

November 16, 2016

A MEETING OF THE PLANNING BOARD of the Town of Ossining was held in the John Paul Rodrigues, Ossining Operations Center, 101 Route 9A, Ossining, New York, on the 16th day of November 2016. There were present the following members of the Planning Board:

Greg McWilliams, Acting Chair
Gareth Hougham, Member
Marc Hoeflich, Member

Absent: Ching Wah Chin, Chair
Jim Bossinas, Member
Daniel Ciarcia, PE, Consulting Town Engineer
David Stolman, Frederick P. Clark Associates, Inc.

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

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

Mr. McWilliams opened the public hearing at 7:35 p.m. Mr. David Lyons, Applicant, Mr. Zak Shusterman, Attorney and Mr. J.B. Hernandez, Architect were present. Mr. Hernandez gave an overview of some slight updates and modifications to the plan. He told the Board that they received a special permit from the Zoning Board of Appeals on November 7, 2016. They have addressed open issues relating to the parking, additional landscaping and shrubs abutting residential neighbors, lighting and stormwater issues.

Mr. Hoeflich asked for the Kelvin temperature of the light fixtures. Mr. Hernandez said about 3000 to 4000 and they've situated the light poles away from the residential neighbors. These are on timers scheduled to go off around 10:00 p.m. Mr. Hernandez said the lighting plan is flexible they can be put on sensors or timers. Mr. Hoeflich asked if they can consult with the lighting manufacturer to see if temperatures can be lower, around 2700. Mr. Hernandez agreed. Dr. Hougham informed the applicants that the lower Kelvin temperatures have less negative impact on migrating birds. Dr. Hougham offered to provide further information on this through the Town Environmental Advisory Committee. Mr. John Ladd, Town EAC member was in the audience.

Mr. McWilliams submitted copies and read through the Zoning Board of Appeals Resolution of Approval, dated November 7, 2016.

Ms. Zalantis asked the applicants about parking school buses which can be a condition. The applicants said the school buses will only be dropping off. No buses will be parked on site. Mr. Hoeflich asked if the building is sprinklered. Mr. Hernandez confirmed that the building has a sprinkler system which was installed prior to this. Again, Dr. Hougham expressed support for the project.

Mr. McWilliams asked the Board and members of the audience if there were any questions or concerns. There were none. Mr. Hoeflich made a motion, seconded by Dr. Hougham and unanimously agreed to close the public hearing for Bethany Arts Community at 8:00 p.m.

Mr. McWilliams announced that the Town Planning Consultant can draft a Resolution of Approval for the next work session scheduled for December 7, 2016. A motion was made by Mr. Hoeflich, seconded by Dr. Hougham and unanimously passed to draft a Resolution of Approval for Bethany Arts Community. The applicants thanked the Board.

Miscellaneous:

Joanne Schneider Subdivision, 74 Hawkes Avenue, 2-Lot Subdivision, Unofficial Discussion

Ms. Joanne Schneider, Mr. George Kaplan, Attorney and Mr. James Picciano, neighbor, were in attendance. Mr. Kaplan said he understands that Ms. Schneider has an application for an exemption for relief from a \$7,500.00 recreation fee as far as a minor subdivision.

In response, Ms. Zalantis clarified that the Planning Board needs to have an application. The Board cannot just speak about various issues. The Board can only consider a specific application.

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To clarify, Ms. Zalantis asked if the application was to extend the existing resolution of approval for 90-days. Mr. Kaplan said yes. Ms. Zalantis asked if the application is to modify or reconsider the current approval and if so that is another application which none of the above have been filed before the Board. Again, Ms. Zalantis clarified that they need to pursue a regular application to appear before the Planning Board.

Mr. Kaplan said he understands the proper procedure and there should be something in writing before the Board. Mr. Kaplan asked the Board for some time to explain their position. Mr. McWilliams said the Board can hear the statements but cannot take any action on this tonight.

Mr. Kaplan gave an overview of Ms. Schneider's subdivision approval and said she has until January to submit proper filing. She has been assessed a recreational fee of \$7,500. Previously she has given the Town a sewer line easement of 5,000 square feet and since it is only a minor subdivision they are asking for some relief of the recreation fee which is normally assessed to major subdivisions of \$7,500.00.

Mr. McWilliams asked Ms. Zalantis if there is any documentation about the sewer easements or statutes, state or local laws about this. Ms. Zalantis clarified that the Board made a determination as part of its resolution required the applicant to pay its recreational fee. If the applicant is asking the Board to re-open and reconsider than that is what the Board can do but at this time. Currently, there is no application before this Board. It is understood that the sewer line was a mutually beneficial sewer easement that the applicant needed in order to create the second lot because if there wasn't a sewer easement granted, they would not have been able to create the second lot. It was not a taking of property; it was an easement to run sewer lines.

Mr. Kaplan further discussed the cost of recreation fees for cluster housing and affordable housing which is \$2,500 versus \$7,500. Ms. Zalantis clarified that the Planning Board has no obligation to reconsider a prior determination that has never been challenged. This solely discretionary and up to the Board and they don't have to reconsider. Mr. Kaplan said they understand this and would be grateful for any consideration after proper petition.

Mr. Picciano gave an overview of the general initial construction of the sewer and development activities in the neighborhood over the years. He said that when the sewer was being installed, Joanne and he went to all of the neighbors to help to get the easements necessary for the new sewer and in an effort to have a pumping station eliminated further up the road.

Again, Ms. Zalantis clarified that the applicant needs to submit a formal application along with any material specific to their property to come before the Planning Board.

Executive Session

Mr. McWilliams announced that the Board will go into executive session. A motion was made by Mr. Hoeflich, seconded by Dr. Hougham and unanimously agreed to move to executive session. At approximately 8:40 p.m. the Board moved to reopen the meeting.

Minutes

Minutes of the October 19, 2016 and November 2, 2016 meeting of the Planning Board were held over.

Adjournment

There being no further business to come before the Planning Board of the Town of Ossining, Mr. Hoeflich made a motion, seconded by Dr. Hougham that the meeting be adjourned to December 7, 2016.

Time noted 8:45 p.m.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: December 21, 2016