

TOWN OF MOUNT PLEASANT

MINUTES OF THE MEETING OF THE PLANNING BOARD TOWN OF MOUNT PLEASANT WESTCHESTER COUNTY, N.Y. HELD DECEMBER 5, 2024

BUSINESS ITEMS

Acceptance of minutes drafted from the 11-18-2024 Planning Board meeting

Motion was made by Walter Hickey to adopt the minutes, seconded by Jane Abbate, all members present voted in favor

Acceptance of resolution of approval for Steep Slopes application # SS 24-05, Construct a series of MESA retaining walls, creating a usable rear yard configuration, including a pool. 1 Point Place, Chappaqua, SBL - 99.10-2-3.42, Owners - DoshiJay & Supriya - 50%, Doshi Vinay & Vasanti - 50%

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

**Review of resolution of approval for potential adoption of Site Plan Application # PSP 24-02 for NYC DEP Kensico Eastview Connection Contract #2 Eastview 2 Walker Road, Valhalla
Contract #2 Tunnel, Shafts and Kensico Excavation (KENS - EAST -1)
Contract #3 KEC Buildings (KENS - EAST - 3)**

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

Review of resolutions of approval Kensico Preserve - 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. SBL 112.16-1-1, Owner:Legions of Christ, Contract Vendee Toll Brothers, Inc. The following applications will be considered for adoption: Subdivision # SD 23-03, Site Plan # SP 23-05, Steep Slopes # SS 23-12, Wetlands # W 23-03

Chairman Collins stated we do have a resolution that the board has reviewed over the past six weeks or so, that resolution was created by us as a result of a lot of effort, hard work, consideration of public input and our own reviews. The applicant and owner had an opportunity to review it and suggest their own edits, which there were quite a few.

Board Member Comments:

Eileen McClain: The applicant's attorney eliminated wording describing watershed preservation purposes for the New York City DEP lands. It removed references to preservation purposes, why was that eliminated? Brad Schwartz, attorney representing the applicant, replied. So these revisions are our collective comments, from Toll Brothers, DEP as well as Legion, that was a comment that came from DEP, not from us. I think DEP's rationale was it's currently unrestricted it won't be protected until the transfer is effectuated, that was the rationale.

- Do we know if the Town Engineer or the Highway Superintendent are okay with maintenance responsibility for a sidewalk should it be built on Westlake Drive?

Typically, the abutting property owner takes care of the sidewalk abutting their property, and this specifically wants it maintained by the Town rather than the DEP. So what's that about? Brad Schwartz replied that was an issue raised by DEP a few months ago and based upon discussions with the town engineer, town planner, and town attorney the note that's been on the plat for now a couple of months indicates that the maintenance would be done by the town, including snow removal. That note emanated from that conversation.

- There's also a question about the survey and the date of the survey, can we extrapolate or discuss that?

Brad Schwartz replied the surveyor is the licensed professional who prepares the plat for filing in the county clerk's office. They prepared this subdivision plat that contains the same exact information that was on JMC's (project Engineer) subdivision plan. It's not just a different title block. It's the surveyor signature instead of the engineer JMC. So the surveyor has his own dates on his survey. Chairman Collins further confirmed so everything is on that survey, it's the most recent one including the utilities and everything else, correct? Brad Schwartz replied, yes, and just for full transparency, that subdivision plat is now at county health being reviewed. So as a result of that final review if there's any material changes, we, of course, would have to come back to the planning board.

- Could I ask that there'd be one minor tweak to keep the identification of the parcels consistent. On parcels, a, b, and c it doesn't say in parenthesis like it does parcels D&E.

Walter Hickey - Has the Town Attorney reviewed their proposed changes, deletions? Secretary Carolyn Saracino replied the documents have been distributed with not all responses received as of yet. Walter Hickey continued, so we don't have a response from the legal department yet on these changes, that is significant. Brad Schwartz replied that can be an added condition to have the attorney review the resolution.

- Looking at #43 you are changing the CAC's requirement of the native species.

Kevney Moses replied that was consistent with all of our discussions throughout the process with the planning board that 75% would be the threshold that we were held to for native species. Eileen McCain added the letter that we got from the CAC said 70%, so they're offering more than. Chairman Collins asked the CAC to speak to their review of the resolutions.

