

TOWN OF MOUNT PLEASANT

MINUTES OF THE MEETING OF THE PLANNING BOARD TOWN OF MOUNT PLEASANT WESTCHESTER COUNTY, N.Y. HELD MAY 20, 2024

BUSINESS ITEMS

200 Lake Road Pocantico Hills - Acceptance of resolution of approval for Site Plan # PSP 23-2, Creative Arts Center - relocation of an existing maintenance yard and upgrading the Stafford lot to provide visitor parking, installation of a connection path to the Breuer house, a sculpture park and pedestrian walkways for interconnection. R-40, SBL - 116.5-2-2,3,4,5,7, National Trust Historic Preservation /Greenrock Corporation,

Motion was made by John Piazza to accept the Steep Slopes resolution of approval, seconded by Eileen McClain, all members present voted in favor Motion was made by Walter Hickey to adopt the site plan resolution of approval, seconded by Jane Abbate, all members present voted in favor

9 Skyline Drive - Acceptance of resolution of approval for Installation of two stand-alone commercial generators, 150 kw & 200 kw, to be run by subbase diesel fuel tank. 9 Skyline Drive Hawthorne, OB-6 Zone, 116.8-1-12.3, MWEP. Building 9 Condo Association

Motion was made by Eileen McClain to adopt the resolution of approval seconded by Jane Abbate, all members present voted in favor.

Request a one-year extension of the adopted resolution of approval for Site Plan Application #SP 22-07, Steep Slopes Application #SS 23-02 and SEQR Neg Dec for the construction of two one-story warehouse/light industrial buildings (36,300 sf & 34,600 sf) with 10% office space, 4 loading docks and 109 parking spaces, parcel is vacant land. 14/16 Skyline Drive, Thornwood, 116.1-1-3.1, zoned OB-6, Owner - RMD 14-16 Skyline LLC

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

NEW PUBLIC HEARINGS

- Proposed: Arnold Place, Vacant Parcel - Construction of a new Single-Family dwelling, development includes site excavation, regrading, retaining walls, driveway, and stormwater.**

Application: Steep Slopes # SS 24-3

Location: Arnold Place,

Section/Block/Lot: 106.20-1-10

Zone: R40

Owner: Arnold Place Realty, LLC C/O Anthony D'Agostino

Applicant & Architect: Thoms Haynes Architect

Motion was made by Jane Abbate to waive reading of the public notice and open the public

hearing, seconded by Eileen McClain, all members present voted in favor.

Architect Thomas Haynes and owner Frank Morocco appeared to present the application to the

board, the following was discussed:

- It is a challenging lot with a decent amount of cut and fill, with rock out croppings 60 to

70 feet back from the cul-de-sac.

- The variances requested have been granted.

- A k-turn is proposed by the driveway, to enable forward-out egress..

- Due to the lower elevation, there is a series of retaining walls proposed, the rock out cropping will be chipped away and used as that.

- The Town does not permit a three-story house so we will use staggered retaining walls to

create a walkout basement.

- A 2 ft wide by 42" in deep trench will be dug for water and electrical, if underground utilities are required.

Board Member Comments:

- Your property lies from left to right between a power pole and a hydrant which is where

your driver will be going in; is that correct? Mr Haynes replied it is not the best option, Mr

Morocco added the driveway fits between them but the hydrant can be moved by agreement with the town the pole is actually on the property line.

- You can excavate all that without disturbing the adjacent neighbors? Reply, yes, we will

remain in our property line.

- Where in the cul-de-sac will you have your dumpster and the Machine? Reply, the two

pieces of equipment will be on our property not in the cul-de-sac

- What type of equipment will you be using to cut the 60 to 80 ft of Rock outcropping?

Reply 8,000 lb hammer it's a decent size machine larger than a backhoe.

- Neighbors will hear this for a while, how long do you anticipate chipping to last, a month?

Mr Morocco replied, yes, our plan is to hammer and pull away the debris not to hammer all day.

Public comments

Mr Tony Collins, 145 Arnold Place -

- Everybody's house on Arnold has the same rockledge underneath with most of them being built between 1956 and 1976. A house has not been built on this parcel for 60 years, maybe it's because of the rock.

- Eight trees were removed without a permit last year, since then the neighbor has been

taking on water, the soil is very shallow here.

