

TOWN OF MOUNT PLEASANT

MINUTES OF THE MEETING OF THE PLANNING BOARD TOWN OF MOUNT PLEASANT WESTCHESTER COUNTY, N.Y. HELD FEBRUARY 6, 2025

BUSINESS ITEMS

Acceptance of minutes drafted from the 12-5-2024, 12-16-2024 and 1-2-2025 Planning Board meetings

Motion was made by John Piazza to adopt the 12-5-2024 minutes, seconded by Eileen McClain, all remaining members voted in favor.

Motion was made by John Piazza to adopt the 12-16-2024 minutes, seconded by Eileen McClain, all remaining members voted in favor.

Motion was made by John Piazza to adopt the 1-2-2025 minutes, seconded by JD Summa, all remaining members voted in favor.

DEP KEC Contract 2- Kensico - Review and adoption of resolution of approval of Site Plan Application # PSP 24-9 for the development of subsurface dewatering shaft and tunnel, rock excavation, and vent structure for the conveyance of water. Westlake Drive, Kensico Campus, Valhalla, NY SBL 117.11-3-1, R-40 Zone, Owner NYC DEP Bureau of Water Supply

John Piazza Recused himself from this item.

Motion was made by Jane Abbate to adopt the resolution, seconded by JD Summa, all remaining members 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.

Attorney David Cooper appeared for the Applicant, they are still waiting on DOH signatures, there are no significant issues with the plans or their review, it's just the signature. Motion was made by Jane Abbate to grant the extension, seconded by Eileen McClain, all remaining members voted in favor.

NEW APPLICATIONS

1. Proposed: 399 Old Sleepy Hollow Road, Pleasantville

Subdivision of one lot into two for the purposes of development of a single family dwelling.

Application: PSD 25-01

Location: 399 Old Sleepy Hollow Road, Pleasantville

Section/Block/Lot: 105.18-1-19 & 20

Zone: R-40

Owner & Applicant : Joes & Zulema Montiel

Engineer/Architect: ARQ Architecture, P.C

Appearing to present were: Attorney Korey Salomon of Zarin & Steinmetz
JB Hernandez Project architect
Mandy Santucci, Contractor
The Reiches, buyers

Korey Salomon continued covering the following points:

- Subject parcel is approximately five acres in the R 40, zoning district, currently improved with a single-family home and accessory structure. The property, while it appears to be one lot, has two section block and lot numbers.
- When the developer went to the building department to talk about pulling a building permit application, they were told the lot wasn't on a subdivision plat. Further review of the parcel history revealed this property is subject to a special permit issued in 1976 for a stable and horse boarding. One of the conditions for that Special Permit is that the property can never be subdivided without first having Planning Board approval. We're also looking to just terminate that special permit as well
- We're proposing to subdivide this lot into a 1.7 acre lot, Lot 1, which has the existing single family structure with an accessory structure. And then a three-acre lot behind it, Lot 2, which will be improved with a single-family home and a pool.
- The health department has approved the septic and all the stonework on the new lot.

Comments from Board Members:

Eileen McClain – Is there a reason that you want that irregular kind of point going out?

JB Hernandez replied there is no reason, it is a preexisting lot line from the previous SBL prior to the merging due to the Special Use.

Chairman Collins: You've seen Cleary comments you don't have to reply this evening, but a formal reply is due. Korey Salomon replied, our intent would be to submit a full comment response memo. we will go through each point in Cleary's memo as well as the engineering memo that came out today. Chairman Collins continued, there are a couple of questions we can start on tonight, where do we stand with SEQR? Mr. Patrick Cleary commented I would recommend you designate your intent to be lead agency tonight. Some of the comments relate to changes of plan, as Eileen pointed out, that little dog leg that sticks out. It's not preferable, it would be beneficial to the town, and to the applicant to some degree, to make it less odd, there are no zoning issues, but we couldn't set a public hearing because the plan will change. Korey Salomon commented, I certainly understand the board's preference, and I understand the policy

behind it, in conferring with my client it is our intention to leave it as it is, it's a very small tail and there are plenty of irregular lots in that area, this wouldn't affect anything. Chairman Collins asked them to consult with their client to see what they are and are not willing to do and asked the board how they would like to proceed with SEQR.

Motion was made by Eileen McClain for the Planning Board's intent to serve as lead agency, seconded by JD Summa, all remaining members voted in favor.

