

October 21, 2015

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 October 2015. There were present the following members of the Planning Board:

Ingrid Richards, Chair
Dennis Kirby
Gareth Hougham
Jim Bossinas

Absent: Greg McWilliams, Vice Chair

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

Artis Senior Living LLC, 553 North State Road, Site Plan

Mr. Peter Wise, of the firm DelBello, Donnellan, Weingarten, Wise & Wiederkehr, LLP was in attendance. He said there is no formal presentation for the Board this evening; however, there was a meeting with Mr. Sessions, their Wetland Consultant, Mr. Coleman, Mr. Stolman and others where they talked about the offsite wetlands and how best to mitigate any potential impacts on those features. He further asked the Board to move forward with the preparation of a negative declaration of environmental significance so that next month they can close out the SEQRA review process. Mr. Wise offered to answer any questions that the Board may have.

Mr. Coleman prepared and submitted a review memo dated October 21, 2015 which he read and discussed with the Board. The memo offers a Wetland Mitigation Plan for Artis and also indicates that the applicant has addressed all prior issues that were outlined in Mr. Coleman's earlier memo dated July 7, 2015.

Dr. Hougham referenced the offsite meeting between the applicant, consultants and one of the neighbors and if anything that was discussed at that meeting was codified in any sort of a document. Mr. Stolman reminded Dr. Hougham that a result of the meeting was the applicant would show modifications to the site plan and the applicant would need to get permission to do offsite planting on adjacent properties. The plans have not been modified to show this at this time and if the permissions have been secured, and the applicant agreed to make his best effort to secure the permissions, they can move forward with offsite planting, if not, they can't.

Mr. Stolman also reminded the Board that the use is not permitted in the zone and the Town Board has been waiting quite a while to have the Planning Board finish the SEQRA process to report back to the Town Board that the SEQRA process is done and then the Town Board can go forward and adopt this local law and put the use in the zone. There are a lot of site plan details that are going to be taken care of going forward and this is one of them.

In response, Dr. Hougham said, personally before making a vote on a SEQRA determination he would like to see a revised site plan to be convinced that things that have been discussed have are shown and being committed to by the applicant. Mr. Stolman said subject to the environmental assessment form being modified that the Planning Board can authorize the preparation of a negative declaration. Mr. Stolman further noted that representations that have been made by the applicant regarding the wetland mitigation are sufficient, but if the Board wants them to modify the plan, they can certainly do that between now and the next Planning Board meeting. Dr. Hougham suggested language he would like to see in a note on the plan. "The mitigation strategy and other construction will result in neither more nor less water will be introduced into that wetland area than what is currently happening". Dr. Hougham said the Board agreed that this was feasible.

In response, Mr. Wise said that not only is it feasible, it is the fact. It is the state of facts is in Storm Water Pollution Prevention Plan (SWPPP). It is in the facts and the analysis currently being presented to the Board. Mr. Wise agreed to discuss a separate note, but urged that the facts and the analysis that substantiate Dr. Hougham's conclusion are presented to the Board in the SWPPP. Mr. Ciarcia clarified that the SWPPP being provided has to follow state regulations that require exactly this and ultimately when the process concludes there are documents that have to be sent to the Department of Environmental Conservation (DEC) which we certify to the fact that the documents they've prepared comply with all of the State Regulations. Mr. Ciarcia said we will require that they demonstrate that runoff after the development is complete will not exceed pre-development levels.

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Again, Dr. Hougham explained that he is referring to the adjacent wetland not just the runoff requirement. Mr. Sessions explained if you review the topography of the site and offsite properties, there is an existing berm that separates the Artis development area from the adjacent properties and the adjacent wetlands. There will be no discharge simply because of the topography. Dr. Hougham expressed concern not only with the wetland going into the Artis property but a tie-in area or where the wetland tees with other wetlands nearby. He urged that this particular area not be changed in any way. Mr. Sessions agreed that this will not change.

Mr. Kirby asked Mr. Stolman to summarize, for the Board and the Public, how the process of making determination of SEQRA is made. Mr. Stolman asked if the Board could continue with the wetland issue first. Mr. Stolman said that the Town's Wetland Consultant, Mr. Coleman, has made certain recommendations regarding mitigation and the applicant has represented that they will implement all of the recommendations.

Mr. Stolman submitted and reviewed his memo dated October 21, 2015 which offers analysis and recommendations with regard to SEQRA and other application items. At the bottom of page 2, the memo outlines, Lead Agency, and continues on page 3 with Determination of Significance and EAF. Analysis and Recommendations with regard to site plan elements are also outlined in the memo. Mr. Stolman read through these points with the Board.

