

July 20, 2016

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 20th day of July 2016. There were present the following members of the Planning Board:

Ingrid Richards, Chair
Greg McWilliams, Vice Chair
Gareth Hougham, Member
Jim Bossinas, Member
Marc Hoeflich, Member

Also Present:

Katherine Zalantis, Attorney, Silverberg, Zalantis LLP
David Stolman, AICP, PP, Frederick P. Clark Associates, Inc.
Daniel Ciarcia, PE, Consulting Town Engineer
Sandy Anelli, Secretary

Mr. Ray Sanchez, Superintendent of Ossining Schools

Ms. Richards introduced Mr. Sanchez to the audience and the Board. Mr. Sanchez talked about enrollment, discussed demographics and things to consider such as classroom space, parking, cafeteria, special areas and related services. Their school demographer looks at potential projects in the queue in front of the Town and Village planning boards and reports to the Board of Education annually to provide an update as it relates to enrollment.

Mr. Sanchez read the following points to consider:

- Gains in district enrollment are projected to continue during the next five years, followed by relative stability during the latter half of the period.
- The elementary grades will peak in 2017, followed by small decreased beginning in 2018.
- Increases will be seen at the middle school through 2018, followed by stability through 2024; the high school grades will see gains through 2023.
- This year the kindergarten to birth ratio was the second highest of the historical period. This ratio should be monitored carefully.
- There are a number of local building projects before the Planning Board; these should also be monitored to determine the possible impact to the school district.

Copies of related reports and more detailed information are available on the Ossining UFSD website.

Butler Subdivision, 2 Hillcrest Drive, 3 Lot Subdivision, PUBLIC HEARING

Ms. Richards opened the public hearing at 8:00 p.m. posting of legal notice and affidavit were on file. Mr. William Butler, Mr. Dennis Butler and Mr. Jim Vanoli, Engineer, were in attendance. An email from Scott Kantrowitz dated July 20, 2016 was copied to the Board and on file.

Mr. Vanoli gave a brief overview of the proposed plan. He discussed the proposed roadway proposal. In response to Mr. Bossinas, Mr. Vanoli stated that the proposed road is to be 22 feet wide from Deer Trail to the existing planter. Mr. Vanoli contacted New York State Department of Conservation and said he will coordinate a wetland delineation with a DEC employee. Once DEC flags are in place, the applicant can provide a wetlands map.

Dr. Hougham expressed concern with regard to a wetland in a different area than what the DEC has identified. This wetland is to the upper right of the site plan. Mr. Vanoli agreed to define any wetlands within a certain distance of the property line. Mr. Vanoli noted that within the corner closer to Route 100 there's a substantial drainage area. Dr. Hougham asked that an area of 200 feet be studied for wetlands. Mr. Vanoli noted that this will include private property which may not allow surveyors on their property for this study.

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It was recommended that Mr. Vanoli try to obtain as much information that is available in that regard. Ms. Richards recommended the applicant hire a wetland consultant and then the Planning Board will refer that report to Mr. Steve Coleman, the Town's Wetland Consultant for further review. Ms. Richards asked if there was anyone from the public who would like to speak.

Ms. Nancy Barry, Gordon Avenue, urged that the Planning Board continues to approve projects in critical areas and there has been over development of the North State corridor which causes flooding to the entire area. Ms. Zalantis clarified that the Planning Board has asked the applicant to provide a wetlands study of the area and these are the first steps in the review process, identifying wetlands.

Mr. Joseph Kelly, 1 Hillcrest Drive, thanked the Board for clarifying the issue of a private road. Mr. Kelly also urged the Board to go and take a look at the property and road, there is a very steep slopes in the area. Also, Mr. Kelly expressed concern with construction vehicles destroying the part of the road that was paved by Mr. Kantrowitz.

Ms. Victoria Cocozza, 409 Chappaqua Road expressed her concerns about privacy in her backyard. According to Ms. Cocozza, in conversations with the Fire Department, the fire trucks cannot get down that road. Also, Ms. Cocozza pointed out steep slopes and cautioned that in her opinion, they can't even build a driveway on the property. Ms. Cocozza asked the Board to seriously reconsider approving this plan.

