

TOWN OF MOUNT PLEASANT

MINUTES OF THE REGULAR
MEETING OF THE TOWN BOARD
TOWN OF MOUNT PLEASANT
WESTCHESTER COUNTY, N.Y.
HELD DECEMBER 12, 2023

PRESENT	SUPERVISOR	- CARL FULGENZI
	COUNCILPERSONS	- LAURIE SMALLEY
		- THOMAS SIALIANO
		- DANIELLE ZAINO
	DEPUTY TOWN CLERK	- DANIELLE DRAKE
	TOWN ATTORNEY	- CHRISTOPHER FELDMAN
ABSENT	COUNCILMAN	- JERRY SCHULMAN

The Supervisor opened the meeting at 7:00 PM with a Salute to the Flag.

I. Public Hearings

Continuation of Public Hearing for the Preliminary 2024 Budget RESOLUTION 449-23

The Supervisor opened the public hearing and invited Comptroller Brian Kenneally to speak.

Mr. Kenneally: Only have seven (7) lines of changes and decreased the budget taxation by about \$3,000.00 and are now slightly under the 2.5% tax increase for next year.

Mr. Fulgenzi: When you say 2.5%, when you calculate that it's under the 2%?

Mr. Kenneally: The tax cap isn't always 2%. You have carry forward from prior years and other solutions so we're still tax cap compliant. This works out to about \$65.00 tax increase for a million dollar home.

There were no other speakers from the floor.

Upon motion of Councilman Sialiano, seconded by Councilwoman Zaino and unanimously carried, it was,

RESOLVED: That the public hearing is closed.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley

Public Hearing to Amend Section 218-109 to Rezone the RESOLUTION 450-23
Legion Property (582-590 Columbus a/k/a Section
112.16, Block 1, Lot 1) from OB-1 Zone to R-3A Zone as
well as Text Amendments to Schedule of Regulations

The Supervisor opened the public hearing.

Brad Schwartz, Zarin & Steinmetz representing Toll Brothers gave a presentation on Toll Brothers' proposal to rezone 582-590 Columbus Avenue to age-restricted town homes.

Arthur Kraft, Briarcliff: Does everything have to be another round of townhouses? You see how it dominates the landscape in Pleasantville.

Supervisor Fulgenzi: We don't have anything to do with Pleasantville. Those are apartment buildings and these are townhomes.

Mr. Kraft: I think they use the schools as an excuse for pushing through projects that a lot of people don't want environmentally.

Supervisor Fulgenzi: We felt this project is probably less intrusive environmentally than other projects and it has a lot of green space.

Mr. Kraft: What about building regular houses instead of townhouses?

Supervisor Fulgenzi: That was a previous plan that fell through. The developer did not want to go through with it.

Mr. Kraft: The roads are already overloaded with traffic.

Supervisor Fulgenzi: The developer has a right to develop the property. We're trying to be as careful about it as possible. Traffic is another issue we're going to look into in the Town of Mount Pleasant. Unfortunately we can't just tell people they can't come to Mount Pleasant.

Mr. Kraft: What about the affordability?

Supervisor Fulgenzi: That's up to the market. We have no control over the cost of housing.

Gibson Craig, CAC Member: The nuance of the zoning change needs to be considered in case Toll Brothers does not happen. In 50 acres, R-3A I think would allow 500 units, maybe 300 as of right. It's just something to be careful about. If the parcel is rezoned, the parcel is rezoned for any development in the future.

Councilwoman Zaino confirmed that the zoning is specific to this project. Mr. Craig also suggested a walking trail.

There were no additional speakers from the floor.

[SEE WRITTEN COMMENTS FROM THE MOUNT PLEASANT CONSERVATION ADVISORY COUNCIL \(CAC\)](#)

Upon motion of Councilwoman Smalley, seconded by Councilwoman Zaino and unanimously carried, it was,

RESOLVED: That the public hearing is closed.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley

II. Supervisor's Report

Authorization to Adopt Final 2024 Budget

RESOLUTION 451-23

Upon motion of Councilwoman Zaino, seconded by Councilman Sialiano and unanimously carried, it was,

RESOLVED: That the Town Board hereby authorizes the adoption of the Final 2024 Budget.