- No borings have been done so far, where will the cultecs go?
- Suggest insurance for neighboring landowners for any damage due to chipping.
- If Westchester County Department of Health is not approved, does the project start and

get abandoned? Mr. Patrick Cleary replied health department approvals have to be in place first before the building permit is issued.

- If the rock is in the way of the entrance to the site how can you get your equipment in?

Applicant replied there is a 3-ft separation from the gravel to the fil, As we cut and chip the rock we lay it down as a track bed for access to the rear of the site which is where the cultec system will be installed, as approved by the Town Engineer.

Robert Bernhardt, 9 Miller Place

- Main concern is stormwater, water will run for 2 weeks after a rain episode, it takes a long period of time to drain and it drains to my privately-maintained 8inch drain which is between lots 5 and what would be 7 if there was a house there. This drains all to Miller Place, at the bottom of Nannyhagen. John Piazza asked Robert if his house floods now, reply no, but I also have a sump pump in my basement.

Kitty Vestal, 144 Arnold Place. adjacent to the lot.

- I have had two trucks parked on my property cutting trees down, I called the Town and

within a day it stopped, but nobody knocked on my door, nobody asked to see my survey

and nobody had a permit. One tree was mine.

- How do they calculate how long the drilling and chipping will take, when will this will be

done, where will the machines be stored and how are we as residents going to be getting in and out of our Parcels? We only have one way in on the cul-de-sac.

- Noise pollution is a concern, a few of us are retired and in our home more often than others. Has anyone dug down to see how deep this rock really is? We know the rockledge goes very far on this block even to our house.

- The water will run off the rock and the trees have absorbed the water, we have never been flooded out. Now you are removing the rock and some of the trees, how will the water run now?

- Animals live in those woods where are they going to go?

- Is a fence going up between his property and my house? Chairman Collins replied yes,

he is required to.

End of Public Comments:

Property owner Frank Morocco commented they had extensive meetings with town personnel, the building department, engineering department, water department. We've designed an extensive runoff water system. The property was staked and we did get permission to cut the trees.

Additional Comments from Board Members:

- What is the estimate of time for the rock removal including the sewer line? Reply I can't

say for certain because those two are not happening at the same time, but I would guess

a month at best.

- The Rockledge is where the house will be as well? Reply, not much of it is at the rockledge because it is a much lower grade. There is more filling there, but there may be some of the footings on the rockledge.

- Where will the culverts go? Reply, the culverts are built into the fill area.

- The Town Engineer has put in his recommendation, houses were built in this same rockledge, with the same trees, the same animals as in 1956 and 57, there is a landscaping plan to replant, you will saw cut the rock wall which you will be the ones to be looking at not the neighbors. Years ago you could only blast rock, now we have chippers which do a much better job and much quicker. If every day you take your time to keep the project site clean and neat it will be managed properly. All the concerns seem to be site maintenance items which can be managed. Architect Thomas Haynes replied nothing is leaving the property we will cut rock and use it to fill in the back.

- The Town Engineer has Signed off on the storm water plan, he is looking out for the Town and the neighbors.

Motion was made by John Piazza to close the public hearing, seconded by Walter Hickey, all

members present born in favor.

Chairman Collins asked that the comments from this evening's public hearing go to town staff

for their input, not sure that it will produce a different result on the plans, but it may have a

change in procedures and practice.

A motion was made by Eileen McClain to draft a resolution of approval contingent upon the

engineering's comments from this evening, seconded by John Piazza, all members present

voted in favor.

2. Proposed: Development of a four-story, 170-unit, service-enriched senior housing residence, Brightview Senior Living. The proposed action consists of (1)- adopting amendments to the Town of Mt. Pleasant Zoning Code to create a "service Enriched Senior Housing Floating Zone" (2) rezoning the subject parcel to the new floating Zone; and 3 - issuing Subdivision, Site Plan, Steep Slopes, Wetland and other related approvals in furtherance of the proposed development.

Application: Site Plan #SP 20-05

Location: 236 & 364 Grasslands Road, Valhalla

Section/Block/Lot: 117.17-1-28&29.2

Zone:R-20

Owner: Grasslands Estates, Inc.

