

April 20, 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 20th day of April 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

Absent: Daniel Ciarcia, PE, Consulting Town Engineer

Also Present: Katherine Zalantis, Attorney, Silverberg, Zalantis LLP  
David Stolman, AICP, PP, Frederick P. Clark Associates, Inc.  
Stephen Coleman, Environmental Consultant  
Sandy Anelli, Secretary

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

Ms. Richards announced the continuation of Public Hearing to the Audience and the Board. Mr. Daniel Collins of Hudson Engineering & Consulting was present. Mr. Collins asked the Board to close the Public Hearing and put any additional comments into their final approval. Ms. Richards asked if there were any final comments from the Public or Board Members regarding this application. There were none.

Mr. Stolman submitted and reviewed with the Board, a memo dated April 20, 2016 of negative declaration of SEQRA with Part 3 of the Short Environmental Assessment Form and Part 2 of the form.

Mr. Stolman submitted and reviewed with the Board, a resolution of approval titled DiPiano Resolution of Subdivision Plat Approval dated April 20, 2016. The negative declaration memo and resolution of approval documents were reviewed and accepted by Ms. Zalantis, Town Attorney.

A motion was made by Mr. McWilliams, seconded by Dr. Hougham and unanimously passed to close the public hearing for the DiPiano Subdivision at 7:45 p.m.

A motion was made by Mr. Bossinas, seconded by Mr. Hoeflich to adopt the **DiPiano Resolution of Subdivision Plat Approval dated April 20, 2016**, as amended.

**Grant Subdivision, 68 Somerstown Road, 2-Lot Subdivision – Request for Amendment to Resolution PUBLIC HEARING**

Ms. Richards opened the Public Hearing at approximately 7:50 p.m. Mr. McWilliams recused himself as Board Member and appeared as the applicant's representative. Mr. McWilliams, AIA gave a brief synopsis and update regarding the status of the application which has been approved a number of times. The new owner requested that an item in the Resolution of Approval which asks for a performance guarantee for trees in the "Right-of-Way" until the second house is built, be amended.

Mr. Stolman submitted and reviewed with the Board an amended resolution which modifies that requirement. Ms. Richards asked Ms. Zalantis if there are any concerns. Resolution titled Grant Subdivision Amended Resolution of Subdivision Plat and Wetlands Permit Approvals was reviewed by Ms. Zalantis and she expressed to the Board that it seems to provide protection because the requirement to replace the trees is linked to the Certificate of Occupancy.

Ms. Richards asked the Public and the Board if there are any further comments or concerns regarding the amended resolution. A motion was made by Mr. Bossinas, seconded by Mr. Hoeflich and unanimously moved to close the Public Hearing at 8:10 p.m.

A motion was made by Dr. Hougham, seconded by Mr. Hoeflich and unanimously passed to adopt the **Grant Subdivision Amended Resolution of Subdivision Plat and Wetlands Permit Approvals dated April 20, 2016.**

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

Mr. Beldotti, 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. were in attendance.

Mr. Venditti asked the Board to consider closing the public hearing, declare lead agency status and adopt a negative declaration of SEQRA. Thirty days have passed since the Notice of Intent to be Lead Agency was circulated. Mr. Venditti thanked the audience for their insightful comments at the March public hearing and he reminded the Board and the audience that they will be happy to address those comments and concerns, however; construction documents and matters with regard to ADA requirements fall within the sole purview of the Building Department when building permits are requested. Mr. Venditti introduced Mr. Steve Marino and other professionals presenting this evening:

Mr. Marino addressed questions and comments made at the March 16, 2016 public hearing with regard to the use of Red Maples in their mitigation plan. He said they are only using 11 of those trees in their mitigation plan but will certainly replace that species with a native species. They are suggesting changing that to Sweet Gum which is a very attractive tree and will do very well on site. In addressing comments with regard to Viburnum dentatum the Arrow-wood species which has a problem with Japanese Beatle, they will be altering that to a different Viburnum prunifolium species which is a small tree rather than a shrub and does not have that issue.

Mr. Marino addressed the comment regarding the fore bay area they are proposing in the front of the site and whether it had the potential of trapping fish and other aquatic species in there. Mr. Marino said they looked over several DEC and Federal documents regarding construction of fore bays and construction of impoundments adjacent to watercourses. What they are proposing is a lowering of the area adjacent to the stream, there's no headwall, there's no control structure involved that a fish or other animal might get trapped behind in a storm event. It is not an issue with their particular grading plan the way they have it set up on site. There is an evergreen screen proposed along the parking areas along the Hawkes Avenue side. Also a reminder, that parking area is several feet above the elevation of Hawkes Avenue lights coming through that evergreen screen would be quite a bit above the intersection across the street and Hawkes Avenue. The last question was a concern about using native species in the landscape plan. In the mitigation plan which is the bulk of the plants that are going to be planted on site, trees and shrubs, all species are native species that we are proposing. In the landscape plan around the buildings there are some non-native species proposed because you get into stress situations adjacent to hot buildings and pavement where native species just don't last as well. So there are a couple of non-native species closer to the building, but the majority of plants in the landscape plan are native species.

Mr. Marino presented a report titled Fiscal Analysis dated April 7, 2016 which responds to tax revenue, school children generation and impacts to the school system concerns raised at the March public hearing. They used the Urban Land Institute multipliers to calculate expected population of the site as well as expected number of school children. In total with 53 units which it is anticipated that 97 people will be living in this building with school children generation of 7 school children. They also spoke to the Ossining School District, Dr. Ray Sanchez, Superintendent of Schools and he confirmed, based on recent demographic studies that they've done, it can be anywhere from 7 to 9 children from this project. Tax revenue generated from the project will be \$6,900 and increased to almost \$64,000 following construction of the project for the Town of Ossining. This is a managed project owned by the property owner so all interior work and upkeep will be the responsibility of the property owner. Town responsibilities on the site will be minimal, with the exception of Fire and Police, everything else will be handled on site. The school district currently receives a little over \$21,185 in taxes from this property following construction we are anticipating \$217,000. Now with the increase in school children we anticipate out of that \$217,050 at a rate of

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\$11,751 per student the total impact will be a positive of \$134,793 if seven students enter the district and \$111,000 if nine students enter the district. Copies of this report are on file.

At this time, Mr. Venditti reiterated the fact that the figures provided were verified by the Ossining School District. He said they have to rely on what the school district has verified with respect to number of students. These are the best figures available to the applicant and available to the school district. On recommendation of the Board, all doors were removed from study and den areas. He said it is not fair to make a leap and an assumption that there will be any type of illegal occupancy. Mr. Venditti introduced Mr. Garofalo, who will be speaking to concerns related to the issue of site distance on the access and egress. Before Mr. Garofalo's presentation, Mr. Venditti pointed out that the access and egress was changed at the request of the consultants of the Town.

