

March 16, 2016

A MEETING OF THE PLANNING BOARD of the Town of Ossining was held in the Joseph G. Caputo, Ossining Community Center, 95 Broadway, Ossining, New York, on the 16th day of March 2016. There were present the following members of the Planning Board:

Ingrid Richards, Chair  
Greg McWilliams, Vice Chair  
Gareth Hougham, Member  
Jim Bossinas, Member  
Marc Hoeflich, Member

Also Present:

Katherine Zalantis, Attorney, Silverberg, Zalantis LLP  
Sami Suleiman, Frederick P. Clark Associates, Inc.  
Daniel Ciarcia, PE, Consulting Town Engineer  
Stephen Coleman, Environmental Consultant  
Sandy Anelli, Secretary

**DiPiano Subdivision, 60 Croton Dam Road, 2 Lot Subdivision – PUBLIC HEARING CONTINUED**

Mrs. Richards announced the continuation of Public Hearing to the Audience and the Board. Mr. Daniel Collins of Hudson Engineering & Consulting, PC presented the plan to the Public and the Board. He noted that they updated the plans per Engineering Comments and their Storm Water Prevention Plan has been submitted as well. Mr. Collins mentioned that they provided a screening/planting plan along the property line with deer resistant type plantings and discussed updates to their traffic study. Mr. Collins said they can provide a “Hidden Driveway” sign for general safety and potentially slowing down drivers using Narragansett Avenue.

Mr. Suleiman submitted and reviewed a memo dated March 15, 2016. He noted the site distance is adequate for this size project. A traffic study/detail was provided with the memo. Mr. Ciarcia had no new comments, earlier comments have been addressed. Mr. Hoeflich mentioned the retaining wall and the property next to it, he recommended on the right side of the property build landscape/earth up to seven feet. Mr. Collins agreed this can be incorporated into their plan. Ms. Donna Sharrett, 84 Morningside Drive, discussed a variety of planting options with Mr. Collins and recommended alternatives to plantings shown on the plan. Mr. Collins agreed to consider Ms. Sharrett’s planting advice.

Ms. Richards asked the Board for a motion to move forward with preparation of the Resolution of Approval document for the next meeting of the Planning Board. The Board was in agreement that preparation of a Resolution of Approval is appropriate at this time. The public hearing will remain open until the next meeting. Mr. Collins thanked the Board.

**Parth Knolls, LLC, Residential Project, 87 Hawkes Avenue – Site Plan**

Mr. Beldotti Sr., Applicant, Mr. David Venditti, Attorney, Mr. Tom Kerrigan, Site Design Consultants, Mr. Jorge B. Hernandez, Architect, ARQ.HT, Mr. James Garofalo, AICP CTP Tim Miller Associates, Mr. Steve Marino, Wetlands Scientist, Tim Miller Associates, Mr. Joseph Riina, P.E. and Mr. Tom Kerrigan, Engineer, Site Design Consultants were in attendance. Revised plans, a letter of recommendation from Westchester County Planning Department dated March 7, 2016 and letters and emails from the public were on file and submitted to the Board as follows:

Michael L. Vaughn, 116 Woods Brook Circle, letter dated March 11, 2016, Stephen Jenney, 92 Deer Run Lane, received March 10, 2016, Lynn P. Farrell, personally and as Secretary and Communications Officer, 226 Horseshoe Circle, dated March 15, 2016, Karen Wells, 28 Apple Bee Farm Road., and Caroline Ranald Curvan, 111 Hawkes Avenue, dated March 16, 2016.

Mr. David Venditti of Gaines, Novick, Ponzini, Cossu & Venditti LLP addressed the Board. He said they received a report with regard to an area where there was a sheen on the property which was mentioned at an earlier meeting. They did sampling and found no compounds and no indication of petroleum leaks or spills. It has to do with organic matter. He further discussed Mr. Coleman’s report of March 15, 2016 which was submitted to the Board for review by Mr. Coleman. Mr. Venditti asked the Board for clarification with regard to the recommended 5 year mitigation and monitoring plan and bond requirements outlined in the memo.

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Mr. Tom Kerrigan, Site Design Consultants, presented some minor changes to the site plan. The second entrance will be for emergency vehicles only. He pointed out that 106 parking spaces are required for this site. They are providing 12 more spaces than what is required. The nature walking path goes from one side of the stream to the other. He pointed out play areas with swings on site. This meets their requirement for recreation area on site. Mr. Kerrigan further discussed updates to their site distance plan, the tree plan and utility plans.

