

May 18, 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 18th day of May 2016. There were present the following members of the Planning Board:

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

Absent: Gareth Hougham, Member

Also Present: Katherine Zalantis, Attorney, Silverberg, Zalantis LLP  
David Stolman, AICP, PP, Frederick P. Clark Associates, Inc.  
Michael Galante, Frederick P. Clark Associates, Inc.  
Daniel Ciarcia, PE, Consulting Town Engineer  
Stephen Coleman, Environmental Consultant  
Sandy Anelli, Secretary

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

Mr. Beldotti, Applicant, Mr. Venditti, Attorney, Mr. Hernandez, Architect, Mr. James Garofalo, Traffic Engineer, Tim Miller Associates were in attendance. Mr. Venditti responded to questions raised at the last meeting with regard to statistics and demographics with regard to the traffic study they have provided. Mr. Venditti passed out a letter dated May 18, 2016 from Tim Miller Associates, Inc. which outlines further the basic local transportation and parking data. Another item Mr. Venditti noted was the issue of parking in the front yard of the site. A letter from Mr. John Hamilton, Building Inspector, dated May 18, 2016 verifies, based on a recent submission by the applicant, the vestibule area as shown establishes a front yard lot line. Mr. Venditti said a copy of this plan will be provided to the Planning Board at the next meeting.

Mr. Michael Galante, F.P. Clark Associates, Traffic Consultant for the Town. Mr. Galante reviewed points relating to the applicant's traffic document. He discussed F.P. Clark's response memos and continued to outline standards that are used in preparation of traffic studies. The Institute of Traffic Engineers (ITE) is used and accepted by New York State, Westchester County, and Town of Ossining. The estimates used in the traffic study are reasonable estimates for traffic generation on area roads. Mr. Galante recommended that the applicant provide review of the intersection of Route 134 & Route 9A, which is currently being studied by another applicant so the data will be available for that soon. A site access review memo was provided by F.P. Clark on April 7, 2016. The number of parking spaces per unit are appropriate based on ITE data. Typically 1.5 parking spaces per unit is required for a development of this type. Mr. Venditti said it is 112 spaces at this time, instead of banking 4 spaces they have decided to build all of the spaces.

**Mr. Steve Jenney, 92 Deer Run Lane:** Is there anyone in this room in favor of this development? I have a list of negatives:

1. It's a dangerous entrance on a blind curve.
2. Parking is inadequate for the location.
3. Building does not blend in within the surrounding area i.e.; Condominiums and Private Homes can you name anywhere in the surrounding area where apartments and condominiums are together.
4. Site plan offers a loss of buffer for the condominiums that will take years to grow in.
5. Added truck traffic will cause MASSIVE BACKUPS at the intersection of Route 9A and Route 143 which is already oversaturated at both rush hours and other times during the day, with the potential to traffic backing up in the right lane on Route 9A and Hawkes Avenue exit Northbound. Additional traffic created could delay emergency responders during peak travel times.
6. Sewer pump stations designed for 48 units and 24 units will now be oversaturated and may cause significant damage to homeowners of condominiums.

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7. Rerouting of stream may cause the dam to fail on the property of Deerfield condominiums adjacent to the pool. The runoff from the parking lots will undoubtedly lead to flooding on the property and Route 9A during storms under the Hawkes Avenue bridge as it did during Hurricane Floyd. It also caused flooding between buildings 9 and 10 in Deerfield during heavy rains.
8. Privacy will most definitely be lost with the construction with no buffer between the proposed playground and walking path at the rear of Parth Knolls development.

Positives:

1. Mr. Beldotti makes money.

I respectfully ask the Planning Board to deny Mr. Beldotti's plan for the Parth Knolls Apartments.

Stephen Jenney  
92 Deer Run Lane

**Ms. Lillian Nahass, 52 Deerfield Lane:** I am president of the Deerfield Homeowners Association. Is there a site plan here for this project tonight?

I find that kind of surprising that we are here at a public hearing there's no site plan because I brought a site plan for Deerfield and I wanted to make some comparisons but I guess that is not going to be possible. I'm very surprised that we are unable to see the site plan. I will show you what I have and hopefully when we come back next time, if there is a next time, I can make the comparisons at that time. What I wanted to point out is how this looks on a site plan for this project to date. I find that almost impossible to believe that we are still here discussing this, when what has been shown on the site plan, I pointed this out before, is not what actually exists especially when the applicant built what's all around it. This is what exists at Deerfield now, is that the site plan there? [A copy of the Site Plan was given to Ms. Nahass]. This is what exists there, if you look at the size of these units, this is so out of place to put apartment buildings this size in the middle of this small complex is just a travesty. If you look at this and you look at this they are not, look at the size of these units and look at the size of these units they are not comparable. These units are much smaller and I think that's pretty clear. What I am trying to point out, If we can't rely on what's already exists built by the applicant, how can we, the planning board, how can anyone rely on what's being proposed here is actually going to be built, if this is no longer two and a half stories and it becomes four stories, who's going to tear it down? No one we are going to be stuck with this thing. The project is just too large. We are not opposed to having something there but it is just too large. It is in discord with everything else that is in the area. It just doesn't belong there. I am going to give you this back. I have here, on behalf of the tax payers and the residents of the Hawkes Avenue corridor, petitions from condominium owners and private homeowners, 380 signatures requesting that the planning board deny this application as it stands as outlined in the petition. The proposed apartment buildings are in complete discord with the surroundings and it's been shown that information that has been submitted by the applicant is erroneous, misleading, or incomplete including but not limited to traffic studies, road repairs and architectural drawings. We're not in position to verify the applicant's submissions and request that the planning board do so before approving any plans for this site that could cause irreversible damage to the character and property values in our community. There are 380 signatures.

**Mr. John Terry, 78 Spring Pond Drive:** Mr. Galante, this is directed to you. When you have an opportunity to conclude those traffic studies, I would like you to also include sun glare as well as poor weather conditions because when we have those conditions the traffic around here between those times that you cited seriously impacted.

**Ms. Lynn Farrell, 226 Horseshoe Circle:** This is also directed to Mr. Galante, now I am not an engineer, but I know engineers rely on all these statistical charts to make these calculations. I can tell you after 12 years of driving southbound on 9A in the morning and north on 9A in the evening that this is not an acceptable delay. When I first moved up here in 2005 it was maybe one cycle in the light I'd have to sit through before I could actually get on to the road to get to the light. Now it is two and half add another 55 cars, it's going to be another half hour before anybody can get out on the roadway.

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If you tell them to do the study now I can tell you from experience that once the colleges start letting out the traffic goes down. When the schools are out its wonderful because you can make it in two cycles of the light. You have got to wait until September to have a real actual traffic study there. I am going to ask you please, do not rely on these statistical charts because they don't apply.