Ms. Judith Harris, 2 Gordon Avenue re-submitted a letter which was originally given to the Planning Board June 15, 2016. She said that her concerns are the same concerns as the others that spoke safety, access, services. She reviewed some issues in her letter as follows:

As a resident and taxpayer, I bring your attention to serious environmental concerns regarding the above proposal, on which this Board is lead agency for SEQR review. I urge this Board to obtain a complete and accurate environmental assessment, and take into account the points made in detail in my letter of April 20, 2016, a copy of which is attached.

Furthermore, I draw your attention to two sentences in the June 5, 2016 letter from Mr. James Vanoli, the proposal's project engineer, posted on the Board's website. Writing about the proposal in the second paragraph, Mr. Vanoli states, "The extraordinary disturbance and unnecessary disruption to the environment is [sic] clear. It is not in keeping with the surrounding roads and neighborhood." I agree with these two sentences.

Moreover, as indicated in my previous letter, Butler's initial application/environmental assessment form for the proposal is misleading and rife with inaccuracies, including:

- Failure to mention proximity to wetlands and flood zone;
- Failure to adequately address issues related to the fact that approximately 65% of the site consists of slope – and sloping down towards the wetlands and flood zone;
- Failure to mention the adjacent scenic resource (Ossining Nature Preserve), immediately north of the site;
- Failure to accurately identify predominant wildlife species and significant natural communities;
- Insufficient attention to storm water plans, given the topography.

As an example, I have attached the Westchester County GIS map for the site from the Municipal Tax Parcel viewer, with the wetlands overlay, to show how critical the above concerns are. Wetlands appear to be at and near this site, which slopes down to them. Impact to the environment and wetlands must be given the highest scrutiny in review here, especially given the December 2015 amendments to Chapter 105 of the Town of Ossining's ordinances regarding wetlands protection. Notably, the definition of a wetland was changed to recognize wetlands of any size (I believe that the previous definition recognized only those of one half acre or more), thus demonstrating this town's express legislative interest in expanding wetlands protection.

Any determination by this Board must be made on accurate information. As stated in my

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previous letter, the initial application/environmental assessment form by the developer was so far from accurate as to make a mockery of the process here. Not only is the developer seeking a variance to widen the road on Hillcrest to get access to the property, it also appears that the plans seek to disturb a sensitive environment by glossing over serious concerns on the site. I ask the Planning Board to obtain a full and accurate assessment before making any determinations on this proposal.

Mr. Hoeflich asked the applicant to stake out the property so Board members could walk the site and see the property. Mr. Hoeflich stated that the water here is a continuation of waters discussed on Artis Senior Living on North State Road. Mr. Hoeflich asked the applicant to study the entire area, including Ryder Park down towards Chappaqua Road. Mr. Vanoli noted that this is not a required study area or drainage area related to this application. Mr. Hoeflich urged that it still should be done because all of the water ends up there. Ms. Richards also urged the applicant to provide a map within the 200 feet.

Ms. Richards asked if there were any other comments from the audience; there were none. The public hearing was left open and adjourned to September 7, 2016.

Joanne Schneider, 74 Hawkes Avenue, 2 Lot Subdivision PUBLIC HEARING CONTINUED

Mr. McWilliams recused himself from this hearing. Mr. David Sessions, Kellard Sessions Consulting, PC was in attendance. Mr. Session said they have revised the plans to include a tree survey along the northern property line. There were easements in favor of lot 1 and lot 2 which have been done. There was some discussion between Ms. Schneider and Mr. Gordon, neighbor, regarding a slight driveway encroachment on Ms. Schneider's property and agreement was prepared for this.

Mr. Stolman submitted and reviewed a resolution of subdivision plat approval titled **Schneider Resolution of Subdivision Plat Approval**, dated July 20, 2016.

