

September 7, 2016

A WORK SESSION 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 7th day of September 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: David Stolman, AICP, PP, Frederick P. Clark Associates, Inc.
Daniel Ciarcia, PE, Consulting Town Engineer

Also Present: Katherine Zalantis, Attorney, Silverberg, Zalantis LLP
Sami Suleiman, Frederick P. Clark Associates, Inc.
Stephen Coleman, Environmental Consulting, LLC
Sandy Anelli, Secretary

Artis Senior Living, Memory Care Facility, 553 North State Road – Site Plan

Mr. Max Ferentinos, Artis Senior Living, Mr. Peter Wise, Attorney, Mr. Brian Hildenbrand and Mr. David Sessions of Kellard Sessions, PE were in attendance. Revised plans titled Artis Senior Living, prepared by Kellard Sessions consulting, PE dated August 1, 2016 and last revised August 26, 2016 were on file. Mr. Ferentinos reviewed changes to the site plan and the footprint of the building per comments that were made at last planning board meeting they were in attendance for. They moved the building forward and reduced the footprint slightly and reorganized space in the basement level of the building to accommodate their needs.

Mr. Wise noted that there was concern that the plan showed two porches at the rear of the building wings but pointed out that this was a labeling error. They are not porches; they are roof awnings over the entry and exit doors in the back of both wings. The building is moved 6 feet further away from the rear property line. Mr. Wise indicated that they have also worked very hard to accommodate the request to day-light the watercourse along the side of the building.

Mr. Hildenbrand Engineer for the project said that the addition of the basement reduces the amount of fill required for the project. They can excavate on site rather than import from offsite. As far as changes to the front; they removed the drop off area and instead added the perpendicular parking spaces along the front. The new footprint of the building makes the slopes less severe. A steep slope permit is not required. With regard to the day-lighted stream, now that there is additional area on the sides and they were able to pick up the pipe in a three-foot wide channel for 160 feet along the property line. The channel gets deeper as it goes and at the end of the channel it gets picked up in a headwall. This removed the 90 degree bends in the pipe and the amount of manholes. There are no more perched pipes, so the concern for wildlife getting trapped is no longer an issue.

Mr. Hoeflich asked the applicant for square footage numbers of the basement and the first floor. Mr. Ferentinos said, at this time, those exact numbers are not available to him but will get that for the next meeting. Mr. Hoeflich asked for a basement plan.

Mr. Sessions pointed out that the mitigation plan has been revised because of the building shift. They have shown the wetland that encroaches onto their property. The invasive species removal and monitoring plan will be five years. Once invasives are removed and the area is restored, there will be a five year period in which the Town will come out and we will provide reports annually to make sure the invasives have gone away. That has been detailed and Mr. Coleman has indicated that they need to provide a detailed plan for that. The downstream defender which was on the plans earlier has been eliminated, as recommended by Planning Board members. Mr. Coleman reviewed the plan and is asking for some more native ground cover and native shrubs and there is opportunity to bolster some of the plants on the east and the west side of the property.

At this time, Ms. Zalantis asked the Board if they would like to direct the Board's planning consultant to prepare an amended negative declaration of SEQRA which can be reviewed at the next regular meeting. She further noted, the Board could be in a position to adopt an amended negative declaration if it so desires.

September 7, 2016

Mr. Suleiman, F.P. Clark said they are in agreement with preparation of the amended negative declaration. He submitted a memo dated September 7, 2016 titled, Artis Senior Living, LLC, Assisted Living Facility Site Plan. He said there are only minor housekeeping items that have to be done as far as the plan goes. Mr. Coleman agreed that he is comfortable with the fact that the mitigation plan will be effective and the applicant has addressed key issues.

Ms. Richards agreed and asked the Board for comments. Dr. Hougham thanked the applicant for making changes to the plan. Dr. Hougham noted that an item about the lighting curfew was changed to not have a curfew. Mr. Wise said in the rear of the building there is ground lighting, just lighting up the paths and there are two bollards 42 inches high with down light. There are no flood lights, so they didn't think a curfew was necessary. Dr. Hougham asked if this could be demonstrated by the engineering team which would guarantee no lighting would go to the neighbor's property. He also thanked the applicant for the day-lighting of the stream but asked why does it stop where it does?

Mr. Hildenbrand noted that the constraint they ran into with this is the depth. As the topography goes up they will be cutting into the hillside, it would make the channel about six feet. You would have to have footings for two six foot high retaining walls.

