

December 16, 2015

A MEETING OF THE PLANNING BOARD of the Town of Ossining was held in the Joseph G. Caputo Ossining Community Center, 95 Broadway, Ossining, New York, on the 16th day of December 2015. There were present the following members of the Planning Board:

Ingrid Richards, Chair  
Greg McWilliams, Vice Chair  
Dennis Kirby  
Gareth Hougham  
Jim Bossinas

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, Assisted Living Facility, 553 North State Rd., Site Plan**

Mr. Peter Wise, Attorney for Artis Senior Living, was present. Mr. Wise asked the Board to consider and issue a negative declaration of SEQRA for the zone amendment currently being considered by the Town Board.

Mrs. Richards announced that the draft negative declaration of SEQRA memo in on the agenda this evening for consideration. She reminded the members of the audience that project will still have to be reviewed by the Planning Board as far as site plan items and details. Mr. Stolman submitted and reviewed with the Board, the memo dated December 10, 2015 titled Addition of the Assisted Living Facility Use to the General Business Zoning District and Approval of the Proposed Artis Assisted Living Facility – SEQRA. Mr. Stolman reviewed the memo and the attachments which detail a number of issue areas related to environmental impacts and the proposed action. After review and discussion of the memo, it was determined that the proposed action will not have a significant adverse environmental impact and if the Planning Board is in agreement with the document, the Planning Board is justified in issuing a negative declaration at this time.

Mr. Spector clarified that the approval or disapproval of the SEQRA document this evening is not an approval of the site plan. The process will continue in accordance with town code and approval of site plans. He said to audience members that this is not an approval of the project itself. It is one portion of the process which is required under SEQRA.

Mr. Stolman noted that the Town Board recently enacted some amendments to various chapters of the Town Code including the Wetlands Chapter. The Town Board did not amend SEQRA regulations that the Board is currently operating under. SEQRA regulations are separate and apart from the chapters of the Town Code and have not changed in any way as a result of the amendments recently adopted.

Mrs. Richards asked Mr. Ciarcia comments or concerns. Mr. Ciarcia did not have any at this time. Mrs. Richards asked members of the Board for their comments. Mr. Bossinas had no comment. Mr. Kirby read a memo he wrote to the audience and the Board. The memo offers that in his opinion, the Town's Planning Consultant, Engineer, and Environmental Consultants have conducted a thorough study of the proposed development plan and their recommendations are based on a careful study of existing conditions and that they have reached sound conclusions relating to the scope of the environmental impact. Based on those conclusions and recommendations, Mr. Kirby said he finds no significant adverse environmental impacts related for proposed development and finds no compelling reason to require a full SEQRA review. Mr. Kirby supports a negative declaration determination for the project. Mr. McWilliams did not have any comments at this time.

Dr. Hougham said it is his belief that before anyone can vote on something like the extent of an environmental impact, and as of last night's adoption of new laws what constitutes a wetland has changed this renders all site plans before the Board inaccurate with respect to wetland buffers and watercourse buffers. He further noted that the Board cannot adequately assess what the environmental impacts would be. It appears that the amount of wetland buffer that will be encroached upon by the plan will have been roughly doubled. Dr. Hougham feels remiss in his duties to take a vote on a site plan that does not accurately reflect the buffers for wetlands. It is Dr. Hougham's suggestion that the vote on SEQRA declaration be postponed. Dr. Hougham recommended the applicant consider reducing their encroachment on the buffers on the wetlands and providing an updated plan.

December 16, 2015

At this time Mrs. Richards asked for a motion to vote on the document. Mr. McWilliams made a motion, seconded by Mr. Bossinas, to move forward with a vote and adoption of a negative declaration of SEQRA memo for the Artis Senior Living. Again, Mrs. Richards reminded the Board and audience members that further review and discussion of site plan elements will be done going forward. Mr. McWilliams voted in favor, Mr. Kirby voted in favor, Mr. Bossinas voted in favor, Dr. Hougham voted against approval of the document, Mrs. Richards voted in favor.