Mr. Ciarcia read his memo dated July 20, 2016:

1. Amend the zoning table on the site plan to include a slope analysis to confirm that all the proposed lots conform to the latest revisions to the town code.
2. Add a not to the plat indicating that construction of the proposed residence shown on lot 1 will require site plan approval by the Planning Board. The proposed residence will require stormwater management practices to mitigate the increase in runoff resulting from the increase in impervious surfaces. The stormwater system will be designed to accommodate the runoff for the proposal presented to the Planning Board in the future. The stormwater system will also need to comply with stormwater regulations in effect at the time of site plan approval.
3. If the existing residence is serviced by public water, the location of the service should be shown on the site plan and on the plat. If it is served by well, the location of the well should be shown.

Ms. Richards opened the hearing to the audience. Mr. Keith Gordon, neighbor to Ms. Schneider with the driveway that encroaches the property. Mr. Gordon noted that he would like more time to review the agreement. Ms. Richards noted that this agreement is to be reviewed between neighbors.

Ms. Jenifer Fox spoke out regarding the Ossining School District issues which was not necessarily applicable to the Schneider Subdivision. Ms. Richards asked Ms. Fox to submit her concerns in writing since this issue was unrelated to this hearing.

Mr. Bossinas made a motion, seconded by Mr. Hoeflich and unanimously passed to close the public hearing.

Dr. Hougham made a motion, seconded by Mr. Hoeflich and unanimously agreed to adopt the **Schneider Resolution of Subdivision Plat Approval dated July 20, 2016**, with amendments as discussed.

River Knoll, Multi-Family Development, 40 Croton Dam Road, Re-Zone & Site Plan – DEIS Scope Document

Mr. Glen Vetromile and Mr. Bill Null were in attendance. Mr. Stolman submitted and read through changes to the DEIS scope document, revised July 15, 2016.

Dr. Hougham asked that the traffic analysis include the time it takes to get through Route 134 to the light to get onto Route 9A. There are two beginning points; two roads meet just before the Route 9A light. What is the amount of time it takes to get through both of those from the intersection? Mr. Null said that this is done in any analysis of any intersection. Mr. Null said they have been given that data and it is in their traffic study. Mr. Vetromile said predating this, they submitted a full environmental assessment form to the Town and it included a traffic study. Mr. Vetromile argued that a study for Saturday is really not an appropriate study with a residential development. Mr. Vetromile further explained that what they are charged with studying are the worst conditions for all of the interchanges and Saturday morning will not show that.

Audience members disagreed with Mr. Vetromile and shouted comments and opinions. Ms. Richards was also in disagreement with Mr. Vetromile. She urged that they do the study for Saturday traffic either way. Mr. Vetromile insisted that Saturday and Sunday are not peak conditions. Mr. Vetromile said there was a 200 page traffic study done last fall. They would like to re-circulate that document. Mr. Stolman noted that study wouldn't have data regarding Saturday. Mr. Hoeflich urged that the Saturday study is important. Mr. Null agreed to study Saturday's but strongly objected to including additional hours to the weekday study. Mr. Null explained that they are charged with using standards, consistent methods, expanding the time frame is not going to bring any new information.

Dr. Hougham also expressed that because there are two projects that will be impacting the intersection, the applicant should include this in their study. Mr. Null and Mr. Vetromile said yes, it is required methodology when there is more than one project proposal using the same intersections and they did include it.

Mr. Null also asked the Board if they can provide their study based on the recent change from a four-building project to a single-footprint preferred project rather than have the preferred project in the alternatives section. The four-building project is being withdrawn.

With regard to the traffic study, Ms. Richards asked for the Saturday study as well as expanded weekdays by adding an hour which keeps the study the way it is. Mr. Null agreed. At this time, Ms. Richards opened the meeting to the public for comment:

Voice: They don't need to do a study, they don't need to put up a high rise building, we don't need a traffic study; we don't need an increase in the schools! You have no idea what an impact 200 families would have on our schools. All you need is a couple of kids with special needs, special education, reading help, ESL, and the cost will go through the ceiling. Taxes don't mean anything. My school taxes have gone up every single year. He needs to come up with a better plan than a high rise!

