

June 20, 2018

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 20th day of June 2018. There were present the following members of the Planning Board:

Ching Wah Chin, Chair  
Greg McWilliams, Vice Chair  
Gareth Hougham, Member  
Jim Bossinas, Member  
Marc Hoeflich, Member

Also Present:

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

### **Executive Session**

Mr. Chin asked that the Board go into executive session. Mr. Hoeflich made a motion, seconded by Dr. Hougham and it was unanimously passed by the Board to enter into executive session at 7:35 p.m.

Mr. McWilliams made a motion, seconded by Mr. Hoeflich, and unanimously passed to reopen the meeting at 8:01 p.m.

### **The Village Of Ossining, Indian Brook Water Treatment Plant, 25 Reservoir Road, Site Plan Review**

Mr. Paul Fraioli, Director of Public Works & Engineer Village of Ossining, Mr. Andrew Tiess, Superintendent of Water/Sewer Village of Ossining along with their Consulting Engineers from Hazen and Sawyer, Ms. Julie Herzner, Project Manager, Mr. David Braun, Project Engineer, Mr. Michael Broder, Project Director.

Mr. Fraioli gave a brief overview of the project to the Board. The Village is the purveyor of water to the Village and Town through the Indian Brook Reservoir located in Crotonville. The original plant was built in 1930. The existing facility was last improved in the early 80's since that time many improvements to that plant were made. After many studies and incorporating what is necessary based on the Village's Comprehensive Plan, and after meeting with Consultants and meetings with Superintendent of Water, and others, it was determined that plant is going to be undersized. Mr. Fraioli said they are taking necessary steps to design a facility that will serve future communities of the Village and Town of Ossining, well into the future.

Additionally, Mr. Fraioli said they have had meetings with the Town and Town Consultants and Building Inspector. They applied to the Zoning Board for a required front yard variance. The property is located in the R-30 Single Family District in the unincorporated area of the Town. The Zoning Board referred the application to the Planning Board for site plan and SEQRA Review. Mr. Fraioli introduced Ms. Herzner to the Board.

Ms. Herzner reviewed the submission materials and power point presentation with the Board. The Village has been doing a great job maintaining the plant and implementing improvements to keep the plant up and running, but it is at the end of its useful life and also designed and treating four million gallons per day (4 MGD). Demands have been peaking up to 4MGD, demands that are greater than the original design capacity of the existing water treatment facility.

The existing facility and the new facility treat water that comes from the New Croton Reservoir that comes down the aqueduct as well as the Indian Brook Reservoir. Ms. Herzner further reviewed with the Board, how the facility operates and treatment of water and processes and chemical used to treat the water. A tree survey was done. Its approximately 91 trees. They will be working on a tree restitution plan with the Town and Village which they will include on site plantings and off site plantings. There is some repaving proposed to the existing access road.

Ms. Herzner discussed the need for a variance to the front yard for a front area of the building. They are in compliance with rear yard, side yard and height requirements. A wetlands delineation has been completed. Although there is a wetland, it is not flagged on the NYS DEC wetland or a Fish & Wildlife wetland maps. Ms. Herzner presented elevation slides and materials that will be used on the building and slides of the green roof which provides many benefits keeping the building cooler, produces oxygen, reduces dust and smog, rain retention and filtering of stormwater and will be more attractive to neighbors located at a higher elevation on the other side of the tree line.

In response to questions raised by Dr. Hougham and Mr. Hoeflich. Mr. Fraioli explained the process of treatment and disposal of backwash water and sludge. Also, the Village has received permits from WCDOH to recycle this water, which used to be pumped into the County Sewer System.

June 20, 2018

Mr. Tiess noted that the sludge production, it is going to be much less with the dissolved air floatation process. They will be producing a thicker sludge than what they are producing now. This will reduce the amount of trucks going through the neighborhood as well as reducing sludge. As far as hazardous chemicals, they now have chlorine gas which is something you have to be very careful about. They are switching to sodium hypochlorite. It's a liquid and it doesn't have any off gassing that you would have to evacuate any neighborhoods along with UV which is one of the best processes for disinfection. As far as water quality, there's going to be less backwashing because the first process with the dissolved air floatation is going to be so much better. Mr. Tiess continued to discuss the newer methods and department of health standards as far as removing more lead, copper, and fluoridation.

