

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

Ching Wah Chin, 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, 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 resolutions of approval, Bethany Arts Community, Resolution of Site Plan Approval and Bethany Arts Community and Resolution of Tree Removal Permit Approval both dated December 20, 2016.

A motion was made by Mr. Hoeflich, seconded by Dr. Hougham and unanimously passed to adopt **Bethany Arts Community, Resolution of Site Plan Approval, dated December 20, 2016.**

A motion was made by Mr. McWilliams, seconded by Mr. Hoeflich and unanimously passed to adopt **Bethany Arts Community, Resolution of Tree Removal Permit Approval, dated December 20, 2016.**

Mr. Lyons, Mr. Shusterman and Mr. Hernandez thanked the Board.

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

Mr. Wise, Attorney, Mr. Hildenbrand, Engineer and Mr. Velardo, Property Owner were in attendance. Mr. Chin opened the public hearing for comment. There were no new comments or concerns.

Mr. Stolman submitted and reviewed with the Board, four 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 21, 2016.

A motion was made by Mr. McWilliams, seconded by Dr. Hougham and unanimously agreed to close the public hearing at approximately 7:50 p.m.

A motion was made by Mr. McWilliams, seconded by Dr. Hougham and unanimously passed to adopt **Artis Senior Living, Resolution of Site Plan Approval, dated December 21, 2016.**

A motion was made by Mr. Hoeflich, seconded by Dr. Hougham and unanimously passed to adopt **Artis Senior Living, Resolution of Wetland Permit Approval, dated December 21, 2016.**

A motion was made by Mr. Hoeflich, seconded by Mr. Bossinas and unanimously passed to adopt **Artis Senior Living, Resolution of Tree Removal Permit Approval, dated December 21, 2016.**

A motion was made by Mr. McWilliams, seconded by Mr. Bossinas and unanimously passed to adopt **Artis Senior Living, Resolution of Architectural Review Board Approval, dated December 21, 2016.**

Mr. Wise thanked the Board and said his client could not be here tonight, however, the company looks forward to being a member of the Ossining Community. The project, as it has evolved is going to be a great one for the Town. Mr. Wise thanked the Board again.

Parth Knolls LLC, Residential Project, 87 Hawkes Avenue, Site Plan PUBLIC HEARING CONTINUED

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

Mr. Chin announced that this is a continuation of public hearing. Mr. Venditti gave an overview of the last two work sessions where draft resolutions and miscellaneous items were discussed. The work sessions were November 2, 2016 and December 7, 2016. The last public hearing date was October 19, 2016.

Mr. Stolman submitted and reviewed with the Board, resolutions of approval dated December 21, 2016. Parth Knolls, LLC Resolution of Site Plan Approval, Resolution of Wetlands Permit Approval, Resolution of Tree Removal Permit and Resolution of Architectural Review Board Approval.

At this time, Mr. Chin asked for comments from the public. Ms. Lillian Nahass, resident of Deerfield Condominiums, reminded the Board that they are very opposed to the project and said that the land was illegally rezoned some time ago. She hopes the Board will have to courage and integrity to do what is right for the people here tonight.

Ms. Helen Young said at one of the prior public hearings one member of the public requested further information about changes to water lines coming into the project. Water lines that are going to go under the Woods Condominiums. Mr. Beldotti said there is a water looping plan, on file and approved by the Village Water Department and Town Engineer, Mr. Ciarcia, which will be utilized as a backup supply for the Woods Condo.

Ms. Nahass asked about the proposed upgrade of Deerfield pumping station. She asked since this is going to be a disruption to the Deerfield community that they remove the pump station from Deerfield property and put it on Parth Knolls property so Deerfield can have extra parking spaces. Mr. Beldotti said the pump station is going to be upgraded, not moved. The pumps will be done over again. Ms. Nahass insisted that the planning board consider moving the pump station entirely off of Deerfield property onto Parth Knolls property. Mr. Beldotti said they are not going onto Deerfield property to make the improvements, they will be working from the back side of the pump station which is 10 feet away from the Parth Knolls property, there is no access proposed through the Deerfield property.

Mr. Vaughn from the Woods Condominiums submitted an email dated December 20, 2016 which was copied and submitted to the Board. He noted that his concern was that the water loop plan was not brought to the attention of anyone from the Woods, or their Homeowners Association. He further said the biggest concern is that countless residents have been voicing strong and unrelenting opposition to this project. Not one member of the public has said anything in favor of this project other than the applicant. Mr. Vaughn's comments were outlined in his memo.

Ms. Young asked if there is going to be blasting on the property. Mr. Beldotti said they have been testing areas and don't anticipate blasting in any of areas that they are planning. He said if there is; they will use mechanical means to remove rock first before they use any type of blasting.

Ms. Caroline Curvan, 111 Hawkes Avenue, read the following statements into the record:

I believe the Parth Knolls proposal represents a critical moment in the future of the Town of Ossining. How the Town Planning/Architectural Review Boards respond to this proposal will drastically inform the future of all development within the Town, either for good or for bad.

Development is inevitable, but it must be sensible, sane and prudent.

Frankly, I simply do not understand how the members of the Town Planning/Architectural Review Boards can look at this project and feel that it is at all appropriate for the Hawkes Avenue neighborhood. This is a project that would build two apartment blocks consisting of 53 rental units and over 100 parking spaces. These structures are completely out of keeping with the existing homes on the entire length and breadth of Hawkes Avenue, homes that are almost exclusively single-family owned or condominiums or cemetery.