[SEE ATTACHED FINAL 2024 BUDGET](#)

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley

Authorization to Rezone 582-590 Columbus Avenue (96 acres – Legion of Christ Property) from OB-1 Office Business to R3A -- Multi Family Residential, Amend Schedule of Regulations and Amend the Official Town Map

RESOLUTION 452-23

LOCAL LAW TO AMEND THE TOWN ZONING MAP TO ESTABLISH THAT A 95.9 ACRE PORTION OF THE PROPERTY LOCATED AT 582-590 COLUMBUS AVENUE IS IN THE TOWN'S R-3A (MULTIFAMILY RESIDENTIAL ZONE) AND MODIFYING THE R-3A'S SCHEDULE OF REGULATIONS

PROPOSED LOCAL LAW NO. 1-2024

WHEREAS, the Town has received a petition submitted by Toll Brothers, Inc. (hereinafter "Toll") pursuant to Town Code § 218-109 requesting that a 95.9 acre portion,

of a 165 acre property located at 582-590 Columbus Avenue and designated as Section 112.16, Block 1, Lot 1 on the Town of Mount Pleasant Tax Map (the “Property”) be in the Town’s R-3A (Multifamily Residential) Zoning District; and

WHEREAS, Toll’s petition further sought an amendment of the R-3A Zoning District’s Schedule of Regulations to increase the permissible number of garage spaces in such zone from one (1) up to two (2) and also seeks to reduce the required distance between main buildings in such zone from 75 feet down to 25 feet; and

WHEREAS, the petitioner asserts that the above rezoning would facilitate the development of new, age-restricted (55+) multifamily residential units, which are in strong demand, in an area of the Town near other residential communities; and

WHEREAS, Toll has proposed to construct 162 condominium townhomes on 96 acres with parking, landscaping, and other site improvements that would accommodate the 55+ age group, including by offering first floor master bedrooms and providing a variety of on-site recreational activities such as a pool and pickleball courts;

WHEREAS, the proposed project would be age-restricted, it would not generate any school-age children; and

WHEREAS, Toll is in contract with Legion of Christ, Inc. (“Legion of Christ”) which owns the Property to acquire 114 acres for the proposed project; and

WHEREAS, the New York City Department of Environmental Protection (“DEP”) is also in contract with Legion of Christ to purchase approximately 48.3 acres that are located within the New York City watershed and is being acquired to protect the watershed; and

WHEREAS, the remaining 18.2 acres of the Property would be donated to the Town for municipal purposes; and

WHEREAS, Toll has submitted with its petition, a Concept Sketch showing the proposed preliminary site plan which depicts as “Parcel C” the location of the proposed 96 acre portion of the Property to be developed (the “Development Parcel”); and

WHEREAS, the proposed project is in furtherance of the Town’s comprehensive planning and development goals by meeting a demand for multifamily housing in the Town, that is designed for (and restricted to) the 55+ age group; and

WHEREAS, the proposed change in zoning district would be in harmony with the other surrounding uses in adjacent residential districts, including homes in the R-40 and R-20 District located directly across West Lake Drive to the east, East Stevens Avenue to the South, and the evolving Columbus Avenue Corridor; and

WHEREAS, the current OB-1 Zoning District, pursuant to Town Code § 218-70(A) does not permit multifamily dwellings, but instead permits “[a]ny use permitted and as regulated in the residence district or districts which abut the office building district, such regulations to extend into the office building district to a depth of 250 feet,” with neither neighboring district permitting multifamily residences; and

WHEREAS, the R-3A Zoning District does permit multifamily residences as a permitted principal use; and