**Mr. James Garofalo**, Tim Miller Associates: A new look was taken at the site accesses, where the northern part where both intersections stop and site distances were considered to be met by your consultant. Looking at the southern site access, we realize that there's going to be a problem there. Therefore, instead of that being an ingress, that will be an emergency access only and it will also be used additionally for construction access. This is a change that has occurred in the plan that the main and only general access will be the northern eastern access. In dealing with other comments regarding other area developments in the area our consultant's traffic study already included those developments. With regard to parking, we provided information which basically shows whether you're in the County, Village, Town, Town outside of the Village, renters require less parking. The study is providing a little more than 2 spaces per unit; the vehicle ownership for rental units is approximately 1 vehicle per unit. This is considerably different than what happens in the neighboring condominium developments which are owner owned. There is a big difference when you own units and when you are a renting in terms of the number of vehicles. Zoning tends to go to the higher end with owner occupied units. Therefore, there should be plenty of parking provided. They have left in the banked spaces which are 4 spaces which would not be immediately constructed but would be constructed later if needed. There were questions regarding the intersection of Route 134 with Route 9A. We've provided a considerable amount of data on that and this has been a known problem. The Route 9A corridor is a known problem to everyone, including the New York State Department of Transportation NYS DOT which is why they've included it in their long range plans to make improvements there.

**Mr. Venditti** clarified the question that was raised at an earlier meeting, "what is banked parking?" it is something in the zoning code in case you need to add more parking spaces. Based on comments received from the Board, they did away with banked parking and they are now constructed spaces so the plan will have 112 actual constructed parking spaces, well in excess of the amount required. That is noted on the plan.

**Mr. Tom Kerrigan**, Site Design Consultants talked about some minor changes to the plan. The number of Below Market Rate (BMR) bedroom units in the table in the lower left hand corner on the plans. The northern ingress and egress shift further south along Hawkes Avenue was studied and reviewed it was determined that it is not a good idea because the grading in this area was to adjust the radius of the curve and not an acceptable amount for cars entering the site, they looked at raising the lower area and that created a grade that is not acceptable and at the moment it meets the required standards and raising that up would make that not so. The land banked spaces have become permanent spaces. They added the bike racks per the Planning Board's request for the exterior of the building. Tree number 1659 blew down during a storm event on February 24, 2016 and is no longer shown as a tree to be removed. A new note is shown; construction trucks will be exiting the site, per the last meeting.

**Mr. JB Hernandez**, Architect, discussed minor changes to the architectural plans. He pointed out that they have removed all doors from the studies. He also presented a sheet showing three different options for exterior colors and finishes. It was noted that these are options presented as part of the Architectural Review process. Mr. Beldotti confirmed that this is for the purpose of architectural review.

**Parth Knolls, 87 Hawkes Avenue – Continued**

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**Mr. Venditti** stated everything they have done was done with compliance with the Planning Board and the Town's Consultants. It was concluded by the Town's consultants by memo dated March 16, 2016 that the project will not significantly impact the intersection of NYS Route 134 and Route 9A. They met with the school district and the outcome was 7 to 9 children. They met with the Fire Department and Code Enforcement and they approved it. The access egress issue was addressed with the Planning Board and it was done. At this time Mr. Venditti asked the Board to declare itself lead agency status with respect to SEQRA and direct a negative declaration and close the public hearing.

Mr. Stolman submitted and reviewed with the Board a memo dated April 20, 2016 titled Parth Knolls Residential Project which includes the following analysis and recommendations:

1. Wetlands and Watercourses. We defer to the Planning Board's Wetland Consultant with respect to these matters.
2. Stone Structure. We echo the Building Inspector's comment with respect to the existing stone structure on the property. Removal of said structure should be made a condition of any approval the Planning Board may grant.
3. SEQRA. For the purposes of the State Environmental Quality Review Act (SEQRA), the Planning Board circulated its Notice of Intent to be Lead Agency on February 26, 2016. As the 30-day period for the submission of objections has concluded without an objection from any other Involved Agency, the Planning Board may declare itself Lead Agency.
4. Traffic. The Applicant has provided a response to our comment about the northerly access drive's northern curb radius in front of the northerly adjacent property. Our previous comment on this issue is appropriate and our recommendation is still to shift the driveway slightly to accommodate the curb radius.
5. Trees. Sheet C-107 indicates that several existing trees are to be preserved even though they are in poor condition. For example, Tree #1647 is indicated as a "bad leaner" and #1690 as in "poor" condition, yet both are proposed to be preserved. The Applicant should revisit the tree plan and propose the removal of trees which are in poor condition or whose condition may make them susceptible to falling. This is important, as Tree #1659 is indicated as having fallen during a storm on February 24, 2016, indicating some level of risk. If any additional existing trees are proposed to be removed as a result of the reanalysis of the tree plan, they should be replaced with proposed landscaping.

**Mr. Hoeflich** announced that in his review of the architectural plans with regards to ADA and said he is appalled that there are areas that are non-compliant. He objects to the amount students in the study in his opinion there are going to be children in the other spaces. The fire exit doors are facing the wrong direction. The door to the community room still show that a person in a wheelchair can't exit and the same with the office. With regards to the driveway going in, the one in the middle should be enter and exit, the one on the north should only be for entering because of the curve.

Ms. Richards commented on the traffic and asked the traffic consultant to clarify the difference between owner occupied and rental units. Mr. Garofalo said this data is from the US Census. They look at vehicle ownership and type of unit. When you have an owner occupied unit, you have a lot more equity in which to purchase cars. Also, rental units are often younger people who are not quite established etc. There is less vehicle ownership in people who are renting as opposed to people that are purchasing. This is not just the Town outside the Village, this is the entire Town, the Village, in general in Westchester County, renters have fewer vehicle and the key thing about that when you look at parking the thing that is most critical is overnight because you have all of the renters or owners there in the apartments with their cars parked for the most part, that is the critical

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parking time. That's why vehicle ownership becomes very critical to the number of parking spaces that are provided. It's not unusual that a lot of the zoning codes throughout Westchester, that the zoning codes on owner occupied units and do not separate out rental units for fewer parking spaces. What it ends up doing is creating a lot of extra parking for developments that have rental units. So there are going to be circumstances where condominium developments will not have enough parking. You also have major difference in operations. If a rental management firm sees someone bringing in more cars than they are supposed to, these people may not get their approval to rent. A managed property has more options of getting rid of people than a condominium association in terms of people who are not following the condominium rules. The rental management firms have a lot more power that can be exercised in terms of towing and redoing rental agreements. They have more power to enforce the conditions of vehicles being on the property.

**Ms. Richards** said her concern is where the site is located. The geographic location, because if it's near a train that's fine but this is near Route 9A, you will need a car if you work in Westchester and each of you are adults. I am just speaking of the reality of what's happening on the ground so you need two cars, if you have a teenager, that person needs a car. You need parking for all those additional cars and then that leads to traffic. So the applicant has to satisfy me on the operations and I find there is an issue, how do we deal with that issue? Is there any information on where these developments are located? Because I know in Westchester, we look to create transit oriented development and that indicates to me that it is near a train. This is not near a train.