Mr. James Garofalo, Director, Transportation Division of Tim Miller Associates, Inc. gave a presentation and response to comments regarding traffic at NYS Route 134 and NYS Route 9A intersection. Mr. Garofalo submitted copies of his report dated February 26, 2016 to the Board. In his report it is noted that the contribution of site traffic to the intersection will be very low. Traffic has been declining in the area. The intersection has recently been studied for the larger River Knoll project with a recommend signal timing improvement and that the Parth Knolls traffic would be within the background growth anticipated and the New York State Department of Transportation (NYS DOT) already recognizes NYS Route 9A corridor is an existing issue and is planning improvements.

Mr. Steve Marino presented the mitigation plan to the audience and the Board. Mr. Marino pointed out that the plan has changed since the beginning stages of the proposal. They moved the recreation area away from the rear of the property away from the wetland and buffer. They are proposing to restore wetlands and buffers and have provided 100 ft. buffer from the wetlands and watercourse. Much of site on the east side of the property is already disturbed from previous development and activities. Where building number one is proposed is currently grass. Building number two is in an area where there is an existing building, parking and driveway. They are converting the lawn area into a playground. Everything on the east side is currently maintained as lawn area, outside of the building envelopes and playground area is going to be converted back to a natural meadow, buffer plantings. They are showing 28 new trees and 166 new shrubs. Areas in the front corner will be returned to its natural buffer and native vegetation. Sediment material from the roadway is proposed to be removed and provide maintenance of same. Mr. Marino further discussed the landscape plan in detail.

Mr. JB Hernandez, Architect presented the architectural plans to the audience and the Board. He noted that they have reviewed comments made by Board Member Hoeflich with regard to ADA requirements and applied requirements as needed. They have also shown building elevations and Below Market Rate BMR units. They will prepare color swatches for the next meeting but Mr. Hernandez discussed material types and revised garage door style.

Mr. Suleiman submitted and reviewed with the Board a memo dated March 15, 2016 which offers analysis and recommendations. Mr. Suleiman also reminded the Board that Notice of Intent to be lead agency memo has not been circulated for the full 30-day requirement at this time. Notice was sent February 26, 2016. Ms. Zalantis, Esq., submitted a memo regarding Declaration of Lead Agency Status dated March 16, 2016. Mr. Coleman submitted a memo dated March 15, 2016 regarding continued review of proposed wetland impacts and mitigation measures.

Mr. Ciarcia has been working on review of the infrastructure, grading, road alignments and access for fire vehicles. The storm water plan conforms to the requirements for the State's General Permit, until the final arrangement of the project is complete, that may change a little. The other issue is waste water disposal. The project proposes to use the existing pump station. The applicant has checked with Con Edison and they can supply improved power going from single-phase power to three-phase power. On the water supply end of this, the Village of Ossining has cooperation from the Village of Briarcliff for water, so the supply of water is adequate at this time.

Mr. Hoeflich expressed concern with the exit on the northeast corner. The other entrance should be Enter/Exit but the other should be **Enter** only. The parking area from Hawkes Avenue could use more screening, trees and shrubs to block all of the cars that are going to be parked. Mr. Hoeflich offered Mr. Hernandez an ADA manual and urged review of same. He said in the proposed community room, a wheelchair cannot get in and out of the office area. Also, the water is a concern. Mr. McWilliams agreed the main way in and out of the site should be from the existing driveway. He said shaving some of the brush along the road to increase the site distance would help. In response, Mr. Venditti noted that this was their original proposal; however they changed it to achieve a safer site distance.

Mr. Bossinas said it is his opinion, although Westchester County is recommending turning one-bedroom units to two-bedroom units, he would like to see the one-bedroom units remain as one-bedroom. Mr. Bossinas also asked the applicants to review this project with the school district. Additionally, with regard to the units that are one-bedroom that provide a study, he asked the applicant to provide trimmed opening with all of the proposed studies so they cannot be turned into a bedroom in the future. Mr. Bossinas also raised concern with regard to water supply. Mr. Ciarcia noted that it has been determined by the Water Department that there is adequate infrastructure and capacity to handle this project.