WHEREAS, Toll proposes to construct townhomes which would consist of a number of separate buildings with each containing approximately three or four dwelling units place side-by-side; and

WHEREAS, because Toll's proposed project involves the construction of townhomes rather than single-family lots, the overall limits of disturbance would be reduced from approximately 71.64 acres approved for a prior project approved for Baker Residential down to approximately 42.32 acres; and

WHEREAS, the proposed project would comply with almost all of the R-3A Zoning District's bulk and dimensional requirements except that Toll proposes (i) increasing the permitted number of accessory garage spaces from one (1) garage space per unit to two (2) spaces, and (ii) reducing the required distance between main buildings on a lot from 75 feet down to 25 feet; and

WHEREAS, the petition was referred by the Town Board to the Planning Board for its review and recommendations, as well as review under the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, at its November 2, 2023 meeting, the Planning Board confirmed its Lead Agency designation for the SEQRA Review of this Unlisted Action; and

WHEREAS, at such meeting, the Planning Board determined that the proposed Unlisted Action would not have a significant adverse effect on the environment; and

WHEREAS, the Town Board has received correspondence, from the Planning Board, signed on November 27, 2023 which gave a favorable recommendation as to the Zoning amendments sought by Toll in its petition; and

WHEREAS, on December 12, 2023, the Town Board held a duly noticed public hearing and received comments for and against the above mentioned, proposed zoning changes.

NOW THEREFORE BE IT RESOLVED that the Town of Mount Pleasant hereby grants Toll's petition and makes the following modifications to the Town's Zoning Code:

1. The 96-acre portion of the Property identified as the Development Parcel, depicted as "Parcel C" on Toll's Rezoning Exhibit, annexed hereto, will be rezoned into the Town's R-3A Zoning District, with the remainder of the Property remaining in the Town's OB-1 Zoning District (Parcels A, B and D)– See **Exhibit A** annexed hereto; and
2. Amend Column 3 of Schedule of Regulations – Nonresidence Districts III (218 Attachment 8) of the Zoning Code to provide the following with the ~~struck through~~ text being removed and underlined text added:

Same as R-5A, except that there shall not be more than 2 garage spaces for each multi-family dwelling unit.

3. Amend Column 23 of Schedule of Regulations – Nonresidence Districts III (218 Attachment 8) of the Zoning Code to provide the following with the ~~struck through~~ text being removed and underlined text added:

Same as R-5A, except that no main building of a group on the same lot shall be closer to any other main building of the group than a distance equal to 25 feet.

BE IT FURTHER RESOLVED that this resolution shall be effective immediately upon adoption.

The question of the adoption of the foregoing Order was duly put to a vote, which resulted as follows:

Vote:

Motion: Councilman Thomas Sialiano Second: Councilwoman Laurie Rogers Smalley

Supervisor Carl Fulgenzi	<u>Y</u>	N	A	Absent
Councilwoman Laurie Rogers Smalley	<u>Y</u>	N	A	Absent
Councilman Thomas Sialiano	<u>Y</u>	N	A	Absent
Councilman Jerry Schulman, Jr	Y	N	A	<u>Absent</u>
Councilwoman Danielle Zaino	<u>Y</u>	N	A	Absent

Authorization to Obtain Bids for Elevator Upgrade RESOLUTION 453-23

Upon motion of Councilwoman Zaino, seconded by Councilwoman Smalley and unanimously carried, it was,

RESOLVED: That the Town Clerk is hereby authorized to advertise Notice to Bidders for the Town Hall Elevator Upgrade Project. Bid specifications will be made available in the Town Clerk's Office on December 18, 2023. Sealed bids will be accepted by the Town Clerk, 1 Town Hall Plaza, Valhalla, NY 10595 until 11:00 AM on January 19, 2024.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley

Authorization for Gianfranco Affrunti to Take Erosion and Sediment Control Training Class RESOLUTION 454-23

Upon motion of Councilman Sialiano, seconded by Councilwoman Zaino and unanimously carried, it was,

