

TOWN OF MOUNT PLEASANT

MINUTES OF THE MEETING OF THE PLANNING BOARD TOWN OF MOUNT PLEASANT WESTCHESTER COUNTY, N.Y. HELD OCTOBER 9, 2024

BUSINESS ITEMS

Acceptance of resolutions of approval for 67 Leroy Road Site Plan application # SP 24-7- Installation of an 80KW residential generator, to be fueled by propane. Wetlands Application # W 24-03 Application to mitigate the disturbance to the wetlands during construction of addition which was part of a previously approved steep slopes application. 67 Leroy Road Chappaqua, SBL 99.6-2-18.1, Kevin Orsini

Motion was made by Joan Lederman to accept the Wetlands resolution of approval, seconded by JD Summa, all members present voted in favor

Motion was made by Joan Lederman to accept the Site Plan resolution of approval, seconded by JD Summa, all members present voted in favor

Acceptance of resolutions of approval for the development of vacant parcels located at Bradhurst Avenue and Brighton Avenue in Hawthorne for the construction of an approximate 3,000 Sq.Ft. business office with storage barn. Additional improvements include driveway, parking area, storm water mitigation facilities, landscaping and screened areas. Applications include Subdivision # SD 23-04, Site Plan# SP 23-07, Steep Slopes # SS 23-13. SBL 112.9-1-2&3, owner is Brighton Ave. Properties, LLC

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

Motion was made by Joan Lederman to accept the Steep Slopes resolution of approval, seconded by JD Summa, all members present voted in favor

Motion was made by Joan Lederman to accept the Site Plan resolution of approval, seconded by Jane Abbate, all members present voted in favor

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, Toll Brothers representative Kevney Moses and Engineer James Caris appeared to present the application to the public.

Brad Schwartz opened the presentation with the following comments:

- All three issues from the last public appearance have been replied to those being:
Traffic – A third-party review was performed by Labella Associates which confirmed the JMC 6/2024 traffic report findings that there is not an adverse impact.
Fire District Review - The Valhalla Fire District has provided correspondence stating that they have no issues with the proposed site plan
Sidewalks – Toll Brothers is committed to providing funds to the Town that they can set aside for future use at their discretion.
Tonight we are asking that you close the Public hearing and authorize the preparation of a resolution

Board Member Comments

Eileen McClain – The LaBella report had a number of conclusions for a number of small things with recommendation, would those be considered to be part of the resolution?

Pat Cleary commented yes, those would be conditions of approval.

Joan Lederman - Asked the applicant if they had any concern with these traffic items.

Brad Schwartz replied - we don't. I think that the two key ones that would be conditions of approval, 1- additional counts at Westlake Drive to confirm the speed with sight distance, and 2- an accident report to confirm safety issues.

Walter Hickey - The Labella report also made a recommendation about comprehensive pedestrian connections and traffic calming. Is that going to be included as well? Brad Schwartz replied internal walkways and pedestrian connectivity, that's not part of the proposal. We are committed to that off-site sidewalk, but Kevney Moses had previously explained that Toll Brothers projects typically do not include that internal connectivity. Folks can walk in the streets, any kind of sidewalks internal to the project, because of how many homes and all the different driveways, is just not practical.

Chairman Collins: We've been reviewing this project for several years. This project is the re-approval of a plan that mirrors the footprint of the pre-approved Baker Subdivision which we've talked a lot about.

- In accordance with the SEQR Negative Declaration adopted in November of last year, there are no adverse environmental impacts.
- While the Toll Brothers plan includes more dwelling units, the units are attached town homes restricted to seniors.

- Senior housing limits impact on school and traffic.
- The Town Board has already rezoned the site from OB-1 to R-3A to allow for the townhouse development.
- 48.3 acres of the site will be sold to New York City DEP for the watershed protection purposes and will remain permanently undeveloped.
- 18.2 acres are being given to the Town next to the community center to allow for anything that the town wants to use it for.
- The developer will be upgrading the town's water supply system in and around that site.
- The project will result in net tax surplus of approximately \$2,200,000.
- Traffic was a big topic, we have this study that has come back from La Bella, which, the applicant and the board has reviewed.
- We have this letter from the Valhalla Fire Department that did state that they have no problem with the application as it exists.

