

June 25, 2014

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 25th day of June 2014. There were present the following members of the Planning Board:

George Weeks, Chairman  
Gregory McWilliams, Vice Chair  
Dennis Kirby  
David Krieger  
Gareth Hougham

Also Present:

Wayne Spector, Town Attorney  
David Stolman AICP, PP, Frederick P. Clark Associates, Inc.  
Daniel Ciarcia, PE, Consulting Town Engineer  
Sandy Anelli, Secretary

#### **Grant Subdivision, 68 Somerstown Road, 2 Lot Subdivision**

Mr. McWilliams recused himself from the Board as representative for this project. Mr. Stolman submitted and reviewed with the Board, resolution of approval titled Grant Subdivision Resolution of Subdivision Plat and Wetlands Permit Approvals, dated June 25, 2014. Mr. Stolman pointed out that this is considered a minor subdivision.

The resolution indicates the subdivision drawings and plat shall state that the proposed homes shall contain sprinkler systems which shall be installed prior to the issuance of Certificates of Occupancy. In response to Mr. Krieger's inquiry regarding this, Mr. McWilliams said although fire trucks have access, as a first response sprinkler systems were recommended and agreed to by the applicant in past approvals as well as this one. Mr. Weeks said Mr. Hamilton recommended this several years earlier for the Carrafiello approval. Mr. Weeks asked if Carrafiello's ever received Department of Transportation (D.O.T.) approval for access. Somerstown Road is a State Road and therefore, D.O.T. approval is required. Mr. McWilliams pointed out earlier attempts to get approval were slowed down because of a requirement at that time was to provide the road curb cut before starting construction. Because Carrafiello's intention for the property was estate planning, he didn't move forward with development of the curb cut. He did put up necessary bonds for this. There is a letter from D.O.T. agreeing to this concept. The sewer is located on the opposite side of the road, water is on their side.

Mr. Kirby brought up the required mitigation plan for wetlands on the property. He asked if this plan can be reviewed and approved by the Planning Board. The Board agreed. Mr. Kirby asked if there will be a description of the conservation easement which covers the wetlands. Dr. Hougham asked if this would be described in the deed as metes and bounds. Mr. Stolman said yes, it would be shown on the drawings as well as the subdivision plat. The conservation easement would provide that nothing can be done in that area except maintenance. Mr. Ciarcia recommended that the easement spell out the process for maintenance clearly. The property owners would have to come back to the Planning Board before doing any type of major work to the pond, such as dredging etc. However, Mr. Spector noted there are limits to what can be put in the easement as the pond spans over multiple properties and involves different owners.

After a lengthy discussion and input by Ms. Sharrett EAC member who suggested maintenance of the pond is an excellent idea and important because at the moment, we are being bombarded by *invasives*. The property owners could eradicate this and potentially save the pond if needed. Dr. Hougham agreed with Ms. Sharrett's comments which go back to the original language in the resolution paragraph 1. (n);

*"The conservation easement shall state to the extent practicable, the pond on the subject property shall be maintained by the respective owners of Lots 1 and 2 so as to remain in a healthy and viable condition."*

There were no further comments or questions. Mr. Krieger made a motion, seconded by Dr. Hougham and unanimously passed to approve the **Grant Subdivision Resolution of Subdivision Plat and Wetlands Permit Approvals**, with amendments, dated June 25, 2014.

#### **Artis Senior Living LLC, 553 North State Road, Re-Zone**

Ms. Janet Giris, Partner, DelBello, Donnellan, Weingarten, Wise & Wiederkehr, LLP was in attendance. She asked if the Board was prepared to make a review and recommendation in favor of the zoning change to the Town Board. She gave a brief overview of the plan, but noted at this time they are still working with the Town Board to allow the particular use in the district. They will be returning to the Planning Board with a complete EAF and formal Site Plan Application form.

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Mr. Stolman submitted and reviewed with the Board a memo titled Proposed Zoning Text Amendments re: Allowing Assisted Living Facilities in the General business District, dated June 25, 2015.

Mr. Krieger made a motion, seconded by Mr. McWilliams and unanimously passed to approve and refer the **Proposed Zoning Text Amendments re: Allowing Assisted Living Facilities in the General Business District**, memo, dated June 25, 2014 to the Town Board.

#### **General Electric, Shady Lane Farm Road & Old Albany Post Road, Re-Zone partial**

Mr. Dan Pozin of Wormser, Kiely, Galif & Jacobs LLC was present. GE is seeking to have two residential parcels rezoned to BE, Business Education, consistent with the balance of the Crotonville Campus. Again, Mr. Pozin noted there is no current plan to develop these parcels.

Mr. Stolman submitted and reviewed with the Board a memo titled General Electric – Proposed Business Education (BE) Rezoning, dated June 25, 2014. Dr. Hougham noted that after review of the BE setbacks, his concerns expressed at the last meeting with regard to the buildable portion of the lots were satisfied. It turns out setbacks provided in BE would not allow for development on these parcels.

Dr. Hougham made a motion, seconded by Mr. Krieger and unanimously passed to approve and refer the **General Electric – Proposed Business Education (BE) Rezoning**, memo dated June 25, 2014 to the Town Board.

#### **Amendment of Multifamily Provisions of the Town Zoning Law**

Mr. Stolman submitted and reviewed a draft copy of a local law titled Local Law for the Purpose of Amending Multifamily Provisions of the Town Zoning Law. The Ossining Town Board has a desire to amend the multifamily provisions of the Multifamily, Multifamily-Inn and General business zoning districts of the Zoning Law in order to expand the opportunities for multifamily housing and therefore increase the opportunities for affordable housing in the Town.

#### **Minutes**

Mr. Krieger made a motion, seconded by Dr. Hougham, and unanimously approved to adopt the draft of Planning Board minutes for the meeting held June 11, 2014.

#### **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. Kirby that the meeting be adjourned to July 9, 2014.

Time noted 8:48 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

**APPROVED: July 9, 2014**