

TOWN OF MOUNT PLEASANT

MINUTES OF THE MEETING OF THE PLANNING BOARD TOWN OF MOUNT PLEASANT WESTCHESTER COUNTY, N.Y. HELD JUNE 6, 2024

BUSINESS ITEMS

Adoption of a resolution of approval for Steep Slopes application # SS 24 - 3, Vacant Parcel on Arnold Place, Thornwood R-40 Zoning District - Construction of a new Single-Family dwelling, development includes site excavation, regrading, retaining walls, driveway, and stormwater, 106.20-1-10 Arnold Place Realty, LLC C/O Anthony D'Agostino

Walter Hickey commented due to the close proximity of the rock to the adjacent homes on Arnold Place cul de sac, I'd like to see the resolution include that the applicant perform a pre-construction survey of the adjacent homes and also perform seismic monitoring of these houses during the course of the rock removal operation. The Chairman asked the applicant to come forward and offer input, Frank Morocco, property owner and applicant stepped forward and commented, that was a major concern in our last on our last meeting and It's not an issue, I'm not against doing the seismic readings. The way that I read the comments that Dave Smyth made today was that all of these issues could be taken care of during the building stage with the building and the engineering departments while we go through the storm water process. Jane Abbate reiterated the comments of Walter Hickey as having this performed prior to construction commencement and as a condition in the resolution.

Eileen McClain commented that this was a site that was approved and sold by the town 50 years ago probably before there were environmental regulations and a lot of technical, requirements. And essentially, it's a house in a hole and any house that gets built there is going to have to go through the rocks, whether it's a small house or a good-sized house and you're raising up the grades so that it's a livable home, this was also addressed during the earlier meetings that this rock outcropping is going to have to be dealt with, it's unavoidable.

Motion was made by Joan Lederman to adopt the resolution of approval as so amended above, seconded by JD Summa, all members present voted in favor.

Kensico Preserve - Legion of Christ, Inc. 24th 90-day extension request for previously approved 73-Lot Cluster Subdivision, plus 2 lots "Kensico Preserve" formerly known as Baker Residential (OB-1)

Motion was made by Jane Abbate to grant the extension request, seconded by Joan Lederman, all members present voted in favor.

Request for a second one-year extension of the resolution of approval for Site Plan #22-02 EF Academy, 582-590 Columbus Avenue, Thornwood, Development of Phase 2 including 10 additional faculty dwelling units. 112.12-1-1, Efekta, IA, Inc,

Motion was made by Joan Lederman to grant the extension request, seconded by Eileen McClain, all members present voted in favor.

NEW PUBLIC HEARINGS

- 1. Proposed: Kensico Preserve, Toll Bros - Proposed 162 age-restricted multi-family Town Home development on the parcel previously approved for the Kensico Preserve residential subdivision (previously known as Baker) which lies between Columbus Avenue and West Lake Drive in Thornwood.**

Application: Subdivision # SD 23-03
Site Plan # SP 23-05
Steep Slopes # SS 23-12
Wetlands # W 23-03
Location: Vacant Parcel Columbus Ave, Thornwood
Section/Block/Lot: 112.16-1-1
Zone: R-3A
Owner: Legions of Christ, Inc.
Applicant: Toll Brothers, Inc
Engineer/Architect: JMC Engineering, ... PLLC
Attorney: Zarin & Steinmetz, LLP
Petitioner & Contract Vendee: Toll Brothers, Inc.

Attorney Brad Schwartz, Engineer James Caris and Kevney Moses of Toll Brothers appeared for the continuing public hearing. Brad Schwartz gave a brief overview of the application and turned the details over to Kevney Moses who made the following points in his opening statements:

- 1- The community will have 162 age- restricted, 3-bedroom townhomes proposed in this project, which results in zero school-aged children.
- 2- It is what we call an active-adult, in the golden years community. Part of the reason we went this direction was that it meets a critical housing need in the town, and that is for senior housing and a diversity of housing types. There are not many townhome products in town, so we are hoping to bring that to the community
- 3- This community is different than a single-family home layout, it's what you would call a cluster townhome layout and what that does is reduce the overall impact of the project, not only in area, but environmental impact.
- 4- Approximately \$2,300,000 a year will be generated by this community, with 166,000 of that going to the town and \$1,950,000 going to the school district.
- 5- A host of amenities will be offered including a clubhouse, pool, pickleball courts, bocce courts, tennis courts, etc.
- 6- Lozza Drive is our primary entrance to the site, there is also a secondary entrance on Westlake Drive. The road alignment essentially matches that which was approved during the Baker subdivision.