So that's sort of the background on this application

Comments From the Public (10 speakers)

Below is a summation of the comments from approximately 8 of the 10 people who requested to be heard, the last speaker was present and passed

- Out of the 160 some odd, units, we're told that it's not going to affect our schools because it's going to be seniors, what is the guarantee, our schools are already at capacity? Chairman Collins replied this has been covered at almost every meeting, yes, It's a deed restriction.
- What would the impact be to the Police Force, will the Town have to increase the force? Chairman Collins replied, the police will do the evaluation of what they're going to need for the population as a whole.
- With the \$2,200,000 in additional revenue are our taxes going to be less? What is the Town doing with this \$2,200,000? Chairman Collins replied, that's a Town Board decision, the planning board doesn't get involved with the budget and all the logistics about where money is allocated to. That is outside the purview of this board. If you want to have that question answered, you can bring those questions to the town board.
- Will there be ranch style units with everything on one level? Kevney Moses of Toll Brothers replied, this property will primarily be 2 and a half story, 3-bedroom townhomes, there will be a smaller, more affordable, unit, that is not necessarily a ranch, but is more single story, rather than 2 story. In 25% of the locations throughout the site, they will be offered in 25% of the locations on-site. But primarily, this is a 2 and a half story townhome community. Chairman Collins added there was a letter from someone in a wheelchair who questioned if there was some level of need for handicap could you could meet the accommodations. Kevney Moses replied, that's correct, every unit will be offered with a master down layout, ie, single story living for the primary uses in life with guest rooms on the second floor.
- Any idea how much taxes will be? Kevney Moses replied, a full fiscal report was completed for the project, it projects tax revenue. I can't tell you exactly what taxes would be per unit. Pat Cleary added to clarify the 2.2 is above revenue costs. So the

revenue that's required for police services and so forth is above that

- There will be additional volume of traffic, that cannot be disputed. The original study conducted in 2015, nearly a decade ago, was conducted at a time in June that notably has a reduction of vehicular traffic in and out of the school and when school sports are winding down and or finished. The study was supplemented with only 2 days of evaluation on June 8 & 10th in 2023. This is notable even more because the Westlake fields were still under construction, and therefore, no vehicular traffic for after-school sporting events were possible at this time. So no events. The fields were out of use. Since the fields have been expanded and are in use as of fall 2023, we now see excessive amount of vehicle traffic in the area, notably in the spring where there can be up to 4 plus fields in use at the same time, lacrosse, softball, tennis, and soccer, on top of non-sport related to events. The entire lot can be filled with vehicles from 2:30 to 8 PM with an overflow of vehicles as games end and begin.
- Westlake Road has 2 ends, we've only considered the one on Stevens, and the other is in a more dense residential neighborhood that has been completely ignored. That is dangerous there's still no mention of impact of the 3 intersections on Nanny Hagen, Swanson, Westlake, and Richard, which is some of the most dangerous intersections in the entire neighborhood. There's fast traffic on Nanny Hagen, limited sight lines at each of these intersections which make it treacherous, and this project will just exacerbate these conditions. Why these intersections are not in the report is beyond me, but I suspect it's because the applicant would not like the results and findings. We're not looking to stop the project, just asking that our neighborhood be kept safe.
- If an entrance onto Westlake Drive must be permitted, I would ask for the following. No deliveries, delivery trucks, maintenance vehicles, including trash removal, snow removal to use this entrance ever. It would reduce vehicular traffic on Westlake Drive and the dangerous intersections while reducing the number of large vehicles, which are the most problematic on the narrowest road in the neighborhood. Nanny Hagen in the reports is listed as the most-narrow road. Westlake Drive has no shoulder, and cuts through the dense community, no one can get out of the way. There are people that walk in that area, my own son rides his bike to visit his friends, and there are people with carriages that have to dive out of the way of vehicles. It's a dangerous condition.
- I'd also ask no entrance is permitted during high traffic hours, So no use of that entrance or exit during that time, ideally from 6:45 to 9 AM and 4:30 through 7 PM, Monday through Friday. We'd also request not permitting left turns onto Westlake Drive from this exit.
- The applicant stated in the last meeting that the Westlake Drive would be used by construction vehicles at the very end of phase 2, we would strongly recommend as part of the transportation plan that communication go to all contractors that West Lake Drive is not used prior to this phase, and there is clear determination when this phase is open.
- The applicant's description of 2 axle vehicles as the restriction is vague and misleading. Our school bus has 2 axles. Our trash collection trucks have 2 axles. The classification of construction vehicles should be determined and would encompass trucks Class 2b and higher including F250, 350 and etc which commonly have dual axles and are and are much wider, we need the class restriction to keep us safe