Applicant: Brightview Senior Living Development, LLC
Engineer/Architect: JMC Site Development Consultants, LLC
Attorney & Petitioner: Zarin & Steinmetz
Contract Vendee: Brightview Senior Living Development, LLC

Motion was made by Eileen McClain to waive the reading of the public notice and open the public hearing, seconded by John Piazza, all members present voted in favor. Attorney David Steinmetz along with Diego Rivera from JMC engineering, and Ms Maria Miller

from Brightview living appeared to present the application; the following was discussed:

- About a year ago the town drafted a new zone for this parcel and any other apostle that would meet the requirement.
- A Negative Declaration was adopted as well as the new Floating Zone (FLZ). Our parcel was then rezoned to that new Zone FLZ Zone.
- A new water main to Pleasant Ridge Water District was approved. It is in the Town of Greenberg which will lower prices to the current residents who will also be tapping into that district.
- Traffic improvements include a signal left hand turn into Westchester CommunityCollege.

Traffic counts were taken in 2019 (not stigmatized by covid) they were pre-covid. We are

not questioning that there is traffic on Grasslands Road, the legal question is will this project produce an adverse impact on that traffic? Last week a new traffic study was taken that showed our data was and remains accurate.

- This is 100 million dollar project for the town.
- Emergency service impact, they have a protocol if I fall in the building they get lifted up

there are no calls to emergency services. There is an RN on site. if an emergency is called, a private emergency service must be used.

- In general the plan has stayed the same, the parcel is just over 8 acres and has been disturbed and somewhat developed over the years.

● The project calls for a 170 unit, 4-story building. The access point is opposite Westchester County Community College which calls for widening Grasslands Road. A traffic signal is proposed at the entrance as well as turn Lanes for access to our parcel and Westchester County Community College.

- Full access is available around the entire building for emergency vehicles.
- 122 parking spaces are proposed which is code compliant.
- 50% of the site is maintained as green space including garden areas.
- There is a 24 ft width turn around so a truck can make deliveries while allowing a car to to pass.

- Ambulance entrance is to the back, but it can also go to the front if needed.
- Elevators are designed for use of stretchers
- Storm water currently has a four and a half acre area for runoff. The building has zero

increase of runoff which includes a culvert system

- There is a proposed lot line change which is small but it keeps the required 8 acre lot for this use.

- There will be adequate space left for future sidewalk options.

Comments from Board Members:

- Have you checked with Westchester County Community College enrollment for the year

2019 to current, Engineer Diego replied, no, the traffic report shows an actual decrease in traffic flow.

- What was the traffic level of service? Reply, currently a level F, improved to an E after our improvements to the site. Mr Walter Hickey replied level E is terrible, Diego continued we understand there are traffic concerns, but our impact is not increasing those.

- Can you speak to the shifts scheduled for the operation of the business? Reply - there

are three 8-hour shifts

- I believe this plan will make traffic better, but it will be a mess during construction especially when it's time to put in that road.

- Please share last week's traffic data with Carolyn so it is available to the public.

Comments from the Public:

- Matthew Parisi of the Kensico Cemetery - I would like to thank the applicant for sharing

the new documentation with us for our review. We already have a flooding problem from

the prior haphazard building.

- Michael of Mayfair Way - Most of the people are mass transit, there is no sidewalk now

how do they get onto this property? David Steinmetz replied not all employees are contributing to those numbers and we are proposing sidewalk improvements. There are bus stops east and west of this site. We have reached out to Westchester County to promote a bus stop at the property, we now ask if there is something that the Town Board can do to help with that request to the bus line.

- Steve Vismosi, Mayfair Way - Named several sites that cause traffic. Grasslands Road

backs up every day from Knollwood to Westchester Community College. There are a lot of people cutting through the neighborhood, making illegal left hand turns into the neighborhood, this is constant. It is a two-lane road and the infrastructure is not there to add more.

- Chelsea of Thomas Place - The property is not nice now, it is an eyesore. This proposal

does not fit with the flow of the other buildings which are set back further. How will the ambulances get through all the traffic that exists? Water issues are exhaustive on Thomas Place and it is now my problem. How will this project benefit the current residents? The cost of this type of a unit is \$8,000 to \$10,000 a month rent. If workers are being bussed in then there are no local workers being utilized.

- James Johnson, Knollwood Association - Can the Municipal drainage system handle the runoff from here? Chairman Collins replied the town staff has reviewed the calculations and we have proceeded to this point. Mr. Johnson continued, the intersection is the very

low place of the road that's where all the water will go.