- 7- All roads are private so they will not be maintained by the Town, but rather maintained by the HOA.
- 8- A total of 18.2 acres will be dedicated to the town for municipal purposes.
- 9- 49 acres will be acquired by the New York City Department of Environmental Protection. That land will never be able to be developed. It will be retained as open space and maintained by the DEP.
- 10- There will be an almost 57 acre, conservation easement parcel that will be deeded with the property, this is separate from the DEP parcel. These are all nice buffers
- 11- There will also be funding of a new off-site sidewalk to the benefit of the town. Toll will be funding that effort for future construction.
- 12- The homes will be 3-bedroom townhome with a master down floor plan ranging from 2,400 to 2,800 square feet
- 13- Stormwater management areas have been thoughtfully designed by our consultant engineer, JMC.
- 14- As part of the Baker approval there was not only a wetland buffer disturbance, but also a permanent wetland disturbance. Now one of the things JMC, has done is actually designed a different wetland crossing, which minimizes the amount of wetland buffer disturbance and actually zeros out the amount of permanent wetland disturbance.
- 15- As far as landscaping goes, I think this is one of the things Toll does really well, actually. It's designed entirely with native or adaptive species. It's going to be very robust landscaping plan, over 554 proposed new trees. There will be 156 internal shade or street trees, again, helping to shade the row raise, helping to bring down the immediate scale of the new architecture. There will be extensive foundation planting selected from a palette of small shrubbery, perennials and ornamentals which will focus on seasonal color and interest.
- 16- There's over 105 acres of natural woodland to remain between the conservation areas and the DEP acquisition

James Caris of JMC made the following comments regarding the plans they prepared:

- 1- This site was designed in accordance with all New York State DEC requirements, including, the local town of Mount Pleasant, stormwater management chapter.
- 2- 7 design points throughout the property were to look at where the overland flows are going under existing conditions. And then within those, design points, we looked at 14, sub drainage areas to manage the new development that's going on. And we provided a series of surface ponds with detention and infiltration practices, which are green practices under the stormwater design manual.
- 3- Water quality structures are provided ahead of every practice, and all of the peak flows, leaving the sites that we analyzed up to the 100-year storm, are being maintained or reduced under post development conditions
- 4- We've worked very closely with town staff, including David Smith, the town engineer. He, has been extremely helpful to us in getting us to the point where we are today. We have picked up, the vast majority of his comments in our plans.

Board Member Comments

Chairman Collins – A compelling note came from a local resident, whose husband is an amputee, and they wanted to know are there bedrooms on the first floor of the master or the primary suite? And also, could the unit be modified for such a situation? Kevney Moses replied every single unit will be offered with a master down floor plan in addition, we will make every effort to accommodate the special needs of our home buyers. They could probably make some modifications to it before it was built, I'm assuming. Again, we will make every effort to accommodate special needs of our home buyers.

- Relating to a commitment that was made to the Town Board to offer in 25% of the locations on this plan, a smaller footprint, a smaller home at a lower price point, can you speak to that? Kevney Moses stated that's a commitment we've made to the Town Board, and we are going to commit to carry that forward.

- What is the plan for getting trucks, equipment, people, contractors, onto the site? Kevney Moses replied, to refresh from the prior Baker approval there were no prohibitions imposed on construction access, just be very clear about that. This project has two phases, basically east and west. Phase 1 of the project, the western more portion of the site, construction access will be routed via Columbus Avenue to Lozza up through the site. That phase 1 of the project will be built out, it is infeasible to build this project with one entrance, so as phase 2 begins, it will be required that we have Westlake Drive as a construction access point.