**Mr. Garofalo:** I've worked on several transit oriented developments, including in Yonkers, they have special zoning which has even lower values for the number of parking spaces per dwelling unit if you are within walking distance of a railroad station. Yonkers also has a tremendous bus system also but they have even lower parking requirements in those areas. I did look at the Town, the Village and the Town Outside the Village subtracting out the Village, so I looked at those three entities as well as all of Westchester County and there are lot of parts of Westchester County that don't have any train service at all or where you have to physically drive to the train and again, people may very well be driving to the train. I would suspect anyone living outside of the village may be doing just that, driving to a train station but the fact of the matter is they are not looking at just one development they are looking at basically all of the developments in these municipalities to get these statistics. Yes, there is some variation from location to location but clearly the problem that you are hearing is from condominium developments which tend to have more auto ownership at the peak of what your zoning has and therefore, you are very likely to get instances where you are going to get a development that has inadequate parking.

**Mr. Venditti** said that the unfortunate reality of economic demographics is that owners of real property can afford more cars than renters of real property. That is why you find in rental facilities, there are less people that own multiple cars. There's exceptions to that and there's always exceptions to why someone is renting somewhere for a particular reason or particular period of time but the reality is, owners of real estate are usually of a different economic demographic and can afford cars, children, or girlfriends or spouses. That plays in to this statistic. I don't know where else you want us to look, other than the statistics that are provided by the government but I think intuitively, owners have more cars than renters.

**Ms. Richards** commented that Mr. Venditti makes a good point with regard to demographics. The demographics of the Town may be different than the demographics of the Village and but there may be other factors associated with the number of cars etc. Have you looked at communities with a similar demographic as the Town of Ossining to determine, because economically things change, what are you renting these units at? What are the demographics that you are looking to attract? That gives you more insight into how many cars they may have. There's a lot of thought that goes into this when you build these buildings such as: Who are you looking to attract? What is the cost of the apartment? Does it lend itself to that person having more than one car? Sometimes with these construction projects there's unintended consequence and we want to have a full understanding on this Board of what we are looking at.

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**Mr. Beldotti** said there are many people that rent apartments that are single or widows that only have one car. Every development we have, whether it be commercial, or residential, has controlled parking. We issue parking to the tenant. Most of our parking is underground. So every person who rents an apartment will have a parking space. When you average the averages, you get some people who rent an apartment that are single some people who rent an apartment are husband and wife, they have two cars and most three car families are when you have two adults and an older child who may be working but that is rare in our understanding of apartment rentals where we need that type of parking. We operate an apartment complex off of Wolden Road in Ossining, very similar, that's where I get this from. You don't get two parking spaces in every apartment.

**Mr. Hoeflich:** The two adjacent properties which have condominiums, obviously if I took your property and I split it into condominiums of the same level of those condominiums even though they are condominium owners, how many physical condominiums would I get on your property regardless of the water component, if they were like the other two communities on the other sides of the this property?

**Mr. Beldotti:** This property is zoned for multi-family. We never studied how many condominiums we would get.

**Mr. Hoeflich:** In my eyes, these two story buildings are a little out of character with what is to the right, left and across from the street from this. There's nothing like that there. We've seen that and the community has said that also. In addition, if it is determined that 112 parking spots, if we have to end up putting 20 more, where are those parking spots going to go? They're going to go right up against all those peoples' houses.

**Mr. Beldotti:** Let's understand something. When you rent apartments, you rent an apartment with parking. You get one parking space per apartment and everything else you pay for. If you want additional parking, you pay for it. We control parking and you have to leave it up to the management company to do this. We have more power than a condominium development has. They can't control how many people live in the condominiums, nor how many people have cars in a condominium. They don't control it, they can't control it, we can, it's a different animal.

**Mr. Garofalo:** And that control can be towing them away, not extending their lease agreement, or telling them that they are in violation of their agreement. So they do have a tremendous amount of power to make sure that the parking is maintained in a way in which there is available parking.

**Ms. Richards:** We are going to open this up to the public, but I would like to understand more about how that is going to work and how we are going to ensure that the parking spaces are used appropriately for the rental units that we have because we do not want to have an issue and as we know, you have visitors during the week and we do have instances where we do need additional parking spaces so if we can just go a little bit further to understanding how that all operates, I think that will be helpful because we really want to be educated on how this is going to work.

**Mr. Venditti:** We certainly will do whatever you ask us to do, but I want to point out that your consultant has found that parking on site is adequate and as stated by the applicant, this is a rental unit where you issue a parking permit and perhaps you issue a visitor permit, but there's the type of control here that does not exist in a condominium where someone may have 2, 3, 4, or 5 cars. It just is not going to happen here.

**Ms. Richards:** Obviously, it is well thought out in your head on how it's going to operate if there is an opportunity to document that so we have a full understanding of how it's going to operate that would be helpful.

**Mr. Garofalo:** It's really controlled through the lease agreements that are made.

**Ms. Richards:** Then, I would document that and document how you are going to do that. At this time, Ms. Richards opened the hearing to anyone from the public who would like to speak.

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**Mr. Andy Dvorscak:** I live at 64 Deerfield Lane, Deerfield Condominiums. I've been to a number of these meetings. I find it interesting that the developer has consulted with the schools, consulted with the police, the fire department, the Town, who represents the residents? Who wants to know what I want done with my neighborhood. You're not talking about a huge section of the Town, you are talking about a very part of the Town which has its own culture, its own lifestyle, and having spoken to the residents in Deerfield, I've yet to find one person who is in agreement with this plan and I bet if I go to the Woods and Fox Hill and to the single-family homeowners you're not going to find one person who wants this. I know it's not the Board's purview to take one side against the other but, there's been no input from the residents on this project. I find that very, very, disturbing. Another thing I find interesting is about tax revenue being raised, the day that this thing goes through I'll be first in line to have my property reassessed because I'm not going to be paying taxes on an assessment that was done in 2015 on a property that's now worth two-thirds of that value. That is a real problem, the real estate values on a lot of these condominiums represent a lot of people's retirements and monies that are garnered to the value of their real estate is a big part about what they are going to do. Now if my value is going to be two-thirds of the reassessment done in 2015, that's a big hit. Who in the Town represents me? Who is going to listen to what I have to say and put this into the development? I've come to several meetings now and we've talked about traffic and bicycle racks, baloney! No one in the Town of Ossining wants this project. I think it's being rammed down our throats! I don't understand why we don't have equal rights in the process. I just don't see it happening.