**Mr. Keith Gordon, 78 Hawkes Avenue:** I live at 78 Hawkes Avenue it's on the other side of 9A, just barely. I did not hear any mention of the intersection of Kitchawan and Croton Dam Road. As it is at present in the morning when it is rush period it is very difficult to make the left turn from Kitchawan Road to Croton Dam Road to then get onto 9A south. The traffic backs up from further down on Croton Dam and there's no way to get out. You have a stop sign on Kitchawan and there's no stop sign on Croton Dam so you are at the mercy of courtesy which isn't always afforded. You can be sitting there for quite a while if you are going south like my wife does on her commute. You don't really have any other option but to go all the way down to Dale and then come back up. Do we want to load more traffic on those roads because you can't get out on Hawkes Avenue? Also to echo the previous speaker, I've been sitting on 134 going towards 9A for three cycles of the light, it's a problem, a serious problem.

**Mr. Mike Vaughn, 116 Woods Brooke Circle:** I've been coming to these meetings for Parth Knolls since back in September, you opened it up for public hearing and I think this is the fourth iteration of continuation of public hearings. Of all of the meetings that I have come to, not one single solitary member of the public has said anything in favor of this project. I don't think you can ignore that.

Ms. Richards thanked the public for their input. Mr. Stolman said a new plan is going to be submitted fairly soon. Ms. Zalantis said to the Board that before they move forward with this applicant we need to ensure that the Building Inspector issues a zoning certification to make sure the plan being provided fully complies with zoning.

**Mr. Hoeflich:** I have been on the Planning Board since the beginning of year and I have expressed a few concerns also. Kathy, I am just going to look to you to see if what I am saying is legal on a few things. Over the course of the planning board meetings for this project, I've listened to what the public has said about the 54 apartments verses all the adjacent properties, Deerfield and one down the road, across the street whatever it is, a person brought up a study and I probably got it wrong about the amount of units, apartments, 9.6 units per acre or something like that and at Deerfield and the one across the street it is "x" amount of units per acre and then you come to this property and the number spikes much higher so a lot of the people these neighbors have expressed concern so me as a planning board member I am also expressing my concerns. I think the 53 apartments is too high. It is higher than any of the adjacent properties as to the amount apartments, condos, whatever they want to build. I think a few people have expressed what it is going to do to their property values, as a planning board member and as a resident of the Town of Ossining, I also have a concern about that because even though I might not live near this property other people do so I respectfully asking this applicant to really reconsider because I'm not going to give my vote, they're not going to get my vote on the 53 units because again it is higher than what's there. Now I don't know what the zoning part says but density concerns.

**Ms. Zalantis:** You can certainly file density concerns but you have to hear the entire project before you can give a final determination on where you are going to be ultimately on this as lead agent.

**Mr. Hoeflich:** Fine. Number two, a lot of people brought up the Ossining School System and whether or not they've talked to the Board of the school and whether the amount of people and items like that. They did a study, x amount of people. I heard the public talk about what they thought was there, I counted the amount of apartments, rooms, studies and in my eyes I saw what seemed to be higher than that. I don't know if they talked to the School Board, the person in charge and what that person, the school board has said. Again, the 53 units 106, 112 parking spots. I've heard the concerns of the residents, where are they going to put all of these cars, whether it's 1 car, 2 cars, 3 cars or 4 cars whatever it is, Thanksgiving time, Holiday, Christmas, people come to visit, people go away. Where are they going to put all of those cars? I don't think it's going to be on Hawkes, I don't know if it's going to be across the street in these other developments.

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I really think that the 53 is too much. Number four, I mentioned it earlier, I'm allowed to bring up the subject about property values of the adjacent properties? As a planning board member am I allowed to be concerned about that? Am I allowed to voice my vote at the end of the project when we hear everything else if it lowers the property value of neighbors? Am I allowed to disagree on something like that and vote no, or yes based on the amount of apartments and the buildings next door. I don't know what I am allowed to say on that.

**Ms. Zalantis:** To the extent that you are asking me to provide legal counsel, I would like to respond to these questions in executive session.

**Mr. Hoeflich:** Okay. Thank you. Again, I brought it up at the last meeting and the public has also, you just brought it up in your little study about the entrance and exit. I am very, very concerned about the two entrances to that space. I don't want to have it on my conscience when a car is pulling out and getting blindsided on that curve. I just think this development only needs one entrance. I stood there on the road and I saw these cars going 53, 60 miles per hour, I saw them going down there and I was totally baffled. Another property that we will be discussing tonight did a study. They realize that 9A has a problem, whether its Chappaqua Road, North State Road and going all the way up, one road after another road after another road, if you live in the Town of Ossining or the Village of Ossining or nearby we all experience something like there but one of the other properties that we are discussing tonight that developer made some sense as to what they were going to do. Widening the road, moving a telephone pole, electrical wires, adding a middle lane in the road, I don't know whether or not this road crossing 9A or 134 has enough room to add a middle lane in. It probably doesn't. Again, how many people signed that petition? 380 people expressing concern about traffic on those roads and that's a concern of mine also.

**Mr. Venditti:** I just would like to address Mr. Hoeflich very briefly and I thank you all for all of your comments and thank the public for their comments. I wanted to respond that we did in fact speak with the school district and you have in your packet from the school district their indication of a lack of significant impact upon the district enrollment, so that has already been answered for you. With respect to your questions concerning property values of which we have only had people talk anecdotally because this is a rental property that is not a proper consideration and I would very respectfully since we've gone quite far and wide to try and address this Board's concerns and even concerns of the public and you'll see that in the next iteration of drawings, I would like it reflected in the minutes that Mr. Hoeflich has already prejudged and indicated that this is a 53 unit project he will not vote for and that's even if this matter comes back with the zoning compliance. I think that is a very inappropriate comment and I'm sorry but I want him held accountable.

**Ms. Richards:** At this time we are going to continue our public hearing to the next meeting. I believe we have heard a number of comments from the public and this Board is still looking at a number of issues associated with the project; parking, traffic, etc. There will be a new plan at our next meeting and we will have more information from our Building Inspector regarding zoning compliance of the actual project. At this time we will continue the public hearing until June 15, 2016 and we will have a new plan for the public to review. Thank you for attending.

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

Ms. Richards opened the public hearing at 8:15 p.m. posting of legal notice and affidavit were on file. Mr. Max Ferintinos, Artis Senior Living, Mr. Peter Wise, DelBello, Donnellan, Weingarten, Wise & Wiederkehr, LLP, Mr. Brian Hildenbrand, Kellard Sessions Consulting were in attendance. Mr. Wise addressed the Board; he stated that this project has been in front of the Board for over two years. Over that time the development plan has not changed. The Board and interested members of the public are very familiar with this project and to the extent that there were changes to the Town's wetlands law that have been addressed very thoroughly in written submissions to the Board April 6, 2016, April 18, 2016, and May 9, 2016.