Steven Kavee made the following comments:

- the, resolution approval seems to be correct in the items that we mentioned with regard to creating monuments and designations of the conservation easement area.

- they include then the stipulation of native species. 70%, just to be clear, is the minimum threshold that naturalist and environmentalist considered to be valuable in providing habitat, for native species, mammals. So that's the proposed That that's why we mentioned 70%. But in the resolution of 75%, we're happy to take the other 5%.
- The applicant asks for some substitution of non-native deer resistant, we've got a little flexibility and leeway with that extra 5%.. So we would like to consider keeping and maintaining the 75%.
- The review by the CAC of the final landscaping plan is indicated here. So we'll be able to offer our input and insight once the landscaping plan is proposed.
- There's one very minor thing the resolution talks about the conservation advisory committee, we are the conservation advisory council. and that is actually an important designation based on New York State code. I think it's important that the proper term is used in the in the resolution.
- There is the comment from the Highway Superintendent on number 30 about the maintenance of the sidewalk, should it be built on Westlake Drive. I believe it still made it in there because of the highway department's concern that that sidewalk is built, that they don't have the resources to maintain it. Brad Schwartz replied we had reached an understanding months ago, that the town would maintain it and that's reflected in the note that's been on the drawings, again, for the past few months

Jane Abbate - I want to go back to the watershed preservation, that line, can it be added back? I know it was from the DEP, not you, but that was the intention of this application and all part of the bigger grand plan of approving all of this development. That was an important piece. Kevney Moses commented, being that it came from those who will be preserving the land in the future, I believe it has to stay out. I think it's really just a legalese thing more than anything. Jane Abbate replied, yes and no, if you look at the DEP they're not always in preservation mode, right now they're doing a huge water project down the road from here, so I think it's important to keep that in. Chairman Collins added this public hearing has been open for a long time. If the DEP and the Legionnaires of Christ had input, why were they not in before tonight or at least came to a public hearing if they had substantive input to make? It is very unorthodox to make that input after the public hearing is closed, and frankly, I'm a little disappointed because during the process we've had a ton of people sitting here week after week after week after week, and now they come in the 11th hour and have all these proposals. I'm not happy.

Chairman Collins - The Town Engineer sent an Email today stating he was reviewing the final plat survey, we have to give him enough opportunity to review it since it came late in the game.

- Just to clarify, this resolution is this board's resolution, right, we're not going to ask the applicant for approval or their yes or no. So we have three options, we have reviewed the resolutions, we could approve the first one, accept the second resolution that was modified, or we can make a modification and take a subset of the resolution that was modified, which will take quite a bit of time and take pieces of it that may or may not work, But we own this, and this reflects this board's decision.

- I have a definite thought on what direction I, as one board member, am leaning, we came up with the perception of what we're going to do, and then you're asking to make modifications to it, some are minor, some are not. I understand you are in contract with the Legionnaires and Dep is involved, but we have no contracts and this is our resolution. Kevney Moses added we have the contract with Legionnaires and they have the contract with DEP which stipulates they have the option to review the resolution and make comments and they have a lot of legal determination that goes into this as far as the exact language. If DEP already owned that property, this note could certainly stay within the resolution. My understanding is that it's a matter of order of operation. Chairman Collins added then they should have been forced to be here. Brad Schwartz commented I totally get and appreciate the line of inquiry and the nature of the questions, to Kevney's points the comments that come from DEP is to facilitate that transaction with Legion. Our request on behalf of DEP is that it stays in. The practical matter is there is nothing that your board is approving in terms of the way the site plans, the subdivision plans, the development plans that have been presented to the board throughout this whole process would in any way right now authorize the development of that land. We haven't submitted any drawings whatsoever for development of that acreage, it's like a wordsmithing request by DEP, we're just asking for that comment to be honored. In the absolute worst-case scenario, the DEP has some other motive to develop that land, there's nothing right now before the town that would allow that to happen. Your board will always have the final say if and when that request was ever to be made with you.