**Ms. Lillian Nahas, 52 Deerfield Lane:** I've been checking the planning board website and I was surprised to see that there are new drawings that were not on the website. Talking about ingress and egress, I disagree with everything this gentleman has said about that access point. That is the absolute worst place to put an entrance/exit. First of all there are entrance/exit that already exists at the southern point, that's already built and approved by some Board way back when that property was built and probably 25 years ago when the Woods property was built. They're practically right across from each other. So I don't understand why a northern access is necessary at all and in fact I think that hadn't even been there and maybe done at the Board's request so I think that's something that needs to be looked at again. Second, this dream that renters don't have as many cars as owners is absolutely ridiculous. I don't know where they're getting this. I am sure that these statistics are in the United States, or somewhere in the County, but they don't exist in this particular area. First of all, I was under the impression that these are supposed to be luxury apartments so the statement that these people aren't going to have enough money for two cars is absolutely ridiculous. Second of all in condominiums we have renters people leave and rent their condominiums out. We have a lot of renters and they come with just as many cars as an owner does. They come with one person, two people, four people sometimes per unit and very often it is one car per person. We have now 129 cars in Deerfield for 72 units, 74 of those cars are people that go to work every day. How many other Board members from other condominiums along Hawkes Avenue are here tonight? Do you have renters? Yes. Do you have car problems? Yes. The one thing that we all have that this development won't have is we have streets that overflow cars can park. When our parking lots are full, cars can park on the streets. This development is not going to have a street for cars to park on. So the parking is inadequate, in my opinion, and I think if you want to study what the circumstances are, do it in the existing area not from a book that printed for some other location. The other thing is we keep calling these apartments. The only thing that differentiates this project from another condominium project is the legal structure, that's it, because at 1,600 to 1,800 square feet, there aren't houses that are that big. So to think that you are going to have, and I am not saying there won't be apartments that will only have one car, I really believe the majority will have at least two cars. So I am asking the Planning Board to really take a close look at this situation and more than that, the building is beautiful, but it does not belong in this area, it's completely uncharacteristic of this area, it doesn't fit and no one who lives in this area, condominium owners and homeowners alike wants this project.

**Ms. Diane Silverman, 212 Woods Brook Court:** I'm at the Woods and I'm also a real estate agent in the area. I've rented around 12 of the condos. I think you would all be surprised by the caliber of the tenants, they are professionals, high and large; lawyers, dentist, two corporate VP's, three small business owners. They are all making six figure incomes and some of them are divorced, dating so there's the boyfriend/girlfriend coming over. A lot of them have college age students who are living there or coming to visit. They've got visitors. So I think you would be surprised. If you would like I would be happy to do a survey of the people who've rented in the last few years and

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provide you with that information. It shows how many people are living there and how many cars they have, if you want.

**Mr. Michael Vaughn, 116 Woods Brook Circle:** The Woods, I just have a procedural comment I would like to make. I don't know what declaring yourself lead agency means, or if things like that would be a reasonable thing to do but the applicant has asked to close the public hearings and I would ask that you do not because of what Lillian just said, was as of 4:00 p.m. this afternoon none of the revisions that were talked about today were available to look at, I went on the site none of them were there so we have not had the opportunity to look at all these changes that you made. I'm sure many of the changes are responsive and many of the changes might make some of our concerns go away. I am also recently confident that we will continue to have concerns about something that we haven't had a chance to review. I respectfully ask that you keep the public hearing open for another session on the latest revisions and if they make further revisions that those revisions be posted for the public to see prior to the next public hearing.

**Mr. Gerhard Randers-Pehrson, 113 Hawkes Avenue:** I previously submitted comments at the March 16, 2016 meeting. I think the response to the comments about the intersection of Rte. 134 and Rte. 9A are thoroughly inadequate. The study from before which claims that the Kitchawan State Road into the intersection is a grade B, I think it's an F minus most of the time and so I think that study even though it's been done, has not been analyzed correctly. Among other things I said concerning ruining the character of our neighborhood, second item, one of the things I said is, here we have road with a country lane feel. The site that is an estate will be replaced with a site denuded of trees facing the front and a parking lot facing the road. All other projects are set back with good screening. A little further studying I found that my view is actually supported by the Town of Ossining Zoning Code, Article 200-29 (C.), It says, "no parking space shall be located in any front yard", now if you looked at the map which has this section of the site plan, the dotted line, parking spaces 62 through 80 are actually within the front yard area of this property. I think therefore they should not be allowed to be there, so those concerned about parking, I am taking 18 parking spaces away from but this. It would retain some of the trees along the front of the property and actually screen the property correctly. Also, if you remove the 18 spaces, I think you have to reduce the number of apartments by nine. Mr. Randers-Pehrson submitted a copy of his memo dated April 20, 2016 for distribution to the Board.

**Mr. Egan Brown, 42 Brooke View Drive:** I just went on the website and in Ossining alone there is 2014 affordable units available at this time. So I would like to know why this particular project is going forward when there's already an excess of affordable housing. One of the reasons why I am up here, I am from the south, 35 years ago I went through the same thing, we got a wonderful presentation about what was going to be proposed, luxury apartments, and when people get tired of going to the meetings because they are continuously going on, people dropped off because there was nobody there. What turned out to be was HUD housing, two stories all kinds of cars and in fifteen years that whole area has gone downhill, drug dealing and gun shots going on. I just recently sold my house down there for \$85,000, a \$250,000 house but was the maximum I could get because of the conditions that existed there. I would ask you personally to look over this whole project because these people are going to rent these units out. If they rent them out 100% affordable housing, those people are going to pay 30% of what the going rate is and the government makes up the rest. So, these people are going to pay, with their taxes, to have their property devalued. That doesn't make a lot of sense. So please give it some real hard thinking before you go ahead with this project.

**Voice:** Good evening. I am from the third condominium on Hawkes Avenue, Fox Hill, we have 196 homeowners. I am on the Board of managers there and I've spoken to a number of our residents. As Lillian and Mike have said, no one I've spoken to is in favor of this project. We are not against the owner building something. We are not in favor of the massive size of the project. First of all Hawkes Avenue is an absolute disaster. Driving down that street is like driving down a street in a third world country you're now going to add, he says maybe 55 cars, I think that's up surd but even at 55 that's only one per unit Even 55 cars it's only going to make it worse. I don't know what traffic studies they've done, but I can tell you I work in the Bronx and I drive down there every morning. At 7:30 a.m. most days you can go through three cycles of the light before even getting off 134 onto Croton Dam Road. Now there's a little project that they built, I think it's called

**Parth Knolls, 87 Hawkes Avenue – Continued**

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Hawkes Close, private homeowners, not too far away from us, before they were built it was one to one and a half to two cycles of the light with them its two to three. Now he says 55 cars, which I think is up surd, but even if that's so, it's going to be three and four cycles of the light. We are going to have leave our homes an hour earlier to go a mile and a half just to get on 9A. I think this project is too big for this particular piece of property. When you can go out there and drive around Deerfield, you can see how close the impacts are going to be. I would also join other people to please keep the public hearing open, I checked the website on Sunday to see if there anything new, there was nothing. I ask to keep the public hearing open and to please get the documentation up sufficiently in advance so the residents that are most affected by this have an opportunity to look at it.