Mr. Ferintinos said what they are proposing on site is a 64 bed memory care assisted living facility catering specifically to individuals in the early and mid stages of Alzheimer's 100%. It is not a general assisted living, it is a building designed from the inside out to care for these individuals

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exclusively. The building design is basically four wings each with 16 beds and each wing contains 16 bedrooms, a living room, a dining room and at the end a kitchen in each and the center of the building is the community center, arts and crafts room and on the second floor it's wide open there's a little café area and then general open area for various activities. The building is enclosed on three sides by a fence to provide security and privacy for the residents as well as to enable them to move about the building freely. Artis Senior Living was formed about four years ago. Mr. Ferentinos showed an example of an Artis building being open in Boca Raton, Florida. They have four projects that are open and operational, Ohio, New Jersey, Maryland, and Virginia. There's an additional five projects in the stages of development. Additionally, there are 23 projects in different stages of development. In New York presently there is this location, Hastings, Chestnut Ridge two in Long Island.

At the request of Mr. Hoeflich, Mr. Ferentinos further described the building layout. Mr. Hildenbrand reviewed the 32 parking spaces set in front of the building, two curb cuts along North State Road. The proposed walking trail is at the rear of the building and a fence to close off the rear courtyard. They have improved their storm water protection plan. There is offsite storm water that crossed the site at the lower left corner. They are proposing to capture runoff, convey it around the building and into the downstream defender which will increase the quality of storm water leaving the site. This was included as part of the wetland mitigation which was determined by the Town's Wetland Consultant, Steve Coleman, that treating the 16 acres that contribute to the site would provide benefit to the downstream receiving quadrant.

Mr. Hoeflich asked Mr. Hildenbrand to point out the ponds and waters that run through the property. Mr. Hildenbrand reviewed the layout for Mr. Hoeflich. Mr. Sessions discussed the onsite wetland mitigation. He talked about the downstream defender for water quality treatment which treats 16 acres of coming off site which is a benefit to the receiving waters downstream. In addition, they have bolstered the amount of plants by about 50 percent surrounding the property to the north, east and to the west. Mr. Sessions said none of the water is going north into the wetland; it is being collected on site and discharged onto North State Road. The pedestrian walkways are now being proposed as impervious surface. This removes about 4,000 square feet of pervious surface from the plan.

Mr. Hoeflich expressed concerns with the water coming from the neighbor's property. Mr. Hoeflich showed the applicant some renderings of their facilities which came from the Artis website. He urged that the building is too close to a neighbor's property who has a wetlands, it is his suggestion that they move the whole building forward. Pointing to the urban version of the rendering, he recommended something in that design with parking spaces underneath. He asked the applicant for a study moving the building closer to North State Road and some parking on the ground floor and the building above. He said they can take the two wings going towards Morningside Drive and reverse them, having them go towards North State Road instead. This will help Mr. Hoeflich's concerns and the neighbors concerns dealing with the water situation. Also, Mr. Hoeflich expressed concerns about the water from the ponds at Ryder Park and waters going to the property that they are going to put into a pipe.

Mr. Wise urged that they have engineered drawings, engineered site plans that capture all of the waters from offsite. They meet all engineering standards and requirements in their drawings, and have met with all of the required standards of the Town Engineer. The system will work the way intended as an engineering matter. Mr. Wise said we are dealing with science and engineering. Also, pulling the building one foot out of the wetland buffer area, or five feet out of the buffer area will not make any difference because the buffer does not serve the offsite wetland in any way!

Mr. Hoeflich urged that he has seen much water accumulation on site and urged the applicant to consider moving the building closer to North State Road. He is very concerned about wildlife; there are a number of different animals that traverse the area. The fence is going to force these animals and wildlife out on to North State Road. This is blocking a path that has been in existence for hundreds of years before any of these houses were built. It's a direct ravine from Morningside to North State Rd. Mr. Hoeflich announced that he is being a Planning Board advocate for animals. It is his recommendation that the applicant consider the urban design shown on renderings.

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Mr. Ferentinos clarified that this building has one public front. Everything beyond the fence line belongs to the residents. The illustration that Mr. Hoeflich was referring to is in Wrigley, Chicago. It is an urban location and there is no parking underneath it. Parking is on the side of that building. There are no access points or service uses anywhere except in the front. Mr. Ferentinos pointed to the front area on the site plan. Mr. Hoeflich pointed to areas on the map which he asked them to change.

At the request of Ms. Richards, Mr. Coleman provided information with regard to the wetland mitigation plan. Mr. Coleman indicated that his comments have been implemented into the Artis plan. Mr. Coleman has visited the site a number of times and did identify and confirm the accuracy of wetland boundary in July of last year. He looked at the upper limit of the offsite wetland at that time the wetland buffer based on the Town Code which was 50 feet. Changes to the Town's wetland ordinance in 2015 increased the regulated buffer disturbance to 100 feet. The applicant has complied with the new regulations of 100 feet.

The wetland delineation previously completed by Kellard Sessions identifies the boundary of the offsite wetland in the close proximity to the parcel. Based on Mr. Coleman's field inspection the wetland delineation as performed accurately represents the extent of the out limit of the wetlands and is in compliance with the standards and criteria outlined in Chapter 105.

The proposed development will require encroachment only within the regulated buffer areas. No direct wetland disturbance to the offsite wetlands are proposed. The offsite wetlands will not be impacted as a result of the proposed development. The wetland is fed by an approximately 16+ acre watershed that is fed from a wetland and watercourses that travel from areas north and south of Morningside Drive. Surface and subsurface flows leave the wetland through an extensive existing culvert system that flows underneath the property toward North State Road.

The existing buffer to the watercourse and adjacent wetland is separated by the existing berm and the majority of the buffer onsite has been permanently altered. The existing buffer, which is at a higher elevation than the adjacent wetlands consist of existing residential facilities, significant rock outcrops, stone rip-rap stock piles and evidence of compacted soils. The condition of the existing buffer area has been altered and provides minimal functional value to the site.

The applicant has agreed to treatment of offsite stormwater runoff that with the addition of a Downstream Defender water quality treatment structure. This will improve overall water resources to the Pocantico River.

Ms. Richards asked the applicant to go over their specific reasons for citing the building in the proposed space. Mr. Ferentinos indicated from the enclosed fence area on three sides of the building belongs to residents. Part of the therapeutic component in caring for individuals with Alzheimer's is the use of the courtyards outside. It is as important as any treatments inside the building. The only part of the building that is public is in the front. The area beyond this point needs to be secure for the residents.

Again, Mr. Hoeflich recommended moving the building over the parking area closer to North State Road. He discussed the nature of some of the super storms that occurred in the past and the damaging effects to the area. He asked the applicant to design the building and put the parking below, just move it a little forward.