The Town Planning/Architectural Review Boards exist for very real reasons, to serve as a check on unfettered and unthinking development. And I know that every one of you gives up a great deal of time to serve on these Boards with no pay. I would assume that you do this because you take your responsibility to the future of Ossining seriously.

Allowing the Parth Knolls proposal to go through in its current form would be similar to what happened to the Village of Ossining in the 1960s with urban renewal schemes. Back then, there was no planning board, no comprehensive plan, and no checks at all (it seems) on development of new buildings or the destruction of old ones. 50 years later, the Village is still struggling from results of those poorly thought-out decisions.

Does this Board want to lead the way to a vibrant Ossining of the future, one that protects its environment, its watershed and the character of its neighborhoods? Or does this Board want to be responsible for allowing developers to allow run roughshod and contribute to the destruction of what makes the Town of Ossining a unique and distinctive location?

Caroline Curvan.

In response to public comment, Mr. Chin reminded members of the public that the Planning Board does perform their function here with no pay and as a volunteer basis and the Board Members have been acting in accordance with what they perceive is their responsibility. He further explained that this is an administrative Board and the Planning Board doesn't determine policies, the Planning Board acts on rules that have been given to them.

Ms. Young, Ms. Nahass and Mr. Vaughn raised concern with tree removal, the water loop plan and concerns with the zoning of the property. Mr. Bossinas pointed out that there is an extensive tree plan on file. A plan that shows all of the existing trees and trees designated for removal. Also, all of the Board members have visited the site and have studied and analyzed the plan in great detail. Dr. Hougham said they have looked at the trees, tree by tree. As far as the water loop plan, Mr. Bossinas reminded Mr. Vaughn and others, that this is an improvement that will benefit The Woods Condo. It is something that the Village of Ossining Water Department and Town Consulting Engineer have been working on and talking about for over a year. Mr. Vaughn continued to express concern that the roads in The Woods would be damaged by this and would like more detail and assurances on how this works. Ms. Young said she still feels that the public is not being heard.

Dr. Hougham explained to the audience that the Planning Board takes all public comment extremely serious. The Board reads all of the memos and the Board considers them and within the limits by what's allowable by law and code, the Board tries to accommodate the public as much as possible. Mr. Chin agreed and said that everything being heard from the public is being considered and it allows the Board to press harder on the developer to accommodate certain requests. The Planning Board has been working very hard on this project. It may not be the outcome that the public wants, but a lot of things have been accomplished and improvements that benefit the Town can be implemented in this process.

In response to Ms. Nahass, who says the property was illegally zoned for this, Ms. Zalantis clarified that this project complies with all of the multi-family zoning requirements. The Building Inspector has confirmed and certified that the project is zoning compliant. The Planning Board cannot deny an application because there is a potential claim that something was illegally rezoned. Mr. Chin assured everyone that the Board is serving at the best interest of the Town and any decision made by the Board can be overturned. Mr. Chin said the Board can't demand things from the applicant that we do not have the authority to do. Mr. Chin asked if there were any **new** comments from the public or the board. There were none.

A motion was made by Mr. Bossinas, seconded by Mr. Hoeflich and unanimously passed to close the Parth Knolls, LLC public hearing at 9:00 p.m.

A motion was made by Mr. Bossinas, seconded by Mr. McWilliams and unanimously passed to adopt **Parth Knolls, LLC Resolution of Site Plan Approval, dated December 21, 2016.**

A motion was made by Dr. Hougham, seconded by Mr. Hoeflich and unanimously passed to adopt **Parth Knolls, LLC Resolution of Wetlands Permit Approval, dated December 21, 2016.**

Parth Knolls – continued

A motion was made by Mr. McWilliams, seconded by Mr. Hoeflich and unanimously passed to adopt **Parth Knolls, LLC Resolution of Tree Removal Permit Approval, dated December 21, 2016.**
Resolution of Tree Removal Permit

A motion was made by Mr. Hoeflich, seconded by Mr. McWilliams and unanimously passed to adopt **Parth Knolls, LLC Resolution of Architectural Review Board Approval, dated December 21, 2016.**

Mr. Beldotti and Mr. Venditti thanked the Board.

Miscellaneous

Schneider Subdivision A letter dated November 22, 2016 from Kellard Sessions Consulting, P.C. requesting a 90-day extension of the Schneider Subdivision Resolution of Approval originally approved July 20, 2016.

A motion was made by Mr. Bossinas, seconded by Mr. McWilliams and unanimously passed to grant a 90-day extension for Schneider Resolution of Subdivision Plat Approval. Ms. Zalantis clarified, for the Board that this is only a vote for extending an existing resolution of approval.

Minutes

A motion was made by Mr. Hoeflich seconded by Mr. McWilliams and unanimously passed to approve draft minutes of Planning Board meeting held October 19, 2016.

A motion was made by Mr. Hoeflich seconded by Mr. McWilliams and unanimously passed to approve draft minutes of Planning Board meeting held November 2, 2016.

A motion was made by Mr. Hoeflich seconded by Dr. Hougham and unanimously passed to approve draft minutes of Planning Board meeting held November 16, 2016.

Adjournment

There being no further business to come before the Planning Board of the Town of Ossining, Mr. Hoeflich made a motion, seconded by Mr. McWilliams that the meeting be adjourned to January 18, 2017.

Time noted 9:20 p.m.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: February 15, 2017