

TOWN OF MOUNT PLEASANT

MINUTES OF THE MEETING OF THE PLANNING BOARD TOWN OF MOUNT PLEASANT WESTCHESTER COUNTY, N.Y. HELD JANUARY 4, 2024

BUSINESS ITEMS

Acceptance of drafted minutes from the 10-16-2023 & 11-2-2023 meetings.

Item not motioned

- 1. Proposed: Acceptance of drafted resolution of approval for the construction of an addition to consist of a garage, an in-ground pool and patio over existing garage, 67 Leroy Road, Chappaqua, SBL 99.6-2-18.1, R-40 Zone, Kevin Orsini.**

Motion was made by John Piazza to accept the resolution of approval, seconded by Joan Lederman, all members present voted in favor.

9 Walnut - Request a one-year extension of a resolution of approval for Site Plan Application # SP 21-04 for the development of a two-story office building and garage and associated parking, storm water management facilities and utilities. 9 Walnut Place, Thornwood, 116.15-1-5.1, Kings Capital Holdings, LLC

JD Summa recused himself.

Motion was made by John Piazza to grant the one-year extension, seconded by Joan Lederman all members present voted in favor.

CONTINUING APPLICATIONS

- 2. Proposed: Redevelopment of vacant parcels to construct a +- 3,000 SF landscaping supply and equipment storage barn, a +- 200 SF detached office building with driveway, parking area, stormwater mitigation facilities, landscape/screen areas.**

Application: Site Plan# SP 23-07

Subdivision # SD 23-04

Steep Slopes # SS 23-13

Location: Vacant Parcel on Brighton and Bradhurst Ave, Hawthorne

Section/Block/Lot: 112.9-1-2&3

Zone: C-NR & R-10

Owner: Brighton Ave. Properties, LLC

Applicant: Brighton Avenue Properties, LLC
Engineer/Architect: KSCJ Consulting

Steven Scignano of KSCG appeared on behalf of the applicant to present the updates on the application. They have received communication via letter from NYS DOT dated 12-20-23 stating they have accepted the location of the curb cut with conditions one of them being the installation of a sign. We are here tonight looking to go to the ZBA for the variance application. Chairman Collins asked them to confirm that the DOT has accepted the location of the driveway? Mr. Scignano replied it is tentatively accepted.

Mr. Collins replied tentative is a big difference a lot could hinge on that, you need to work on that tentative and turn it into something more permanent. We would like something more of a final sign off from the DOT. Joan Lederman commented that doesn't look like a great spot for a driveway to me it creates somewhat of a four-way intersection. John Piazza asked if the DOT letter covered anything else, Mr. Scignano read the DOT correspondence to the Board. Mr. Patrick Cleary commented typical procedure with DOT is there is some conversation with us so we can reflect our concerns with them, we do not know if that has occurred, so that loop needs to be closed.

Mr. Scignano asked for any further comments, Mr. Cleary replied there was subsequent review correspondence from him that identifies a few other items to be cleaned up.

That correspondence from Cleary Consulting was not received by the applicant, but they will address them. Chairman Collins commented there is a little more work to do, we would like to hear more formally from the DOT including a final sign off if possible.

- 3. Proposed: 743 Bedford Road - Two lot subdivision from a 288.49 acre parcel.**
The first lot is to be approximately 281.64 acres and the second is a 6.86 acre parcel, which will have a single-family dwelling constructed.

Application: Subdivision #PSD 23-5

Location: 743 Bedford Road, Sleepy Hollow

Section/Block/Lot: 111.11-1-7

Zone: R-40

Owner: People of the State of Parks Recreation and Historical Preservation

Applicant & Engineer: JMC Planning, Engineering PLLC

Rich Cordone of JMC appeared to present the application, they are at the point where the only options are to change the site plan or go to the ZBA for the required minimum street frontage variance. The applicant wants to keep the site plan as is and will seek the variance, we are hoping to receive your referral to the Zoning Board this evening. Eileen McClain asked how likely is it that the ZBA will vote against the recommendation of the Town Staff? Patrick Cleary replied there was a difference of opinions from the beginning of the application submission in the zoning requirement being met. This is not an appeal of the decision made, it's to determine the approval of the variance. Joan Lederman asked if the house was already built, Mr. Cordone replied it is under construction just about built, but does not have a CO. Joan asked how do they access the lot now? Mr. Cordone replied through the road that is the easement.

Mr. Patrick Cleary commented that the State granted the land swap earlier it was filed and now we are putting the brakes on asking them to go through the formal subdivision process. Rich Cordone continued, my clients have been a bit beaten up as they took the land in good faith that it was subdivided and deeded to them by the State, however they did not acquire a land-use attorney to review the deed and the process used. Mr. Patrick Cleary added as we have come to know the owner of this portion of Town a lot of stuff has happened in unusual ways. There's lots of history with the way lots were created, this is simply an instance of correcting what has already occurred. Chairman Collins commented we can refer this to the ZBA, not refer to the ZBA or do nothing, Joan Lederman commented doing nothing is not really an option, I think he has to go to the ZBA, there is nothing else he can do with this.

Motion was made by Joan Lederman to recommend this application to the Zoning Board, seconded by JD Summa, all members present voted in approval.