RESOLVED: That Gianfranco Affrunti, Junior Engineer, is hereby authorized to take a NYS DEC endorsed four (4) hour Erosion & Sediment Control Online Training Course for \$250.00. The certification is viable for three (3)

years from the date the training is completed.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley

Authorization to Appoint Gregg D. Hayden to the Industrial Development Agency Effective December 13, 2023	RESOLUTION 455-23
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Upon motion of Councilwoman Smalley, seconded by Councilman Sialiano and unanimously carried, it was,

RESOLVED: That the Town Board hereby appoints Gregg D. Hayden of Sleepy Hollow to the Industrial Development Agency, effective Wednesday, December 13, 2023.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley

Investment Report	RESOLUTION
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THE SUPERVISOR REPORTED THAT THE CURRENT RATE OF INTEREST IS 5.35%.

III. Business from the Floor

IV. Town Clerk

Town Clerk's Agenda	RESOLUTION
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[SEE TOWN CLERK'S REPORT](#)

V. Council Reports

Councilman Sialiano

Comptroller's Memo	RESOLUTION 456-23
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Upon motion of Councilman Sialiano, seconded by Councilwoman Zaino and unanimously carried, it was,

RESOLVED: That the Comptroller is hereby authorized for payment of the following claims:

[SEE COMPTROLLER'S MEMO](#)

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley

Councilwoman Zaino

Purchase Order 30-23-33: American Flags

RESOLUTION 457-23

Upon motion of Councilwoman Zaino, seconded by Councilman Sialiano and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 30-23-33 is granted to Display Sales, 6300 W Old Shakopee Road, Suite 112, Bloomington, MN 55438 for eighty-five (85) Nylon American Flags with headers and grommets at \$27.00 each plus shipping at \$103.00 for a total of \$2,398.00.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley

Purchase Order 30-23-34: LED Post Top Fixtures and Light Poles

RESOLUTION 458-23

Upon motion of Councilwoman Zaino, seconded by Councilman Sialiano and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 30-23-34 is granted to Lite Concepts Ltd., 8 Westchester Plaza, Elmsford, NY 10523 for LED post top fixtures and light poles as follows:

<u>Item</u>	<u>Quantity</u>	<u>Price Per Unit</u>	<u>Total Cost</u>
Copper LED post top fixture	12	\$431.59	\$5,179.00
Shakespeare composite light pole	6	\$937.00	\$5,622.00
Base covers for the above light pole	6	\$140.00	\$840.00
			\$11,641.00

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley

Purchase Order 30-23-35: Speed Radar Sign

RESOLUTION 459-23

Upon motion of Councilwoman Zaino, seconded by Councilwoman Smalley and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 30-23-35 is granted to Elan City, 450 7th Avenue (& 34th St.), Suite 1501, New York, NY 10123 for one (1) speed radar sign as follows:

<u>Description</u>	<u>Quantity</u>	<u>Price Per Unit</u>	<u>Total</u>
Evolis vision solar radar speed sign	1	\$3,000.00	\$3,000.00

95 watt solar panel with mount	1	\$600.00	\$600.00
Yuasa battery pack	2	\$125.00	\$250.00
Delivery Charge	-	-	\$250.00
Discount	-	-	(\$400.00)
			\$3,700.00

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley

Purchase Order 30-23-36: Annual Maintenance 2024 RESOLUTION 460-23
Computer Software

Upon motion of Councilwoman Zaino, seconded by Councilman Sialiano and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 30-23-26 is granted to Trittech Software Systems, 1000 Business Center Drive, Lake Mary, FL 32746 for 2024 annual computer software maintenance at a cost of \$35,229.57.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley

Purchase Order 30-23-37: 2024 Police Manual RESOLUTION 461-23
Maintenance Subscriptions

Upon motion of Councilwoman Zaino, seconded by Councilwoman Smalley and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 30-23-37 is granted to Power DMS, Inc., P.O. Box 749609, Atlanta, GA 30374 for 2024 annual police manual maintenance subscriptions as follows:

