

September 21, 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 21st day of September 2016. There were present the following members of the Planning Board:

Ching Wah Chin, Acting 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 Consulting, LLC
Sandy Anelli, Secretary

Mr. Chin introduced himself to the audience and the Board. Mr. Chin is filling the unexpired term of Ms. Richards who has recently relocated to a neighboring community. At the September 6, 2016 work session, Ms. Richards announced her move and thanked all of the members and associates of the Planning Board for all of their hard work and dedication.

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

Mr. Chin opened the meeting at 7:30 p.m. 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 received September 15, 2016 were on file. Mr. Sessions delivered two sheets at the meeting, landscaping plan and wetland mitigation plan.

Mr. Ferentinos reported recent changes to the plan, reconfigure the building slightly, square footage, and redesign of the central core of the building which contains most of the public spaces. The building was reduced by about 2,000 square feet. Mr. Ferentinos reported square footages of each level per Mr. Hoeflich's request at the last meeting. Mr. Hoeflich requested that the fence be designed so that animals could go through. Also, as the Architectural Review Board, Mr. Hoeflich suggested a more natural product for the fence. Mr. Ferentinos said for maintenance purposes, they would like to use vinyl fencing but would choose a natural color. Mr. McWilliams said there are options that have a little variation in color and textures. Mr. McWilliams recommended they provide a sample to the Board. Mr. Ferentinos agreed.

Mr. Sessions reported that they've moved the fence closer to allow for a larger robust planting area behind the fence. Pervious pavers have been added to the front area. They have incorporated the surface swale as discussed at previous meetings. They have reviewed their storm water system with Mr. Ciarcia. The landscaping plan now shows an increase in the number of shrubs at the north side of the property on the other side of the fence. Over 500 additional plants, trees, and shrubs have been added to the plan. Ninety percent of the plants are native. Mr. Sessions noted that they've incorporated Mr. Coleman's recommendations into the plan. Dr. Hougham asked that the drainage systems and wetlands are up to DEC guidelines with regard to fish pass ability. Mr. Sessions said the piping system basically designed like troughs so if there are any fish in the system they can swim through.

Mr. Wise indicated that they have agreed to turn the lighting off at 10:00 p.m. year round. Mr. Wise announced that they have worked very hard through the summer. They've worked with recommendations of Ms. Sharrett and Mr. Kamber to make the project successful for everybody. Mr. Sessions said they are completely open and willing to work with the neighbors.

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 simply roof awnings over the entry and exit doors in the back of both wings.

Mr. Chin read a memo dated September 21, 2016 prepared by Mr. Ciarcia, Consulting Engineer for the Town, as follows:

The following comments are in response to the latest plan submission:

1. Provide a detail or blow up of the area in the vicinity of DMH #5 for clarification.
2. The proposed 24" HDPE pipe conveying off site runoff has a slope of 0.5%. The proposed drainage channel has a slope of 0.63%. These slopes are less than optimal for a self-cleaning drainage system. The area entering this system is wooded and will typically convey debris and sediment into the system during major storm events. If the Board approves this concept, some type of maintenance mechanism should be put in place to insure the system is properly maintained to prevent potential flooding of upstream properties.
3. Provide a revised Stormwater Pollution Prevention Plan (SWPPP) based upon the final design configuration.

Mr. Chin opened the hearing to members of the public.

Mr. Kamber, 84 Morningside Drive, recommended the applicants seek a variance for an eight foot fence instead of six feet which is proposed. Mr. Wise agreed and said they are going to apply for that variance once a site plan approval is obtained from this Board. Mr. Ferentinos stated that at other Artis locations they have the fence and a few feet of lattice over that which brings it up to eight feet. Mr. Kamber said they have had a lot of dialogue with Artis and their affiliation and would like to thank them for listening.

Mrs. Masserman, 10 Morningside Court, announced that she and her husband have been business owners on North State Road and she is Chair of the Concerned Citizens of Ossining. She said she has spoken at many of these meetings asking for changes to be made to the original Artis plan. She has repeatedly stated that this will be a wonderful use of the property and great addition to the North State Road Businesses. Ms. Masserman thanked Artis for sticking with them and hearing the residents who are neighbors and wished them great success.