Additional documents on file: A memo provided by Mr. Stephen W. Coleman, Environmental Consulting, LLC dated December 14, 2015 was submitted and copied to the Board regarding potential wetland impacts and recommended mitigation measures. Mr. Coleman was not in attendance. A report from the Town's Environmental Advisory Committee dated November 18, 2015 was submitted and copied to the Board. Mr. Ciarcia, Engineering Consultant, submitted a memo dated December 15, 2015 which asks the applicant to provide a revised Stormwater Pollution Prevention Plan (SWPPP) based upon the latest stormwater management concepts. A memo prepared by Donna Sharrett, a resident of 84 Morningside Drive, received via email December 11, 2015 was also provided to the Board.

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

Mr. David Venditti of Gaines, Novick, Ponzini, Cossu & Venditti LLP addressed the Board. Mr. Venditti reported that the buildings are in the design phase at this time and floor plans and third floor details as requested will be forth coming. In response to the Board's request of banked parking spaces, there are 5 spaces provided, these are shown in an alternate location from the last submission. Mr. Venditti also responded to changes in the laws that were adopted by the Town Board with regard to wetlands. He said they moved the pool forward closer to the building which leaves the rear of the property open space and eliminates the need for a roadway to that area. This dramatically decreases the encroachment to the wetland buffer. Mr. Venditti spoke about the filed site plan for Deerfield Condominiums, where it talks about the sewer pump stations and their research with regard to the easement. He explained that their method of connection proposal is the most environmentally sound way to hook up the sewer. Also, per Mr. McWilliams suggestions at an earlier meeting, they adjusted parking and relocated the trash enclosure. Mr. Venditti asked the Board to consider a declaration to be lead agency at this time.

Mr. Tom Kerrigan, Site Design Consultants, reiterated the fact that the pool area was moved out of the wetland buffer. He said the parking layout was changed to accommodate a handicap parking space and land bank spaces. He further discussed impervious areas existing and proposed, sewer options, water connection, grading plan, site distance plan, tree plan, fire access plan and environmental constraint plan.

Mr. Steve Marino, Tim Miller Associates, said they've implemented and considered the new laws and the 100 ft. wetland buffer a while before the laws were changed. He outlined the environmental plan pointing out lawn areas, porous pavers, and undisturbed areas of the site. Mr. Miller reviewed Mr. Steve Coleman's letter which was on file. Mr. Miller is in agreement with Mr. Coleman's report and said he will be reviewing it in more detail. Mr. Miller discussed a five year monitoring plan of plants in and around the wetland area, including new plants and maintenance of invasive species on site. Mr. Miller also presented a landscape plan which includes a tree list, tree removal and signage. Again, Mr. Venditti asked the Board to consider a declaration to be lead agency.

Mr. Stolman submitted a memo, dated December 16, 2016 titled Parth Knolls, LLC Residential Project. The memo offers analysis and recommendations for review. Also, to address Mr. Venditti's SEQRA comment, Mr. Stolman pointed out that this is considered an unlisted action, the reason why the Planning Board has not declared its intent to be lead agency yet is because it is not required. The Board can declare its intent to become lead agency. A notice can be sent out to involved agencies declaring the Planning Board's intent to be lead agency. Mr. Stolman continued with his review memo and discussed various items with the applicant and the Board. Mr. Beldotti noted they have increased the number of parking spaces as discussed in earlier meetings. There are 110 regular parking spaces and 5 land bank parking spaces. The issue of colors and design criteria came up Mr. Venditti said they are going to be using a harmonious color palate, Mr. Stolman told the applicant that the Planning Board will be acting as the Town's Architectural Review Board starting 2016.

Mr. Beldotti raised the issue of an existing stone structure on site. Dr. Hougham asked for something that could tell what the age of the building is and what it was used for. The question of whether or not the structure could be a nuisance or dangerous in any way came up. Members of the Board discussed the options of demolition. Mr. Beldotti suggested that the structure may have been some type of slaughterhouse when the property was an estate with multiple buildings.

There is a 3 foot hole in the bottom. According to Mr. Beldotti, the structure is not very stable. Mrs. Richards requested that Mr. Hamilton, Building Inspector go out and inspect the structure for safety. Dr. Hougham asked Mr. Beldotti if he could walk the site possibly with members of the EAC. Mr. Beldotti agreed. Mrs. Richards announced that the Planning Board is going to be lead agency for this project. There were no further questions or comments by the Board or the public. Mr. Beldotti thanked the Board.