Dr. Hougham asked about the screening and it does look dense but a neighbor is still concerned. Mr. Wise said they can accommodate the neighbor as long as the requested screening is reasonable. Dr. Hougham asked about the note on the plan that says "the wetland is non-jurisdictional because of its size". Mr. Wise said yes, it is non-jurisdictional with respect to Federal Jurisdiction and State Jurisdiction. Dr. Hougham pointed out that the rendering that shows the property from the rear doesn't seem to reflect the plants and trees. Mr. Wise said this is illustrative only; we have to rely on the planting plan for that. They have never prepared a rendering with screening.

Mr. McWilliams asked about the service entry. Mr. Ferentinos pointed out the service entry on the plan. The types of deliveries will be a box truck for food deliveries, UPS truck, Fed Ex truck, US Mail truck, trash pickup, medical delivery van and medical disposal. Mr. McWilliams thanked Mr. Ferentinos.

Mr. Hoeflich asked the applicant about the spacing from the ground to the beginning of the fence. His concerns for wildlife transit is still an issue. Mr. Wise said there are wildlife transit type fences that they can consider and they have accommodated that concern at other properties. Also, with regard to the fence Mr. Hoeflich asked if it can be pushed further in from the neighbor's property line closer to the building. Mr. Wise reminded Mr. Hoeflich that this wouldn't allow much room for the walking path which is part of the designated recreation area for the residents who will be walking on the path. Mr. Ferentinos reminded the Board that this area is the residents' back yard so trying to balance them walking on the path with a care giver and moving the fence closer. Mr. Hoeflich said he would like it moved, especially in the back, he's not concerned with the left or right but primarily the back property line. Mr. Ferentinos said they can take a look at that. He further noted that they have discussed a great deal of landscaping on both sides of the fence and they want this to be a serene beautiful environment and the walkways are important. Mr. Wise said they will look at these items.

Mr. Hoeflich said he prefers the lighting be on motion sensors. Mr. Hoeflich suggested they remove four parking spots in the front and move the building forward also he wants to know the square footages are for the basement, floor 1 & 2. Lastly, Mr. Hoeflich asked for more detail and every single law on the wetlands, especially because this waterway ultimately goes into the Pocantico River. Mr. Wise insisted that there are no Federal or State laws that apply to this wetland. It is not a regulated wetland.

At this time, Ms. Richards announced that the Board is ready to prepare an amended negative declaration for Artis for the next meeting. The Board agreed.

Mr. Hoeflich urged the applicant to take into consideration a letter submitted by Ms. Donna Sharratt with regard to suggested plantings.

Parth Knolls, LLC, Multi-Family Development, 87 Hawkes Avenue – Site Plan

Mr. Beldotti Applicant, Mr. Venditti, Attorney, Mr. Kerrigan, Site Design Consultants, Mr. Marino, Tim Miller Assoc., Mr. Hernandez, Architect, were in attendance.

Mr. Venditti gave a brief overview of the recent updates to the plan. Mr. Venditti asked the Board to consider preparation of a negative declaration document and to close the public hearing which has been open for almost one year. Mr. Venditti said they have answered all of the questions and concerns of the Board and asked the Board to prepare a resolution of approval for the next meeting of the Planning Board.

Mr. Kerrigan reviewed changes to the entrance, which made some changes to the parking. They have added three spaces to the north of building number two with an ADA accessible space. The spaces in front of building one have been rotated slightly. Spaces moved to the back of building two, using all with porous pavers. The secondary entrance is for emergency vehicles only. Building two was pulled back a couple of feet.

Mr. Marino talked about the revised tree and mitigation plan. There hasn't been significant disturbance to the wetland buffer areas as a result of the revised site plan. Based on discussions with Mr. Coleman, they have added all of the buffer enhancement notes as well as invasive species removal and seed mixes. They have been able to stay out of the wetland buffer entirely. Mr. Marino reviewed with the Board a plan labeled "Consolidated Planting Plan". The plan shows trees remaining on site, mitigation plans, plants in the buffer areas and trees and shrubs and plants that are going to be added to the parking areas and buffers. They will provide demarcation of buffer areas so future residents understand that these are buffer areas and they plan to provide some type of signage to these areas so they stay undisturbed.

Mr. Beldotti presented a rendering of the building with trees shown which represents what it would look like from the roadway. Mr. Venditti announced that Mr. Hernandez is going show the Board a road view scape as it relates other buildings along Hawkes Avenue. Mr. Hernandez presented a schematic showing the street level, elevations and comparison to The Woods Condominiums and Deerfield Condominiums. Mr. Hernandez said their property is at a lower elevation than The Woods, he further discussed some new elements added to the front elevation such as vestibule and proposed materials.