Ms. Sharrett, 84 Morningside Drive, also thanked the applicant for all of the changes that they have done. They have increased the area between the wetland and reduced the size of the building so now the property line to the fence is 23 feet. This is certainly not what I originally wanted but the changes they have made are going to meet the main objective that I had. The 23 feet is going to be intensely planted, so there is going to be a lot of protection for the wetland. Ms. Sharrett said she was appreciative of that. Also, relocating the culvert with partial day-lighting, she is thrilled about that and the 10:00 p.m. lighting curfew, and Ms. Sharrett and Mr. Kamber support them in their request for an eight foot fence. In her experience with Alzheimer's patients it is a necessity and for safety so she hopes the Board will allow them to do that.

Ms. Sharrett submitted the following comments:

Wetland buffer – area between proposed 553 North State Road fence and the wetland and stream:

1. Native soils used in the buffer area
2. "All regrading shall blend in with the natural contours of the land." Town code #167-6.B (5)
3. Existing trees remain wherever possible.

Condition of wetland permit:

1. Wetland Buffer Maintenance Agreement

Condition of site plan approval:

1. Any underground tanks encountered during construction be removed and/or abandoned in accordance with all applicable laws and regulations.
2. That our property, the stream and wetland remain undisturbed.

Remaining Questions:

2. How will the sediment level of the stream before, during and post construction be monitored?
4. What will be the final state of the property line after construction is completed?
5. What will the back of the building look like?

6. What is the anticipated duration of the construction?
7. We appreciate that Artis will notify us as to the schedule of proposed work.
8. How will the basement be dug?
9. Will the plant materials be guaranteed for more than 1 year?
10. How will the gates to the fence be secured to prevent patients from exiting?

Agreements in written on final plans:

1. Approval required for fill specs
2. No anti-desiccant, no dyed mulches, only a minimal amount of natural mulch, use of deer fencing to protect new plantings.
3. Elimination of option #1 for Glyphosate usage.

Comments re: Wetland Mitigation Plan page 6/11

1. Re: General Notes: The wetland is jurisdictional by Town Of Ossining Code.
2. Re: Plant materials (comments restricted to Wetland buffer plantings outside of fence)
 - a. The NW area is very shady. I would suggest the following substitutions:
 - 7 Ilex verticillata and 1 Juniperus virginiana to be substituted with 3 Hamamelis virginiana
 - 20 Juniperus Chinensis and 50 Schizachurium to be substituted with a combination of Polystichum acrostichoides, Eurybia divaricate, Carex laxiculmusNote: 3 Lindera Benzoin already exists in this area which would be great to keep
 - b. Considering the prevalence of existing maples and the prudence for diversity I would suggest:
 - 2 Acer saccharum (NW area) to be substituted with 1 Ilex opaca
 - 1 Acer rubrum (closest to wetland) to be substituted with 1 Abies balsamea
 - c. Remaining 15 Juniperus Chinensis to be substituted with a combination of:
 - Pycnanthemum muticum, Solidago, Aster novae angliae

Thank you for considering my comments,
Donna Sharrett

At this time, Mr. Chin asked if there were any further comments from the audience or the Board. Mr. McWilliams suggested along with elevation plans that they bring samples of materials and finishes for Architectural review. Mr. Stolman submitted and reviewed with the Board his memo dated September 21, 2016 and an Amended Negative Declaration document dated September 21, 2016. Mr. Chin announced to the Board and the audience that he has familiarized himself with the plan and reviewed all related documents and meeting minutes from the file.

Mr. McWilliams made a motion, seconded by Mr. Hoeflich and it was unanimously approved to adopt the **Amended Negative Declaration of SEQRA for the Artis Senior Living Facility, dated September 21, 2016** with amendments as discussed by the Board.

At this time, Mr. Wise asked the Board to close the public hearing. Ms. Zalantis recommended leaving the public hearing open until a resolution is drafted and discussed. This can be done at the next work session scheduled for October 5, 2016. The Board can authorize the draft of the resolution to consider and use as a basis to talk about at the next work session.