Dr. Hougham asked about the existing forebay area at the culvert underneath Hawkes Avenue, would it be designed as such that it wouldn't prevent aquatic species from moving through the stream corridor and so they don't get trapped. He advised the applicant that there are DEC guidelines for this. Mr. Marino ensured that the plan meets DEC guidelines. Also, with regard to Westchester County's recommendation to have bicycle accommodations, Dr. Hougham recommended the project have inter-connections to the adjacent developments that would allow bicycle transfer which would allow bicyclers to avoid Hawkes Avenue. Mr. Beldotti said they can accommodate bicycle racks for parking on site but interconnection through developments is a serious liability and cannot be done.

Ms. Richards opened the public hearing for comments from the public.

**Ms. Donna Sharrett, 84 Morningside Drive**, said the applicant has done a great job on their environmental improvements, bringing the buildings forward and preserving the wetlands and the stream. Ms. Sharrett also commented on their use of porous pavers. She recommended they review Cornell's Structural Soil and Porous Pavement Study for recommendations and installation detail. Also, the Planning Board should determine what type of soil is going to be used for fill. Also, it is her recommendation to pull back the recreation area even further away from the wetland area. She is in agreement with the five-year maintenance plan mentioned earlier in Steve Coleman's memo. Also, Ms. Sharrett commented on the planting plan and tree choices, further recommending a variety of native species.

**Mr. Steve Jenney, 92 Deer Run Lane**, expressed concern with the number of units being squeezed into the space. Also, Deerfield has spent \$10,000 or more on restoration from Super Storm Sandy. According to Mr. Jenney, the grading was not done correctly and the basements of the Deerfield get flooded. Mr. Jenney also objected to the traffic study, especially during school dismissal hour it is impossible to access from 2:00 p.m. to 4:00 p.m. off of Hawkes Avenue on to Rte. 134 to get to 9A. Also coupled with this project, coupled with the planned expansion of the Children's Hospital and proposed development on the old Stony Lodge Hospital, Mr. Jenney asked how are all these cars going to get on Route 9A? He mentioned that the State has spent a lot of money already and they have plans to fix it. Why don't they fix that problem first before they allow these builders to come in and make the traffic so bad no one can get anywhere? This particular area is very unit there are four condominium complexes within an excess of 500 units, Fox Hill, The Woods, Spring Pond and now stuff another apartment complex in between them. There are a lot of people on that road speeding. This puts another 100 or 150 cars there during rush hour. The values of the adjoining condos are going to lose 40% of their resale value. Mr. Jenney pointed out other locations in Ossining that are more reasonable for this type of development.

**Ms. Lillian Nahas, 52 Deerfield Lane**: President of the Homeowners Association at Deerfield and a founding member of the Town of Ossining Condominium Association. Ms. Nahas noted that there were corrections on page 2 of the full set drawings and he also should correct the percentages. Ms. Nahas read the following to the Board: The Deerfield Homeowners Association is not opposed to having Mr. Beldotti in fact we know him to be a quality builder with a good reputation. When he built Deerfield over 30 years ago he tried unsuccessfully to buy the Hagerdorn Property so that Deerfield could be a larger development, but much has changed since that time and the area is now over built. We firmly believe that the proposed Parth Knolls project is too large for this area and would have a detrimental effect on the existing Town residents of both the condominiums and the private homes along Hawkes Avenue. Our concerns run the gamut from inadequate coverage from our Fire Department, noise pollution due to the removal of many healthy trees, destruction of the wildlife habitat, inadequate water supply and water pressure, inadequate removal of waste water and increased traffic flow and congestion particularly at Route 9A and Route 134 which already experiences too many and sometimes fatal traffic accidents. We've been advised by a traffic engineer for the government that traffic flow along Hawkes Avenue would increase by approximately 15% during the morning rush hour and 22% during the evening rush hour. Has the Town's traffic consultant reviewed this issue? I think he should. I think that is something that should be done. We should not be relying on the traffic consultant that was hired by the developer. Last but not least of our immediate concerns is inadequate parking, as I stated, the Deerfield HOA knows Mr. Beldotti to be a quality builder, in fact, he kept three units in Deerfield for members of his own family.