Joan Lederman asked why it was infeasible, Kevney Moses replied, looking at the plan, the distance between the two areas of entry is great, and also there will be finished roads with people living in those homes themselves. Joan Lederman replied there are people living in the homes of the neighborhoods you're driving through. Kevney Moses replied absolutely right, but just the nature of, again, where the routing comes from, coming and going contractors in and out of the site, it will be infeasible. The sight lines were deeply studied by JMC for the Westlake Drive entrance, so as far as contractors being able to see cars coming and going, seeing people, the sight lines were more than sufficient. Chairman Collins added this is a concern I want to dig into, I think that's going to be a big conversation on why it's not feasible and you don't have to reply tonight, but, you're asking the town residents to endure some hardship, to have trucks coming in and out, and hearing that a contiguous piece of property that we can't have the majority of the traffic going through the main thoroughfare versus the secondary thoroughfare is questionable to me. It's also in relation to the size of trucks, turnaround areas, etcetera.

Joan Lederman – You stated you were going to build some smaller units, does that mean 2-bedroom units? Kevney Moses replied, we haven't honed in on exactly what the architecture is yet, but it will be less than 2,000 square feet and offered at a lower price point than the standard homes in the community.

Jane Abbate - Are there any affordable units under the Westchester County affordable units guidelines? Kevney Moses replied affordable housing as far as AFFH units, were not required on this project.

Walter Hickey - What's the duration of construction? Kevney Moses replied, very hard to say, but for the entirety of the project, somewhere in the realm of three plus years is my guess.

- Are your hours of work, 8 to 4 Monday to Friday, or you plan on applying for a variance for something else? Kevney Moses replied, the hours of work will comply with town standards and regulations.
- You'll be, running a lot of trucks in and out, I guess, phase 1 via Lozza and Phase 2 to be determined. There's also a DEP project that's out there around on Columbus Avenue down by Lakeview. So I'm curious, are you going to be running all your trucks down that way, where they will also be running trucks out of there as well? Kevney Moses replied that I can't say, I'm not familiar with that project, but happy to get back to you on that.

JD Summa - Has a formal phasing plan been done? I know you said phase 1, phase 2, but has a formal phasing plan been completed for the entire project? Kevney Moses replied, I believe that was submitted as part of the civil engineering plans in SWPPP, just phase 1 and phase 2.

Comments from the Public, 15 Speakers

Chairman Collins I'm going to ask the applicant to prepare, to take notes to prepare a written response at some point in the future.

Fifteen members of the public requested to speak the following points were made to the Board:

- Traffic & Sidewalks
- If each of the 162 homes has at least two cars and sometimes even more if young adult children are living with them then that could be 400 vehicles, and at 55 and older most of them would still be working, so the daily coming and going to work trips is great. Then you have to think about deliveries Amazon and food deliveries, garbage removal. An estimated 200 trucks per day for delivery and garbage servicing this site. This describes a scenario of a lot of traffic leaving and returning the site.
- The bulk of the units and therefore the bulk of the traffic is on the Westlake side. Westlake Drive, I believe, is currently a high-risk road, it's narrow with no sidewalks and it's used by pedestrians and joggers. School buses stop on it to drop off and pick up kids. There's a daycare center at PepsiCo. It has a long straight runway and frankly, people drive too fast on it, plus there's that dangerous sharp turn so that's a dangerous scenario.
- When is the highway department going to tell us about the traffic light that you're going to install on Westlake Drive to manage this high risk?
- Should the development bear the cost for a school bus pullover to move kids and buses off of the road?
- Should the development bear the cost of adding sidewalks from perhaps Westlake High School to town hall?
- Should the Westlake entrance only be used for emergency use and therefore be a one-way road to restrict the traffic to fire trucks, first responders, ambulances, etc.
- You cannot put a traffic light on to Westlake Drive, that would be even worse than

anything else, the traffic is going to be insane.