Ms. Richards asked the applicant to provide a report on the methodology they used on citing their building where it is proposed. She opened the public hearing to audience members:

**Ms. Sade Tukuru**, High School Representative for the Environmental Advisory Committee, addressed the Board. She discussed the importance of wetlands as they relate to this matter. **Mr. Nick Tukuru**, Middle School Representative for the Environmental Advisory Committee, read Chapter 105 of the Town Code, Freshwater Wetlands, Watercourses and Water body Protection, Section 3 of the Town Code: Rules for establishing and interpreting wetland and buffer area boundaries.

**Ms. Mitzi Elkes**, Environmental Advisory Committee Chair presented illustrations and offered comments. The problem the EAC sees with the project is that there are watercourses and wetlands buffers on site will be disturbed and destroyed. Pointing at EAC maps, Ms. Elkes pointed out the Pocantico River watershed, many streams are identified on their plan and how they lead through North State Road down to Chappaqua Road to Route 100 and then to the tree streets of Briarcliff, then to the river. Ms. Elkes warned that flooding in the area is severe. The area is sensitive to flooding. Pointing to an elevation map pointed out low lying areas and urged that this is a wetland that extend onto the property. This requires a 100 buffer per Town regulations. Wetlands have been confirmed by the applicant, the wetlands consultant and the EAC. The map shows that this is located in the Pocantico River watershed. Building this development could jeopardize the Pocantico River watershed and may instigate further flooding. Regarding the mitigation proposal, it seems to confusing storm water runoff with good wetlands practices. Planting of native plants beyond 15 feet of this substantial wetland is okay, but if the invasive species that exist on the adjacent land are not addressed you will be spinning your wheels. The downstream defender is a storm water management practice. It's being linked to the mitigation of buffers. The EAC is a little perturbed by this as being offered as a mitigation measure. Ms. Elkes asked the Planning Board to fulfill their duty to the community and generations to come and ask the Planning Board to abide and stand by the regulations.

**Ms. Masserman** read the following comments:

My name is Wendy Masserman. I live at 10 Morningside Ct. in the Town of Ossining and am chair of Concerned Citizens of Ossining. I have spoken before the Planning and Town Boards over the past several years regarding projects that were oversized for the properties that they were planned for. It seems that Artis is another example of these types of plans. Artis plans to construct a 64 bed facility (35,000 sq. ft. on 2 floors) on 1.53 acres.

To that end, I have looked into other Artis properties both existing and planned. I would like to share that information tonight.

Artis has 4 properties that have 64 beds. West Winsor, NJ is on 3.37 acres, Boca Raton, FL 2 acres, Reading, MA 3.5 acres and Chestnut Ridge, NY 5.48 acres.

In Evesham, NJ there is a 68 bed facility on 6 acres

There are 5 facilities with 72 beds. Elmhurst, IL is on 3 acres, Cincinnati, OH

7.552 acres, Dedham, MA 7.71 acres, Bethesda, MD 4.39 acres and Milwaukee, WI 4.5 acres.

A 74 bed facility in Bartlet, IL is located on 5 acres.

The size of this building is too large for this property which includes wetland buffers. Artis representatives state that they will not consider reducing the size of the structure. They are unwilling to propose a structure that would allow adequate wetland buffers. They are unwilling to consider protecting our town's natural resources. Artis representatives have been asked what the financial implications would be to downsize the building so that the encroachment into the wetland buffer would be reduced. They have not provided that information.

The application for this proposal has inaccuracies and omissions, as does the SEQRA memo, yet the Planning Board voted 3 -2 to move forward to these Public Hearings. The public hearing needs to remain open so that the public continues to have the opportunity to comment. In 2015, the Town Board enacted new environmental laws and yet already we are ignoring them and allowing encroachment into the wetland buffers. The Concerned Citizens of Ossining have asked for sensible development. We do not feel that the Artis proposal as it stands is sensible.

It is my sincere hope, that the Board will take time to review this information and give serious thought to allowing a 64 bed facility to be built on 1.53 acres when every other Artis 64 bed facility is either built or planned on properties from 2 – 5.48 acres.

I only ask that the Planning Board keep this public hearing open as it has done for other proposals to allow residents to comment.

**Ms. Fay Chazin-Seidelman:** I live at 65 Ellis Place. I am a community member, and a member of Green Ossining. Green Ossining is a Community Based organization whose goal is to promote community wide sustainability and develop practical methods that protect our natural resources. Working with both the Town of Ossining and the Village of Ossining our goal is to create a forum for those in the community that are concerned about the environment to explore and prioritize green and sensible methods and to identify ways to promote them. I am here tonight on behalf of Green Ossining members to note for the record our concern for Artis' planned development for this property. In particular the apparent disregard for a number of environmental issues including the permanent loss of wetland buffers, tree removal and an inadequate mitigation plan to compensate for those losses. Frankly, it is a lot of building for 1.5 acre parcel on North State Road.

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The problem is not the project itself, but in the disregard for protection of our natural resources and environment and disregard for the Town's comprehensive plan and ordinances. The goal in the Town's current comprehensive plan, environmental resources chapter is to protect the trees, water supply and watersheds, steep slopes, scenic resources, wildlife habitat and other significant environmental assets of the community. The intent of the Town's Freshwater Wetlands ordinances is preservation and protection, conservation of watercourses, wetlands and their buffers. The intent of the Town's tree protection ordinance is control, preserve, and protect, the use of trees within the Town to insure that the benefit is found to be provided by all trees will not be lost and to protect the broader public interest. The goals and intent to protect our natural resources should be protected. The loss of our natural buffer should be reduced. The latest Artis Senior Living Plans do not seem to indicate all the trees on 553 North State Road property. We request that the Planning Board require a full tree inventory indicating which trees will be removed and the exact amount and type of trees to be planted as compensation for the proposed loss of trees. Without this documentation, you appear not to have the same degree of concern as the Town of Ossining's Board which goes by Tree City USA and at the same time appear to be ignoring the tree protection ordinance. Thanks for your time and consideration.