Brad Schwartz commented – one further comment regarding condition #26 All comments of the Town Engineer shall be satisfactorily addressed. So any ongoing review with respect to that survey of the subdivision plan, is already baked into your resolution that the town engineer gets to weigh in and provide any final comments. You mentioned that there was still some ongoing internal review. I just wanted to point out that there's a condition in the resolution

Chairman Collins commented this is a tough one for me and asked the board for their thoughts on how they see this proceeding. Eileen McClain replied I think that most of their changes were related to timing of approvals, like, before issuance of a building permit, before signing the plat, the escrow account etc, those things you just moved around, but they were found. I didn't have a problem with that. My only concern that's partially allayed is what we've just been talking about. Chairman Collins added we have four members here tonight, so we have to have all four members agree. It would improve your odds if there were more members present. Eileen McClain asked the applicant if they would like to delay a vote for when more members are present? Brad Schwartz asked if there were any other concerns the board has with any other part of the reviews and suggested revisions.

Chairman Collins read out other comments, there's, number six the same engineering inspection fee and amount calculated of the town of engineer requires pursuant to 227-18.A of the town subdivision regulations; there should be not be a separate inspection fee just for the site plan. Brad Schwartz replied the intent there was just to make sure there was not a duplicative inspection fee for both site plan and subdivision. It's one

project, one inspection fee, and that section that is cited in the condition lays out that the town engineer is responsible for determining what that fee is. So it was simply just meant to ensure clarity. There's one inspection fee for the overall project.

Chairman Collins asked for final comments from the Board:

Walter Hickey – This was drafted by attorneys from Toll Brothers and Attorneys from DEP for each of their specific purposes and intents and yet our legal department has not reviewed it.

Eileen: For me the only questions are which resolution do we want to approve? Do we want to adjourn and get these answers? Do we want to add the wording back in about the wetland, but that may blow up for the applicant, or do we want to take the revised resolution and approve it that way? Chairman Collins added I prefer not to start piecing parts of it together and making modifications.

Jane Abbate: Regarding the DEP language I would like to see it back in, if it's word smithing they can just word smith it right back in. James Collins added I'm struggling why that word was removed. We've been here saying to folks repeatedly this is going to be a watershed property, environmentally protected, I think it needs to stay in there, to be honest. The DEP may not be happy about that, but my opinion, as just one board member, is I can't go out in town and face people and say that this was removed in good conscious. The DEP has an attorney and they took it out for a reason, and we don't know the reason, could be simple, but we have to protect the town and that's just where I'm leaning towards. Jane Abate replied I'm leaning the same way, we've spent years looking at this. Years through the Baker application and now again for this. I don't want to blow up anything by all means, but I also feel very strongly that we have to do the right thing here, and if it's just wordsmithing then it shouldn't be a big deal.

Kevney Moses commented I'm not bound in my contract with Legion to honor a piece of the contract between DEP and Legion. I am trying to be the good guy here, if it would be alright with the board at your pleasure, if you could possibly take the next action, we will call the attorney for Legion, see if this is something he could accept. If it is, we'll put it back in, and we'll come back to you after the next item. Chairman Collins replied, make your phone call, we have a long application after this.

(Applicant left the courtroom other applications were heard and they reappeared.)

Brad Schwartz commented, Thank you for the courtesy in allowing us to make that phone call. First of all, 100% this land will be protected in accordance with DEP's right policies and their programs, which is what we all want to accomplish. We are asking, and DEP is asking, that the edit stays and here's why: the appraisal is predicated upon the land not being restricted yet, that it's developable based upon current zoning. So the contract between Legion and DEP, that purchase and acquisition price it is based

upon diminishes. And if the property diminishes, there goes the deal and there goes this overall effort. The Neg Dec has this language about, "for protection purposes", all of our application materials and the entire record is "for protection purposes", but there's something magical about that language remaining in the resolution that again would undermine the appraisal, therefore undermine the sale.

Chairman Collins commented I have to thank you for going through that effort, I wouldn't be doing my job if I didn't ask you to push a little bit to provide that clarification. I was reviewing all these changes and there's really nothing out there that's glaringly wrong, there is some wordsmithing going on and other small things most are fairly innocuous.