Pat Cleary commented this is the first application we've seen this year since the DEC adopted their new wetland regulations. Those regulations are a significant change in the way the state regulates wetlands. In a sense, they have abandoned the reliance on the state wetland maps and the 12.4 acre minimum lot areas, and they now have more discretion to control over, or assume the responsibility of issuing wetland permits for projects that were typically in the past local wetland permitting processes. There's a process by which you confer with the DEC, they issue a Jurisdictional Determination (JD), and they have the authority now to control tiny little pockets of wetlands if they choose to do that. So this would be the first application that's come before you where the new regulations are in place. My understanding is it's the applicant's obligation to contact the DEC and get a JD, a jurisdictional determination, if the DEC must do this, they have ninety days to reach their jurisdictional determination.

James Collins closed stating once you hear from DEC please come back and let us know how you will proceed with the other application details and reply to consulting, Engineering and CAC comments.

2. Proposed: NYC DEP KEC Contract 4 Shoreline stabilization of the Kensico Reservoir to protect an additional 1,600 Linear feet from storm related turbidity near the reservoir intake (Upper Effluent Chamber) including the removal of accumulated sediments in support of the existing Water Supply Use, grading and tree removal within the 50ft wetland buffer.

Application: PSP 25-01

Location: 0 Westlake Drive, Valhalla

Section/Block/Lot: 117.11-3-1

Zone: R-40

Owner & Applicant: NYC DEP

Engineer/Architect: Darcy Rosenthal, P.E. of CDM Smith

John Piazza recused himself and left the meeting

Kevin Ellenwood Deputy Portfolio Manager with the DEP opened the presentation the following topics were discussed:

- Overall review of the KEC project, the contract phases, and current status of each
- Today's application is only for the Kensico site on Westlake Drive.

- In 2018 work was done to repair damage a result of Superstorm Sandy where we experienced some stormwater-induced erosion, it's essentially installation of rip rap, and stonework along the shoreline.
- We want to continue that work, and bring it up to where water enters the Catskill Aqueduct, this will include dredging from where the storm water enters to a good distance into the reservoir.
- So we're working in that narrow strip of land between Leslie Drive and the reservoir shoreline itself.
- Past the curve of the incoming stormwater area by Malcolm Brook we have two existing turbidity curtains that we'll be replacing.
- And then finally, as part of site restoration we'll be landscaping.
- Staging is on the North end of the property and will not be visible by drivers passing by.
- Tree removal and landscaping will meet the density requirements.
- Rip Rap will be installed 40ft wide for approximately 1,600 linear feet.
- A retaining wall will be installed after grading, it will comply with regulations and be less than 6ft in height.
- Will construct 100ft sections of cofferdam cells.
- Dredging out in the reservoir will be conducted from the hours of 8am to 6pm. The pump is electric and will be more quiet than a traditional diesel pump so we would like at some point to start at 7am, but will need to speak with the Building Inspector for approval..
- We have been acting as good neighbors and since this project has started have only had three complaints which were addressed in timely manner.

Board Members Comments:

- What is the timeframe for this Contract? Up to 5 years that would include a 3-year replanting and monitoring plan, so 1 ½ - 2years of prep, 2 years working.
- Can you tell us the distance from the dewatering area to the nearest residence? We don't need it now, but we'd like to know because dewatering can be a smelly operation.
- You're ahead of schedule, but you're starting this one after the original start date, why is that?
- It's just taking longer than we expected to get out, it's not related to the ongoing construction work. we need to get this contract done before we get the last contract done because we're going to be working in the same area.
- The CAC should continue to be involved to have their input to make sure that the tree replanting plan and all the tree changes, happen appropriately.
- Per Cleary comments regarding the new access driveway that is proposed for Westlake Drive, removal of this road and site restoration should be more fully documented
- Do we have a wetland consultant yet? Pat Cleary replied, we have an RFP to retain a wetland consultant now, so that will have to happen as well.
- We're trying to protect wetlands, water resources, steep slopes, and this is interfering with all of that so in any resolution that's drafted there should be language that distinguishes this from a homeowner coming in and wanting to do something on their steam, slopes or wetlands.

- That mountain of dirt that's there now, does that stay? Depending on when you drive by, there could be a smaller mountain that sticks up a lot higher. That would be temporary, but basically what you see is what you get now, except we haven't done the final plantings.

Chairman Collins commented you have a couple of I's to dot and T's across, but I don't think they're insurmountable from a staff perspective. We did not yet get David Smyth's comments so we need the engineering comments satisfied before you move to the public hearing. Thank you for coming out tonight.