**Mr. Kamber** asked questions about the elevations of the proposed fence; how is this fence going to be compliant with current Town fence regulations and will a variance be needed for the height, since the applicant is going to be filling in the entire property which raises the grade of the property. Mr. Kamber asked if there is going to be slope and how is the runoff going to impact the wetland. The consultant is referring to this as offsite drainage, it is not offsite drainage. This is part of the Pocantico River, a tributary to the Pocantico stream and it should be noted as such. Offsite drainage sounds like water coming off the property. There is quite a bit of water 10 months out of the year. What is the slope, if there is one? Will there be fill in that area as designed here? How will that material, with construction, not go into the stream? How are you going to protect that area and once construction is done what is the site going to look like? Who is going to be responsible for estimating and monitoring the sediment that is going into the tributary. I know there's a downstream defender but it wouldn't be necessary because you're talking about a stream. It's not a man made body of water, there's no oil in this is a natural occurring aquifer so I am not sure what a downstream defender serves. I am asking for a re-survey of the back line. The marker was removed when they removed debris off of 553 North State Road. Right now there is no delineation. We would like that done prior to them working. These patients do have flight risk; are we liable if an incident happens on our property or the surrounding properties if they go over this fence. Since there is a recognized watercourse on my property, in my belief the applicant should be responsible and accountable in writing for their patients and clients if there is injury on the properties. The Artis Senior Living in Bethesda, Maryland has to have the lights turned off at 11:00 p.m. so there are no lights after 11:00 p.m. but given that this property, not that property, has a wetland buffer and there are nocturnal species in this buffer, we're asking that the lights be turned off at 9:00 p.m. So there will be no lights coming of that property after 9:00 p.m. This is a follow to the Planning Board, a previous Planning Board Member, Dennis Kirby, did request that the applicant show what the project would look like from the back of our property in the fall of last year. I don't think that was done, so the applicant neglected to provide that and they should be following up with that request. A 3D view should be provided which shows the relationship of this project with the adjacent properties from North State. You do have it, thank you.

An accurate watershed depiction needs to include the proposed slopes of the Artis project, that is not on it. It looks like everything is flat when we look at it. The Planning Board should require a risk mitigation plan with response times in the event of a culvert failure. My understanding is that it is going to run parallel to the stream so if there is a breach and the culvert breaks it's going to be going back in and it really will create a flood. My property will definitely be flooded.

**Ms. Sharrett:** The wetlands consultant, Mr. Coleman, said that he has been on the property several times and has never seen any water. I've never had anybody from the.....

**Mr. Coleman:** I didn't say that.

**Ms. Sharrett:** Well, I must have misheard you. Because there is a lot of the water there, the problem is in November 2013 which when the applicant's consultant finally first came, November 2013 was after a summer long drought. There was no water in that wetland.

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It would have made this whole process so much easier if they came back the next spring when there was water they would have been able to see the stream flowing. They never came back, the next time was January 2015 which if you recall we had about 3 feet of snow on January 2015, so I denied that request. Mr. Coleman came with Mr. Sessions in May and that was this bizarre hot spring. Then almost a week later we starting getting this very cold rainy summer but no one came back. It is frustrating because I can't get people to come back actually when the best time the water is to the point that I was saying the stream was going the other way, I couldn't even tell until February of this year when we had these big rains I was able to identify a culvert. I guess, somebody at the car dealership messed around with the stream and they built a berm and put a culvert in and it is all screwed up around there but the water but the water comes from that stream and I would like to thank the applicant for recognizing that.

The other thing I would like to say is that when you are asking for the benefit of shortening the length of a culvert day-lighting a culvert, any portion of it, anytime you shorten the length of a culvert, it's a good thing.

I will read my prepared speech:

The 558 NSR property now known as Briar Commons is a reminder of what can go wrong in the planning process. The old growth trees on that steeply sloped property were completely eliminated and replaced with an inharmonious and unattractive landscape plan. The project was not referred to the Town's EAC as required by town code. Very little regard was shown for the neighbors and their neighborhood. This I why I had joined the EAC, this is why I speak about other proposals which are before the PB, and this is what has driven the intensity of my review of the Artis Senior Living proposal.

While we should embrace new tax revenue opportunities for our town, we should never allow development which threatens to degrade or destroy residential properties, neighborhoods and natural resources. Sensible development is possible, development which balances a property owner's right to build with the need to protect our natural resources – as is the intent of our CP and our environmental laws.

My primary objective for the review of the Artis Senior Living proposal remains as it has since November 2013, that the wetland and stream on my property are protected. I ask that no decisions about this proposal be rendered tonight and that the public hearing remains open, as has been afforded to our town's residents impacted by other proposals before this board.

**\*1. Re: Approvals**

Approvals for this proposal and all others before this board should be made only at public meetings and not at private meetings. Both David Stolman and Steve Coleman have stated that the Planning Board made approvals for this project. This is wrong.

**\* Please see postscript**

**2. Re: Accurate and complete application materials**

The information process for the review of this application has relied on inaccurate information. This review needs to proceed with accuracy.

Mr. Stolman mentioned at the last PB meeting that the SEQRA Neg Dec memo would be amended to include the proposed mitigation plan. All the inaccuracies and omissions should be corrected in this amended document. The document should accurately state that the entire property which includes wetland buffers will be disturbed, and that pesticide will be used. It should include the facts that inadequate mitigation is proposed, that all but 2 trees will be eliminated, that a tributary is proposed to be rerouted, that the property is proposed to be elevated up to 6 ft which will require fill, and that demolition is proposed - all for a property which borders a wetland and a tributary.

The applicant proposed the project to take 18 months. The latest revised application now claims that the project will take one year.

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To clarify – as per NYSDEC: A SEQRA review is required to determine if an EIS is necessary. The purpose of the EIS is to allow a more in depth review of projects with the potential for very large impacts. A SEQRA Neg Dec does not indicate that a project is without negative impacts. The Artis Senior Living project as it is proposed absolutely has the potential for negative impacts.

**The PB should require the applicant to verify the duration of the project and hold the applicant accountable to the proposed timeline.**

**The PB should require that the amended SEQRA Neg Dec Memo is accurate and complete.**

From the beginning of this review process Ken and I have been fighting to have the watercourse on our property recognized. In the Kellard Sessions off-site map dated May, 9, 2016 it appears that the applicant has identified that the watercourse location on our property, albeit slightly different than indicated. Acknowledgement of the stream on our property is appreciated.

**The PB should require that all site plans reflect this.**

**3. Re: watercourse relocation: (*relocation diagram*)**

The culverted watercourse should be relocated to the north side of the 553 NSR property as I have indicated. An ACOE permit for the proposed work on the watercourse is required. The “Downstream Defender” should only filter stormwater runoff from the impervious surfaces created by the proposed project. The tributary waters should not enter this device that could be considered a “you can check in but you can’t check out” for aquatic organisms.

Ideally, the watercourse would be at least partially day lighted in this northerly location, increasing its habit and eco-benefits.

**The PB should require the applicant to prove the feasibility of the culverted stream relocation, and the partially day lighted stream option, in the location I have indicated.**

**The Planning Board should not permit the use of the “Downstream Defender” on stream waters.**

**4. Re: fill/excavation: (*topo diagrams*)**

The application materials, wetland reports and SEQRA Neg Dec Memo all omit the quantity of the imported fill necessary for the proposed elevations of up to a 6 feet maximum depth for a large portion of the property. The regrading will change the existing inward slope of the property to a grade with a center elevation that slopes to all 4 sides, and with the creation of a 28% slope directed towards a portion of the watercourse.

The proposed elevations should be reduced. A rise of 6 feet in the vicinity of the wetland and watercourse has every potential for negative impacts, particularly with the inability of gutters or newly created sloped planting areas to handle storm water during large rain events are examples.