- I want to stress to the board that a sidewalk on Westlake Drive is not just a preference, but an absolute necessity. Westlake Drive is a crucial artery in our community with the recreation center and the westlake campus already heavily trafficked by cars who often go much too fast and, is often trafficked by school children, dog walkers, walkers and runners. I urge that this board must hold Toll Brothers accountable to the prior commitment and ensure the installation of this sidewalk along Westlake Drive prior to phase 1 construction of this project.
- If we do have 500 plus vehicles that are coming in and out, we have the school there, we have residents there, it's going to affect the after-school activities, the dances, the third party, the voting, the sports, etcetera, that happens all around the area.
- Are we really taking into account school traffic? Because the buses go to the high school there along West Lake Drive, Columbus Avenie, Columbus Elementary, all those construction vehicles. I mean, the kids are going to be late to school every day.
- More clarification on why we are dumping traffic on Westlake for pre and post construction.
- Why can't there be an exit onto Columbus Avenue where there's already a traffic light, and already 2 lanes of open space for people to exit and enter that facility. There looks like plenty of room, there are no residential homes, there's the square and there's already a traffic light.
- I strongly suggest a long look at all of the traffic areas. Nanny Hagen from end to end. There's already big trucks and 18 wheelers coming through because it's the only way to get from 684 to this community.
- Has anybody looked at the traffic beyond Westlake Drive? Meaning, have you ever tried to make a turn from Westlake onto Nanny Hagen during rush hour? Even Swanson onto Nanny Hagen during rush hour, add 400 more cars, that is going to be insane. Put a traffic light there to fix the problem, and all of a sudden, Richard Lane and Kensico become highways for cars and trucks that already take the overflow of those areas. Those roads are too small, too dark, have people walking on them they cannot take overflow. So I want a study bigger than Westlake Drive. I want to understand those intersections and how those intersections are going to accommodate all that extra traffic with school buses that already cannot make the turns. Just go there during school hours. You'll see it, buses can't make the turns.

- Utilities

- My computer couldn't open up all the pages online, I apologize ahead if these were answered in the plans. Has there been a sewer sanitation review? They are tying into existing utilities are those up to date?
- My concern is handling maximum amount of drainage, not minimum. It's easy to do a minimum, but storms are changing, weather patterns are changing, we need to prepare for the worst-case scenario, not the minimum.
- My request is a new study needs to be done on drainage, on impact, on everything, we keep citing a study that's already three years old.
- Is the development at a higher elevation than the surrounding area, because that's

going to contribute to more water drainage problems.

- Is the water department really going to be able to handle 163 new units.
- Is there going to be green and sustainable materials being incorporated into this development? We're supposed to be reducing our carbon footprint, are we going to have LEED certification or any kind of green requirements for the project?

- Environment Wildlife

- My main concern about this development is that it can potentially threaten wildlife. If you pass from the pool to the road there is a wetland with lot of wildlife residing there. This project is massive, and it will probably cut a lot of trees and we will lose a lot of greenery. I would like to see a comprehensive study on biodiversity, and if it is going to be threatened by this project?
- Currently, the stormwater runoff in that area runs into Clove Brook, which runs into the Bronx River, so am I correct in assuming that this is going to add more stormwater into Clove Brook, which then has to run down to the Bronx River?
- The use of the term adaptive trees is, to be clear, not the same as native. The minimum percentage of landscaping that at least provides some habitat value, is 70%, and we'd like to see even more at this point.
- Now that they put up a bridge to cross the wetlands for these home sites and these roadways, it creates a hazard for these small mammals and reptiles, and there are measures that can be taken so that they can cross the road and continue to provide at least some habitat for them without specific dangers.

- Other Comments

- Has the fire department or any first responders reviewed this project? I noticed that in the project itself is limited area to the rear of these buildings, if these, townhouses, condos need to get accessed do we have access to that area? I understand that there's utility easements around there as well.
- If the first family is 55 and over, and they sell, is it still 55 and over, or can younger people buy in.
- Will there be a contractual obligation to only 55 plus, my concern is, maybe there's not enough 55 year-olds that want to move in and live here, is it going to change if the units do not sell?
- Is there any tax abatement or delay for when people buy these units?
- Is Toll Brothers maintaining ownership of the development and managing it or is it going to be, after it's developed, sold to a state company?
- There's going to be \$1,900,000 in tax revenue going to the school, which school?
- It's starting as a 55 and over community, does that mean the people moving in, and there are 300 plus people, can vote later to change the deed to sell the houses in the future and be just like we are?
- I moved here because it was a single-family-home community. That whole area is single family homes. Now we're totally changing that. What else can be provided to the citizens that live here as far as bringing product to the town?
- I would also like the applicant to include what they're doing with the property that

they're going to provide to the town and the DEP

Chairman Collins commented, I just want to make sure people are aware the library also has these materials, you're more than welcome to look at it there, this is helpful if some folks are not too keen on going on the computer. It's also in the building department as well.

