

June 11, 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 11th day of June 2014. There were present the following members of the Planning Board:

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

Absent: Dennis Kirby

Also Present: Wayne Spector, Town Attorney  
David Stolman AICP, PP, Frederick P. Clark Associates, Inc.  
Daniel Ciarcia, PE, Consulting Town Engineer  
Margaret Conn, Secretary

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

Mr. Weeks opened the public hearing at 7:30 p.m. A copy of Affidavit of Legal Notice was on file. Mr. McWilliams recused himself from the Board and gave an overview of plan and description of existing site conditions. The project will be provided with sewer and water. A few years back approvals were obtained from Village Engineer, water district and State D.O.T. The plan was approved three times in the past under the Carrafiello Subdivision. The property was sold to Mr. & Mrs. Grant. They bought the subdivision for the purposes building their own home. The applicant has no specific intent for the second lot right now. Initially they are going to build a house for themselves. The wetlands have been tested several times and recently revisited by Tim Miller Associates, Environmental Engineers, per the request of the Town EAC. The EAC came up with a report and couple of points which were responded to by Tim Miller, the Planning Board and Mr. McWilliams. There are no new items from the original approval and the three approvals since then. The property is zoned R-40. The plan meets all of the setback requirements and other requirements of the zone.

Mr. Sherman, 5 Tavano Road said the prior owners, Carrafiellos, filled in the wetlands with gravel. He urged that the property is still a wetland. He further explained his property gets flooded when there are heavy rains and his pond flows down hill towards their site. Mr. McWilliams pointed out, as part of the original approval, there are no basements proposed. Additionally, the Board has reviewed this property a number of times. The local fire and police departments have reviewed and signed off on this. All of the agencies of Ossining have reviewed it. Mr. Sherman asked if there were thoughts of moving the homes further back on the property. Mr. McWilliams said they are using the 100 ft. wetland buffer guidelines. The proposed homes are a smaller footprint than the earlier proposal. Only one home is being proposed at this time.

There were no further comments or questions from the public or the Board. Mr. Krieger made a motion, seconded by Dr. Hougham to close the Public Hearing at 7:55 p.m.

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

Ms. Janet Giris, Partner, DelBello, Donnellan, Weingarten, Wise & Wiederkehr, LLP and Mr. Max Ferentinos, Vice President, Artis Senior Living, were in attendance. Ms. Giris gave an overview to the Board. They are proposing a memory care assisted facility. A memory care assisted living facility which caters to people living with Alzheimer's disease or other types of dementia. They are people who are generally healthy that don't need medical care but do need help with daily living. This type of facility is designed for them where they have their freedom to live in a confined environment where there are activities, meals and other things.

The property is located in the GB district. The Town's code does not permit assisted living facilities anywhere in the Town. A petition was presented to the Town Board to allow assisted living to the GB district. Copies of same were distributed to the Planning Board. They are proposing this as a conditional use. Ms. Giris offered a copy of the site plan to the Board.

Mr. Stolman asked Ms. Giris, with regard to the SEQRA process, to provide a list of the various involved agencies. Ms. Giris noted the project is very straight forward and agreed to provide a list. She asked if the Board would consider declaring intent this evening and authorizing circulation of the EAF. Dr. Hougham presented his review questions of the EAF form. In response to the first question, where the EAF asks about substantial increase in traffic levels, Ms. Giris said there would be about 10 or 15 staff people. On some holidays there are visitors, but in terms of traffic it is a very low traffic generator.

June 11, 2014

Dr. Hougham noted there are wetlands right on the border of the property. He also noted that there are single-family residences close to the property line and uphill. Thus any large facility will be visible and with earshot. All efforts on the part of the applicant should be made to design for absolute minimum visual and noise impact. Ms. Giris said according to their engineers, there are no recognized wetlands that will be impacted by this development. Dr. Hougham said senior facilities like this are very important to any community and he wholeheartedly supports the zoning change to include them.

