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September 4, 2015

Ms. Ingrid Richards, Chair  
Town of Ossining Planning Board  
Town of Ossining  
P.O. Box 1166  
Ossining, New York 10562

**RE: Owner's Response to Letter from the Westchester Westchester County Planning Board [WCPB] dated August 17, 2015; Referral File No. OST 15-004 - Parth Knolls; Site Plan & Special Permit Approvals**

Dear Ms. Richards:

Please find below the Owner's response to the above-referenced letter from WCPB which was received on August 25, 2015 and a copy of which is attached hereto as Exhibit "A".

**Paragraph #2 of WCPB's Letter:**

**Comment:**

In the WCPB's Letter, paragraph No. 2, the number of affordable units of Twelve (12) BMR units is incorrect. The number of twelve (12) BMR units was placed in error on the Zoning Data Summary, on Drawing T1 dated July 8, 2015, Rev.# 1, July 22, 2015.

**Response:**

Based on the following Sections of the Town of Ossining Zoning Code, the correct number of BMR Units is six (6).

1. **Article VI. Affordable Housing.**

**Section 200 - 33** of the Town of Ossining Zoning Code.  
**Required below market rate unit component.**

**As Stated in Section 200 - 33. "Within all residential developments of 10 or more units created by subdivision or site plan approval, no fewer than 10% of the total number of units shall be created as BMR units."**

The total number of BMR units is six (6) BMR units, subject to the applicant receiving Site Plan approval for fifty-three (53) multifamily units as proposed. If the number of proposed units decreases, the number of BMR units will decrease accordingly, and the decrease will be based on the formulas set forth in the appropriate Zoning Codes referred to herein.

The percentage of BMR units created: 6 BMR Units/53 Total number of Apartments = **11.32%**

The above percentage of 11.32% exceeds the requirements set forth in section 200 - 33 of the Town of Ossining Zoning Code.

2. Summary of calculations of Apartment Type, Ratio, and BMR Units:

A. Pursuant to Section 200 - 34: Residential Density Bonus; Multifamily Paragraph A

Lot Area of more than 5 acres but fewer than 10 acres are permitted a 30% Density Bonus.

The Site contains 5.527 acres

Number of Apartment Units permitted per Section 200 - 22

One (1) Bedroom 31 units

Two (2) Bedroom 10 units

Total Units 41 units [x] 30% Bonus **12 Bonus units**

Paragraph A. of 200-34, states that;

**One Half (½) of the unit Density Bonus shall consist of BMR units**

Number of BMR units shall equal ½ (x) 12 Bonus units equals **6 BMR units**

3. Summary of calculations:

Column (1) Apartment Type	Column (2) Apartments Permitted per Sec 200-22	Column (3) Residential Density Bonus allowed (30%), per Sec. 200-34	Column (4) Total Number of Apartments	Column (5) Number of Apartments <b><u>that are not</u></b> BMR Units	Column (6) Number of Apartments <b><u>that are</u></b> BMR Units Sec.200-34.A : ½ of Col (3)	Col. (7) % Ratio of total no. of Units
One (1) B/R	31	9	40	35	5	75.47
Two (2) B/R	10	3	13	12	1	24.53
Totals	<u>41</u>	<u>12</u>	<u>53</u>	<u>47</u>	<u>6</u>	<u>100</u>

Section 200-35. Below - market - rate units.

Paragraph A. BMR Apartments. The apartment square feet stated above will not be less than 80% of the market units of the same type and/or rent rate units.

Paragraph B. BMR Apartment. The minimum gross floor area of the BMR Units will be, as

stated in Section 200-35.B, as follows:

One Bedroom BMR Units	675 Square feet
Two Bedroom BMR Units	750 Square feet

**Comment # 1. Affordable Housing**

Westchester Co. Planning Board is Supportive of Affordable Housing

**Comment:**

WCPB’s understanding of the Town of Ossining regulations is that there should be the same proportion of unit types in a mixed development.

Section 200-35.A. Below Market Rental Units (BMR): “ Further, the BMR units shall be provided in a mix of unit types in the same proportion as all other units in the development, unless a different proportion is approved by the Planning Board as being better related to the housing needs, current or projected, of the Town of Ossining”

The Town of Ossining requires six (6) BMR units, pursuant to Section 200-33. Titled, Required Below-Market-Rate Unit Components.

Percentages stated in comment #1 are incorrect. Please see correct calculations in Schedule No. 3.

**Response:**

1. The proposed development is intended for a group of more mature renters who: want to maintain family ties in the area with their children and friends, would like to continue to participate in community affairs, who are downsizing and who may not have children, and who require that most of their living accommodations be on one floor. This is why the developer is installing elevators in the Buildings, to attract this type of Tenancy; and
2. See responses and calculations here.

**Comment # 2. Connectivity between developments (Parth Knolls and Deerfield)**

WCPB states that it is preferable that the existing development and the proposed development be integrated and recommends exploring connectivity.

**Response.**

The Developer is not in favor of creating connectivity between the Parth Knolls and Deerfield Condominium developments for the following reasons:

1. The ownership interest in the developments is very different, one is a condominium and the other is apartment rental and, therefore, there are major differences that make connecting the development together not suitable:
  - A. They are different type of entities. Deerfield Condominium has individual unit owners while Parth Knolls, as a rental property, has tenants with no

- ownership interest; and
- B. The individual condominium owners pay a maintenance fee for services, such as their roads, lawn areas, buildings, etc. and the residents of Parth Knolls do not; and
- C.. It would create more traffic into and out of each development; and
- D. It would affect the quite enjoyment of the residences in the development; and
- E. Connectivity would require additional roads, and, as a result:
  1. Would add additional impervious areas in the Parth Knolls Development; and
  2. Would increase storm water drainage required within the development; and
  3. Would diminish the amount of open space; and
  4. Unnecessarily adversely impact the local environment.

**Comment # 3. County Sewer Impact.**

The proposed development will increase sewage flows into the existing infrastructure and recommend implementing measures that will offset the projected increase.

**Response.**

WCPB's comment will be responded to by the Developer's Site Engineer for review and comment.

**Comment # 4, Provisions for Recycling.**

WCPB recommends verification of sufficient space for storage of recyclables

**Response.**

The Developer will make the necessary arrangements to accommodate the storage of recyclables under the County recycling program.

**Comment # 5, Green building technology and bicycle parking.**

WCPB recommends incorporating green building technology and provide bicycle parking.

**Response.**

The Developer will provide bicycle parking in the development

Very truly yours,  
Audubon Manor Co., LLC

By: Anthony P. Beldotti  
Anthony P. Beldotti, Managing Member

Enclosure

87.Hawkes.Responses to West.Co.Planning.Bd.