

# TOWN OF MOUNT PLEASANT

## MINUTES OF THE MEETING OF THE PLANNING BOARD TOWN OF MOUNT PLEASANT WESTCHESTER COUNTY, N.Y. HELD JULY 29, 2024

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### **BUSINESS ITEMS**

### **CONTINUING 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 and Kevin Moses of Toll Brothers were present as the public hearing continued for the proposed project. The following points were made before opening to the public for their comments:

- This is an age restricted, active adult community consisting of all private roads.
- The community is self-sufficient, diminishes impact to town resources, meets the goals of the comprehensive plan, and provides a diverse array of housing for the community with no additional bus traffic.
- Physical benefits are 2.3 million net annual tax income of that \$166,000 will go to the town and 1.9 million will go to the school district. Currently this parcel under performs as a tax resource.
- Approximately 18.2 acres some of which is immediately adjacent to the community center will be donated to the Town. There is still a buffer of land between the community center and this parcel.

- Off-site sidewalks are proposed.
- additional connections and bigger pipes will be provided to upgrade the water distribution ultimately offering better water supply to the neighboring properties as well
- 63 acres are proposed as a conservation easement again providing great buffers for the surrounding community.
- DEP land donation is approximately 49 Acres. That makes a total of just under 100 acres of the 165 total to be permanently preserved.
- Regarding the comments made at the last public hearing we offered the following replies:
  - A new construction entrance for Phase 2 will be proposed on Lozza Drive this will be made part of the construction management plan.
  - The stormwater plan is designed to not impact any of the adjoining neighborhoods and ultimately to not impact Clove Brook.
  - All traffic studies included Westlake Drive and Lozza Drive with those being the main entries. This also included the construction phases. There is no access on Columbus Avenue the topo makes that infeasible and would create more environmental impacts.
  - Single floor units will be available as part of the 25% smaller units which could be less than 2,000 square feet. There will be a total of 41 of the 162 units offered as a down-sized, single-floor plan should buyers elect it.
  - Age restriction will be governed in three places: the HOA, the County, and the Town. It is enforceable by all three entities, and once filed is legally binding.
  - 162 units is compliant as we endeavor to stay in the original approved footprint of disturbance from the approved Baker application. Rezoning it from OB-1 to R-3a allows us the 162 units while staying within the same parameters of the previous approval and yet having less of an impact on the parcel.

Board Member Comments:

- Language must direct destruction traffic to the local Drive Entrance. Kevin Moses replied Lozza Drive is primarily for phase two construction. All vehicles with greater than two axles will be routed to Lozza Drive; a painter with a small truck could go to Westlake Drive.
- Can you switch Phase 2 and Phase 1 so you start with phase two?
- 25 of all units could be a single floor if only 10% of residents want one for and what happens to the other 15%? Reply, it is free market we cannot restrict that.
- For the heating source is geo thermal an option? Reply, No this Town is nearly at sea level there would be a lot of digging required, and in the NorthEast there is a lot of rock. It would be incredibly difficult and incredibly expensive.
- Is Solar power on rooftops going to be offered? Reply, No, you cannot just switch to all electric when the grid is just about maxed out. We do not offer options to provide electric via Solar.
- Sidewalks are still undecided, on the east side of Westlake Drive there a lot of power

lines and private property, the west side of Westlake Drive is steep slopes, and if placed on the right of way then the town has to maintain them. Reply, establishing an escrow account in the amount of dollars that it would take to develop a sidewalk on Westlake Drive as proposing Baker is still an option on the table. we will not build it ourselves as Toll Brothers Usually does not provide this. we can still meet with Dave Smith and hold the sidewalk conversation in abeyance.