Mr. McWilliams made a motion, seconded by Mr. Bossinas and it was unanimously agreed to prepare a draft Resolution of Approval for the Artis Senior Living facility.

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

Mr. Beldotti Applicant, Mr. Venditti, Attorney, Mr. Kerrigan, Site Design Consultants, Mr. Marino, Tim Miller Assoc., Mr. Hernandez, Architect, were in attendance. Mr. Beldotti discussed a site meeting which took place over the weekend. Mr. Beldotti talked about parking spaces that were moved around slightly and reminded the Board that they have a total of 113 parking spaces for the site.

Ms. Helen Young, a resident of Deerfield Condominium, said several other homeowners and she herself was not prepared for a public hearing at this time. There was a miscommunication with an email received which said this meeting was a work session and not a public hearing. Mr. Chin assured Ms. Young that this is a public hearing and the hearing will remain open and she will have an opportunity for comment. A continuation of the hearing is scheduled for October 19, 2016.

Mr. Marino gave an update on wetlands and the mitigation plan to the Board. He said he is in agreement with Mr. Coleman's memo and will implement those recommendations. Dr. Hougham recommended they install interpretive signage in the wetland and planted areas. Dr. Hougham also offered to Mr. Marino a current listing of fish found in the Sing Sing Kill.

Mr. Stolman submitted and reviewed a memo dated September 21, 2016 titled Parth Knolls Residential Project. An issue with regard to impact to schools was discussed. The memo notes that documentation should be provided which states if the Superintendent wishes to suggest any related mitigation measures.

Mr. Venditti urged that they are unable to get something in writing from the Superintendent of Schools. According to Mr. Venditti, the Superintendent does not endorse or reject a project and he further discussed the amount of school tax that would be generated from the project which would be a surplus according to their study. He said Town Consultants have agreed that their school study is in order. The study determines seven to nine new school children would be generated from the project. This precipitated a lengthy discussion.

Ms. Zalantis said the Board is asking for clarification of the mitigation measure used in the applicant's report. Mr. Chin also noted that the Board is to take into account the totality of issues involved that would affect the Town. Mr. Stolman said he will contact Mr. Sanchez, Superintendent of Schools, directly with regard to impact and related mitigation measures. Mr. Beldotti agreed that they would like to wait for Mr. Stolman to review this issue with Mr. Sanchez.

Mr. Coleman submitted and reviewed a memo dated September 21, 2016. Mr. Coleman's latest comments include the following:

- A table has been added to the Wetland Buffer Mitigation Plan and adequately addresses the site details and wetland impacts and mitigation measures as per Chapter 105.
- The Plans have been updated to include site specific preparation details and have also added the use of live plant plugs as requested.
- Permanent demarcation methods still need to be provided and should be included on final approved site and mitigation plans.
- The plans have been updated and a new plan prepared that shows the location of the fore bay, access and planting plans. No further information is required.
- The language outlined in the 5 Year Wetland Buffer Monitoring and Maintenance Plan should also reference that the "Invasive Species Monitoring and Control Plan" is part of the overall 5 Year Plan.
- The applicant still needs to provide the type of signage and buffer demarcation measures that will be used and should be added to site and mitigation plans.

Mr. Coleman said he is also in agreement with Dr. Hougham's recommendation of using interpretive signage of the plants and wetlands.

Mr. Stolman read the following memo from Mr. Ciarcia dated September 21, 2016:

The following comments are in response to the latest plan submission and discussions with the Project Engineer and Village of Ossining Water Department:

1. The Village of Ossining Water Department (VOWD) has indicated that they have an adequate supply of water to serve the project and will provide the appropriate documentation to the Westchester County Department of Health.
2. The VOWD has advised me that the improvements shown on the watermain loop plan (Sheet C-105) addresses their concerns.
3. Clearly indicate the location of the water service connections.
4. A revised Stormwater Pollution Prevention Plan (SWPPP) will be required for

gaining coverage under the stormwater general permit.

5. The applicant has agreed to extend 3 phase power to the existing east pump station within the Deerfield development. The electrical upgrade will require replacing or modifying the existing control panel, replacing the transfer switch, and modifying or replacing the existing generator. The improvements will also require removing portions of the fencing around the station. The plans should indicate that the fencing will be replaced. These improvements will need to be added to the plan set.