NEW APPLICATIONS

4. Proposed: Bellevue Ave Vacant Lot # 80 - Construction of a single-family dwelling on a vacant parcel.

Application: Steep Slopes # SS 22-15

Location: Bellevue Ave, Thornwood

Section/Block/Lot: 106.18-3-80

Zone: R-10

Owner & Applicant: Bellevue Ave 2; LLC

Engineer: Gregory Caccioppoli, PE

Attorney Aldo Vitagliano and property owner/developer Stephen Surace appeared before the board to present the petition to amend condition #3 on their Steep Slopes resolution of approval dated 9-7-2023. Mr. Vitagliano presented the difficulty they are having with the timing of getting the street demapped as, although they have received verbal confirmation from some of the owners of the adjoining parcels to the paper street, they are either out of the country or are having health issues and are unable at this time to execute approval.

To refresh your recollection the background of the need to demap is for the requirement Engineering made for the stormwater to be in the right of way for the Town's future accessibility. We did not mind the accommodation, however the issuance of a Building Permit conditioned upon this is preventing the stormwater system installation which would greatly help to alleviate the ongoing water problems in that area. Tonight we are petitioning that condition #3 change to state "The applicant shall cause Columbia Avenue, which is a paper street adject to the subject site, to be demapped. No Certificate of Occupancy shall be issued until the demapping is completed".

Demapping the street requires permission, I have drafted the paperwork and requested the town attorney for his review. John Piazza asked how long ago did you give the paperwork to the attorney? Mr. Vitagliano replied a long time ago, I sent communications today requesting comments from him for tonight's meeting on the

procedural aspect of changing the resolution and I have not received a reply to that, but we are trying. John Piazza asked how long is a long time ago? Mr. Vitagliano replied the initial paperwork was about four months ago, we have received the easements on Kingsview, however now they want to see the Schedule A, I am looking for meetings which have not been scheduled as of yet. You have full authority to change the resolution, it's your resolution. These are all requests that are coming from the Town that we are trying to accommodate.

Chairman Collins commented, there are no substantive changes to the site it's only the one condition, it's for the order to be before the Co instead of before the Building Permit. Mr. Cleary clarified the concerns with Darius have no issue with your decision of where to put the demapping, his input is only procedural of how to demap, the question to you is when to demap.

Steve Surace stated to the board, if you recall when we were here during the approval process we explained how the walls and the stormwater system were going to be a tremendous help to alleviate the water issues in that area, you asked me how quickly could I get this done, I replied I can start tomorrow, and now it's been months. The neighboring couple has actually returned from Italy yesterday so that part may be coming more quickly.

Mr. Cleary commented, the Town still maintains control, they will not get a CO until the road is demapped. John Piazza commented his concern is why is it taking so long for the attorney to get back to you. Aldo Vitagliano replied well that is my concern as well, but you guys don't have to worry about that.

Eileen McClain commented, let's say the owners do not sign for the demapping and now you have utilities in the public right-of-way that cannot be demapped, then somebody can oppose that. Aldo Vitagliano replied that's why we showed you the map because Kingsview owns the other half, which is Steve Surace, other things have to happen, but this is the easy thing to have happen. Mr. Patrick Cleary pointed out that the road would never be built, it's an unbuildable road so the demapping is a logical thing and we pick up 50ft of taxable land.

Motion was made by Eileen McClain to approve the amendment of the resolution, seconded by Joan Lederman, all members present voted in favor.

- 5. Proposed: Construction of a new single-family residence on a vacant parcel, keeping slope disturbance to a minimum. Vacant parcel is in the R-10 Zoning district on Mountain Road, Pleasantville, 106.5-5-20, owners are 24 W Clinton, LLC.**

Application: Steep Slope # SS 22 -14
Location: Mountain Road, Pleasantville
Section/Block/Lot: 106.5-5-20
Zone: R-10
Owner: 24 W Clinton, LLC

Applicant: Zappico Real Estate Development, LLC
Engineer: Roy Fredrickson

Chairman Collins announced that item #4 on this evening's agenda for the amendment to the Steep Slopes resolution for the vacant parcel at Mountain Road would not be heard. The applicant has given verbal communication requesting to be removed from the agenda as they are withdrawing their request for amendment application. A formal submission stating that has been requested. That being said I know there are people here tonight that want to be heard on the application, Mr. Ross, if you have anything you wanted to comment on please come up. Mr. Bob Ross stated that he is unclear about what the applicant is doing and if this is the proper way for them to make changes, shouldn't they either file an appeal or resubmit a new application? How will we know if the application will be heard on another agenda, will we be notified by certified mail if they are changing their application? I happened to just find out that the application was going to be heard on this evening's agenda. Chairman Collins replied one way or another you will find out. Our object is to be transparent, if they do end up changing their plans they would have to reapply, we would then have another public hearing and you would be notified. Right now we know there was a verbal withdrawal, not written, if anything changes we will deal with it then. Mr. Ross stated the board has set up conditions in the approval and I am not sure if you are aware, but there has been activity on the site. Thank you for the clarification.

[MIN_SIGNATURES]

January 4, 2024