**Ms. Caroline Curvan, 111 Hawkes Avenue:** I just have a short statement I would like to read. Others have spoken very eloquently regarding the traffic and environmental concerns connected to the Parth Knolls development, plus a parking concern and I do want to point out that Hawkes Avenue has no sidewalks and the closest grocery store is 1.8 miles away so I think you cannot live in this without a car. With that said, I want to speak to the changing of the character of the neighborhood by building this development and the overcrowding schools in the Ossining School District. Hawkes Avenue is no stranger to development, being home to three large condominium complexes yet they were build at different times all were sensitively incorporated into the topography and landscaping of the area. When one drives down Hawkes Avenue today it is not at all apparent quite how dense housing is on the street as each development has been setback attractively and many large old trees along the roadway were protected and saved. However, the proposed Parth Knolls development is completely out of character with everything else currently in existence all along Hawkes Avenue. First, it is the only complex of rental units on Hawkes, everything else is attached condominium or a single-family home. The construction of Parth Knolls would require the destruction of numerous large old specimen trees which add to the character of the site and screening for the site and Parth Knolls will be the only multi-story multi-building complex for miles on either side. I understand that the Architectural Review Board is comprised of the members of the Town Planning Board and this above concern is well within the Architectural Review Board's purview when it comes to approving or denying an application. I am going to read some of the Ossining Town Code, I am sure you are all familiar with it but just in case some of the other people who are here aren't. Paragraph 55-8 (A) In considering an application, the ARB shall take into account the natural and man-made features of the site and its surroundings, and the character of the zoning district and its peculiar suitability for particular purposes with a view to conserving existing values and encouraging the most appropriate use of land. The Town Code goes on to state that the Architectural Review Board may disapprove any application provided that they find the project as proposed will be so detrimental to the desirability and property values so it is to cause striking dissimilarity, visual discourse, or inappropriateness in general with respect to other structures on said street. I believe that the Parth Knolls proposal is without question is dissimilar to every other building on Hawkes Avenue. Plunking a multi-story multi-unit apartment building on a quiet street primarily consisting of single family dwellings no taller than two-stories is inappropriate and would mar the appearance and go against the character of the zoning district. The second major point I would like to bring up is the overcrowded schools in the Ossining School District. I spoke at length to Ossining School Superintendant Ray Sanchez and he informs me that the elementary school buildings, Park, Brookside and Claremont are running at 100% to 110% capacity and that enrollments at OHS and AMD are almost as high. In the elementary schools this level enrollment means that sometimes students are being taught on the stage in the auditoria, the hallways and even in some cases in closets. The staff makes it work but obviously this is far from an ideal situation. The cafeterias of all the schools are too small to accommodate the current enrollment levels so that lunch can begin as early as 10:20 a.m. to cycle all the students through. The demographer hired by the school to try and forecast future enrollment said that what the elementary school is experiencing is not an enrollment bubble but rather a true increase that levels off at this higher enrollment number. The Town Planning Board cannot ignore the impact dense development has or will have on the district and approvals for such developments cannot occur in a vacuum or piece meal fashion. The bigger issue must be taken into account. In closing I would just like to say that I hope that the Town Planning and Architectural Review Board will remain true to their mission statements laid out so clearly in the Town Code and use their powers to judiciously to protect both the character of an individual neighborhood and the Village and the Town as a whole. Thank you.

**Parth Knolls, 87 Hawkes Avenue – Continued**

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**Mr. Anthony Romano, 31 Fawn Court, Deerfield:** Very interesting hearing from our Consultants and our Applicant tonight. They've cherry picked some minimums and national standards that I feel don't apply to this particular property. Hawkes Avenue is a very unique area both in the character and its location to 9A and its access to and from 9A as the Chairperson pointed out, there is a lot of traffic, there is no mass transit and anyone that is going to live there is going to need a car, so we are going to see increases in traffic, its unavoidable. Secondly, this development is the highest population that we've seen in the Town of Ossining. It is much greater than any of the surrounding areas and is not capable of handling the community's infrastructure. The last 16 years that I have lived there, I have seen my neighbors flooded out several times, I've seen the pumping station fail and nearly catch fire which will have to be changed now for this project and be shared with the project. I also have concerns about light intrusion and sound intrusion for the neighbors because of the proximity, ridiculously close proximity of these units to the other homes in Deerfield. I ask that you keep the public comment period open and that we greatly reduce this project. It is a cop out to say that the underlying Rte. 134 situation is an unknown problem and blame it on the D.O.T. when we continue to add both with this project and the Hawkes Glen or the other section and River Knoll 188 apartments being considered, this is all just a huge travesty for this area.

**Ms. Mitzi Elkes, Chairperson of the Town's Environmental Advisory Committee:** I am going to speak or request numbers concerning the wetlands and wetlands buffers, it's not a popular subject but I would like to address it and ask if you could elaborate on the project in light of the new regulations in the Town that are to protect and preserve the buffer, the wetlands. How is this project protecting the wetlands and the buffers and if it is encroaching on any wetlands and/or buffers to what extent would it take to reduce this project so that flooding, as was mentioned, would be less of a potential issue and residents could be more protected?

**Mr. Venditti:** Thank you. Our consultants did go over that at many prior meetings which was not yet a public hearing so you may not have been here and we've designed this project really from day one in anticipation of the increased zoning and wetland buffer requirements.

**Mr. Marino:** Good evening. If I understand the question correctly, this is something we've talked about extensively up to this meeting but we can go over the highlights again. When we started this project the buffer for wetlands and watercourses was still 50 feet. Since that time, that has changed. We had originally designed the project to incorporate that 100 foot buffer, knowing that was coming down the road, so we did consider that as part of the overall plan. As you can see on this graphic here, those areas that are in pink are areas that are currently within the buffer that will be affected by the project without exception those areas are either of the existing building on the site parking areas or mowed lawn areas. So we have restricted any development within the buffers to areas that are already disturbed. We have gone through a lengthy process with Mr. Coleman, the Town's Wetlands Consultant, went over a number of changes to the plan, iterations, etc. We have walked the site and confirmed the wetland boundary and we put together what I believe is a comprehensive mitigation plan to offset the impacts of the site as well as restore and enhance areas to the site that are currently disturbed. When you are on the site you will see that much of the property is currently a lawn. It's either developed the existing residence and the parking areas or its lawn. We are proposing to re-establish wooded areas and replant enhanced buffers throughout the site and its greenish areas that you see on the map. We are also proposing the application of a fore-bay and a sediment structure at the watercourse as it comes under Hawkes Avenue to trap sediment and sand and such from coming from under the road that is currently getting into the wetland leading to the Deerfield property and we propose to cut that off before it gets to the Deerfield pond in an area that's much more easily accessed for maintenance to get that sediment out. A lot of sediment gets into this property from road sand and salt as well as erosion from upstream areas. So we are proposing to cut that off before it gets to Deerfield wetland pond so it's more easily maintained. We are not disturbing the stream channel at all or the wetlands adjacent to it. There are two light green areas that you see on the map, those areas are currently wetlands that are overgrown entirely with invasive species and vining materials, we are going to clean all that out and restore it to a natural wetland. The site has been developed and the site has been disturbed in the past. It's our proposal to go in and expand, enhance and restore those areas to the extent we can. Again, in those pink areas it looks like a parking area, it's going to be impervious pavement or gravel so it's not going to be asphalted in those buffers. We are diminishing the amount of asphalt in those buffers as part of our proposal.