Mr. Chin opened the meeting for public comment. Ms. Lillian Nahas, a resident of Deerfield Condominiums raised concerns about the web-blast message she received which said tonight's meeting was a work session and not a public hearing. Mr. Chin clarified that the public hearing for this project is open and will continue to be open going forward. Ms. Nahas asked that the hearing be rescinded because of this notification error. Mr. Chin said the Board follows the planning calendar as noted on the Town's website. The message Ms. Nahas received was not an official legal notice. It was a general email sent to the public by the Town for general reminders and convenience.

Mr. Chin asked if anyone in audience had comments or concerns. Ms. Nahas did not have further comment. Ms. Zalantis also assured the audience that the hearing will remain open and there will be opportunity for comment at the next scheduled public hearing. Mr. Chin clarified that October 5, 2016 is a work session and October 19, 2015 is the next public hearing.

Mr. Hoeflich said he visited the site and the placement of the buildings has the least impact on the environment and they are leaving the two streams intact, which is a good thing. The developer is making strides in the right path. Mr. Hoeflich recommended other Board members visit the site while it is staked.

Dr. Hougham asked to visit the site as well. He noted that his original visit was quite a while ago, and now it is staked. Dr. Hougham said the applicant has been responsive to many of the Board's requests with respect to the streams and the environment. Dr. Hougham thanked the applicant for that and confirmed his visit.

Mr. McWilliams visited the site as well. The buildings were well sited and building two is a lawn area, perfectly flat, the north property line between the building and along the road there is heavy screening and there is proposed additional screening which will create a nice buffer from Deerfield. Also, relocating the swimming pool to the center was a good idea. Mr. McWilliams thanked the applicant for working with the Board.

Mr. Chin and Dr. Hougham scheduled their site visit on Saturday, September 24, 2016. Mr. Stolman recommended preparation of a negative declaration document for the October 5, 2016 work session, the Board agreed. Mr. Chin offered to take comments from members of the public before moving on to the next agenda item. There were none.

Bethany Arts Community, (BAC) Arts Center, 40 Somerstown Road – Site Plan PUBLIC HEARING CONTINUED

Mr. Lyons, Bethany Arts, Mr. Shusterman, Attorney, and Mr. Hernandez, Architect, were in attendance. Mr. Hernandez updated the Board and submitted a copy of a memo from Hudson Engineering & Consulting, P.C. with regard to the preparation of the stormwater mitigation plan.

Mr. Stolman submitted and reviewed a memo dated September 21, 2016 titled Bethany Arts Community Site Plan which offers additional information needed relating to Bethany's traffic study, the Special Permit in front of the ZBA and SEQRA requirements.

The Planning Board circulated a Declaration of Intent to be Lead Agency Notice on May 12, 2016. The 30-day period for the submission of objections concluded without objection from any involved agencies and the Planning Board became the lead agency with respect to SEQRA on June 15, 2016.

September 21, 2016

Mr. Chin read a memo prepared by Mr. Ciarcia, dated September 21, 2016, as follows:

We just received a letter today from the project engineer indicating the proposed methodology for the stormwater analysis. A Stormwater Pollution Prevention Plan (SWPPP) demonstrating that stormwater runoff impacts have been mitigated should be provided prior to adopting a SEQRA negative declaration. We will also require a utility plan which shows the proposed stormwater management system and associated drainage improvements.

Mr. Chin and Mr. Stolman acknowledged receipt of the Hudson Engineering memo and asked Mr. Hernandez to have the storm water analysis completed and submitted to the Town's Engineer as soon as possible as directed in the memo. Mr. Hernandez thanked the Board.

Minutes

A motion was made by Mr. Hoeflich seconded by Mr. McWilliams and unanimously passed to approve draft minutes of Planning Board meeting held September 7, 2016.

Adjournment

There being no further business to come before the Planning Board of the Town of Ossining, Mr. Bossinas made a motion, seconded by Mr. Hoeflich that the meeting be adjourned to October 5, 2016.

Time noted 9:50 p.m.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: October 19, 2016