

December 7, 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 7th day of December 2016. There were present the following members of the Planning Board:

Ching Wah Chin, Chair  
Gareth Hougham, Member  
Jim Bossinas, Member  
Marc Hoeflich, Member

Absent: Greg McWilliams, Vice Chair  
Daniel Ciarcia, PE, Consulting Town Engineer

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

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

Mr. David Lyons, Applicant, Mr. Zak Shusterman, Attorney and Mr. J.B. Hernandez, Architect were in attendance. Mr. Stolman submitted and reviewed draft resolutions of approval, Bethany Arts Community, Resolution of Site Plan Approval and Bethany Arts Community, Resolution of Tree Removal Permit Approval both dated December 6, 2016.

A memo submitted by Mr. Hamilton, Building Inspector, dated December 7, 2016 notes that he has reviewed the site plan and finds it in zoning compliance with the Town of Ossining Zoning code. A copy of memo from Mr. Ciarcia dated December 7, 2016 states that he has reviewed the draft resolutions and has no objections to the Board approving the resolutions.

Mr. Hoeflich presented a device which provides samples of lighting in different temperatures and brightness. He urged the applicants to provide lighting in the lower range which appeared to be a warmer glow appropriate for the site and the neighbors. Mr. Hernandez agreed to adjust the lighting plan per Mr. Hoeflich's recommendation to install lighting with a Kelvin temperature between 2700 and 3000. Dr. Hougham reminded the applicants that the lower temperatures have less negative impact on migrating birds and humans.

There were no further comments or questions. The final version of the resolutions will be prepared for the next meeting. The applicants thanked the Board.

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

Mr. Ferentinos of Artis and Mr. Hildenbrand, Engineer were in attendance. Mr. Stolman submitted and reviewed with the Board, four draft Resolutions of Approval; Resolution of Site Plan Approval, Resolution of Wetland Permit Approval, Resolution of Tree Removal Permit Approval, and Resolution of Architectural Review Board Approval, dated December 6, 2016.

Mr. Coleman submitted a review memo dated December 5, 2016. In the memo it states that the application is considered substantially complete with a few minor modifications and clarifications. Mr. Ciarcia submitted a memo dated December 7, 2016 which states he has reviewed the draft resolutions and has no objections to the Board approving the resolutions.

Mr. Hoeflich urged the applicants to consider the same type of lighting plan as discussed for Bethany. Mr. Ferentinos agreed. Dr. Hougham asked the Board if a longer period for tree removal could be an option. Mr. Ferentinos said it's more of a phasing of construction but more time is okay with them. Dr. Hougham asked Mr. Hildenbrand for information with regard to stone dams shown on the plan and asked if these can be removed. Mr. Hildenbrand said this has been on the plan from the beginning. Mr. Coleman clarified that fish migration and amphibians will not be blocked by this, it's only to trap fine sediments and filter the water. They will be installed like loose stones and are approximately 6" in height. Mr. Hildenbrand can modify the note regarding the stones.

**Artis Senior Living – Continued**

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Mr. Stolman read an email from Mr. Wise dated December 7, 2016 offering a few minor comments for the Board to consider. Mr. Coleman will provide an onsite evaluation of a birch tree located at the rear property line which was discussed in the email and comments from Donna Sharrett.

**Parth Knolls LLC, Residential Project, 87 Hawkes Avenue, Site Plan**

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Mr. Chin announced that the Board will go into executive session at approximately 9:06 p.m. A motion was made by Mr. Hoeflich, seconded by Dr. Hougham and unanimously agreed to move to executive session. At approximately 9:50 p.m. the Board moved to reopen the meeting.

Mr. Beldotti Senior & Junior were in attendance. Mr. Venditti, Attorney and representatives of the project Mr. Joseph Riina & Mr. Tom Kerrigan & of Site Design Consultants, Mr. Steve Marino of Tim Miller Associates and Mr. Jorge B. Hernandez, ARQ.HT were also present.

Mr. Stolman submitted and reviewed with the Board, draft resolutions of approval dated December 6, 2016. Resolution of Site Plan Approval, Resolution of Wetlands Permit Approval, Resolution of Tree Removal Permit and Resolution of Architectural Review Board.

On the issue of planting and seeding, Mr. Beldotti offered that usually this occurs when the seasons are appropriate. Mr. Beldotti will provide a sequence of construction and phasing plan. Mr. Hoeflich commented on ADA compliance and urged that they be in line with the most current ADA compliance code. Mr. Venditti asked if the public hearing can be closed on December 21, 2016. Mr. Hoeflich added that he is still very uncomfortable with the traffic issue and still wants to hear from the public on this. Mr. Venditti noted that there haven't been any new comments at the public hearings, it is been a reiteration of the same comments that have been made at each and every public hearing. Mr. Hoeflich said this was just his personal opinion.

Mr. Hamilton submitted a memo to the Board dated December 7, 2016 which states he has reviewed the site plan for this project and recommended a sign be placed by the trail at the children's play area and had the architect on the project supply a letter further explaining the area and its use as a children's play area. The revised drawing is sheet C-113 dated 12/7/16. Based on this information and his review, the project is in conformance with the Town of Ossining Zoning Code.

The issue of a recreation fee was discussed at length. Mr. Hoeflich was in disagreement with the limits of walking path being expanded as this area and said it cannot be used as recreation. Mr. Hernandez explained that there are benches, tables with games on them, break stations and signs where the path expands beyond the basic path. Also children and adults can explore nature slightly off the main path. Mr. Coleman noted that as shown, the area beyond the walking path does encroach on the wetlands buffer.

Mr. Venditti reminded the Board that they submitted a detailed breakdown of what is being spent on recreation to show that the applicant was spending an excess of two times the required recreational fee under the code, if it is assumed that it is applicable to site plans as opposed to only subdivisions. Mr. Beldotti said he is definitely willing to work with the Board and hopes that he has shown that throughout the entire process. This precipitated a lengthy discussion.

Mr. Chin announced that the Board will go into executive session at approximately 10:22 p.m. A motion was made by Mr. Bossinas, seconded by Dr. Hougham and unanimously agreed to move to executive session. At approximately 10:46 p.m. the Board moved to reopen the meeting.

After review and discussion, it was agreed by the Board that a recreation payment of \$178,000 was a fair and reasonable amount. There were no further comments or concerns. Mr. Stolman will prepare a draft resolution for planning board meeting December 21, 2016 which will include this requirement.

December 7, 2016

**Minutes**

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

**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 Dr. Hougham that the meeting be adjourned to December 21, 2016.

Time noted 11:15 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

**APPROVED: February 15, 2017**