I want to thank everybody who did come out, this application is a big application, and everybody showing interest tonight is definitely appreciated. The applicant will reply in writing.

Motion was made by Joan Lederman to continue the Public Hearing, seconded by Jane Abbate, all members present voted in favor.

CONTINUING APPLICATIONS

- 2. Proposed: Brighton Ave and Bradhurst Ave development 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& Applicant: Brighton Ave. Properties, LLC

Engineer & Architect: KSCJ Consulting

David Sessions of KSCJ Consulting appeared to make the following comments

- We have not made any changes to the plan since the last time we were before your board.
- At the last meeting, the board had several questions, as did the public. Questions were about the traffic, the intersection, conversations with DOT, conversations with town staff regarding the intersection and so on and so forth.
- A list was compiled of what we felt were the board's and public's comments at that meeting, we provided annotated responses to those comments.
- We've also recently submitted, for the record, annotated responses to the public's petition. I think there were 17 or 18 bullet points that they had listed as concerns.
- The office component of the facility is certainly a primary use and an accepted use on-site. All along, we always had the office component of the barn, as part of the project. Prior, it was a separate building. We went to the Zoning Board who denied us for that separate building so now everything is under one roof.

We wanted to set the record straight on a few issues that the public brought up, and we did respond to those comments. I can proceed however the board prefers.

Comments from the Board:

Chairman Collins You responded to and provided documents from the DOT that said you had the ability to cut the curb and all that goes with it, that is available to the public.

- If you didn't do the lot line adjustment, what would you do? Can you put this building on that site without a lot line adjustment? It was my understanding from last time that you're not actually having any of the commercial use in the residential section. David Sessions replied that's correct. The building is completely within the commercial site. That little strip that we're planning on moving is a steeply sloped hillside. The entire the entire hillside is steeply sloped. Even if they wanted to, whatever, make something up, residential project, It's not possible. This is an incredibly steeply sloped hillside here, the active commercial portion of this cannot expand into that 30-foot section, it's just physically impossible, it won't happen.

Eileen McClain: I think that you would run a very tight ship. I think you've responded to the public comments that we've heard so far, but I don't see how this is the neighborhood retail use. When I went through the zoning code and your highlighted response of the sections, I just don't see how this is a neighborhood retail use, which is what the zoning is for. Mr. Patrick Cleary replied, I can clarify that, the Building Inspector made that determination many months ago. So what you can do is ask for his clarification, it's not the applicant's interpretation. David Sessions added Pat's exactly right, the Building Inspector ultimately makes that decision and he told us we need to have an office component here, which we were always going to do anyway. As long as the office component is associated with this use, it satisfies the use in the zone, but obviously the Building Inspector will clarify that.

Walter Hickey: Last time they were here, we spoke about the possibility of exploring a bond to make sure the use was going to be maintained, that there wasn't going to be any debris that was kept on the site and things of that nature. Pat, did we get a response on it? Patrick Cleary replied the bond is probably not the right vehicle to do this. If a year from now they're operating, what would we use their money for? There might be an alternative to this, which is in a year, there's a condition compliance assessment, which is done with the applicant and the building inspector to make sure they are complying with their conditions. If they are not, they return to the planning board.

- The application says Pole Barn, the renderings show more of a steel shed, is the pole barn still the plan? David sessions replied yes, it is a pole barn we have showed pictures of it as a 28.6 ft high pole barn.

Chairman Collins commented we need clarification from the town staff building department on that interpretation. Have we dotted the I's and crossed the T's, the

board will determine administratively the next course of action, are we are to go to a public hearing?

Motion was made by Joan Lederman to move the application to a public hearing, seconded by Jane Abbate, all members present voted in favor.

[MIN_SIGNATURES]

