

**DELBELLO DONNELLAN WEINGARTEN  
WISE & WIEDERKEHR, LLP**

Peter J. Wise  
pjw@ddw-law.com

COUNSELLORS AT LAW  
THE GATEWAY BUILDING  
ONE NORTH LEXINGTON AVENUE  
WHITE PLAINS, NEW YORK 10601  
(914) 681-0200  
FACSIMILE (914) 684-0288

Connecticut Office  
1111 SUMMER STREET  
STAMFORD, CT 06905  
(203) 298-0000

August 29, 2016

**By Hand Delivery**

Chairperson Ingrid Richards  
Members of the Planning Board  
Town of Ossining  
John-Paul Rodrigues Operations Center  
101 Route 9A  
Ossining, New York 10562

**Re: Applications of Artis Senior Living, LLC**

Dear Chairperson Richards and Members of the Planning Board:

Artis Senior Living, LLC (the "Applicant") has worked with its consultant team over the course of the summer in a sincere effort to address, the extent physically and economically feasible, the extensive comments of the Board and residents raised at the public hearing in May and June, 2016, in the July 6, 2016 memorandum prepared for the Board by David Stolman, and at the Board's July 7, 2016 work session. This intensive process has yielded significant improvements to the project, some at substantially increased cost to the Applicant. Of course, not every comment could be addressed as requested or proposed, but we believe that the modifications that have been made are substantial and will be viewed favorably by the Board and impacted residents. We have also corrected certain inconsistencies and errors in the plans.

The primary modifications to the project and plan revisions are as follows:

1. The building has been redesigned and now includes a basement. The inclusion of the basement allows: (a) the building wings (not including the two proposed porches) to be moved approximately 6 feet further from the rear property line and further out of the wetland buffer area, and 7 feet further from the side property lines; and (b) the central core of the building to be moved approximately 37.5 feet further from the rear property line and further out of the wetland buffer area.
2. Elevation and perspective drawings of the redesigned building, and a section showing the relationship of the Sharrett/Kamber residence, the existing residence on the site (being demolished), and the new building, are provided.

3. The parking area has been redesigned and now contains 40 spaces, 8 more than previously proposed, while still containing a landscaped area along the frontage of the site.
4. The redesign of the building facilitates a much requested modification: the elimination of the existing culverted stream channel and its replacement not with a new culvert, but with a new watercourse along the side property line which is open to daylight for approximately 160 feet. The new channel will have masonry walls, will be approximately 3 feet wide, 1 foot deep at the corner of the property, and 3 feet deep at the new collection headwall (a .6% slope), and will have a stabilized bottom with native field stones and grasses. From the headwall, the stream will be conveyed in a 24 inch diameter HDPE pipe through a series of precast drainage manhole structures. Each structure will have a bottom trough, rather than a sump, which eliminates “perched pipes” and prevents wildlife from being trapped within the system. The 24 inch pipe will connect to the current discharge point, which is the existing drain pipe in North State Road.

To the extent a permit from the U.S. Army Corps of Engineers is required for this desirable improvement, the Applicant believes it to be within the scope of NWP 29, and the Applicant will obtain coverage under that nationwide permit, if required. No work on the adjoining property is required for the construction of the new watercourse.
5. As requested by the Board, the “Downstream Defender” water quality structure, which is not required to meet NYSDEC water quality standards, has been eliminated.
6. The Wetland Mitigation Plan (Sheet 6 of 11) has been revised to: (a) show the approximately 140 square feet of wetland at the rear of the site, which I previously incorrectly stated was not present; (b) delete the note regarding “previously proposed off-site wetland buffer mitigation”; (c) add a table with the amounts of on-site wetland and buffer area; and (d) delete stormwater calculations from the “Wetland Mitigation Summary Table.” The Wetland Determination Data Forms (3 sheets) are provided with this letter.
7. The redesign of the building allows additional landscaping, as shown on the Landscaping Plan (Sheet 5 of 11). The wetland mitigation plant palette has been changed and only native species better suited to wetland buffer conditions are now proposed.
8. A memorandum from Kellard Sessions Consulting regarding site grading and earthwork is attached to the letter.
9. Slopes have been analyzed and quantified in accordance with Town Code, and a Slope Analysis Plan with tables is included as Sheet 7 of 11. Based on the analysis, a slope permit is not required.
10. The “perched pipes” of the stormwater management system have been eliminated.
11. A tree inventory/removal schedule has been added to the Erosion and Sediment Control Plan (Sheet 4 of 11). Trees to be removed are now shown consistently on all sheets.

