add a narrative response to how you'd comply with that.
13. You've got a lot of fill coming onto the site, you're going to have to figure out how many trucks it will take to bring in 400 cubic yards and how you're going to get that in and up that road.
14. Please mark on the plan where the trash will be stored and picked up on the site.
15. You still need to hear from Engineering

[MIN_SIGNATURES]