**The Planning Board should require the applicant to propose an elevated grade of 348 ft for the building pad instead of the 352 ft elevation as currently proposed.**

**The Planning Board should require the applicant to disclose the amount of fill for the currently proposed elevations and for the reduced elevations.**

**The Planning Board should require that imported fill be subject to approval by the Planning Board prior to the soil arriving onsite, based on soil analysis for the percent organic matter, nutrients and heavy metals, and the specs for organic matter content.**

**The Planning Board should require the applicant to provide an analysis of the proposed slopes.**

**5. Re: Demolition: (*existing conditions diagram*)**

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Potential contaminants with a pre-1946 house in close proximity to a wetland include lead paint (prior to 1970), asbestos (prior to 1980), and underground fuel and septic tanks.

I have been told that demolition is in the purview of the building department. It should be noted that our complaint about the non-permitted stone stockpiling on the 553 NSR property has yet to be resolved. At the time the property owner told the building inspector that he planned to build a wall when the weather improved. It is safe to say that there have been more than a few favorable days for building walls since the issue of our complaint in December 2007.

**The Planning Board must require that all potential contamination hazards be determined and that a risk mitigation plan be submitted prior to demolition. We expect to be informed of the specific plans for the demolition and the specific date of the demolition.**

**6. Re: plant choices**

It is important to note that no tall deciduous shade trees are included in the landscaping plan for a project that proposes to remove all but 2 mature deciduous shade and evergreen trees. Native deciduous shade trees should be included in the wetland buffer. As per the CP shade trees should be used for street plantings. Short trees are proposed for the street tree planting.

Several of the native plants chosen for the buffer area are either inappropriate for the specific cultural conditions and/or the existing deciduous hardwood wetland habitat, or are targeted by invasive pests.

*Artis Senior Living Bethesda Maryland Landscaping Plan:*  
<http://www.montgomeryplanningboard.org/agenda/2015/documents/CU1505ArtisSeniorLivingStaffReport.pdf> (page 91 of 100)

Kellard/Sessions letter dated April 18<sup>th</sup> 2016 stated that the applicant would agree to use only native species in the wetland buffer area.

**The PB should require a revised landscape plan that considers all of this information.**

**The Planning Board should require that porous pavement and structural soil should be used in this area of the street plantings to allow successful growth. (*Artis Landscaping Plan*)**

**The Planning Board should prohibit lawn grass to be planted in the wetland buffer area to prevent the introduction of lawn care pollutants into the wetland and watercourse.**

**7. Re: Agreements:**

Promises made by the developer of Briar Commons on 558 NSR didn't make it to the final plans and therefore became unenforceable. What happened to our neighbors on Gordon Avenue and NSR should never happen in this town again. The lawsuit over a road change that went unnoticed in the final site plan for Hawkes Crossing put the Town of Ossining taxpayers at risk.

**The Planning Board should require that all agreements made by the applicant and their consultants must be included on the final site plans, and that these final plans are closely scrutinized prior to approval.**

**8. Re: Performance bonds:**

**Even though the applicant does not anticipate any damage for which compensation would be appropriate, as stated in the aforementioned Kellard Session letter, the Planning Board should require substantial performance bonds for the possibility of unanticipated damages due to the repositioning of the watercourse culvert, pesticides usage or application, fill, and demolition – all in the vicinity of a wetland and watercourse.**

**9. Re: Mitigation calculations**

Currently about 85% of the wetland buffer is proposed to be destroyed. All but 2 trees are proposed to be cut down.

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The zoning code requires that that GB development be adequately screened from residential properties. The requirements to mitigate tree loss, to mitigate wetland buffer loss and to adequately screen GB development are three separate requirements.

The Artis site plan meets zoning code requirements for screening and the minimum buffer and structure setbacks. The environmental code mitigation requirements need to be met.

**The Planning Board should require a tree inventory of the existing trees on the 553 NSR property, and a list of the replacement trees for the replanting of an equal or greater number of trees of the same or similar species as those removed.**

**The Planning Board should require that the applicant provide a separate mitigation calculation for the wetland buffer loss and a separate calculation for the zoning requirement for screening.**

**The Planning Board should consider the proposal to use porous pavers as part of the applicant's SWPPP, not as compensation for the wetland buffer loss.**

**10: Re: Off-site Mitigation: (ASL planting plan)**

Off-site mitigation was previously proposed for 3 off-site properties. The decision to eliminate off-site mitigation on 86 MSD and 557 NSR was a decision of ASL that had nothing to do with us, contrary to what has been stated by the applicant's consultants.

We refused the mitigation proposal because our property does not require mitigation. We have a greater than 100 ft vegetated wetland buffer on our well maintained property. The original ASL landscaping proposal included 21 invasive plants to be planted next to the wetland. Their next proposal included spice bush which we have in abundance and seed mix which is a bad choice for a heavily shaded area with deer and groundhogs. These choices demonstrated a lack of attention to detail and a complete disregard for the existing conditions on our property. Our refusal of the bad plan proposed for our property was well within reason.

**11. RE: Wetland buffers (Reduced structure diagram)**

Adequate buffers for our town's few remaining wetlands should be required, for all proposed projects – as is the intent of the law.

The Kellard Sessions letter dated April 18, 2016 states: *“there is no reduction in the size of the building that would entirely eliminate buffer area loss but would also yield a project financially viable, and that would meet the Applicant's investment based expectations”*

**The Planning board should require a reduction in the size of the structure to lessen the wetland buffer loss.**

**The Planning Board should require that statements regarding the applicant's investment based expectations be substantiated. The applicant proposes to permanently destroy required buffer areas. We should know exactly what investment based expectations warrant or justify the loss of our town's natural resources. Unsubstantiated, any developer of any proposed action in our town could use the same argument against reducing the size of proposed structures.**

**11. Re: existing conditions as determination for buffer**

Mr. Coleman, in his Memo dated April 19, 2016, states that *“the condition of existing buffer area has been severely altered”* and cites this as reason to recommend the applicant permanently destroy the wetland buffers. Note: The property is zoned GB but is and has been a residential usage.

The current owner is responsible for the negligence and the non-permitted activities on his property and should be held accountable for the degraded conditions. Permitting the proposed structure to be built at the expense of the wetland buffers gives credit to the property owner for the damages he caused. The buffer is fixable and the functionality of the eco-system repairable.

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This wetland is unique within the surrounding highly suburbanized and manicured landscape, and a business district – increasing its importance and the necessity to protect it.

**The Planning Board should require an increased wetland buffer area.**

**In Conclusion:**

The primary purpose of wetland buffers is to protect the wetland and watercourse. The potential of an improved habitat is a beneficial consequence. To use the argument that degraded existing conditions warrant the permanent destruction of wetland buffers avoids the fact that the purpose of the buffers is to protect the wetland and watercourse, not to restore lost habitat – although in all likelihood a properly planted buffer will have every potential and will most likely become a highly functioning habitat.