12. The off-site watercourse is identified as “Tributary to the Pocantico River based on mapping filed with the Town.” We ask the Board to note that this label does not concede federal jurisdiction. As stated in No. 3, above, if there is federal jurisdiction with respect to the watercourse work now proposed to be performed, the Applicant will obtain either coverage under NWP 29 or an appropriate permit.

13. A fence detail has been added to Sheet 11 of 11. The fence and gates are proposed to be 6 feet high, as required by the Town Zoning Code. We ask you to note that the Applicant would prefer a higher fence (the Board or the directly impacted neighbor may as well), and reserves the option of applying for an appropriate variance.

14. Drainage profiles have been added to Sheet 11 of 11.

15. The survey of the property is provided.

Twelve (12) sets of the following plans and drawings are submitted in support of the applications:

<b>Drawing No.</b>	<b>Title</b>	<b>Prepared By</b>	<b>Dated or Last Revised</b>
1/11	Existing Conditions Plan	Kellard Sessions Consulting (“Kellard”)	8/26/16
2/11	Layout Plan	Kellard	8/26/16
3/11	Grading & Utilities Plan	Kellard	8/26/16
4/11	Erosion and Sediment Control Plan	Kellard	8/26/16
5/11	Landscaping Plan	Kellard	8/26/16
6/11	Wetland Mitigation Plan	Kellard	8/26/16
7/11	Slope Analysis Plan	Kellard	8/26/16
8/11	Details	Kellard	8/26/16
9/11	Details	Kellard	8/26/16
10/11	Details	Kellard	8/26/16
11/11	Details & Drainage Profiles		8/26/16
SL1.1	Site Lighting Plan	Dennis D. Smith, AIA Architect (“Smith”)	8/26/16
SL1.2	Site Lighting Cut Sheets	Smith	6/29/16
	Southeast Elevation	Smith	8/29/16
	Rear Perspective Showing Portion of Tree Screening	Smith	8/29/16
	View from South	Smith	8/29/16
	View from Southeast	Smith	8/29/16
	Site Section (showing Sharrett/Kamber residence)	Smith	8/29/16
	ALTA/ACSM Survey	Thomas C. Merritts Land Surveyors, P.C.	1/20/14

There are no on-site underground storage tanks, but there is one well behind the existing house on the property, which has been abandoned and out-of-service for at least 10 years. Regarding security for performance, the Applicant will provide the bond(s) or other security required by Town Code Section 105-9.D (with respect to wetland/buffer area disturbance), Town Code Section 168-12.A and B (with respect to construction and operation of stormwater management facilities), Town Code Section 183-12.F (with respect to tree removal) and, to the extent required pursuant to New York Town Law Section 274-a(7), any appropriate additional security for the construction of public infrastructure and improvements. Finally, regarding site lighting, we do not believe a curfew is warranted, because as shown on Drawings SL1.1 and SL 1.2, the Applicant will limit lighting in the rear of the building to path lighting not more than 9.5 inches high, and incidental bollard lighting not more than 42 inches high, and there will not be any floodlights or similar fixtures.

We look forward to meeting with the Planning Board at your earliest convenience to discuss the project modifications. Please let us know on what work session agenda the matter will be placed.

Thank you for your consideration.

Very truly yours,



PETER J. WISE

Enclosures

cc: David Stolman, AICP  
Stephen W. Coleman, PWS  
Dan Ciarcia, P.E.  
Katherine Zalantis, Esq.  
Max Ferentinos  
David Sessions, RLA  
Brian Hildenbrand, P.E.  
Janet J. Giris, Esq.