**Parth Knolls, 87 Hawkes Avenue – Continued**

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**Ms. Elkes:** Can I just rephrase my question? I wanted to know what the economic impact would be and what potential alternate proposal there could exist where you do not have to encroach and I understand that you have a mitigation plan but what would it take to not have to encroach on the buffers with your plans? Have you looked into that? Have there been any change?

**Mr. Venditti:** Yes, there has been a change. We had a previous plan that had the pool and the play area back here. We moved everything to this side of the watercourse, so we would have much less impact that would not need the roadway and the bridge over, so as to have a far lesser impact on the wetland buffer or the wetland areas itself. Steve, is there anything in particular about here that you want to talk about?

**Mr. Marino:** Only when you look at the system the way it existed in reality, this is a narrow stream course that enters the site through a pipe from the northeast end Deerfield and then enters another pipe on the southwest corner of the property. So it is a very limited segment of a watercourse there to begin with. The environmental benefits are limited just by the size of it and what's going on upstream and downstream.

**Mr. Venditti:** Could you point out over here what is the existing impervious surfaces presently existing?

**Mr. Marino:** Building number one is in the area that is where there is the existing large residence and the existing parking area. Generally that half of the building is the existing parking area and the residence on the site.

**Mr. Venditti:** This is all being restored to enhance the wetland.

**Mr. Michael O'Rourke, 113 Antler Ridge:** I am a licensed professional traffic engineer in the state of New York. Some comments the traffic volumes that have been cited as being generated from this proposal would involve a 22% increase in p.m. peak hour traffic volumes on Hawkes Avenue. As you have heard from others Hawkes Avenue is not necessarily able to accommodate all of that. Since the applicant themselves did not analyze the intersection of Croton Dam Road with Route 9A or with Kitchawan, I looked at River Knoll traffic study and that indicated that in 2017 during the a.m. peak hour the northbound Croton Dam approach to the intersection of Route 9A would operate at level of service F with the average vehicle delay of 107 seconds and that's after the intersection is improved. In the p.m. peak hour the northbound Croton Dam Road approach is expected to operate at level of service F with a 314 second delay. The left turn movements for both directions on Route 9A will also operate at level of service F in 2017 and the vehicle delays of those left turn movements would be between 85 and 104 seconds during the p.m. peak hour. Under those operating conditions, even though the analysis may say so, the intersection of Kitchawan Road and Croton Dam Road while certainly not be operating on levels of A or B, the spillback from northbound Croton Dam Road completely covers it. You would not have those kinds of vehicle operations and levels of services. They talk about the proposed improvements that NYS DOT will be making on Route 9A. I took a look at the TIP pages Transportation Improvement Pages that they included as part of their report and the two improvements they cite for improvement are in Elmsford and in Greenburg. The funding for the project in Greenburg includes construction funds that are post 2018. The Elmsford project does not have any construction funding included in the program year 2018, so even the improvements that they cited are not in the area and they are not funded. This is a project that would result in very heavy traffic, overall heavy traffic, and just an exacerbation of the failure conditions that would be expected in the build view. Thank you.

**Mr. John Terry, Spring Pond:** Thanks for taking my comment. I live in Spring Pond which is very close to the intersection of Rte.143 and Rte. 9A. I would echo a lot of the things that my neighbors have already said. The thing that also exacerbates this whole thing is that we always have so many things going on there, there's always some kind of construction going on there. There is something going on right now that it often takes me two or three turns of the light. Also my neighbors at Spring Pond, I want to go back and advise them of this proposal. I doubt very much that they are going to support this proposal. Thank you.

**Parth Knolls, 87 Hawkes Avenue – Continued**

A motion was made by Dr. Hougham, seconded by Mr. Bossinas and unanimously passed to declare the Planning Board lead agency status under the State Environmental Quality Review Act (SEQRA) for the Parth Knolls project.

At this time, Ms. Richards stated that she would like to continue the public hearing. A motion was made by Dr. Hougham, seconded by Mr. Hoeflich and unanimously agreed to adjourn the public hearing to the next meeting of the Planning Board.

**Bethany Arts Community, 40 Somerstown Road, Site Plan**

Mr. David Lyons, Applicant and his Architect, Mr. JB Hernandez, were in attendance. Application materials dated April 11, 2016 and plans dated March 3, 2016 titled New Arts Center, Bethany Arts Community, prepared by ARQ.HT, LLC, Design & Construction Management Consultants were on file. A memo from Chairman Sal Carrera and Members of the Zoning Board of Appeals dated April 19, 2016 was on file and submitted to the Planning Board. The memo requests that the Planning Board declare its intent to be lead agency under SEQRA. The Zoning Board does ask that it be kept involved and informed during the Planning Boards review.

Mr. Hernandez gave an overview of the project to the Board. The project is currently before the Zoning Board of Appeals for a special permit. The Zoning Board of Appeals referred Bethany Arts to the Planning Board for a coordinated review under SEQRA at the March 21, 2016 ZBA meeting. The property is located in the R40 One-Family Residence Zoning District. The property is 24 acres in size. The existing facility was utilized as a dormitory/missionary residence. The proposed use is not for profit, philanthropic, eleemosynary facility catering to the Arts.

Mr. Hernandez said the main part of their project is minor changes to the front of the site. The exterior of the building will remain and most of the work will be renovations to the interior. They are enlarging one of the two driveways to 26 feet wide to meet state code for fire apparatus requirements. They are proposing a walking trail around most of the property at the rear. The building is going to be used to provide space and environment where artists can create, collaborate and exhibit their work.

Mr. Hernandez further reviewed the plans with the Board he discussed their storm water plan, tree plan and landscaping plan and discussed additional green parking that they are proposing. There is an existing orchard that they are proposing to replant. They are asking for a conservative approach to required parking. They are showing the use of green pavers for event parking. He said this parking is used for overflow or events where extra parking is needed but otherwise looks like a maintained green lawn. There are 106 asphalt parking spaces proposed and 60 spaces that are green pavers. He further talked about the interior changes which will include a gallery, multi-purpose room and the old convent area will be converted to workshops. The second floor has more workshops and the third floor will be for the residents. Mr. Hernandez met with neighbors in the area to discuss construction issues and storm water management.

