

TOWN OF MOUNT PLEASANT

MINUTES OF THE MEETING OF THE ZONING BOARD OF APPEALS TOWN OF MOUNT PLEASANT WESTCHESTER COUNTY, N.Y. HELD JANUARY 8, 2026

Present	Chairman	Ron Prezner
	Board Member	Nick DeCicco
	Board Member	George Hlapatsos
	Board Member	Herb Doerr
	Board Member	Adrienne Novak - ABSENT
	Building Inspector	Joe Bregante
	Zoning Secretary	Cathy Grohowski

CONTINUING APPLICATIONS:

Enza Materia, owner of premises located at 385 Columbus Avenue, Valhalla, NY

Designated on the Tax Assessment Maps of the Town of Mount Pleasant as 89/112.19-1-32.

The application is for the proposed demolition of an existing deck, constructing a new deck to the rear of an existing single-family dwelling, on a legal parcel (20,437 SF.) in the R-20 Zone. **The following variance(s) are requested:**

Application No.: Z-25-56

Property Address: 385 Columbus Avenue, Valhalla, New York

Tax Map Designation: 112.19-1-32

Zoning District: R-20

Owner: Enzo Materia

Applicant/Representative: William Besharat

Description of the Application:

William stated that the subject property is owned by Enzo Materia and is located at 385 Columbus Avenue, Valhalla. The application seeks approval for a rear-yard setback variance related to the reconstruction of a deck.

Prior Meeting and Revised Plans:

William noted that the application had been before the Board at a prior meeting, during which the Board suggested reducing the size of the deck to lessen the degree of nonconformity.

Following discussions with the owner, revised plans were submitted. The deck was

reduced by approximately 3.5 feet, resulting in a reduction of approximately 19% of the deck area. Due to the existing girder and column locations, a greater reduction was not structurally feasible without substantial reconstruction.

- The revised reduction is feasible and can be constructed.
- Further reduction would require removal of girders and waterproofing and would impose significant financial hardship.
- The property is well landscaped with mature trees and buffers.
- There is no adverse impact on neighboring properties.
- The owner has spoken with neighbors, none of whom objected to the deck.
- The original deck was constructed with a building permit at the time the house was built in 2000.
- The original deck complied with setback requirements and was smaller.
- The current deck represents an expansion beyond the original footprint.
- The deck was reconstructed without a building permit, constituting a self-created hardship.

Board Member Comments:

- The larger deck been proposed prior to construction, the Board would likely not have approved it. He expressed support for the revised plan as a reasonable balance that neither rewards unauthorized construction nor imposes unnecessary punishment.
- Requested clarification regarding the size of the original deck and confirmed that the new deck was larger and encroached further into the setback.
- The statutory variance factors, noting:
 - The original proposal would have created an undesirable change in neighborhood character.
 - The revised plan significantly mitigates that impact.
 - The variance remains self-created but has been reasonably minimized.
 - The revised proposal is no longer considered substantial.

Public Comments:

No public comments

Motion:

Mr. DeCicco moved to approve Application Z-25-56 based upon the amended plans and

materials submitted.

Second:

Seconded by Mr. Doerr.

Result: Motion carried 4–0.

NEW APPLICATIONS:

Linda Whitehead, Esq. (Applicant) for the Jewish Child Care Association (Owner) of premises located at 1075 Broadway Pleasantville, NY

10570. Designated on the Tax Assessment Maps of the Town of Mount Pleasant as 106.11-1-21. This application is submitted for an appeal of the Building Inspector's determination that a Health Center is a prohibited use within the R-20 zoning district, pursuant to Town Code §218-45 "Parochial and private elementary schools, high schools, and colleges."

Application No. Z-25-28

Applicant: Jewish Child Care Association (JCCA)

Premises: 1075 Broadway, Pleasantville, NY

Tax Map: 106.11-1- 21

Zoning District: R-20

Applicant/Representative: Linda Whitehead, Esq.

Also present on behalf of the applicant were:

- Wendy Kleinman, Board President, JCCA
- Deborah Falk, Chief Program Officer, JCCA
- Ken Shieh Chief Administrative Officer, JCCA

Description of Application

Ms. Whitehead stated that the application is an appeal of the Building Inspector's determination that a proposed "health center" constitutes a prohibited use in the R-20 zoning district pursuant to Town Code §218-45. Ms. Whitehead also said that the application is not a variance request, but rather a request for an interpretation of the zoning code.