The wetland on our property is among the last vestiges of a vibrant functional system of high value wildlife habitats. The potential wealth of the applicant's investors should not be considered over the health and well-being of our natural resources.

We have a responsibility to protect this wetland. Do not be convinced otherwise.

“The nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased, and not impaired, in value.”

Theodore Roosevelt, 1910

Postscript: At the 2016-02-19 Public Hearing both Mr. Coleman and Mr. Stolman stated that no decisions about the Artis Senior Living project had been made in private meetings. I apologize if I misunderstood or misinterpreted Mr. Stolman and Mr. Coleman's comments.

My statement was based on the following:

Town Board Work Session: February 16, 2016: In regard to Councilmember Jeffery's question if the Planning Board could request greater setbacks, using Artis Senior Living as an example. Mr. Stolman responded, in part: *“The Planning Board has looked at that architecture along the back of that building as favorable”*: <https://www.youtube.com/watch?v=RzXL3YeE6nE> (starting at 1:49:00)

Stephen Coleman's memorandum to the Planning Board dated April 19, 2016, which states:

Page 1, paragraph 1: *“As per the request of the applicant a meeting was held with representatives of the applicant and Planning Board members and consultants on 03-03-16 to review outstanding items regarding proposed wetland mitigation measures. Based upon review of above materials and issues raised at the above meeting, the applicant has revised the proposed site plan. I offer the following comments:”*

Page 3, 4<sup>th</sup> bullet: *“As per chapter 105(10), mitigation is permitted to help compensate for the loss of regulated wetland buffer. It is my understanding that the Planning Board has determined that there is no reasonable on-site alternative to the proposed activity and that the proposed development layout has been vetted and went through a series of design changes to reduce overall impact.”*

**Mr. Stolman:** Can we go over that sentence where you talked about Steve and me saying that an approval was granted?

**Ms. Sharrett:** Yes, so this was at a Town Board work session, I believe that you said, January 2015, you stated that the Planning Board looked upon the Artis Building as favorable. I was baffled by that because it had not even gone into site plan review. It's on tape I can definitely get you the reference and I believe it was in Steve Coleman's April 18<sup>th</sup> letter that he said that there was a meeting on March 3<sup>rd</sup> which wasn't a public meeting, it had to be private meeting and if you have

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the letter there you say it was your understanding that the planning board had fully vetted the building structure and something like that.

**Mr. Stolman:** The Town Board does not hold private meetings. To hold a private meeting would be illegal. The Town Board work session is a public meeting, it does not allow the public to speak but it is a public meeting. Secondly, I never characterized the way I thought the Planning Board was viewing something, that's not an approval of any sort, whatsoever. I may have characterized my opinion as to the feeling of the Planning Board at the time and I can see myself doing that, but that is not an approval at a private meeting.

**Ms. Sharrett:** Whatever information you were relaying, you were relaying from a private meeting because I never heard that discussed at public meeting.

**Mr. Stolman:** I wasn't relaying it in a private meeting. I tend to talk to Planning Board members from time to time and I may have characterized my feeling that the Planning Board was viewing the building favorably at the time, but this was by no way, no means, an approval of any sort at a private meeting.

**Mr. Coleman:** I would like speak out too. There was no meeting that was held in March. This was a statement. I stated here that it is my understanding the Planning Board has determined that there is no reasonable onsite alternative and proposed development layout has been vetted and gone through a series of design changes to reduce overall impact. That does not give any indication of any decisions. This is just my statement. There are no approvals or anything.

**Mr. Stolman:** Donna, you have to be careful with your words, you basically said that I said that the Planning Board did something illegal but the Planning Board did nothing illegal, that is essentially what you t said. I don't want to antagonize you.....

**Ms. Sharrett:** Okay, well I will send the link and.....This has been really hard, there are many other things that I would like to be doing with the past two years of my life, so it has been a very hard time but I will take your comments that it was not an approval at a private meeting, I will retract what I said in commenting that it sounds like agreements were made.

**Ms. Richards:** Thank you.

**Ms. Sharrett:** May I just address the Montgomery County Planning Department memo for the Artis. I just wanted to read this one statement, the building there is 15 feet high and the reason for that and I quote "A multi-story building would detract from the freedom of movement and would be particularly problematic for residents on upper floors because they could not access the community and exterior courtyards on the first floor without being supervised in the elevator or stairway" and they stated dining area opens to covered porches so I would like to know if there is going to be dining in the back of the building. Their fence is also 6 feet 6 inches and this fence is 8 foot so I just don't understand what the difference is. It was my understanding that you have to have an 8 foot fence because of the flight risk of the patients and I totally understand the need for a fence. Also, they give the exact shifts that the workers are going to be, I don't know if the planning board has even asked that yet because that would be interesting because you are going to get people going in and out because of the different shifts. Also, that the dumper and generator are only operated once a week midday. That would be interesting information, I think and informative for the neighbors. Thank you.

**Ms. Marjorie Cubisino:** My name is Marjorie Cubisino, 51 Hudson Watch Drive. I'm not here to talk about the environment, wild life or animals, although I am very concerned about them. I'm here to talk about people. I'm supportive of the special memory care for residents of Westchester. What concerns me is that some patients might be shut out from getting this high level of care just because they are low income. The average monthly cost for memory care in New York state \$5,000 but can cost up to \$10,000 per month. On the Artis website it isn't clear what the financial criteria is for admission. If Artis only accepts private-pay patients or people who can afford long term care insurance then this for memory care facility is strictly only for upper income people and it is exclusive not inclusive.

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I am referring to the people to who are cared for in this facility as patients. Since Artis says there will be nurses on duty and medicine will be dispensed. Medicare does not pay for long term care, but Medicaid does and Medicaid is the health insurance for many low income people. I would like to suggest that our planning board be at the forefront of caring for our neighbors who suffer from dementia and Alzheimer's by requiring Artis to set aside a certain number of beds that would be for people that are low to middle income. Everyone deserves high quality care, not just the rich. I'm thinking that high end developers are required to designate a certain number of apartments to certain people who wouldn't be able to afford market rate apartments. If my proposal has never been done before then let Ossining be the first municipality to do it. It's a win for the community and a win for Artis because it showcases them as a for-profit company that isn't just for-profit but wants to serve all people that would benefit from memory care. My second comment is that I would ask the public hearing remain open to the public for comment. Thank you.

**Ms. Ingela Rodriguez:** My name is Ingela Rodriguez, I live a 69 Morningside Drive. My question with 64 beds, how many people will be working at this facility?