- Joseph Poni - What is the maximum and minimum age limit for this facility? Ms. Miller replied the average age is 84 years old, minimum age is 62. Joseph Poni continued, is the town considering housing needs for the rest of the community like me getting ready to retire? John Piazza commented the master plan for the town of Mount Pleasant identifies the need to plan for 55 and older housing. David Steinmetz replied there is an active-adult community that will be on another agenda.

- Karina Rosa, Mayfair way - Mailings were not all the same, I received a letter for this project and there were signs put up, but there was no sign put up for the rezoning. Can the traffic numbers be qualified? The DOT is currently doing tree work which makes this area a nightmare. This road is a main thoroughfare and needs to be managed very well and we need to be aware of the time frames so we can choose an alternate route for ourselves. How will this application impact the tax base? Mr. Pat Cleary replied the SEQR negative declaration has an assessment of the fiscal impacts.

- Kal Salim, Armond Place - I would not be here if it wasn't for the traffic, I don't care what

they say in their reports Westchester County Community College is now free so enrollment is up 40%. Grasslands and Bradhurst are State roads no matter how much tax revenue the town gets it will not go to this area. You created a Floating Zone for this facility to use this parcel but a residential zone should stay residential. We get charged insane water prices for out-of-district water, I would pay more in water to prevent this traffic.

- Judy Burke, 376 Grasslands - When Grecco developed two houses he added and damaged piping which caused flooding and Sewer backups. The pipes and drainage need to be checked because it impacted my house and my quality of life in this area. It takes me 15 minutes in bumper-to-bumper traffic to get from my house to Bradhurst. What are the staff numbers going to be for these three shifts? Ms. Miller replied there are

three shifts 7-3, 3-11, 11-7, 100 staff in total with an equal split between the shifts. We generally schedule shift changes in off-peak hours so to not impact peak traffic hours. We take great pride in hiring local people. Chairman Collins asked how do you integrate yourself in the community? Ms. Miller replied 70% of our staff will come from within 15mins of the location, we promote community service as well.

- Glenn Acocella, 20 Bradhurst - Traffic is out of control! People get out from the bus stop

at Grasslands and walk to Bradhurst Avenue. In my car it takes 15 minutes to go a mile and a half. You keep changing the zoning, you're now looking at the Puni property to rezone. Sirens run by constantly for the hospital and the prisons, it's all too much we cannot take it anymore! When does it end? Not a lot of people knew about the rezoning for the property. You built Amazon and closed East Stevens Avenue so now everyone has to go through Bradhurst and Grasslands. You have Regeneron, the North 80 which

all have thousands of cars and I can't get my kids because of all the traffic. There are accidents upon accidents. Grasslands and Bradhurst cannot handle all this traffic. All development should have sidewalks, people walk here all the time.

- Kirk Baker, 24 Davis Avenue - I cannot get out of Valhalla Park. There are no where for emergency vehicles, the Fire Department or the volunteer ambulance Corps to come in. What about visitors to this Brightview community? It was an injustice to not advertise the zoning change.

End of Public Comments

Motion was made by Eileen McClain to close the public hearing, seconded by John Piazza, all

members present voted in favor.

Additional Board Member Comments:

- Have you contacted New York State DOT about the traffic? Reply by Diego yes, about

our site plan and improvements and our 30 trips to the site every hour. David Steinmetz added there is a traffic problem now, Brightview is not the issue.

- The traffic study you just did, can that be compared to the Westchester Community College enrollment? David Steinmetz replied the DOT did that with their 2024 data we compared it to our own JMC traffic study and we are not having a negative impact to problem.

- Eileen McClain commented I sit in that traffic myself and I do not believe this application

will exacerbate this, it may actually help by letting the Westchester Community College traffic slide to the left so people can pass.

Motion was made by Eileen McClain to draft a resolution of approval for review of the site plan,

subdivision, steep slopes and wetlands applications, seconded by John Piazza, all members

present voted in favor.

CONTINUING APPLICATIONS

3. Proposed: 146 Broadway, Thornwood, Demolition of existing structure, construction of a mixed-use building - ground floor retail, 1st and 2nd Floor apartments (four units in total)

Application: Site Plan # PSP-23-001

Location: 146 Broadway, Hawthorne

Section/Block/Lot: 112.9-1-7

Zone: HH - Hawthorne Hamlet

Owner & Applicant: 146 Broadway, LLC

Engineer/Architect: Thomas Haynes Design Group

Architect Thomas Haynes appeared to present the application to the board the

following was discussed:

- Proposed is a mixed use building with business on the first floor and residential in the above 2 floors, with rooftop amenity space.
- Parking spaces are compliant to the new zoning regulations. This is the first application under the Hawthorne Hamlet zoning regulations.
- Variances were granted, it was strictly related to the size of the lot, everything else complies.
- There are still four remaining items from the Town Engineer's comments to address and I

think one is a missquote on the Town Engineers part. We are working together on that to come to an understanding, but it should not change the plans.