**Ms. Lillian Nahas, 52 Deerfield Lane – Continued:**

Mr. Beldotti's sister is an original owner and still lives in Deerfield with her son in a one-bedroom unit with three vehicles. We have learned that she intends to put her unit on the market in the very near future. The building she lives in has 6 units a total of 10 bedrooms with a total of 15 vehicles, this is not uncommon. Given that ratio of 1.5 vehicles per bedroom, which is actually less than the two vehicles which was mentioned by the traffic consultant tonight Parth Knolls would require 101 spaces to accommodate resident parking leaving a mere 7 spaces for guests, some of which will be designated handicap spaces. Even with the 4 banked spaces the number is insufficient. In addition, about half the parking spaces will be located in an underground garage. The property sits at a low point and is partially comprised of wetlands; it was completely under water during hurricane Floyd passable only by boat. The planner as well as the developer should be aware that this is not a place suitable for an underground garage. While that storm was extreme, extreme storms are becoming the norm. One of our buildings at Deerfield which borders the development site was flooded in fact three time in recent years after extremely heavy rainfalls requiring our homeowners to spend, not ten thousand, tens of thousands of dollars to install additional drainage to prevent recurrences. The plans are on file with the building department. What assurances will our homeowners that the proposed regarding and removal of so many healthy trees which help prevent soil erosion will not cause additional flooding and who will pay for the damages to their homes and the loss of their personal possessions when this happens, will the Town? Will the Developer? Or will the homeowners of Deerfield will have to endure additional loses yet again, for the sake of a rental complex. The same goes for our pump station. If the pump stations prove to be incapable of the additional load, who will pay for the damages and why should Deerfield have a pump station on its private roads that is used to service a development that is detrimental to the community and our property values? Further, we believe the two entrances for a development of this size are unnecessary. The only property along Hawkes Avenue is Fox Hill and that is comprised of about 200 units. The proposed northern entrance is in a dangerous location where the road crests and curves and does not have a clear site line despite the claims made by the developer's traffic study. I walk that road all the time and I am telling you, just go out and walk it, you will not want to be standing on that curve. This northern ingress/egress will also detrimentally affect the quality of life for a number of Deerfield whose homes border the entrance by creating excessive noise, light, and potentially future traffic accidents in an otherwise quiet and peaceful setting. We urge the Planning Board that this entrance be eliminated from the plan. In summary, the Deerfield Homeowners Association respectfully request that the planning board find a way to have this project scaled back significantly to a size that is more suitable to the surrounding area and that it fully investigates the negative effects that it will have on the natural environment, safety, and quality of life of the existing residents in the community.

**Mr. Myron Ward, 112 Hunter Lane:** Fox Hill Condominiums, I think one thing is being left out. Is when you come onto 9A north to come onto Hawkes Avenue in the evening it is very crowded. Now, with all these additional apartments what is to prevent a backup going off of 9A onto Hawkes Avenue? As it stands right now, it is very dangerous. As this gentleman pointed out, if you turn onto Rte.134 there's always a backup. There is a stop sign, but very rarely do you see people stop there and as this young lady pointed out, there have been numerous accidents over there and a lot of them have been very deadly. It is a very dangerous area. The other thing I want you to take into consideration, this is a Con Edison evacuation route, Hawkes Avenue, for Indian Point, and as it stands right now you can get out of here. That means everyone has to go at least to the further side, down to Spring Valley Road which then you have to go back toward 9A or go the other direction and head toward Tea Town to try and get out of here. If anyone remembers last winter you had several feeder incidents where trees fell on Hawkes Avenue and Deerfield and Fox Hill couldn't even get out that way. That in itself is a major concern. The last point I want to make is, she mentioned about doing these improvements before this development possibly comes into being, which I think is the correct thing to do because Hawkes Avenue is very narrow as it stands right now. To try and get emergency vehicles in, or people out, with an additional 53 units and the study indicated a certain number of cars going in and out, but that depends on the age group of the people moving in. If it is most of the age group that have to go to work, that number is going to increase to something we can't forecast. In closing, the traffic issue is a major concern here, I don't think that has been looked at carefully and is there any consideration for widening the roads, Hawkes Avenue to facilitate the traffic getting in and out. As it stands right now, that curve at Deerfield, you have a blind spot, significant blind spot and anyone coming from Fox Hill or the northern entrance of Deerfield, when they come around and swing down you always have people in the Woods hesitating about going out to Hawkes Avenue. It's a constant issue. Thank you very much for your time.