**Mr. Ferentinos:** 18.

**Ms. Rodriguez:** When you have the next shift coming in is there going to be an overlap?

**Mr. Ferentinos:** Yes, about a 15 minute overlap. The next shift is between 10 and 11.

**Ms. Rodriguez:** So now you have, 32 parking spots. Where are the visitors going to park.

**Mr. Ferentinos:** We've provided to the Town that even with that shift change there is adequate parking. The standard for an assisted living facility is half of space per bed. That is for general assisted living where some of the residents drive. None of our residents drive. The other factor that goes in the equation of the piece of property is there is bus transportation where one of our care giving staff may take public transportation to the facility.

**Ms. Rodriguez:** But it just seems you have 64 beds, 64 patients are there, even if half of them have visitors coming in.

**Mr. Ferentinos:** I understand. The reality of an Alzheimer's resident, and it is unfortunate, they do not get a lot of visitors it is very difficult. My son volunteers at a facility, the unfortunate truth is it is difficult and having lived with two grandparents that have passed away, it is painfully difficult to visit with them. I don't know how else to say it.

**Ms. Rodriguez:** Well, I care for my mother-in-law and I help a few neighbors and I know how much work it is and I also know that in our family, with my husband and four children, they all came to visit. So we were a lot of cars coming to visit the facility. So with 32 spots that would not be sufficient in my opinion. How many dining rooms are there?

**Mr. Ferentinos:** There are 4 dining rooms. Each wing of 16 patients has their own dining room.

**Ms. Rodriguez:** So, you said the patients move freely throughout the building and go outside.

**Mr. Ferentinos:** They are supervised.

**Ms. Rodriguez:** The patients cannot find the elevator, they cannot go to the first floor, they cannot move about the facility freely.

**Ms. Richards:** Thank you Ingela, but I think your comments need to be directed to the Board. Thank you. We will continue this Public Hearing at the June 15, 2016 meeting. I look forward to seeing you all again in June.

**Joanne Schnieder, 74 Hawkes Avenue, Minor Subdivision**

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. McWilliams announced that he was the Architect involved in the original zoning board of appeals application and recuses himself from review on this project. The applicant is proposing a two-lot subdivision of an existing property. A 2 ½ story dwelling and associated site improvements are proposed for a newly created lot. No changes to the existing frame dwelling on the property are proposed.

Mr. Sessions said they have considered a common driveway so an additional curb cut is not needed. They moved the location of proposed house about 10 feet back. This allows easier access to the proposed garage. The common driveway area was made 16 feet wide. They have provided their storm water protection plan. Sewer and water connections are available on site. He further noted that the owner is not planning to build the additional home. There are no immediate plans to build.

Mr. Stolman advised the Board that this is an unlisted action and the Planning Board needs to circulate its intent to be lead agency. Mr. Stolman reviewed a memo, dated May 18, 2016 with the applicant and the Board.

Mr. Bossinas made a motion, seconded by Mr. Hoeflich and it was unanimously passed that the **Planning Board declare its intent to be lead agency under SEQRA for the Schneider Minor Subdivision Application.**

Mr. Hoeflich made a motion, seconded by Mr. Bossinas and unanimously passed to open the Public Hearing June 15, 2016.

Ms. Richards announced that at the Public Hearing June 15, 2016, the Board will take comments from the public.

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

Mr. David Lyons, Applicant, Mr. Zak Shusterman, Attorney and Mr. JB Hernandez, Architect, were in attendance. A narrative document and revised plans dated May 5, 2016 titled New Arts Center, Bethany Arts Community, prepared by ARQ.HT, LLC, Design & Construction Management Consultants were on file.

Mr. Hernandez presented his plans to the Board. He noted that they met with many of the neighbors and they will be providing additional plantings and buffers around the site. The other issue was parking. They are requesting a waiver on the number of parking spaces that would normally be required for a site of this size. They would like to subtract the cafeteria space which would be 40 spaces removed from the calculated formula because the cafeteria is an area that the residents will utilize while already parked at the facility. No new vehicles will be parking to use the cafeteria.

Mr. Zak Shusterman gave a detailed overview of Bethany Arts Community to the Board. Uses and activities were described in the narrative document. They have also reached out to the Ossining Schools and Community for activity and programs.

Mr. Stolman noted that the Applicant must return to the Zoning Board of Appeals for a special permit after the SEQRA process is completed at the Planning Board. Notice of intent to be lead agency was circulated May 12, 2016. Mr. Stolman submitted and reviewed a memo, dated May 18, 2016 with comments for consideration. Copies of a memo from Mr. Hamilton, Building Inspector dated May 2016 was submitted to the Board. Ms. Zalantis said the Building Inspector will have to certify the plan that the threshold issue is correct prior to site plan approval. After a lengthy discussion, the Board agreed to open a public hearing on this application.

Mr. McWilliams asked the applicant to consider locating the trees so the up and down driveways and the parking is fully screened from the neighbors. Mr. Hoeflich noted that the re-use of the building is a very great use of the site. He said this is a good thing for Ossining.

May 18, 2016

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

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Mr. Hoeflich agreed with the widening of the second driveway was a good idea because of the trees on the other driveway should be preserved.

Mr. Bossinas made a motion, seconded by Mr. Hoeflich and it was unanimously agreed to set a public hearing for June 15, 2016.

**River Knoll, Multi-Family Development, 40 Croton Dam Road, Re-zone and Site Plan Review**

Mr. Glen Vetromile, Glenco Group LLC, Applicant, Mr. William Null, Cuddy & Feder and Ms. Nanette Bourne, AKRF were in attendance. Mr. Null asked the Board if they will declare their intent to be lead agency review a draft scope they provided and schedule a public scoping hearing as soon as possible. Mr. Vetromile gave an overview of the plan to the Board. Mr. Vetromile said this is still very conceptual.

Ms. Richards asked questions with regard to the affordable housing units. Mr. Null said they have included affordable housing for purposes of discussion and will have more detail on this in the new site plans. Mr. Hoeflich stated that this plan shows less disruption to the property than the older plan. In the new plan all of the older run down existing buildings are all going to be removed which seems to be positive thing. Mr. Stolman recommended that that at this time a positive declaration be adopted by the Planning Board, the Board agreed.

Mr. Stolman submitted and reviewed a resolution titled River Knoll Project Resolution of Acknowledging Lead Agency Status and Adopting a Positive Declaration dated May 18, 2016.

Mr. Hoeflich made a motion, seconded by Mr. McWilliams and unanimously passed to accept the **River Knoll Project Resolution of Acknowledging Lead Agency Status and Adopting a Positive Declaration**, dated May 18, 2016.

The Board set a work session to work on and discuss the River Knoll draft scope outline for June 1, 2016 and further set a public scoping session for June 22, 2016.

**Minutes**

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A motion was made by Mr. McWilliams, seconded by Mr. Hoeflich and unanimously passed to approve draft minutes of Planning Board meeting held April 20, 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 June 1, 2016

Time noted 11:45 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

**APPROVED: July 20, 2016**