Board Member Comments:

- Regarding The commercial parking spaces, if two are required and one is handicap and an employee takes one then only a handicap space is left.
- We will need sign off from Dave Smith to proceed.
- Patrick Cleary commented Dave may have indeed missquoted a code, you could go ahead and schedule the public hearing conditioned upon Dave's review.
- Can you move the lights to just under the area of the parking ceiling instead of on the side of the building?

Motion was made by John Piazza to schedule a public hearing conditioned upon Town Engineer

review and satisfaction of comments, seconded by Eileen mclean, all members present voted in favor.

4. Proposed: 115 Wall Street - Proposed public utility 6,150 Sq Ft stand-alone energy storage system to supplement power to the local power grid at peak hours.

Application: Site Plan # PSP- 24-4

Location: 115 Wall Street, Valhalla

Section/Block/Lot: 117.6-1-40

Zone: M-1

Owner: DP 16 LLC

Applicant: DP 16 LLC

Engineer/Architect: Zachary Longo

Attorney: Robert Gaudioso of Snyder & Snyder, LLP

I am Robert Gaudioso with the law firm of Snyder and Snyder, joined by Zachary Longo, our

professional engineer from New Leaf Energy.

I'll try and keep it brief because I know it is late and you've had a lot on your agenda.

We were here in

March, we went through Mr. Cleary's comments, comments from the board, comments from conservation board, comments from Dave Smith, we did submit a number of revised materials, which included a full summary letter from Zach going through all of the comments. We submitted a full stormwater report. We submitted the insurance certificates. We took photographs not only from the locations you asked us to, but from really the whole surrounding area, and we gave you an overhead map that showed the facility will not be visible. It's extremely distant, particularly from the residences. We revised the site plan, we did a number of things that were requested, we put the slats in the fence for screening, we added the animal corridor underneath the fence that was asked of us, we confirmed we are not in the wetland buffer, we're outside the 50 foot buffer. We added all of the stormwater management practices, we added landscaping, around the sides of the facility. And I know that, Ms. Lederman is not here tonight, but we added the cameras inside the compound that was specifically requested. We submitted some other information in response to the comments, but I think that is a high-level overview of what we did submit and we'd be happy to answer any additional questions you had this evening.

Chairman Collins : Thank you. Questions or comments from board members?

Eileen McClain: I had a question, it's kind of basic, how does the energy get into the batteries? Is it

over wires? Is it underground? Are you excavating for it or what we're looking at is the only structure that will be built?

Robert Gaudioso: So it connects here, there's an existing utility pole. It comes into here, and then we have the transformers that ultimately lead on the ground into the equipment into the batteries.

Eileen McClain: Okay. So no new poles?

Robert Gaudioso: We have one new pole inside the compound, which is right, that's the existing pole.

I believe we have a new pole right there.

Eileen McClain: Okay. Alright. That was it for me.

Chairman Collins: Any other questions or comments?

Walter Hickey: Where are the 2 closest monitoring wells to your post location? They're in the parking lot?

Robert Gaudioso: Yeah. They're in the parking lot, and they're just inside the parking

lot. So not in our facility, not in our area of excavation, but very close. And that's what we submitted the summary from

to show that there was no problem with respect to the groundwater.

Walter Hickey: And DEC, say, Office of Remediation is on board with your project? Has that been

presented to them?

Robert Gaudioso: We have no impact on their monitoring wells. If there was a referral to the DEC, we

have no objections to that, obviously, but there's no need for any type of approval from the DEC.

John Piazza: You're not in that buffer zone for the watershed; Right?

Robert Gaudioso: That would be DEP, but, no, we're not for that either.

Patrick Cleary: I have reached out to DEC. There's a remedial action plan that's in place for this. They

haven't gotten back to me. So I am trying to find that answer.

Chairman Collins: Okay, so hold on. There's hands coming up and down behind you.

And just to

remind people, this is a work session for the board. Hold on, not yet. What you're doing now is you're

disrupting the flow. All right.