Chairman Collins asked for comments from the Board, none were made, with four resolutions how would the board like to proceed?

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

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

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

Motion was made by Eileen McClain to adopt the resolution of approval for the Wetlands Application, seconded by Walter Hickey, all members present voted in favor.

Request for a 90-Day extension of subdivision approval # SD 20-6 for the development of a four-story, 170-unit, service-enriched senior housing residence, Brightview Senior Living. Subdivision application # SD 20-6, Site Plan Application # SP 20-012, Steep Slopes Application # SS 20-15. 364 & 236 Grasslands Road, Valhalla, NY 117.17-1-28, Grasslands Estates - Owner, Brightview Senior Living Development - Contract Vendee.

Motion was made by Walter Hickey to grant the extension, seconded by Eileen McClain, all members present voted in favor

CONTINUING PUBLIC HEARING

- 1. Proposed: 420 Nanny Hagen 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

Jane Abbate recused herself from the application.

Chairman Collins commented it is unfortunate that we do not have a quorum to hear this application. Attorney for the applicant, Phil Grimaldi, Mr. Spearman flew up from North Carolina for this, but that's the law, you cannot act as a board with 3 members and I would object to any comments from any members of the public. I would just ask to put us on 16th to be heard. Chairman Collins commented you will have to contact staff to find out when you will be scheduled.

NEW APPLICATIONS

- 2. Proposed: 40 Saw Mill River Road, Amendment to recently approved site plan application # SP 22-03 to include further improved circulation and accessible access to the building. Previous approval granted an increase to a total of 335 spaces, amendment proposes an increase to a total of 341 spaces.**

Application: Site Plan # SP 24-10, Steep Slopes # 24-12

Location: 40 Saw Mill River Road, Thornwood

Section/Block/Lot: 116.7-1-4

Zone: C-RB

Owner & Applicant: Seventh Jam Development, LLC

Engineer: JMC Site Planning LLC

Architect: Tecton Architects

Rob Aiello of JMC Engineering and property owner Robin Getz appeared to present the application.

RobAiello commented the most recent Site Plan application was approved in 2023 for the parking lot configuration, that approval has been extended and is currently maintained.

Robin Getz - we we've been with this property for about 25 years. And for most of that time, our parking, was more than adequate for the uses of the building, which was primarily office and educational. About 7 years ago, we began a series of new tendencies with medical tenants, and since then this has slowly taken over almost the entirety of the building, and we anticipate in the next few years, it will represent 100% of the occupancy of the building. It became apparent a couple of years into having, the medical tenants that what had worked before for our parking no longer works. The traffic that was generated by the medical tenants was significantly higher than what we had before, so with that we came before you and presented a plan to increase our parking and received approval for that plan. We were thrilled to be on our way, to remedy the problem. Subsequent to that time, the use the medical use has intensified even more so.

As tenants build up it became apparent to us that there is more than just a demand for more parking, there is also a need to make access the building more accessible. The way the parking is designed right now, we have, ramps in various locations around the building, we have different elevations, and we have an unusual arrangement where we do not have a 360-degree circulation around the building. So we have situations where a tenant can actually be a visitor in the back of the building at the furthest point from the access point where they need to enter the building, and they have to make the long trek all the way around to get there. It's really heart breaking is when you see that that is an elderly person with a walker or someone that's handicapped. The building has a half a dozen points of entry and with the way the parking is set up now there's an imbalance in the amount of parking relative to the amount of tenants that are entering at a certain points in the building.

Our plan is designed to solve the parking problem and address how visitors can adequately use the facility, these changes include:

- Tried to diminish the number of ramps around the building
- Put parking at grade for a number of the locations so drop offs become much easier
- Included an elevator that significantly increases access for people
- We've increased the number of handicap spaces.
- We've improved the pedestrian access.
- Eliminating ramp to building roof top which provides improved circulation around entire building.

Rob Aiello displayed boards showing what was recently approved versus what is currently proposed and explained that originally this was a building owned and operated by IBM, and it was a single purpose tenant building. There are 234 spaces based on the Town's requirement, which is under 4 spaces per 1,000 Sq Ft. So it's a low requirement. Medical office use requirement is more, at least 4.6 per 1,000Sq Ft. The currently approved plan has 234 parking spaces and the proposed plan would have 341 spaces. The difference is that currently you have 3 different dead end parking lots that are at different elevations that are lower than the entry into the building and that don't serve or have an ADA entrance going to the lower level that is not ADA compliant.