**Ms. Caroline Curvan, 111 Hawkes Avenue:** I have four major issues with the proposal as it stands now. My first issue is with traffic, but I think that has been pretty well covered so I'm going to skip that and go right to my second issue and that's concern with ruining the character of the neighborhood. This proposal is for a development that has a much higher density than anything else in the neighborhood. While it is true that the proposal is within the limits of the zoning for that parcel, this developer has chosen to create a site plan which bumps up against all of the constraints without any consideration for compatibility with existing conditions or even the appeal of the development itself. Currently, 87 Hawkes Avenue is a 6 acre estate, with one house on it and many large specimen trees located on a road with a country lane feel. This will be replaced by a site denuded of trees, at least denuded of big trees, with a parking lot placed against the road and two multi-story apartment blocks. All other projects area are far less dense and setback from the road with good screening. I think approving the plan as proposed would require disregarding all that is said in the Town Comprehensive Plan about preserving neighborhoods our road and our neighborhood will be irretrievably spoiled by this plan. The third major issue I have with this proposal and others of comparable size is the seeming disregard for an overcrowded and underfunded school district. Ossining Schools are currently operating above capacity and this 53 unit complex contains thirty-one 1,400 square foot 1-bedroom apartments and twenty-six 1,800 square foot 2-bedroom apartments. Eighteen hundred square feet is bigger than my house. So how many children do you think you're going to fit into apartments that size? Last, the four parking space earmarked as bank parking for future use, is there a plan to put a bank here or perhaps even stores in the Parth Knolls complex. The proposal is otherwise silent about any such plans. In closing I hope you will consider all of the above issues carefully before approving this proposal in its current form, otherwise I believe you will be doing irreparable damage to a neighborhood that has thus far been carefully developed in such a way that preserves the flavor of its lovely bucolic flavor.

**Mr. Michael Tawil, 185 Woods Brooke Circle:** I am a former member of the Town Board and I am one of the people that voted to change the zoning of this parcel of land. I haven't looked at the zoning language in quite a while but I am going to tell you that this is absolutely positively out of character of what we anticipated when the zoning was changed. We were anticipating that this would be a bed and breakfast or some other small type use and reason that allowed for rental is because there weren't enough designations of titles that we could put it into. When we deliberated on this we said there is no possible way a developer can come in and put in a large multi-family building like the one we have right here. It seems like they found a way to shoehorn something that was absolutely not intended into this very small space. I will tell you I've lived across the street from this proposed site for twelve years, its completely out of character with the neighborhood its completely out of character with the road and it is completely out of character with what was intended when the zoning was changed. I would have never voted for the change in the zoning if I had seen something like this come down the pike. The affect on traffic will be horrific as it is to get north or south on Rte. 9A it's almost impassible. I heard the traffic consultant talk about how trucks would be re-routed around to Kitchawan State Road to go north. There are times when you have to wait ten minutes just to get to the traffic light to go south on Rte. 9A so for the period of time that they are going be doing construction they are going to make it impossible to get out of that roadway. In terms of going north, there are backups now adding additional units is going to be really problematic. Right now that area is at saturation to add anymore is potentially disastrous. I heard the traffic consultant talk about number of cars per household, and I know my neighbor across the street has four cars, two adult children and a wife, four people, four cars. There's absolutely no public transportation at all anywhere near that area so the only way to get in and out of it is to drive so if you have anyone who is of driving age they're going to have a car. Also, I saw there's a playground so obviously they are anticipating children. I heard it asked before if the impact on the schools was considered and the answer was NO. That is going to add a full classroom of children to an underfunded and overcrowded school district. Again, I can't stress enough had I seen something like this I would have never voted for the zoning change. I understand, Mr. Venditti said it was up to code, I haven't reviewed myself, so I will have to for the moment, take his word for it, but I certainly tell you while it may be up to code it is certainly not the intention of what the zoning was intended to be for.

**Ms. Jennifer Pawliczak, 123 Hawkes Avenue,** told the audience that she was in a serious accident just outside the Woods. She pulled up behind a car waiting to turn left into the Woods and a landscaping truck came up behind her up over that rise and there was nothing she could do. Her two kids were in the car and she said she was smashed in between that truck and the car in front of her, and the car in front of her went into the car in front of that car, all because they were waiting to turn left into the Woods because it was another car coming and it's a blind, blind curve. She ended up in the hospital and knee problems. The speed on the road is an issue obviously based on that accident. Also, down the road just another indication of the speed, we live on the curve at 123 Hawkes Avenue. In the last five months there have be 4 accidents on the curve.