<u>Description</u>	<u>Total</u>
Planet Mobile to Mobile 4480	\$582.40
PowerLine Subscription	\$4,377.80
Powertime Subscription	\$3,105.00
	\$8,065.20

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley

Councilman Schulman

Purchase Order 70-23-81: Wausau Tile Liner and Lids RESOLUTION 462-23
for Park Waste Receptacle

Upon motion of Councilwoman Zaino, seconded by Councilman Sialiano and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 70-23-81 is granted to Wausau Tile Inc., P.O. Box 1520, Wausau, WI 54402 for the following Wausau tile liner and lids for park waste receptacle at a total cost of \$2,986.71:

<u>Description</u>	<u>Quantity</u>
39 gallon plastic liners	8
44 gallon plastic liners	8
31 gallon plastic liners	6
26.5" push door lids	10
25" SQ push door lids	6

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley

Purchase Order 70-23-82: Community Center Folding Chairs RESOLUTION 463-23

Upon motion of Councilwoman Zaino, seconded by Councilwoman Smalley and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 70-23-82 is granted to KI, Kruger International, 1330 Bellevue Street, Green Bay, WI 54302 for fifty (50) Series 600 folding chairs with padded seat and back at a total cost of \$3,195.00, per NYS Contract PC68367.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley

Purchase Order 70-23-83: Picnic Tables RESOLUTION 464-23

Upon motion of Councilwoman Zaino, seconded by Councilman Sialiano and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 70-23-82 is granted to New York State Industries for the Disabled, Inc., (NYSID), 11 Columbia Circle Drive, Albany, NY 12203 for picnic tables as follows:

<u>Description</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total</u>
6ft cedar picnic table	10	\$260.86	\$2,608.60
8ft cedar ADA accessible picnic table	2	\$301.32	\$602.64
			\$3,211.24

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman

Sialiano, Councilwoman Smalley

Councilwoman Smalley

Authorization to Release Bond for Curb Cut Permit No. 1497 RESOLUTION 465-23

Upon motion of Councilwoman Smalley, seconded by Councilwoman Zaino and unanimously carried, it was,

WHEREAS, the work being performed under Curb Cut Permit No. 1497 at 14 Stephens Lane, Valhalla, has been completed and the road restored to the satisfaction of the Highway Superintendent; be it

RESOLVED that authorization is granted to the Comptroller for release of the bond in the amount of \$540.00 to JLB Homes LLC.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley

Authorization to Release Bond for Street Opening Permit No. 6428 RESOLUTION 466-23

Upon motion of Councilwoman Smalley, seconded by Councilman Sialiano and unanimously carried, it was,

WHEREAS, the work being performed under Street Opening Permit No. 6428 at 14 Stephens Lane, Valhalla, has been completed and the road restored to the satisfaction of the Highway Superintendent; be it

RESOLVED that authorization is granted to the Comptroller for release of the bond in the amount of \$8,000.00 to JLB Homes LLC.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley

VI. Town Attorney

VII. Schedule of Meetings

Work Session: Tuesday, December 19, 2023 at 7:00 PM RESOLUTION

Authorization to Change Business Session Date to Wednesday, December 27, 2023 (7:00 PM) RESOLUTION 467-23

Upon motion of Councilwoman Zaino, seconded by Councilman Sialiano and unanimously carried, it was,

RESOLVED: That the Tuesday, December 26, 2023 Business Session shall be rescheduled to Wednesday, December 27, 2023 at 7:00 PM.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley

VIII Adjourn

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Upon motion of Councilman Sialiano, seconded by Councilwoman Smalley and unanimously carried, it was,

RESOLVED: That the meeting was adjourned at 7:55 PM.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley

Respectfully Submitted,



EMILY COSTANZA
TOWN CLERK
TOWN OF MOUNT PLEASANT