Ms. Richards asked for a narrative or a document that describes the use and proposal of the property. Mr. Stolman reviewed the ZBA memo mentioned above with the Board and advised Ms. Richards that the Board can declare itself lead agency at the request of the ZBA. Ms. Zalantis suggested that the Building Inspector weigh in on the interpretation of the applicants parking proposal. A memo will be forwarded to Mr. Hamilton regarding this.

Mr. Bossinas asked Mr. Hernandez asked for clarification on what the relationship of workshops with residents, how that is going to coincide, are the residents permanent? Mr. Hernandez noted that the residents are not permanent, they stay at the location during a specific art program or while working on their art. Sometimes two to three weeks or a month at a time. Dr. Hougham noted that the property sits very close to the Pocantico Watershed and the Sing Sing Kill Watershed, he is wondering if the flow is all on one side or is it split. Mr. Hernandez said he can look into that further.

**Bethany Arts Community, 40 Somerstown Road, Site Plan - Continued**

Mr. McWilliams asked for some definition about the studios verses the residences. Will the people commute to the site everyday work there and then go home? Some are more of a permanent nature. Mr. McWilliams said it would be a good idea to provide some kind of a schedule and describing the different types of artists and the amount of time they would need to be there. More definition on the studios and the apartments would be appropriate. Mr. Hoeflich asked for an opportunity to visit the site and asked why the applicant chose to widen the driveway on the North side verses the south side, first entrance. Mr. Hoeflich noted that there can be events where there are many parking spaces needed and concerns for the neighbors abutting the property. What are the work schedules of the artists and if lighting is going to be an issue. Ms. Richards asked the applicant to provide a detailed memo of their operations on site to better understand traffic and parking. Mr. Hernandez agreed to provide a full report and details and show some sites where this type of use is active. Also, in response to Mr. Hoeflich, Mr. Hernandez explained that the original driveway has a beautiful tree line which goes all the way up the driveway, so this is why they chose the northern entrance for widening the pavement there is no plantings in this area.

Mr. Bossinas made a motion, seconded by Mr. Hoeflich and it was unanimously agreed that the Planning Board declare its intent to be lead agency with regard to SEQRA for the Bethany Arts Community project.

**Butler Subdivision, 2 Hillcrest Drive, 3-Lot Subdivision**

The applicant was not in attendance.

**Joanne Schneider, 74 Hawkes Avenue, 2-Lot Subdivision**

Ms. Joanne Schneider and her representative Mr. David Sessions, Kellard Sessions Consulting were in attendance. Mr. Sessions gave an overview of the project to the Board. He provided copies of a variance that was granted to the applicant by the Zoning Board of Appeals July 10, 2010 for road frontage. Mr. Sessions will discuss with Mr. Ciarcia, driveway grade and storm water requirements. Mr. McWilliams announced that he was the Architect involved in the original zoning board of appeals application and will recuse himself from review on this project. Ms. Richards referred the application to Mr. Stolman for review and report. Mr. Hoeflich asked Ms. Schneider if she has an issue with sharing the driveway rather than having another curb cut. Mr. Sessions noted that the beginning part of the driveway can be shared but then a cut off to the other driveway will be preferred. Dr. Hougham asked for clarification on the location of the property. Ms. Schneider said she is directly across from St. Augustine Cemetery. Ms. Richards asked Mr. Sessions to provide some more detail for the next meeting. Mr. Sessions agreed.

**Artis Senior Living LLC, 553 North State Road, Site Plan**

Ms. Janet Giris, Attorney for the Applicant, Mr. Jay Hicks, Artis, Mr. Brian Hildenbrand and Mr. David Sessions, Kellard Sessions Consulting, were in attendance. Plans titled Site Development Plans prepared for Artis Senior Living, LLC originally dated August 1, 2015 with latest revision date April 6, 2016 and Storm Water Protection Plan & Report dated April 6, 2016 were on file. A memos from Ms. Donna Sharrett, 84 Morningside Drive, dated April 14, 2016 and April 20, 2016 were submitted to the Board and on file. A copy of Kellard Sessions memo dated April 18, 2016 was submitted to the Board and on file. A copy of Mr. Stephen Colman, Wetland Consultant's, memo dated April 19, 2016 was submitted to the Board and on file.

Ms. Giris gave a brief overview of the project and reminded the Board that Artis has received approval for a Zoning Text Amendment from the Town Board in December 2015 as well as the Planning Board's declaration of SEQRA. Ms. Giris also advised the Board that their engineers also have incorporated the Town's latest zoning code amendments into their plan.

**Artis Senior Living LLC, 553 North State Road, Site Plan Continued**

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Mr. Sessions said that originally proposed offsite mitigation plan has been changed. The offsite neighbor preferred that they not use her property so they looked on site for this. They have provided additional vegetation all around the property. They've changed their proposed walkway to pervious pavement and a downstream defender water quality structure. They are taking offsite of approximately 16 acres of contributing drainage area and piping it underneath the property. This is an additional effort to treating and capturing 100 year storm requirement which was already proposed. In response to Mr. Hoeflich, Mr. Hildenbrand said the pipe size is 18 inches. Mr. Hoeflich provided a sheet and expressed concern with regard to the water situation in the area. After discussing certain storm issues in the area, and as a resident in the area, he urged that the flooding is a real issue in this area. Mr. Hoeflich asked the applicants if they would consider reducing the footprint at the back of the building or moving it forward if possible. Mr. Hoeflich also expressed concerns for deer in the area, the proposed lighting, and lights in the residents rooms. In his opinion, it doesn't have to be as big as proposed.

Mr. Sessions said they have submitted a memo that outlines the reason for the size of the building. Mr. Hicks said that this is the smallest building that they are developing. The size of the building is based on the number residents, nursing care, and other economics. The architectural treatments and lights are subject to change. They can provide a photo-metrics study with regard to the lighting. Mr. Hicks said they are more than happy to take a list of these issues and work out a plan. Again, Mr. Hoeflich insisted that there is going to be flooding in the area specifically his neighbor's property. Mr. Sessions urged that their water cannot flow up and they are handling water on their property appropriately and per the code. Mr. Sessions clarified that the water and rain will never be able to go north to the neighbor's property. They are not proposing to do anything different with the drainage pattern than what is occurring today. Topographically, nothing from their site can affect fish or wetlands. Ms. Richards asked the applicant to provide another study confirming this.

Ms. Giris asked the Board to set a public hearing for the project. She said the building is staying where it is, the size of the building is not going to change, they've provided as much mitigation as they possibly can, they have discussed in detail why the building cannot be shifted forward, they need parking up front. They cannot have parking in the rear because of security issues and Mr. Hicks has addressed why there has to be 64 units inside building and the way that works.

Ms. Zalantis suggested the Board move forward with scheduling the public hearing. Mr. Colman confirmed that their plan complies with necessary mitigation measures. Dr. Hougham said he thinks the building is too big. The downstream defender is a good thing but it doesn't compensate for a substantial loss of the buffer. Dr. Hougham asked what percentage of the buffer will be vegetated and what percentage will be built upon. Also, that they are losing very usable habitat. Also a recommendation to open the swale around the building and he said that there hasn't been a reasonable depiction of the water way to date. Dr. Hougham asked that the waterway be shown accurately and that it be shown as a tributary to the Pocantico River.