**Ms. Jennifer Pawliczak – Continued:**

One woman went into the woods, another went around the curve spun out took out her entire front wall blew away the column, another 17 year old kid who had his license for one week came around the curve spun out and took out my entire fence. It is not a safe road. You're going to put all these cars here, you're going to put all this traffic here and I know the study that was done does not take into account what's going to happen with the Sunshine Children's Home and the additional traffic there. It's exponential, I didn't move to this Town or the house that I am in to have this kind of traffic and this kind of growth around us. This is way too big. I am happy to have something there of a smaller size that takes into account the character, as Caroline said, of the neighborhood, but it's really not acceptable.

**Mr. Hank Kelly, Mancuso Drive:** My name is Hank Kelly and I've lived at Mancuso Drive which is off Hawkes for 30 years. I was also a member of the planning board for four and a half years. I just want to raise quick points why there isn't fire support in that area is because one of the reasons is the hazardous waste disposal cemetery, St. Augustine's, they couldn't put any footings down to put a building there. The other reason was because there was no way for the trucks to get through at the lights, to get across Route 134, there was no way. That was the main reason. That is the main reason why we don't have anything except fire stations down in the village. The other thing is traffic, the stop sign that's right there at the curb, when I first joined the Planning Board, there was no stop sign there and we watched the amount of traffic increase tremendously, I don't know how anybody that lives there...everybody that lives there knows because we can't even get out of our street the way we used to, it's increased. In addition to those issues we are talking about loads on the school because there will be a lot of kids moving into the complex, parking, and potential problems with the water supply, we're talking about the roads being congested, and it's congested now. How long does it take to get south on 9A right now, you have to go two cycles at that light, 10 minutes at the minimum right now, at least sometimes three. If you have any type of activity there people will be late for work, people trying to cut in front of people, right now people being nice enough to let you in happens once in a lifetime. The other thing is the speeds on the road. People are speeding on our road going up Hawkes Avenue, they do it during the night, during the day, we've got trucks coming down there. I idea that somehow at the curve they're slowing down to 30 miles per hour, if they're going straight it's a wonder that we don't have an accident a day there as it is right now. Peak times will be a real bad issue, people trying to get to work, get home from work, it will back up onto 9A. I just don't understand why something this size has to be considered. I think you have to think about the impact to the neighborhood and you have to scale it back at the very least you have to scale it back. You've got issues with light pollution, this is a big situation. There's not enough parking spaces even for 53. How many people have just 2 cars if they have a family and the size of these places is going to generate more people living in those spaces so I really think this should be shelved until the State does something about 9A and we should be really sensitive about opening this up. Thanks a lot.

**Mr. Len Pawliczak, 123 Hawkes Avenue:** I am concerned about the speed, the 44 miles per hour I just don't believe that, we live on that curve on Hawkes Avenue and cars fly. Twice our mail box got taken out our fence got taken out. If was getting the mail at any point, I would have been hit. Supposedly 30 cars per peak hour, I just don't believe that. There's 800 units within a half of mile from Fox Hill to 9A if you figure 2 cars per family that's more than 800 cars not including the houses which we live in plus 100 cars that's close to 1,000 cars, you're saying that something like 20% of the cars travel at peak hour. I leave my house at 6:15 a.m. every morning and there's at least 30 cars going down the road between 6:15 a.m. and 6:30 a.m. One last thing is the size of the buildings, if you just look at the plan and look at the condos around it, they dwarf everything around it. It's not in keeping with anything on the road. I live in an 1800's farmhouse and I know Caroline lives in an old house and there's a couple of other old houses along that bend and this just doesn't fit in.

**Ms. Agualina Viani, 194 Horseshoe Circle:** I just wanted to speak up and be heard and thank you for all of your hard work and making sure that it really stands up to what it needs to. I understand that this is a problem and that they want to build and they have a right to build and then there are people in the area that are going to be impacted so it's a difficult place that you're in. I just want to say my two cents about wildlife and I love this woman who talked about the trees. Thank you for all your work. We need more people like that who can come up and help you out and figure out what trees should be where, that's terrific. I worry about the wildlife. My question is and you spoke about fish, we have a lot of deer, we have a lot of coyote, we have lots of stuff in there, birds and whenever there's a significant development I am just wondering about how much consideration is put into place about how these animals will migrate around and travel. I want to laugh, with all due respect, when I hear the environmental man saying we're going to have a better environment if they build this because they're going to put in trees that are better than what we have and dredge out the garbage out of the pond that's there and take out the old vines that are invading the environment.