Mr. Chin acknowledged receipt of a letter from a resident from Applegate Way. The letter below, dated June 19, 2018, from Elizabeth Uhl & Stephen Kowal, 12 Applegate Way states they are unable to come to the meeting and would like have their concerns put into the record:

*Re: Proposed Site of New Water Treatment Plant  
Hello,*

*We are unfortunately not able to make tomorrow's Planning Board Meeting where the New Water Treatment Plant will be discussed. We live at 12 Applegate Way in Waterview, and our property backs up against the proposed building site. We have a few concerns that we would like raised ahead of any approvals for the site. Would you be kind enough to introduce these into the minutes so that they become part of the record? Many thanks.*

*1) Visual block: provide for planting of evergreen trees tall enough to provide block of the structure; paint structure dark green or other neutral color to blend in with environment*

*2) Environmental issues: address potential run-off onto our property and erosion from the proposed road; ice melt salt wash into stream impact; garbage run-off to be prevented/maintained*

*3) Residential issues: Noise restrictions designed for residential area (decibels and time of day); floodlights unobtrusive and designed for residential area*

*Very much appreciate your cooperation and support,  
Elizabeth Uhl and Stephen Kowal (12 Applegate Way).*

Copies of the letter were given to the Village of Ossining and their Consulting Engineers. Mr. Fraioli expressed that steps have already been taken to introduce a deeper earth tones on the building and removing the striping from the rear elevation. A neutral color that will blend well when the leaves are down in the winter. With respect to sounds and noise, all of the equipment with the exception of the air handlers on the roof, will be inside. Which is not the case now at the existing facility. Only necessary safety lighting and regular ambient lighting will be around the building similar to what you would have around a typical home. They have prepared a storm water protection plan which addresses erosion controls and runoff and other environmental issues.

At this time, Mr. Bossinas made a motion, seconded by Mr. McWilliams and unanimously passed that the **Planning Board Declare Notice of Intent to be lead agency under SEORA and to circulate the EAF to interested and involved agencies.**

A motion was made by Mr. Hoeflich, seconded by Dr. Hougham and unanimously passed that the **Planning Board refer the plan to the Town's Environmental Advisory Committee and Westchester County Department of Planning for review and comment.**

A public hearing date was set for August 1, 2018.

### **River Knoll Development, 40 Croton Dam Road, Draft Environmental Impact Statement (DEIS) Review – Written Comments**

Mr. Glen Vetromile, Applicant, was in attendance. No new comments were received since the last meeting. The Board considered extended the written comment period to July 18, 2018. Mr. Vetromile discussed his communications with Mitzi Elkes, Town EAC Chair, regarding issues the EAC has with the steep slopes. He noted that there are some slopes and the steep slopes issue has already been outlined in their study with the Town. Trees have been marked and there are no significant wetlands on site. At the request of Mr. Chin, Mr. Vetromile also noted that he would be replenishing his escrow account with the Town next week. Mr. Chin requested that the period for written comment be extended until the EAC provide their report and escrow account is replenished.

A motion was made by Mr. Bossinas, seconded by Mr. McWilliams, and unanimously passed **to extend the written comment period on the River Knoll DEIS until July 18, 2018.**

### **Rayford Daverne & Sons, 52-1 & 52-3 Old Albany Post Road, New Homes, Architectural Review, PUBLIC HEARING CONTINUED**

Mr. John Fussell, Applicant, was in attendance early in the evening, however, had to leave the meeting due to unforeseen circumstances. There was no one in attendance from the public to speak on this matter. The applicant did not make any new submissions to the Board. This item was adjourned to the next meeting of the Planning Board, July 18, 2018.

June 20, 2018

**Armstrong Plumbing, 593 North State Road, LLC. 593 North State Road, Site Plan Review PUBLIC HEARING**

Mr. Michael Bell the Applicant and Mr. Tom Kerrigan from Site Design were present. Mr. Kerrigan presented the revised plan to the Board. Mr. Chin opened the public hearing at approximately 9:10 p.m. He noted that comments were received from a resident, Bridget Cicero, 128 Morningside Drive, dated June 13, 2018 were on file. A copy of the letter was given to the Board and the Applicant for review and consideration. Also, comments were received from Westchester County Planning Board, letter dated June 15, 2018.

Mr. Stolman submitted and reviewed, a memo dated June 20, 2018. Mr. Kerrigan agreed to amend the plan with respect to lighting, sign amendments, and site distance. Mr. Ciarcia submitted a memo dated June 20, 2018 which noted that the applicant has addressed all comments from an earlier review memo. Ms. Donna Sharratt of 84 Morningside Drive offered comments regarding the tree plan and expressed that this use is appropriate for North State Road. The tree plan has been updated to reflect 50% replacement. Ms. Sharratt asked about the proposed stone wall and what it would look like. Mr. Kerrigan passed out the brochure sample of what the proposed wall but said they are open to ideas. Dr. Hougham recommended using real stone rather than synthetic material. He further recommended in keeping with what are natural walls and stones in the area. In response to Ms. Sharratt, Mr. Kerrigan clarified that they have updated their planting plan with plants from the Westchester County List which was given to them at the last meeting by Mr. Hoeflich. Mr. Chin asked Ms. Sharratt to provide additional planting concerns in writing if there are more.