Mr. Suleiman submitted and reviewed with the Board, a memo prepared by F.P. Clark Associates, dated September 7, 2016 titled Parth Knolls, LLC Residential Project.

Mr. Coleman submitted and reviewed his memo with the Board, dated September 7, 2016. Mr. Coleman noted that Mr. Marino has addressed most of his comments and recommendations and most of the comments are a technical nature which can be updated on the mitigation plan.

Dr. Hougham raised concerns with the swimming pool water overflow and/or emptying. He urged that pool water can be toxic to wildlife and would like to be sure that is handled appropriately. Mr. McWilliams asked the applicant for an updated traffic report. Mr. Beldotti noted that they responded to that item today. Mr. Beldotti said he will provide a hard copy and an email copy today.

Mr. Hoeflich expressed concern about the circle radius for handicap people in each of the apartments. He asked them to look at that again. Mr. Beldotti said they will have to do that when they submit their construction documents which they wouldn't be able to get a building permit without full compliance.

Mr. Hoeflich said that they may end up with 51 apartments rather than 53 because the entrances to the apartments are not in compliance. Mr. Hoeflich reminded Mr. Beldotti of a 200 page document he provided six months ago, Americans with Disabilities Act (ADA), and urged that this plan is not in compliance. Mr. Hoeflich said he legally cannot approve or disapprove something where they are breaking ADA. Also, Mr. Hoeflich expressed concern with the water pipes and sewer pipes. He would like to see the size, numbers, flow rate, in a simple one page report telling how much the capacities are, traffic and school reports.

September 7, 2016

Ms. Richards asked the applicant if they could stake out the site and then schedule a visit for Board Members. Mr. Beldotti agreed to stake everything out and said trees are already numbered and marked. Mr. McWilliams asked if they could especially mark out intersections and driveway areas.

Ms. Richards asked the applicant to resubmit the school report and traffic report. The Board asked the applicant to provide something that is signed by the Superintendent of Schools acknowledging that the report is accurate.

Ms. Zalantis reminded Board members to try and schedule visits so only two members are present at each visit. Mr. Venditti asked if the negative declaration document can be prepared for the next meeting. Ms. Richards said it can be a drafted document but not necessarily voted on that night. After some discussion, it was agreed to **draft** a negative declaration of SEQRA document for review at the next scheduled public hearing, September 21, 2016. Mr. Venditti thanked the Board.

Bethany Arts Community, Arts Center, 40 Somerstown Road – Site Plan

Mr. Lyons, Bethany Arts, Mr. Shusterman, Attorney, and Mr. Hernandez, Architect were in attendance. Mr. Suleiman, F.P. Clark Associates submitted a memo dated September 7, 2016 titled Bethany Arts Community Site Plan. The memo offers environmental analysis and recommendations. Mr. Suleiman asked for more detail on the lighting plan.

Mr. Hernandez submitted plans and traffic report dated August 22, 2016. He asked the Board if they would consider a more compact parking layout in order to reduce paved areas, reduce storm water and watershed issues in the area. He reminded the Board that the site is 24 acres. They are asking the Planning Board for a waiver with regard to the required parking spaces for this type of use. They will draft an agreement that they will designate that area for future parking, only if needed. If these parking spaces are needed in the future, they will return to the Planning Board for review and approval. Right now, they would like to keep it as a reserve area and not include it in their paved parking count. Mr. Hernandez noted that their application is still open at Zoning Board of Appeals for a Special Use Permit request. He asked the Board to consider a negative declaration under SEQRA so they can return to the Zoning Board and complete their application and SEQRA review with Zoning.

Mr. Hoeflich expressed to the Board, in his opinion, there is plenty of regular parking on site for this use. Only when there's an event, similar to Lyndhurst, is where they may need to use these additional banked parking spaces. Mr. Hernandez agreed. Ms. Zalantis noted that the Town Consultants need to review the latest version of the traffic study, the storm water management plan and the applicant needs to provide lighting as discussed. Mr. Hoeflich suggested the lighting be on motion sensors especially between the site and all of the residential neighbors.

Ms. Richards noted that a **draft** negative declaration of SEQRA document can be prepared for review at the next meeting. The Board agreed. Mr. Hernandez thanked the Board.

Minutes

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

Adjournment

There being no further business to come before the Planning Board of the Town of Ossining, Mr. McWilliams made a motion, seconded by Mr. Bossinas that the meeting be adjourned to September 21, 2016.

Time noted 9:40 p.m.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: September 21, 2016