**Ms. Agualina Viani, Continued:**

It really sounds great, but one of the things I heard which I don't quite understand is this mitigating the barrier impact, the mitigation of the invading part of the wetlands, I heard something about 100 feet, yes we're meeting the standard but the pink (on the plan) seems to go through the buildings and all around so I am confused as to how much impact it is actually having. If there's a need for mitigation, then that is telling me it's impacting a little bit more than what we should be comfortable with. That's my only thought. I just implore you to think carefully about this. We all will be affected, our taxes will be affected, our roads, our water will be affected, everything will be affected and we can only say this at this point but my guess is that it can only be exponential and irreparable. So thank you for your careful consideration and listening to those of us who are right there on the front lines.

**Mr. Mike Vaughn, 116 Woods Brook Circle:** You've heard from representative from Deerfield, you've heard from Fox Hill, you've heard a number of private homeowners along Hawkes Avenue. I wrote you a letter. I've been assured that you read the letters that we write you, but I thought you ought to hear from somebody in the Woods. I am not going to belabor the issues of traffic that you have heard to the points that I would have made, as well as access on 9A including the fact that this is an evacuation route in the event of an emergency up at Indian Point. You've heard about traffic safety, accidents occurring, well that's a pre-existing condition and it is a pre-existing condition but any development like this will make that pre-existing condition worse. It's not something you should take lightly. We've heard a lot about industry standard statistics, the specific names of the particular agencies, trade associations with their data on parking the cars and so on and so forth but you've also heard tonight, and I will reiterate, I don't think this is an industry norm situation. We really have to be look at the specifics of what's going to be happening here as opposed to on average through all of the New York State up in Schenectady our out in Utica, Buffalo or where ever. It's what happens here, what's the population in this specific complex likely to be like for whom there is no public transportation whatsoever. As one of my predecessor just said, any way they're going to get to and from their homes is going to be in their private car. There is going to be a lot of them. You heard about fire protection, or the inability for fire trucks to get through because of traffic. This will only make that situation worse. You've heard about parking. Parking is a particular concern to us in the Woods because when these people can't find spaces for their guest to park, where are they going to go? Across the street and park in our property! They're not going to park on Hawkes, that's for darn sure so they're going to come over onto our private roads and park in our private lots. They have banked parking. I am not exactly sure what that means. Maybe I am the second person to say what that means, what does that mean?

**Ms. Richards:** That's parking that they don't have to supply as they construct, but if we do find there's an issue, that is additional parking that they would be required to create.

**Mr. Vaughn:** Who is going to require that? How's that going happen? Who's going to make that determination? Meanwhile there's not enough parking. Make them put adequate parking in right from the get go!

**Mr. Vaughn:** We've heard about water supply problems. I don't see how you can approve a project for which there's inadequate water supply and for which the sewage infrastructure is also a question mark? They assure us that their consultants have told them that the lift station is adequate. As Lillian said earlier, if it's not, who is going to pay the price? All of these are things that you're not going to be able to turn the clock back. Once the bell is rung, you can't un-ring it. So let me just be very clear, I am speaking on behalf of the 46 homeowners of Woods Condominium II. We just had our annual meeting tonight and I am authorized by our Board and our Homeowners unequivocally we oppose the approval of this project as currently proposed. If it changes we'll revisit the question.

**Ms. Karen Wells, 28 Apple Bee Farm Road:** I have a document here for you. Hopefully, that will help all of you understand the crisis you are facing on your eastern border. It is not just this project. It is the Sunshine Home project that is proposed to add over 200 cars to the same road that everyone's talking about. In addition is a 92 bed drug rehab facility that will also use these roads. These are facilities that unfortunately are not within your community so you have no control over them. Although, the Town of Ossining and I believe also the Village have announced their interest in being an interested party in the Sunshine Home expansion.

**Ms. Karen Wells, Continued:**

These are important things for you as the Planning Board to consider when you look at this project. It is certainly within your purview to reach out to your boards and to reach out to the Town of New Castle and to the Town of Cortlandt to coordinate an overall traffic study because each of these projects are going to use the same facilities. We have requested at the county level that they also consider getting involved but they will not get involved unless the Towns themselves request it. I am asking you to work with the Town of New Castle and the Town of Cortlandt and work with the county to get an overall traffic study. In addition, the other issue you face is the Sunshine Home is going to be using the same part of your sewer system that this project will use. Another additional situation you need to consider. Finally, all of these things that you've heard tonight say do a full environmental impact study which are certainly justified ask for.