Mr. Spector said that the Board will be looking at specific types of limitations, dimensional or density related limitations for this particular type of facility on North State Road or anywhere in the GB District. Looking district wide, the Board is making a text amendment which will apply to the entire district. Ms. Giris said they looked into that in drafting their proposed regulations. The minimum lot size in the district is 20,000 square feet but the proposal is to limit this use to one acre.

Ms. Donna Sharrett, 84 Morningside Drive, expressed concern with the proposal and raised questions regarding the public hearing. Mr. Spector clarified that the application is for a proposal to amend the zoning code to allow this use as a permitted use throughout the entire GB district. Mr. Spector and Mr. Stolman explained there will be a public hearing at the Town Board level for this specific zoning text amendment. There are no personal notices sent out. Then if the zoning text amendment is adopted and approved by the Town Board, the applicant returns to planning with a formal conditional use/site plan approval application where another public hearing relating to the site plan occurs and neighbors are notified. Mr. Weeks suggested Ms. Sharrett call the office or check the Town website for upcoming meetings and agendas. Not all Planning Board meetings are public hearings, but they are always open to the public. Ms. Sharrett thanked the Board.

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

Mr. Dan Pozin, WKGJ, was in attendance. He noted they have made some changes to their EAF form. At this time they are asking for a recommendation to the Town Board for their proposed re-zone. Parcel 1 is approximately 7.0 acres, formerly the Lerman property, currently zoned (R30). Parcel 2, formerly the Bale property, 2.16 acres and the current zoning is (R5) both will be rezoned to the Business Education District (BE) in order to be consistent with the balance of the GE Crotonville campus. GE's intent is to have the entire campus in one zoning district. Parcel 1 has part of the GE walking trail going it. The upper lots are more scenic than the other. They are not intended for development.

Dr. Hougham discussed items in his memo; certain sections of the EAF form were left blank, potential consequences of the requested change, positive and negative examples of the zone change, and he asked if GE would be willing to designate these parcels a conservation easement. Mr. Stolman pointed out that certain items on the EAF are deliberately left blank when there is no construction involved. Mr. Pozin said he would not recommend the conservation easement to GE, but can mention it. A conservation easement would have some economic impacts on their property. He said it doesn't seem likely.

In response to Dr. Hougham's concern, Mr. Weeks mentioned an earlier proposal for parcel 2 which was going to be 12 smaller sized single-family homes. GE purchased the property from Mr. Bale and kept the lot vacant for many years because of its proximity to their helipad. GE didn't think it was appropriate to have families living so close to this. Additionally, Mr. McWilliams explained he lives near GE and the general area around parcel 1 including the existing site is well maintained. There are a series of walkways. There is an orchard and very nice gardens on the property. Also, there are 150 ft. setbacks in place from the reservoir watershed property which makes the majority of the site unbuildable. There are greater or equal setbacks from the BE zone to the residential zone. There are a number of private properties in the area that utilize a paper right-of-way for access to their properties and GE has fencing around their site. This right-of-way is private to the residents that live around there.

Mr. Pozin said the properties were obtained by GE for the purpose of extending their buffer lands. Dr. Hougham also brought up the fencing around property 2 which currently looks unattractive and slightly dilapidated. Mr. Pozin said he would mention this to GE as well. Mr. Weeks said a review memo can be prepared for the next meeting. Mr. Pozin thanked the Board.

#### **Miscellaneous**

Mr. Spector advised the Town Board is referring a new zoning text amendment to the Planning Board. The proposal is to amend the multifamily zone provisions of the code to include "as of right" multifamily zones verses special permitted multifamily zones. Mr. Stolman will forward draft copies of the local law to members of the Planning Board. This will be reviewed and discussed in more detail at the next meeting.

June 11, 2014

## **Minutes**

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Mr. Krieger made a motion, seconded by Mr. McWilliams, and unanimously approved to adopt the draft of Planning Board minutes for the meeting held May 20, 2014.

## **Adjournment**

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There being no further business to come before the Planning Board of the Town of Ossining, Mr. Krieger made a motion, seconded by Dr. Hougham that the meeting be adjourned to July 9, 2014.

Time noted 8:45 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

APPROVED: June 25, 2014