One of the major changes that we've made is we've modified this to eliminate the 3 tiers of parking and made it one parking area up at the elevation of the upper level of the building. Another change is we are proposing an addition to the building purely for circulation purposes.

Steven Brennan from Tecton Architects made a brief presentation on the building changes, the following points were discussed:

- Our goal as a collective is to increase the ADA accessibility throughout the entire site.
- There are 3 levels that we're trying to connect. The front portion of the building that sits along the street is what we're calling the mid level, then the main part of the building behind that has 2 additional levels. what we're trying to do is connect all 3 of those with

an accessible route. So you can arrive on-site and get to your tenant space along an ADA compliant route.

- We're proposing to continue the architectural language that already exists and connect it with an elevator. The shaft and a stair allows a patron to arrive on-site either in their own vehicle, a taxi or Uber and then access the building at the mid level that exists and then from there they can either go to the upper level or to the lower level. This is all from the proposed +1000 square foot addition.

Board Member comments

Eileen McClain – What are the slopes with the new parking lot and will you need retaining walls?

Rob Aiello replied there is a 3-4ft slope of less than 5%.

Walter Hickey – Access into that facility is very difficult if you're going south, once you pass that Skyline Drive light you have all the northbound traffic. Have you had any complaints from your tenants of access to that building? It is very difficult to get into that facility coming from the north, to make a left into that driveway is very difficult it leaves you sitting in the left lane backing up trucks and everybody else behind you. Are you proposing any improvements as part of this big project to address access off that driveway? Rob Aiello replied the original approval included a traffic plan that the Town Engineer reviewed and ultimately we were approved.

We now have a new traffic study submitted to him to look at so he can look at exactly that to understand all of the intersection operations at both driveways. I will note though that there is an opportunity to enter the site here also, there are two driveways.

- Is there a way to access the Columbia Doctors portion of the building facility off Skyline Drive? You could make a left on Skyline and then put your driveway off Skyline into your facility from there? Rob Aiello replied the issue is there's significant grade change here to allow that to happen. So the only way to do it is to have it very close to route 9A and then at that point, you're queuing for the light would prevent people from being able to get from our site to the light. There's also a large detention basin there and then the slope comes up and then goes down. So there's really not good opportunity for connection, plus, it would be an agreement with a private property owner and that we have no control over.

Chairman Collins - In those islands are there trees or landscaping there now that you're moving? Rob Aiello replied There are, and we did include the tree density calculation that shows with the removal of the trees and the addition of the trees, we do meet the tree density calculation requirements.

- Can you put some landscaping in the front of the building to make a little bit more of a softer front? Right now, you basically have nothing in front and the Town is trying to figure out ways to incorporate some green spaces throughout the community. I don't think it's a heavy lift to do, and you don't have to answer me tonight. Rob Aiello replied understood, we did include a landscaping plan in our submission.

Jane Abbate – You removed a lot of green space between the parking lots did you have

to add any drainage for that? Rob Aiello replied, yes, we included a stormwater pollution prevention plan with our application. There are two different stormwater practices proposed in addition to the detention that already exists at the site for the existing improvements. That was one of the major changes from the plan actually, it's an open graded basin and a stormwater basin. On the other side there is a subsurface infiltration system here consisting of storm techs.

Rob Aiello commented procedurally, we have a couple of requests if possible.

- We'd like for you to declare your intent to become lead agency, if you felt so.

Chairman Collins replied not sure if there would need to be a lead agency designation seeing this is an amendment, we will check with Pat if there are significant enough changes to warrant that.

- Because there are limited meetings in January and February it's my understanding that the board can consider to put us on for a public hearing once we have satisfied the review comments of the town engineer and planner.

Motion was made by Eileen McClain to schedule a public hearing contingent upon satisfaction of the engineers and consultant's comments, seconded by Jane Abbate, all members present voted in favor.

[MIN_SIGNATURES]