Comments from the public:

- What will be the average sales price? Reply, this is undetermined at this point.
- Will the stormwater systems impact any other Town systems? Reply, the community is designed with its own independent stormwater plans.
- Will this community have its own swimming pool? Reply, Yes.
- The servicing fire department will be Valhalla? Reply, yes.
- The 18 Acres that is being donated to the town, is it flat, what kind of land is it? Reply, The town wants the property that is closest to and adjoins the community center. I cannot speak to how they will be using it. There are no steep slopes on that property.
- No impacts at all sounds great, but it still may be too big. Can the board ask this project to be smaller? Reply, we could not ask the applicant at this point to make it smaller, it would open the town up to a lawsuit.
- The people who live in this community truly need senior housing, what if more than 25% want a small unit? Reply, we are committed to the 41 units we have done this special for this town because of the Town Board's request.
- Is this considered affordable housing? Reply, no.
- The town doesn't have the right to tell the applicant how many units can be developed? Reply, no the planning board does that with the applicant
- Are there additional traffic lights proposed? Reply, no
- Will the additional tax money for the school district give the residents a tax award? Reply, no
- The cost of energy always goes up in time, solar panels should be considered.
- The one-floor small units gets determined by who? Reply, it is a first come first serve basis and it is not in the purview of this board.
- Is there an estimate on the HOA costs? Reply, Not from this board.
- Has anyone done a full cost analysis of annual net tax surplus considering the cost for 162 people to leave their homes - now those homes will be occupied by new residents. The new cost to develop the new 18 acres the town will acquire, cost of energy services. It sounds very unusual to have no impacts to traffic and road wear and tear for all this development and movement..
- Development is a part of life, but we must be sure about the impact especially to traffic. I get my child to the bus stop at 7:00 a.m. and still they get to school with only 2 minutes to spare. The most recent June 23 traffic study, was that done while school was in session?

- Is the water mitigation plan the same as in the summit that you also built? Reply, the parameters of design are the same as those set by the state, but every site is different.
- When did the rezoning occur? Reply, about a year ago.
- please pay very close attention to wording replies like should not, would not do not hold anyone accountable to their words
- Do any of you board members live in that area? The Westlake Drive traffic report looks like flawed material. I found a 2015 one from Baker, but could not find the 2023 report.
- It is hard to get out onto Nannyhagen Drive from Westlake. If you look to the left on Nannyhagen you cannot see a school bus coming it is very poor line of sight. The studies were shown to be done middle of June from the 13th to the 20th when the school parking lots were empty and had no seniors, this is flawed methodology.
- A bunch of families are on vacation now and could not make it tonight.
- I am from the Valhalla Fire Department and we have not signed off on this plan. Our main concerns are fire hydrants, cul-de-sacs and on-street parking. Reply, Toll Brothers did meet with the fire department over 2 years ago with Sal Pennelle and Chief Colhane. Chairman Collins commented you need the determination from the fire department as part of your impact
- There is a lot of impact to trees that will be lost why this property and not an already cleared parcel. The town has enough houses.
- Steven Kavee, Chair of the CAC, made the following Comments:
  - Is the phase 2 entrance on Lozza Drive outside of the Wetland buffer? Reply, It is Well outside of the buffer.
  - You have increased the plantings to 70% native, thank you for that. I would like to see what is actually going to be planted, can you share a specific plant list?
  - Ongoing maintenance is to be conducted by the HOA which is not always best, can a condition be added to the resolution so to have some oversight on this?
  - To what extent will the residents be made aware of the conservation easements? Some may abutt their property and they need to know that they will not be permitted to extend into it.
  - There should be a clear physical delineation of the Conservation Area.
  - Part of the master plan calls for a trail, but there is none on this parcel.
  - Solar looks towards the future, if applicants are willing to incorporate renewable energy components is that not going to be included here?
  - Suggest to extend public comments with a written comments period.

End of public comments.

Attorney Brad Schwartz commented this is the tell-tale sign to close the public hearing when there are a lot of repetitions. A lot of comments we heard tonight have already been answered. We request to close the public hearing and set a written comment period.

Chairman Collins commented there are two major issues one is the sidewalk and the second is the fire department input. If we close this now you are off the hook. This board controls the placement of the sidewalk and with 89 more units we would want to revisit that placement.

There were a lot of comments on the June dates that were used for your traffic study. Kevney Moses replied that speaks to the facts of the Baker traffic study which were done to the New York State best management practices.

Motion was made by Joan Lederman to continue the public hearing, seconded by Jane about them, Eileen McClain voted they all remaining members were in favor. The public hearing will continue to September 7th

[MIN\_SIGNATURES]

July 29, 2024