Description of Property and Existing Use

Ms. Whitehead stated:

- The premises have been operated as a **residential treatment center** for over 100 years, having been established in approximately 1912.
 - The facility was historically the first cottage-style residential treatment center in the country.
 - Medical, psychiatric, and behavioral health services have been an integral component of the use since at least the 1920s, predating the adoption of
-

zoning regulations.

Proposed Building:

Ms. Whitehead also explained that:

- JCCA proposes construction of a new building referred to as a “health center,” intended to consolidate existing medical and behavioral health services currently scattered throughout the campus.
- The proposed building would be modern, ADA-compliant, energy-efficient, and designed to better serve the resident population.
- The proposed structure would not introduce new services, increase population, or serve the general public.
- Services would remain limited exclusively to residents of the JCCA residential treatment program.

Basis of Appeal:

Mrs. Whitehead asserted that:

- The proposed building does not constitute a new or separate use.
- The use of the property would remain unchanged.
- The health services are an incidental and integral component of the principal residential treatment use.
- No signage or public access separate from the campus is proposed.
- Any ambiguity in zoning interpretation must be resolved in favor of the property owner, as zoning regulations are in derogation of the common law.

Ms. Whitehead further cited Town Code §218-85, stating that any use lawfully existing prior to zoning and now classified as a special permit use is deemed conforming, and that additions or extensions may be made in compliance with code requirements.

Prior Approvals:

Counsel referenced prior municipal approvals, including:

- A 2002 approval for staff housing, in which the use was treated as a religious/charitable institutional use.
- A 2016 approval for a dormitory building, in which the Town Planner classified the use as a parochial or private school use requiring a special permit.

Ms. Whitehead stated that under either classification, the use is deemed conforming.

Ms. Kleinman stated that:

- Students attending on-campus schools utilize school nurses for school-related injuries or illness.
- Residential students receive medical care, medication management, and behavioral health services through JCCA’s infirmary.

- Day students attending the state-created special act school are not treated in the JCCA infirmary.

Ms. Falk stated that:

- JCCA operates residential treatment programs at both the Edenwald and Pleasantville Cottage School campuses.
- The infirmary provides medical, psychiatric, mental health, and behavioral health services exclusively to residential youth.
- Outside students are not served by JCCA's health facilities.

Mr. Shieh stated that:

- The existing infirmary occupies primarily the first floor of a 100-year-old building, with clinician offices on upper floors.
- There are currently two infirmaries on campus, one serving Edenwald and one serving Pleasantville Cottage School.
- The proposed building would consolidate existing services rather than expand them.
- No increase in population or scope of services is proposed.

Ms. Whitehead stated that:

- The proposal is intended solely to modernize and centralize existing services.
- The use would remain unchanged.
- Any future development would be subject to site plan approval.

Status

The matter remained under consideration by the Board for further deliberation and possible submission of additional plans or documentation as requested.

Board Discussion –Proposed Facility Use

Board members engaged in further discussion with the applicant regarding whether the proposed new health center would alter the nature, scope, or intensity of health services currently provided on the campus.

Board Member Comments:

- Board members questioned whether the existing facility functioned as a hospital. Counsel responded that it does not, but rather is an outdated, multi-use building containing medical, behavioral health, and administrative functions.
- Board members inquired whether the infirmary functions similarly to a school nurse's office. Testimony established that:
 - School infirmaries exist separately within the on-campus schools.
 - The infirmary at issue serves only residential students of JCCA, not day

students or members of the public.

- The distinction between use and building size.
- Whether the proposed facility would change the nature or intensity of the existing use.
- Whether services would remain limited to the same resident population.
- The need for additional information regarding room count, layout, and square footage, to be submitted at a later stage if necessary.
- Board members emphasized that while modernization and improved facilities were not in dispute, the Board's role was to determine whether the **use itself** would change, not whether the new facility would be beneficial.
- Whether the proposed building would contain additional examination or treatment rooms compared to existing facilities.
- The number and type of rooms currently used versus those proposed.
- An increase in rooms would not automatically constitute a change in use.
- However, factual details regarding room counts, layouts, and square footage are necessary to evaluate whether the proposed use remains consistent with the existing use.
- Floor plans of the existing facilities and preliminary plans for the proposed building should be submitted.
- A comparative analysis of existing versus proposed structures would assist the Board in determining whether the application represents a continuation of the same use.
- Whether the existing building would remain in use, be renovated, repurposed, or demolished.
- The future use, if any, of existing buildings once services are relocated.
- The age of a building alone does not render it unusable.
- ADA compliance can be achieved through renovation, though cost and feasibility vary.
- Additional factual development is required before reaching a legal conclusion on use.
- The matter would benefit from being held over to a subsequent meeting to allow submission of plans and clarifying information.