Robert Gaudioso: So I know there were some comments written about contamination on a different

property. It was the wrong property, it was 99 Wall Street, we're at 115. There's monitoring wells with

groundwater that we've shown are clean, we've submitted that documentation. And then today, we

submitted an additional letter from EBI, our environmental consultants.

Chairman Collins: Yes. And that's an important letter that did come to us. And I did review that letter.

And I think, you know, we're not here to judge the merits of that letter pro or con at this point. But at

some point, we do need to have that conversation before the public to vet out all the salient points or

salient or non-salient points that were brought out to the board.

Robert Gaudioso: Agreed.

Walter Hickey: Okay. Didn't the contamination come from the building just to the top of your drawing?

Robert Gaudioso: So there's 2 different types of contamination that I think have been discussed. With

respect to this property, there was groundwater contamination and there was remediation, which

mister Cleary just mentioned that there was a, there was a remediation plan put in place. Based on

that remediation plan that was already performed, there's continuing groundwater, evaluation that's

being performed pursuant to the monitoring wells. And what we've shown is based on those monitoring wells, we're not going to have any impact. We're not going to touch that groundwater. And there's nothing about that groundwater that's going to impact our facility, which we believe the groundwater is clean.

Chairman Collins: Okay. Any other questions or comments from board members?

Okay. So tonight is not a public hearing. However, the gentleman in red, you're jumping out of your seat, and I appreciate the enthusiasm. So if you have a comment or 2, please. Thank you. Joe, come on up.

Joe Soricelli: to the advertising

Chairman Collins: One second. Just give your name for the record.

Joe Soricelli:everybody has it since I submitted the claim and it was forwarded out, but --it's Joe

Soricelli, I live at 5 Suzette Lane, Valhalla, New York, approximately 1000 yards from, I'll say, 99, and

I think it's actually 112. Right? But there are two factors that he didn't bring out. It was one parcel

originally, subsequently divided into 2. And then that's why the wells are on, in quotes, "the second

lot". The major issue is, the remediation plan is in progress, it's not completed. He's indicated so far,

oh, they had a remediation plan, yeah it's in progress, it isn't completed.

The recommendations are to completely redo what's been done. If anybody's read through the 1,300

pages that were submitted. But just use the summary documents. The remediation plan that existed

for the contamination doesn't exist.

Chairman Collins: So did you hear me ask him?

Joe Soricelli: I did, I don't have a copy of the document, I only read the March 23rd document.

Chairman Collins: We're going to keep this short, right? Because we have things behind this. And I

want to point out the public hearing, all the stuff will need to be vetted out. And I've asked them to do

it. So thank you for bringing it to our attention, and I did not know that about the site.

Joe Soricelli: I'm agreeing.

Chairman Collins: But let's just make sure we follow process, and we're going to have him enumerate

in detail all that data once the public hearing happens. Okay.

Joe Soricelli: And here is my question, which is really, you know, because I did go through the agenda

before I came tonight and sat through the 3 hours, right - and my bedtime alarm went off before, I

apologize --. It just says continuing application on the actual agenda. It says new open hearings then continuing. My opinion reading it would have meant that I could continue to comment on their submission, which they had made, which I reviewed, and now there's no continuing application.

Chairman Collins: Continuing application was, there's a new application which means they came to us before, it's a work session for the board, and then they continue that application, past the new

application, and that's the process that we go through. Once we get past the continue application,

that's when we schedule the public hearing. Okay. And all the data that's coming in from you and from

everybody else, we'll have to assimilate that, and then we're going to have to respond to that. And the

applicant is going to need to dot his I-s and across his T-s and do his homework to respond to those comments.

Joe Soricelli: I know. All right. Having been involved in the process, I was trying to eliminate the next

stage of going to the zoning board and redoing that and then coming back. Okay.

Because I simply

put, we're putting a potential contaminant on an already contaminated site.

Chairman Collins: Thank you. Okay. So now, 115 Wall Street. the comment that we have now is - or

the question we have before us now at this point, we don't agree or disagree with this application, the

question we have is have they prepared enough information for us to bring it to the public to begin to

open the conversation to have the public engaged? And that question I'm going to verify with Pat,

we're good to go?

Patrick Cleary: So you were before the zoning board?