**Mr. Tawil:** I want to give this to the Board, I think this really shows how out of character this is, this is a areal map, Google Earth, and if you look at all these buildings here and the condos each of these little buildings is anywhere from 4 to 6 units each. The spot where they're looking to put 53 units, that little spot right there, that will give you a real and graphic representation of how out of character this is with the surrounding area and how dense it is in relation to the other buildings around and areas around. I would urge the Board to not approve this in its current configuration, it's just way out of character.

**Ms. Richards** thanked the audience for their input and sharing their thoughts with the Board. The public hearing will be continued to April 20<sup>th</sup>. This is a continued discussion and you have all made fair points. The Planning Board will consider these points and have the ability to go forward and as you know, this is a continual discussion that is still open and we are still planning this project.

**Grant Subdivision, 68 Somerstown Road, 2 Lot Subdivision – Request for Extension of Resolution & Amendment**

Mr. McWilliams recused himself from the Board. Mr. McWilliams, A.I.A. Architect, representing the applicants Ann & James Grant, submitted a letter the Board dated March 7, 2016. Mr. McWilliams noted that at the August 8, 2015 Planning Board meeting, the Board granted extensions. To date most of the conditions of approval for sign off have been accomplished.

Mr. McWilliams asked for two 90-day extensions which will bring the expiration date to June 14, 2016. He also discussed an amendment to the resolution documents where it asks for a bond of \$28,000 for trees that may or may not need to be replaced for 4 years after the certificate of occupancy is issued for the second house. The Grants may not necessarily build the second house. At this time, they are only planning to build their own house to live in and Mr. McWilliams recommended that if any trees are damaged, the Building Inspector can hold back issuance of the Certificate of Occupancy until the trees are replaced.

Ms. Zalantis recommended the Board vote on the extension this evening and hold a public hearing for the modification to the Resolution. Ms. Zalantis also informed the Board that form of easements have been reviewed and are ready to be accepted. Easements must be filed and recorded prior to filing of the Plat.

Ms. Richards asked Board Members for a vote on two 90-day extension for this application. Mr. Bossinas made a motion, seconded by Mr. Hoeflich and unanimously agreed upon to extend the Grant Subdivision, Resolution of Approval for two 90-day extensions to June 14, 2016.

Mr. Hoeflich made a motion, seconded by Mr. Bossinas and unanimously agreed to hold a public hearing April 20, 2016 for the Grant Subdivision with respect to amending the performance guarantee provision which requires the applicants to submit a performance guarantee of \$28,000 for potential replacement of 35 trees along the driveway both on-site and off-site.

**Local Law No. 3 of 2016 to repeal Chapter 85 of the Code of the Town of Ossining Entitled Environmental Quality Review**

Chapter 85 of the Town Code is inconsistent with Article 8 of the New York Environmental Conservation Law and the implementing regulations set forth at 6 NYCRR Part 617 entitled State Environmental Quality Review (SEQRA).

**Local Law No. 3 of 2016 to repeal Chapter 85 of the Code of the Town of Ossining Entitled Environmental Quality Review – Continued**

Ms. Zalantis reviewed with the Board reasons for repealing the Town's statute and why the Board should use the State's Statute which is more protective of the environment and allows the Town to have its own Type 1 list. Ms. Zalantis urged that the Town Code, Chapter 85, as it stands now is outdated and the State has made updates over the years which are more restrictive. To avoid inconsistencies it is recommended that the Town work with New York State Environmental Conservation Law (SEQRA).

After review and a lengthy discussion, it was agreed that since there are other environmental chapters in place, Steep Slope, Tree, Wetlands, which are in place to protect environmental features in the Town and this particular chapter, Chapter 85, is out of date and not being used. Mr. Bossinas made a motion, seconded by Mr. McWilliams and unanimously approved Repealing Chapter 85 of the Code of the Town of Ossining and providing a memo of recommendation to the Town Board.

**Minutes**

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A motion was made by Mr. McWilliams, seconded by Dr. Hougham and unanimously passed to approve draft minutes of Planning Board meeting held February 17, 2016.

**Adjournment**

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There being no further business to come before the Planning Board of the Town of Ossining, Mr. Hoeflich made a motion, seconded by Mr. Bossinas that the meeting be adjourned to April 20, 2016.

Time noted 10:25 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

**APPROVED: April 20, 2016**