A Board member suggested that the application be adjourned and continued to a future meeting.

Public Comments:

Bruce Defontz – 166 Milton Drive, Pleasantville

- Whether the proposed facility would operate on a 24-hour basis.
- Whether the facility should be classified as an institutional residential use rather than a day-use facility.
- The proportion of medical versus behavioral health services proposed.

Ron Hamlin – 14 Colonial Lane, Valhalla

- working and volunteering in similar facilities.
- supports the provision of services but believes coordination with law enforcement and emergency services should be considered.
- emphasized the importance of designing the facility to promote safety and effective emergency response.

Alda Rodriguez – 170 Carlisle Avenue, Thornwood

- The economic and operational rationale for constructing a new building versus renovating existing structures.
- The future use of existing buildings once services are relocated.
- Potential increased burdens on town emergency services if additional buildings remain on campus.
- Ms. Rodriguez agreed with the Board's approach to defer a decision until sufficient factual information is provided and supported conducting a comparative analysis of existing and proposed facilities.

Lynn DeRentiis – 8 Samson Drive, Pleasantville

- For approximately thirty-eight (38) years and resides across from the Pleasantville Cottage School. She stated that she has had numerous interactions with the children who live there.
- The proposed use involving construction of a new building but stated there is uncertainty regarding the future of the existing building. She noted that the existing building could potentially be renovated and modernized instead of constructing a new structure, and that temporary mobilizations could be used while renovations occur.
- Multiple renovations have been conducted on buildings at the site in the past without building permits and that such renovations occurred while children continued to live on the premises, sometimes being relocated to other buildings.
- Concerned regarding the size of the proposed new building and requested clarity on what will happen to the old building. She urged the Board to carefully consider the application, expressing dissatisfaction with the proposal as currently presented.

Pamela Clark – 194 Jefferson Avenue, Thornwood

- Would additional notices be provided in the future. The Board responded that no additional notices would be required and explained that future zoning meetings are held regularly and posted on the Town website.
- My primary concern related to infrastructure impacts, specifically water and electrical issues. She referenced an existing transformer near Jefferson Avenue and ongoing water problems that she believes originate from the JCC property. The Board advised Ms. Clark that these concerns were outside the jurisdiction of the Zoning Board of Appeals and suggested she contact the Town Board and the Building Department. Ms. Clark acknowledged this clarification and thanked the

Board for its time.

Daniel Longo – 113 Nostrand Avenue, Pleasantville

- Issues of “use” as it relates to the application. Although the applicant claims the use has not significantly changed, he disagrees with that characterization.
- Mr. Longo noted that the existing building was constructed approximately 100 years ago (circa 1920–1925) for a population with needs that differ significantly from those of the children being served today. He testified that the current population includes children with mental illness and other complex medical and behavioral needs that require modern healthcare facilities and services.
- He stated that he lives close enough to hear children yelling and screaming while attempting to leave the school and asserted that the nature of the population has changed substantially over time. He expressed concern that constructing a new building while asserting that the use has not materially changed “does not make sense.”

Boards Continued Discussion:

- The Board clarified that medical treatment details are not within the jurisdiction of the Zoning Board of Appeals. The Board explained its role in reviewing zoning-related criteria, including whether a hardship is self-created, impacts on neighbors and the community, and whether reasonable alternatives or modifications exist.
- The Board emphasized that it does not act as a “rubber stamp,” nor does it simply deny applications, but instead seeks to work with applicants within the confines of New York State law and Town regulations.
- It was further clarified that this application is not a typical area or use variance (such as a residential deck or addition), but rather an appeal of the Building Inspector’s interpretation of zoning definitions. As such, the application involves a different legal standard and process.
- The Board noted that additional approvals would still be required, including review by the Planning Board and compliance with state and local institutional regulations. The Board reiterated that it is not prepared to make a decision at this meeting.

Motion:

A motion was made to adjourn the public hearing to the next scheduled meeting.