Robert Gaudioso: No, at the last meeting we discussed coming back here first, getting the referral to

the zoning board from this board. We need the special permit, we need the height variance for the

fence in the front yard, which is technically on the paper street to go to the zoning board, but this

board did declare its intent to be lead agency.

Patrick Cleary: So they responded sufficiently to allow you to send them off to the zoning board to

deal with those variances. Then the next step for you is to decide whether or not you choose to

schedule the public hearing. I believe Dave was okay with the application going to

public hearing.

And based on the material that the applicant submitted, they have provided responses to the

comments that we've delivered as well. Still issues need to be resolved, but they provided responses.

Chairman Collins: Yes, well, it's contingent on we had to send them also to the ZBA.

John Piazza: Alright, so i'll make a motion for the public hearing, contingent on Dave, Correct?.

Patrick Cleary: Yes.

Walter Hickey : Could it be also contingent on DEC? Do we need to hear from DEC?

Patrick Cleary: So we've reached out to them. I wouldn't say we would need to hear from them to

have the public hearing, but perhaps to close the public hearing, so I think you can schedule a public hearing.

Eileen McClain: So we are deciding whether to send them to the ZBA, whether to schedule a public

hearing, and what conditions might be attached to either of those?

Patrick Cleary: He's verbally said that to us, but he hasn't submitted them that way.

Chairman Collins: But we also need to get the variance.

Patrick Cleary: So I think clearly they could get off to the Zoning Board, we didn't send them last month.

Chairman Collins: So let's do this because the clock is ticking, number 1, but we have to do a motion

first I think to send them to the ZBA. And then we can talk about the public hearing conversation. So

let's just do that first. Let's talk about the variance first.

Motion was made by John Piazza to send the application to the Zoning Board of Appeals, seconded

by Jane Abbate, all remaining members voted in favor.

So they're going off to the ZBA. They're going to do their thing, and that's where the public input is

important, by the way, as you know. So then now we have the question, do we schedule public

hearing? And there's something hanging, there's 2 things hanging out there, there's the variance

which you may or may not get...

Robert Gaudio: Which we can't get until this board does the SEQR review.

Chairman Collins: and then the other element is wrapping up Dave's comments, I would say you're

contingent on getting final comments from Dave.

Motion was made by John Piazza to schedule a Public Hearing contingent upon ZBA and satisfaction

of Dave Smyth's comments, seconded by Walter Hickey, all remaining members voted in favor.

NEW APPLICATIONS

5. Proposed: 420 Nannyhagen Road - Proposed one lot into two lot subdivision for the purpose of developing a new single-family dwelling.

Application: Subdivision # PSD 24-1

Location: 420 Nannyhagen Road, Thornwood

Section/Block/Lot: 107.17-2-16

Zone: R-40

Owner& Applicant: Nannyhagen 420; LLC

Architect: Spearman Architectural Design, PC

Attorney: Philip Grimaldi

Attorney Philip Grimaldi and property owner Robert Buffamonte' appeared to present the

application for the one lot into two lot subdivision for the purpose of a new single-family dwelling. The following points were presented by the applicant:

- Existing house has a pool and a driveway.
- Second house would come from the back portion of the lot with the driveway entrance coming in off of Davidson Drive, a private road.
- Davidson Drive services 412 Nanny Hagen as well as 5 and 6 Davidson Drive, the 2 houses in the back, and it would also service our new lot.
- One thing to note, this property owns all the way to the other side of Davidson Drive, which complicates things a little bit as there's basically access easements for 5 and 6 Davidson, as well as for us from 420 Nanny Hagen.
- Regarding the zoning regulations, we can go through them, however Mr. Cleary covered them in his memorandum. Mr. Patrick Cleary confirmed there would be a lot width and a mean lot width variance that are required by virtue of the fact that lot two is using the Davidson Drive sort of as a right of way, which isn't a right of way it's part of their lot. Which means they have only a 50-foot wide lot going up the road, which prevents them from having adequate lot width. However we've had a conversation where, I think they can modify the lot configuration to avoid that. Mr. Buffamonte added

I think even if we modify it, we indicate here we still need one variance for lot width at setback which will be 72 feet instead of a hundred. So I believe we still need that variance, but it was much less than your comment where you only had 30 feet because you're using this as front because it's not a traditional flag lot. We're looking to be referred to the ZBA tonight and for you to declare yourselves as lead agency.

Motion was made by Eileen McClain to have the Planning Board, serve as Lead agency, seconded by Jane Abbate, all members present voted in favor.