Ms. Zalantis informed the next speaker that the Planning Board is only hearing comments on the scoping document.

Ms. Marisa Caruso, 2 Redway Road, said Narragansett Avenue needs to be analyzed where it meets with Grandview Avenue, directly across the street from Veterans Park. Rather than a traffic analysis on Saturday at Route 134, it would be more useful at the park on Saturday because of baseball games and all of the other activities that go on at the park. Grandview Avenue is directly across the street from Veterans Park.

Mr. Ronald Bamonte, Narragansett Avenue, would like to see a study on possible increase in crime, which was mentioned at the last public meeting.

The next speaker read the following letter:

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My name is Bertha Seitz. I live at 6 Cherry Hill Circle in a cul de sac that is less than 300 meters from the project.

I have several concerns and questions that I would like the Planning Board to consider.

After reading The "Comprehensive Plan Update" for Ossining dated 9/30/15 under "Future Development and Redevelopment" I noted

And I quote

"The Goal (of the Comprehensive Plan) was to promote development...which is consistent with the current scale and historic character of the community' and that it "preserves residential neighborhoods...."

REMEMBER THIS IS OSSININGS GOAL !!!!

It also states it's **NUMBER ONE OBJECTIVE IS**

QUOTE " Limit the amount of intensity of land use and development to levels which minimize traffic congestion on area roadways..."

The proposed 188 unit development would be in stark opposition to the **COMPREHENSIVE PLAN** that has been adopted by our town. This number of units would add at least 400 more vehicles on Croton Dam Road daily. Egress from Cherry Hill Circle now is very difficult and dangerous.

I understand that you are obliged to review all proposals and that there is a process but if this proposal is contrary to the Town's goals then what is the point to continue these debates.

In viewing one of the Town Boards meetings shown on Cable TV, I was shocked to hear an official state he " doesn't visualize single family homes on this property." That is a direct quote. How someone before us today could already have made a decision concerning this proposal is disconcerting.

As to Spot Zoning The NY State Department of State in its "Zoning and The Comprehensive Plan" Revised 2015 on page 8 states it is illegal for "rezoning of a parcel of land to a use categorically different from the **SURROUNDING** area, usually to benefit a single owner or a single development interest."

I am not delusional that at some point this property will be developed and changed. I was living here when there was a proposal to put a Waldbaums up the street and instead we have a beautiful community of single family homes.

I think if the Planning board would bring to the table a proposal in keeping with the residential area in place now it would be accepted more readily.

Thank You

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In response to Ms. Seitz, Ms. Zalantis noted that the comment about the comprehensive plan has been added to the scope. The applicant has to study the Comprehensive Plan based on the last meeting.

Mr. Ray Arrucci, 47 First Avenue, said the main thing that should be studied is the schools, per Mr. Ray Sanchez the schools are at capacity. The schools cannot take that.

Mr. George Seitz, 6 Cherry Hill Circle, expressed serious concern with the "S" curve on Croton Dam Road, hundreds of cars cannot be added to the road.

Ms. Richards noted that all of these items have been implemented into the scope document. Mr. Stolman added that the applicant does have to contact the police department with respect to crime. This item was already added to the scope too.

Dr. Hougham made a motion, seconded by Mr. Hoeflich and unanimously agreed to adopt the - **Final Scoping Outline of Issues to be Addressed in the Draft Environmental Impact Statement (DEIS) River Knoll Project, Town of Ossining, NY**, dated July 20, 2016, with amendments as discussed.

Minutes

A motion was made by Mr. Bossinas seconded by Mr. Hoeflich and unanimously passed to approve draft minutes of Planning Board meeting held May 18, 2016.

A motion was made by Mr. Hoeflich seconded by Mr. McWilliams and unanimously passed to approve draft minutes of Planning Board meeting held June 15, 2016.

Adjournment

There being no further business to come before the Planning Board of the Town of Ossining, Mr. McWilliams made a motion, seconded by Dr. Hougham that the meeting be adjourned to September 7, 2016.

Time noted 10:25 p.m.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: September 7, 2016