- **Motion:** Mr. DeCicco to adjourn the application till the next meeting
- **Second:** Mr. Hlapatsos, seconded by Mr. DeCicco
- **Vote:** Aye (unanimous, including the Chairman)

Phil Grimaldi (applicant) for Edward Mancuso (owner) of premises located at 9 Lakeview Avenue, Valhalla, NY. Designated on the Tax Assessment Maps of the Town of Mount Pleasant as 117.7-1-23. This application previously

appeared on the Zoning Board of Appeals 2021 agenda as Zoning Application 21-36, which included approvals for Lot Width for Lot #3 and Mean Lot Width for Lot #2. The application is for the proposed reconfiguration of two (2) lots into three (3) lots, keeping the existing home on a legal parcel (39,441.65 Square Feet) in the R-10 Zone. **The following variance(s) are requested:**

Application No.: Z-25-53

Applicant: Philip Grimaldi, Esq., for Edward Mancuso

Property: 9 Lake View Avenue, Valhalla, NY

Tax Map No: 117.7-1-23

Zone: R-10

Description of Application:

Mr. Philip Grimaldi appeared on behalf of the applicant, Edward Mancuso. The application seeks a **front-yard frontage variance** for Lot 3 in connection with a previously approved subdivision reconfiguring two lots into three, while retaining an existing residence on a conforming 39,000 sq. ft. parcel.

The Chairman noted the application previously appeared before the Zoning Board of Appeals in **2021 (Application 21-36)**, where lot width variances were granted but the frontage variance was denied. That denial was subsequently **remanded by the Appellate Division** for further findings.

Applicant's Comments:

- Mr. Grimaldi summarized his written submission and requested that the matter remain open so a full presentation could be made before a five-member board, including testimony from a professional engineer at a future meeting.
- The Appellate Division questioned the inconsistency of approving lot width variances while denying frontage.
- The frontage variance is not substantial and is consistent with neighborhood conditions.
- Sight distance and emergency access are adequate.
- Driveway placement and access are planning board issues, not zoning issues.
- The prior decision lacked sufficient factual findings supporting denial of the frontage variance.

The Board agreed to continue the hearing to allow the applicant to present expert testimony. No vote was taken.

Public Comments:

Nick Cacciola & Michelle Cacciola - 11 Colonial Lane,

- A petition signed by **21 Colonial Lane residents** opposing the variance.
- Statements asserting the hardship is self-created, the variance is substantial, unsafe, and inconsistent with the character of the cul-de-sac.

- Allegations of illegal curb cut use and encroachment onto neighboring property.
- Concerns regarding pedestrian safety, traffic, property values, and precedent.
- **Photographic exhibits** were presented and will be submitted electronically for the record.

Board Comments:

- Due process requirements.
- The need for a complete record, including expert testimony.
- Voting eligibility of absent members subject to review of transcripts and Chairman approval.
- That no vote would be taken at this meeting.
- A letter from **Anthony and Linda Carpentieri**, 7 Colonial Lane, opposing the variance was read into the record with Board consent. The letter cited safety concerns, loss of cul-de-sac character, and construction impacts.

Motions:

- **Motion to Adjourn the Application** to a future meeting to allow further testimony:
 1. Moved and seconded.
 2. **Approved unanimously (Aye).**

Charles Alfano, owner of premises located at 15 Greenwood Lane, Valhalla, NY. Designated on the Tax Assessment Maps of the Town of Mount Pleasant as 89/112.16-1-52. The application is for the proposed five-foot fence to an existing single-family dwelling on a legal parcel (.75 Acres) in the Zone. **The following variance(s) are requested:**

Meeting adjourned till February Agenda.

210 Marble Avenue Associates (Owner) of premises located at 200 Marble Avenue, Pleasantville. NY. Designated on the Tax Assessment Maps of the Town of Mount Pleasant as 106.10-6-44. The application is for a Special Use Permit, for a Massage Establishment per Town Code §218.63A. Massage Establishments, on a legal parcel (.25 Acres) in the C-NR Zone.

Nicholas Gizzo owner of premises located at 55 Greenwood Lane, Valhalla, NY. Designated on the Tax Assessment Maps of the Town of Mount Pleasant as

89/112.16-1-39. The application is for the proposed two-story addition to an existing single-family dwelling on a legal parcel (23,093 SF.) in the R-40 Zone.

The following variance(s) are requested:

Meeting adjourned till February agenda.

INSPECTION MEETING WILL BE HELD ON