- We'd also request that trailers not be permitted on this road regardless of class.
- The IBM property originally had a path, it was actually an exercise path that went down to Columbus, maybe there can be some incentives that they would allow us to use that, connect it to the path going through the property, so you wouldn't need a sidewalk on Westlake, that would cost prohibitive
- We really appreciate the town offering an over 55 community. I know in today's world, the population growth is a concern and the quote not in my neighborhood syndrome is quite prevalent, but keeping us older folks around can provide some benefits, we offer a lot of volunteer services and we'd like to stay in the town that we've spent the last 32 years in.
- It's nice to see the large amount of trees that are on this parcel, far too many trees have been gone to keep leaves from pools. Pools that I've seen emptied into the stream feeding into the reservoir. Trees cut to make weed insect-free lawns and explode the size of houses. The stream in my backyard over time has lost wildlife and is overgrown with algae because of the chemicals used to create pristine lawns abutting it. Catch basins, a nice term for a garbage traps, have been installed to catch refuse, but they do not stop the chemicals pouring into our drinking water.
- Regarding the sidewalk conversation, the applicant, presented that the sidewalk would be held in abeyance, if you will, well, not on Westlake Drive though. I think if it was through the property, it'd be a lot more benefit for the people in the Stonegate and surrounding community for the kids to get to school
- The Town in New Castle had an applicant reduce the number of bedrooms from 3 to 2 in one of their senior developments. You don't need 3 bedrooms for a senior housing. So one for husband or wife and maybe a spare bedroom. Chairman Collins commented bedrooms are not really only for bedrooms, it can be a study or an office.
- What's going to happen to all the animals which live in the neighborhood? The deers, the turkeys, they all cross over to go to drink the water, are they going to be misplaced or it's just tough luck?
- Instead of 162 units make it 60. or 70, not a 160. Chairman Collins commented there's a formula that the applicant goes through with our consultant and with the town staff to come up with that number. So that number is what they have the right to build

End of Public Comments, no further comments from Board Members

Motion was made by Joan Lederman to close the public hearing, seconded by JD Summa, all board members present voted AYE.

Chairman Collins asked the board for their input on the action to be taken on the application. Patrick Cleary commented, Mr. Chairman, if you chose to take the next step on this application, it would be the direction to prepare drafts of resolutions of approval that would include all the conditions, including the comments you heard this evening. You would have the opportunity to review those documents and then at a future meeting, you have the opportunity to vote on those documents. Chairman Collins replied correct, this is our standard operating procedure. So thoughts or questions or motions from the board, one way or the other?.

Motion was made by JD Summa to have the consultant draft a resolution of approval,

seconded by Walter Hickey, Eileen McClain and Joan Lederman voted NAY, all remaining board members present voted AYE, motion carried 4 – 2.

NEW PUBLIC HEARINGS

- 2. 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.

Motion was made by Jane Abbate to waive the reading of the public notice and open the Public Hearing, seconded by Eileen McClain, all members present voted in favor.

Peter White of A&E Engineering appeared on behalf of the property owner to present the application to the public. What we have is a situation where there's about 30 feet of flat area behind the house and then it continues to go downhill until it reaches the property line, and had the survey continued, it would go 20 more feet to the house on property below. What we're proposing is the construction of a series of masonry walls. There's a straight wall across with, Giant Arborvitae planted behind it to shield the wall. Another wall behind it, and then ultimately another wall would be built in such a way that it can accommodate an above-ground swimming pool, and now the property owner has approximately 65 feet from the back of the house to have a usable yard.

Chairman Collins commented when that development came here 6 or 7 years ago or more, I thought there was a conversation at one point about pools and not permitting pools. Patrick Cleary replied it wasn't restricted, but it was a conversation that resulted in the configuration of these lots. That's why this is something you have to look at with fresh eyes, this type of improvement was not anticipated.

Peter White continued and additionally, as a result of the terrain that's in here, this is actually an above-ground pool and not, an in-ground, permanent pool. It's an above ground pool that is, being, put in behind the wall. So it gives the appearance of being an in ground pool, but, you can't dig into the ground out there. Peter White displayed images of the wall for the board and public.

Board Member Comments:

JD Summa: This wall is what the neighbor below in the rear will be seeing? Peter white replied what they're going to see mostly is the arborvitae and plantings that are put in

on each terraced level.