- Phil Grimaldi commented on the easement for Davidson Drive. Davidson Drive is a road on a filed subdivision map and all the abutting owners have an easement as a matter of law to use it, easement by implication. So I looked at the deed descriptions of the other properties and nobody has a specific easement over Davidson Drive. But as a matter of law, there's been cases in Mount Pleasant with the same thing where lots that

have the front on a paper street have the right to use that. Mr. Patrick Cleary questioned,

Phil, because you're changing this, does that affect that in any way? Phil Grimaldi replied, no, I mean we're adding a lot to it, but again it meets the area requirements. There's no specific easement where another landowner can say you're burdening this easement because there's no easement to begin with. Mr. Patrick Cleary commented I think there's a lawyer conversation to happen with respect to that. Phil Grimaldi replied I can discuss it with Darius and the board, but my belief after doing research is that he can

use it for ingress and egress, it's not anything that's prohibited. Mr. Patrick Cleary commented this actually may be easier for them because it's an easement by implication

as opposed to a specific easement.

Chairman Collins commented we need to dot those I's and cross those T's before we can progress. Mr. Buffamonte commented that we did address that separate issue with Darius ahead of time to declare that a right-of-way which is why it took us so long to come back to you. We have also replied to Cleary comments so what else would you need to see from us to progress to the Zoning Board or is there anything that will preclude us from going? Chairman Collins commented I think any of the questions open from town staff need to be addressed, we haven't seen the Engineer's comments yet. Mr. Patrick Cleary commented, there's typical comments in my memorandum, and we haven't seen Dave's comments yet, so it's really the board's choice if you want to address those first or not. Chairman Collins replied I think I would like all those other comments addressed first. Phillip Grimaldi replied I think it's better if we go see if we get the variance first, if we don't get the variance, then it's a moot point, nothing to do. Rather than spin our wheels here first, let's just see if we get the variance, and then we could come back here and answer all your questions and resolve any issues, including the legal issues about the easement.

Eileen McClain asked, what is the exact variance you're talking about? Mr. Patrick Cleary replied as designed now, lot width at the front yard setback and mean lot width. Apparently, they can modify that so it's just the lot width at the front yard setback. Phil Grimaldi added we take Davidson away so it wouldn't be part of the subdivision. And then we go 25 feet from the center line of Davidson and then 60 feet for the R 40 zone, so it would be 72.1ft. Chairman Collins asked is that a fact, Phil? Phil Grimaldi replied, yes, we have spoken to Joe Breganti as well, we've had this discussion and the architect went over it. So we're 85 feet from the center line and it would just lessen the variance. It wouldn't change anything in reality physically, and we would go through the five factors. Chairman Collins added it's my thought if he doesn't have everything that he needs for the variance the ZBA is going to stop him anyway.

Motion was made by John Piazza to refer the application to the Zoning Board of Appeals, Seconded by Walter Hickey, all members present voted in favor.

- 6. Proposed: 1 Point Place, construct a series of MESA retaining walls, thereby creating a usable rear yard configuration, including a pool.**

Application: Steep Slopes # SS 24-05

Location: 1 Point Place, Chappaqua

Section/Block/Lot: 99.10-2-3.42

Zone: R-40

Owner &

Applicant: DoshiJay & Supriya - 50%

Doshi Vinay & Vasanti - 50%

Engineer: A.E. Professional Engineers, P.C.

Mr Peter White of A.E. Professional Engineers appeared to present the application to the board,

the following was discussed:

- This house is built on an up hill grade with a lot of rock, so there is no backyard present.
- We are proposing a series of three 6 ft tall retaining walls to level the backyard and eventually add a pool.
- We are proposing Landscaping in the form of arborvitae, and specimen trees on the walls and the staggered space between the walls.

Comments from Board Members:

- What will the Neighbors in the back see? Reply, the landscape that is proposed, trees and shrubs.
- How much fill will be brought in and why not just put the pool on the 30 feet of flat surface? Reply two phases are proposed, one is the walls and another at somewhat perhaps later time will be the swimming pool.
- I hear a lot of maybes and perhaps later, we need a definite direction. We also need the

Town Engineer's comments.

- We are concerned about what the neighbor in the lot behind this will be seeing. Can you submit a rendering of that as well as a cross section in drawings.
- Provide an estimate of the amount of fill that is proposed.

[MIN_SIGNATURES]