#### **DiPiano Subdivision, 60 Croton Dam Road, 2 Lot Subdivision**

The applicant's representative, Mr. Dan Collins of Hudson Engineering, was in attendance. The property is located at 60 Croton Dam Road in the One Family Residence (R-7.5) zoning district. The property is approximately 0.56 acres in size and located on the property is a 1 ½ story frame dwelling.

Mr. Collins noted that they have adjusted their plan according to requirements and comments outlined in the memos provided by Mr. Stolman and Mr. Ciarcia at the last meeting. Mr. Collins gave a brief overview of the plan and updates. They have located water service. Mr. Stolman provided two additional comments with regard to vegetation and site distance study. Mr. Kirby asked the applicant to provide some type of turn-around in the driveway area. Mr. Collins agreed, instead of backing out of the proposed driveway they will adjust it and create a turning area. Mr. Ciarcia asked the applicant to clarify the retaining wall issue, limits of what is remaining and what's being removed and discussed overflow from the stormwater system. Mr. Ciarcia said an easement needs to be provided for this system. Mr. McWilliams agreed with Mr. Kirby's comments with regard to providing a driveway turn-around area instead of backing out into the street. Mrs. Richards set the public hearing for this project January 20, 2016.

#### **Butler Subdivision, 2 Hillcrest Dr. 3-Lot Subdivision**

Subdivision Map titled Subdivision of Property Prepared for William Butler, Situate in the Town of Ossining, Westchester County, NY prepared by Thomas C. Merritts Land Surveyors, LLC originally dated March 27, 2015, with latest revision date September 3, 2015 and site plans prepared by James J. Vanoli, P.E. originally dated July 10, 2014 with latest revision October 28, 2015 were on file.

Mr. Butler and Mr. Vanoli were in attendance. Mr. Vanoli discussed the issue of the paper street. A copy of a letter provided by Court Street Abstract, Inc. dated August 11, 2015 with regard to the street determination was submitted and on file. Mr. Spector reviewed the document with calls Hillcrest Drive public street. Mr. Spector noted that it is an unimproved undedicated paper street which could be an issue as far as frontage, ingress and egress. Mr. Vanoli noted that the proposed lots have frontage on Route 100 which meets the minimum requirements as far as street frontage. Mr. Spector noted that the Board needs also to be satisfied with ingress and egress of the lots on Hillcrest Drive. This precipitated a lengthy discussion.

Mr. Vanoli and Mr. Butler noted that they can install utilities, such as a water main, on private property through easement or install it on Hillcrest Drive. Mr. Butler pointed out that the Planning Board instructed they put the water main in the location shown on this version of the plan. Mrs. Richards said the plan is going to be sent out to Town Departments and Town Attorney for further review and comment.

#### **Miscellaneous**

Calendar 2016 Changes to the Planning Board Calendar were discussed and approved by the Board. Meetings will be held on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays of the month at 7:30 p.m. The first meeting of the month will be considered a work session.

#### **Resolution For Dennis Kirby**

WHEREAS, Dennis Kirby served on the Planning Board of the Town of Ossining from January 2001 through December 2015; and

WHEREAS, during his tenure on the Planning Board, Dennis made many valuable contributions by way of his insightful observations, comments and suggestions; and

December 16, 2015

WHEREAS, Dennis consistently brought his planning sensibilities to the review of development proposals, as well as to the crafting of regulations which the Town Board adopted during his tenure; and

WHEREAS, as a result of the above, Dennis made a significant contribution to the fostering of sound planning and zoning practices, and inspired and gained the respect of his fellow Planning Board members; and

WHEREAS, the Planning Board believes that it will be losing a very valuable member of its Board.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Ossining Planning Board hereby declares its appreciation to Dennis Kirby for his many years of civic service to the Town.

Resolution Adopted: December 16, 2015

### **Minutes**

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A motion was made by Mr. Kirby, seconded by Dr. Hougham and unanimously passed to approve draft minutes of Planning Board meeting held October 21, 2015.

A motion was made by Mr. Bossinas, seconded by Mr. McWilliams and unanimously passed to approve draft minutes of Planning Board meeting held November 18, 2015

### **Adjournment**

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There being no further business to come before the Planning Board of the Town of Ossining, Mr. McWilliams made a motion, seconded by Mr. Bossinas that the meeting be adjourned to January 6, 2016.

Time noted 9:35 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

**APPROVED: January 20, 2016**