In response, Mr. Sessions said they have shown the offset and have no issues showing tributary. This is irrelevant to these procedures. Mr. Sessions agreed to show intermittent watercourses to the north of the site. Mr. Sessions and Dr. Hougham discussed watercourses and habitat at great length. Mr. Coleman suggested that his report and study provides an appropriate plan for the applicant that will restore and provide benefit to the site.

Mr. Hoeflich asked the applicant to raise the building and put parking under the building and move away from the water. Ms. Giris said this is something that can't be done. Ms. Sharrett, 84 Morningside Drive, noted that her concerns are with the stream that is on her property and it has not been recognized properly. Ms. Sharrett asked for clarification on the downstream defender with respect to the stream. Mr. Kamber insisted that they have been asking for the stream to be depicted property for the last three years and because the stream is not accurately depicted and he asked why does the pipe go in the direction that it does. Mr. Sessions said that the pipe is not on their property and will not go up hill onto their property at all.

**Artis Senior Living LLC, 553 North State Road, Site Plan Continued**

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Although this was not a public hearing, **Ms. Wendy Masserman**, 10 Morningside Court and Chair of the Concerned Citizens of Ossining read the following comments: I am a little bit baffled by how this Board can go to a public hearing and Donna Sharrett has pointed out so many inaccuracies. I'm not only a resident of the Town of Ossining but I am co-owner of For Kids Only Child Care Center on North State Road. I am very much in favor of bringing this business in, but I believe any new construction should be done sensibly. We have new regulations about buffers and they are being totally ignored. Instead of allowing Artis to disturb the wetlands, I don't think that they can't change the size. You talk about the number of staff and all of the overhead that is needed. I have a daycare center. I run a business. When there is a problem, we had the recession, we had lower numbers of children, we lowered our staff. You can build a smaller building with less rooms and less staff and still be profitable. As I said, Donna Sharrett pointed out these inaccuracies and they've have been pointed out for two years. In 1996 when my husband Bruce and I constructed For Kids Only we were not allowed to move forward unless everything was submitted correctly. What has changed in 20 years that will allow a builder to submit incorrect materials to this Board and yet you allow them to continue through the process. Should they have waited this long to have something shown that a Board Member has asked for at least three meetings that I have been to and residents since the start. One would think with all the new information we have regarding the environment, the Planning Board would be more stringent than it was back when I was here. We've seen problems from construction of the townhouses directly across the street and its ill effect on neighboring houses during construction and still. Let's not make the same mistake twice. It is better to err on the side of caution.

**Ms. Mitzi Elkes:** One item to address is that the drainage pipe that has been continually referred to, that the culverted stream that has been continually referred to as a drainage pipe and was referred to as a drainage pipe tonight is in fact, as Gareth pointed out, a tributary to the Pocantico River and Watershed and that should be recognized and corrected. The issue of whether or not it is economically feasible to reduce this building so that the code may be recognized and certainly the new code recognized, it would be very beneficial to see the numbers from the applicant as to what is the economic impact when you reduce the building by 10% or 14%. How is that not Economically feasible to the applicant reducing staff and size of the building and room size maybe can be reduced. I would support some members of the Board in saying think out of the box and also to justify and to give actual data as to why this cannot be a reasonable pathway because it is a very useful facility and also I do thank Steve Coleman for his report and also recognizing that the buffer in that area does still have an impact on the area. That should also be recognized. Thank you.

**Mr. Rudy Albrecht**, 552 North State Road, I live directly across just south of the new building project that was put in this last year. Water is a problem on North State Road because it is coming out of the new development plus we have a real problem with traffic and speeders. I'm really scared about what is going to happen, maybe we need a traffic light. There is a concern and I am new to seeing what this is. It's a concern because the last project went by and everything that I had mentioned is just not addressed and now it's done and we are denied access to rehash it. I ask you to be vigilant about when you get plans and they are not followed because this last project had different plans than what was presented to the public. Thank you.

**Ms. Giris:** I would like to take a moment and clarify a couple of things. What we are responsible for is taking our property in the condition that it is in today. We are not responsible for something that happened years ago. We take the property as we find it today. We have a project that we have proposed. We need to take that project and need to analyze the impacts of that project which we have done. What we have shown you and what your consultants have shown you time and time again, what is being proposed on this site doesn't impact the wetland that is off site. The water that is coming from this site doesn't flow toward that wetland or toward the buffer area to the north. Let's talk a minute about buffers; as your consultant said, the buffer requirement in the code is an arbitrary number so that there is a regulated area around the wetland. We have considered that, we've considered that all along. What you've also been told by your consultants and by our consultants is that the buffer area has very little functional value here and that the development that is being proposed on this property is going to improve the functionality that exists today. You will

**Artis Senior Living LLC, 553 North State Road, Site Plan Continued**

end up with a better condition after the construction of this project than what you have today. So the remarks that have been made by the public that the applicant has refused to cooperate, that the applicant hasn't been cooperative, that the applicant has somehow been disingenuous about the information that we've provided over the course of the last couple of years is absolutely inaccurate. It's time to take a step forward and move this project forward. We've talked to you about the number of units, the minimum number of units that is required to make this project economically viable we have a certificate of need from the State of New York that approves the 64 units that are being proposed here, they need to be a certain size under state regulations, this is the size of building. We've gotten to the point where it is not moving, it is not getting smaller, this is the proposal that you have before you and we are asking you to please consider it.

**Ms. Richards:** We have decided to move to a public hearing. The public has the right to be involved in this application and we're going to ensure that the public is involved in that application. The public and the applicant may not agree with the way the Planning Board conducts business. We are here to balance the applicants needs, the public needs, and to ensure that we are following our zoning. That is what we are charged to do and that is what we are going to do. It's going to be unfortunate because all the groups will not be happy with us but we are specifically charged with understanding our zoning, listening to our consultants, understanding the needs of the applicant and property rights and understanding the needs of the community. We are going to do so in an appropriate manner and if it takes us some time, it will take us some time. This is the process that we've all signed on for. This is the process that is going to occur with this application so with that we have decided to move to public hearing and we are going to hear all the public's comments. We're going to do the best job we can with this particular application and we're going ensure that we make it the best project for the community.

Ms. Richards moved to schedule the public hearing for May 18, 2016, a motion was made by Mr. Bossinas, seconded by Mr. McWilliams. Dr. Hougham and Mr. Hoeflich were opposed to scheduling a public hearing.

**Minutes**

A motion was made by Mr. Hoeflich, seconded by Dr. Hougham and unanimously passed to approve draft minutes of Planning Board meeting held March 16, 2016 with amendments as noted by Dr. Hougham.

**Adjournment**

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 May 18, 2016.

Time noted 11:15 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

**APPROVED: May 18, 2016**