- How large are the Arborvitae going to be when you plant them, Peter White replied 8-10 feet and they grow up to 20 feet tall.

Joan Lederman Is there a picture of what the neighbor sees now, Mr. White displayed a picture taken from the rear neighbor's property looking onto the subject property. Joan Lederman Commented, so right now, the neighbor has a pretty nice view, how high is this wall? Peter White replied we designed these walls so that each of them are 6 foot and under.

- Total height of all the walls, how tall is it? Mr. White replied 18 feet.

Eileen McClain – What is the separation distance between the walls? Peter White replied you have a 6-foot wall, you come back about 12 feet, you have another 6 foot wall and then you come back about 35 feet, and then you have another 6 foot wall, and this is where the pool is.

- when I looked over our obligation reviewing the steep slope requirements, I got stuck on the first one. is there no reasonable alternative to what you're proposing? Peter White replied, this is the best alternative because another part of the problem here is the control of storm water, mason walls act like dry walls, so water accumulates in the aggregate behind the walls and then eventually seeps out slowly over the top.

Chairman Collins asked where does the water go once it seeps out, Peter White commented it seeps in the direction it always has been flowing, we can't change that.

Chairman Collins continued it seeps downward toward the house behind this parcel at the bottom of the hill. JD Summa asked have you spoken to that neighbor on the culdesac and what did they say? Peter White replied, yes, we did when we were taking pictures we explained the project to them and they seem to be okay with it. It's a tough piece of property, Chairman Collins replied it was a tough piece of property when you bought it and I think we're trying to make a diamond out of coal

- When this house was purchased, that slope was there. So the property owner knew what the limitations were and to disrupt the steep slopes we would have to have a kind of a compelling reason to allow that kind of alteration of the site that requires 18 feet of walls and I'm not feeling it, but I want to see those other documents and see if I can be convinced.

Chairman Collins – So it's an 18-foot wall, they've done this in the new ShopRite in Elmsford and at the end of the day, it's a really big wall.

- The Green Giant Arborvitae grow to about 60 to 70 feet high. Peter White replied, they also have a variety that grows about 20 feet. That's what we're looking at.

Chairman Collins continued, we would need to be very specific of what kind of arborvitae would be planted because we don't want the 80-foot or 60-foot arborvitae here, it is probably not the solution for this application.

Jane Abbate – How many trees are you removing? Peter White replied, about a half a dozen, the owner would also like to reforest with some Maples and Oak, the ones that are being removed are nothing that was planted, they just kind of grew on their own.

Chairman Collins asked if there was a specific landscaping plan, a specific list of what you're going to plant? Peter White replied, we can give you a specific list, that's not a problem

- That fence that's there, it's my understanding that there's a conservation area around the whole subdivision that was for drainage and that fence delineates the

conservation area. I was not involved in the actual subdivision itself. Patrick Cleary commented it delineates the open space area. Jane Abbate continued if it is open space then I don't think you can build on it and that's where you have the walls going, Peter White replied I do not think this is open space. Patrick Cleary continued it's a clustered subdivision. So everything that was there was specific to be there, the fence was an area to delineate an area that was to be open. And whether there was an easement or not, your approval of the cluster plan dictated that. So you should see the full cluster plan and have a sense of that. Chairman Collins commented I would like to see the HOA documents and see if there is any restrictions or guidance or language to this, not only is the adjacent neighbor impacted but also the HOA. JD Summa asked if the notices and mailings were verified and if that included the HOA? Peter white replied we did the mailings, we did the sign, we did the notice in the newspaper. We did the green cards.

Chairman Collins concluded with a list of the documents we are looking for:

- HOA documents.
- A landscaping plan
- We want to see if there are any limitations on the subdivision plat the original plat should have notes or restrictions.
- An image of what the wall is going to look like on this property, a rendering of it in place.

We are not trying to be obstructionist we are trying to make sure all the boxes are checked like we do with every application. The town has endured a lot of conversation about runoff and storm drainage and mitigation measures. Peter White commented that right now there is nothing to control stormwater coming from this property down to this house at the bottom of the hill, Chairman Collins asked, but does your wall make it better or worse?

Public Comments:

No comments from the public.

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

Moton was made by Joan Lederman to close the meeting, seconded by Jane Abbate, all members present voted in favor.

[MIN_SIGNATURES]