Mrs. Richards asked the Board for comments and concerns with regard to Mr. Stolman's memo. There were none. Mr. Kirby asked the applicant, if possible, to submit a rendering of the building from the rear yard and sides of the building. The applicants agreed. Mr. Sessions said it would be sort of like a bird's eye view overhead. Mr. Kirby said that from the existing perspectives, it is a great looking project. Mrs. Richards reminded the Board that once SEQRA is determined, site plan items will continue to be reviewed and discussed. Mr. Wise noted that they will change the EAF as noted in Mr. Stolman's memo. Mr. Spector spoke to members of the audience to clarify the fact that the SEQRA process is proceeding exactly how it is required under New York State Law which applies to every application that comes before the Planning Board. Mrs. Richards asked Mr. Stolman to provide a draft negative declaration memo for the next meeting.

Mrs. Richards offered to take comments from the public. Ms. Donna Sharratt, 84 Morningside Drive asked if a larger watercourse, which was mentioned in the offsite meeting with the applicants, is going to be incorporated into the plan. She is particularly interested in the area on her property. Mrs. Richards assured Ms. Sharratt that the applicant will provide information by the submission deadline. Also, in response to an earlier request, Mr. Stolman discussed guidelines and procedures that the Planning Board has to follow for making a determination of SEQRA. Mr. Jim Nolan, Town Environmental Advisory Committee Member, asked about an unnamed watercourse and reviewed EAC report dated October 18, 2015. A copy of this report was on file and distributed to the Board. Mr. Coleman noted that the watercourse is identified and shown. Mrs. Wendy Masserman, Chair of Concerned Citizens of Ossining Committee, expressed concerns and urged that this project go through a positive declaration of SEQRA.

Mr. Sessions clarified that the watercourse that is being discussed (the one closest to the project which has a buffer) is what is shown on the plans. Mr. Sessions showed Ms. Sharratt and other members of the audience the watercourse on his copy of the plans. Also, in response to Dr. Hougham, Mr. Sessions agreed to show any additional offsite watercourses on the plan.

Parth Knolls LLC, 87 Hawkes Avenue, Site Plan

Mr. Anthony Beldotti Sr., and Mr. Joseph Riina, PE, Site Design Consultants were in attendance. Mr. Beldotti asked if Mr. Coleman is authorized to review Parth Knolls wetlands. He urged that Mr. Coleman review his plans as soon as possible. Mrs. Richards told Mr. Beldotti that she would contact him as soon as possible. Mr. Beldotti discussed their traffic and parking study, prepared by Mr. James A. Garofalo, AICP CTP, Director of Transportation Division, Tim Miller Associates, Inc., dated October 9, 2015. Mrs. Richards asked Mr. Beldotti to allow some time for Mr. Stolman's office to review their traffic study.

Mr. Beldotti continued to discuss water and sewer proposals and asked the Planning Board for an approval on the preferred method which is the elimination of one pump station as discussed at earlier meetings. Mr. Ciarcia noted because this is going to be an upgrade to a public system, there will be full application and submissions to the County Health Department. Mr. Beldotti submitted a letter to the Town Board and has contacted Town Highway and other departments. Mr. Ciarcia urged that elimination of the pump station is the preferred method and the Board agreed, however; because these systems are owned by the Town, Mrs. Richards directed Mr. Beldotti to obtain an approval in writing from the Town Board and Town Highway Superintendant to move forward with Planning. Mr. Beldotti agreed.

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Mrs. Richards opened the meeting for comments from the public. Letters received and copied to the Board from The Woods in Westchester Homeowners Association, dated October 19, 2015 and also a resident of Fox Hill Condominiums, Cheryl Izzo, dated October 20, 2015.

Residents expressed concerns with regard to added traffic and added use of utilities in the area. The intersection of Route 134 and Route 9A, where it connects to Hawkes Avenue (through a small section of Kitchawan Road) can be challenging. Mr. Andy Dvorscak of 64 Deerfield Lane, also spoke about access to 9A coming out of Hawkes Avenue, the intersection is very busy and dangerous and although certain efforts have been made recently to improve this, it should be reviewed further and in his opinion, the added traffic with result in an increase of an already dangerous situation at rush hour. Other audience members spoke about projects in neighboring communities, Sunshine Home expansion, and the potential burden on the Town of Ossining utilities and roadways and the Ossining watershed.

Mrs. Richards thanked the public for their input.

Minutes

Draft minutes of October 7, 2015 were tabled to November 18, 2015 for further review.

Adjournment

There being no further business to come before the Planning Board of the Town of Ossining, Mr. Bossinas made a motion, seconded by Mr. Kirby that the meeting be adjourned to November 18, 2015.

Time noted 8:45 p.m.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: December 16, 2015