Mr. Hoeflich asked that they keep deliveries within regular business hours. Mr. Bossinas asked if the dumpster is screened properly. Mr. Kerrigan noted that the dumpster is not visible from neighboring properties, it's fenced in and there is vegetation around it. Refuse pickup is between 9:00 a.m. and 10:00 a.m. weekdays. The County letter requested extension of sidewalks on this part of the road, however, there is no sidewalk to connect to. The neighbor, Pets-a-go-go is up on a slope and is not connected by the North State Road sidewalks. Sidewalk extension is not feasible and the Board agreed it is not needed on that side of road. The proposed screening and planting buffer is more appropriate for this site.

At approximately 9:30 p.m., Mr. Chin asked if there was anyone in the audience with comments and concerns. There were none.

A motion was made by Mr. Bossinas, seconded by Mr. Hoeflich and it was unanimously passed to **close the public hearing and direct staff to prepare a resolution of approval adding a note regarding the Planning Board's decision not to extend the sidewalk to this site.**

**The Learning Experience, Child Care Facility, 530 North State Road, Site Plan Review**

Mr. Adam Wekstein, Attorney, Hocherman, Tortorella & Wekstein, LLP, was in attendance. Mr. Wekstein noted that they have added additional agencies to their EAF so when it is circulated to the involved and interested agencies, it goes to the full list. They are awaiting comments from the Board and the Board's Consultants tonight, before changing or amending their plans. They have received comments and recommendations from the Westchester County Planning Board. Mr. Wekstein stated that the comment from the County where they ask them to consider changing the configuration and location of the building will impose a difficulty because of site restrictions. The long end of the building is perpendicular to the road. The County has recommended switching it with the idea of creating a streetscape but the site has two 48 inch culvert pipes that cut through the site and putting the building on top of that is not a good idea. Second, if the building is turned parallel to the street, the parking lot would have to be in front of the building. It doesn't make sense to put the entrance at the front and parking in the back so the children will have to walk all the way around the building.

Mr. Stolman submitted and reviewed a memo dated June 20, 2018, titled The Learning Experience, Site Plan, Wetlands Permit and Tree Removal Permit. The memo offers analysis and recommendations regarding the required buffer area between nonresidential lots and or residentially zoned lot which requires a 20 foot wide buffer with native noninvasive landscape screening per Section 200-18.D(2) of the Zoning Code. The Tree protection chapter requires the project meet the minimum requirement of the replacement of 50% of the total aggregate diameter of trees proposed for removal with new trees. The site plan should show sight distance measurements at the proposed driveway entrance on North State Road. Requirements and modifications to the lighting plan. The wetland Mitigation Plan is being reviewed. The landscape and Wetland Mitigation Plan Should bear the following note:

“All vegetation shown on the plan shall be maintained in a healthy and vigorous growing condition throughout the duration of the proposed use of the site. All vegetation not so maintained shall be replaced with new comparable vegetation at the beginning of the next growing season.”

June 20, 2018

Additionally, the memo requires miscellaneous items regarding signage, fence detail, surfacing, vehicle turning template and application materials as specified in Section 55-6 of the Architectural Review chapter. Also for the safety of the children and others, the site plan should be revised to provide a wide, protected walkway instead of parking spaces in front of the main doors to the building.

Mr. Ciarcia provided a memo dated June 20, 2018 with the following comments:

1. Provide additional detail on how the upstream end of the 48 inch pipe will be protected.
2. Provide an evaluation of the condition of the existing 48 inch pipe.
3. A sidewalk should be added to the plans to connect the sidewalks adjacent to the property.
4. Show the location of the sewer cleanout.
5. Provide a water main wet tap detail and submit to the Village Water Department for their review.

Mr. Hoeflich urged extreme caution with the waterway coming through the pipes and into a stream at the rear of the property. Mr. Hoeflich visited the property and identified fish and frogs inside the culvert. He asked that the applicant open up the culvert and possible cover with grates so it can be partially day-lighted. He also recommended that the applicant not use salt on the parking lot in the future so as not to contaminate the wetland.

After some discussion, it was determined that the Board cannot put this type of restriction (regarding the use of salt in the winter) on a property owner or business owner. Mr. Bossinas asked for clarification on the buffer area between the residential properties and this property. He noted that the residents in the back of the property will be pleased with more of a substantial buffer.

Dr. Hougham commented on the wetland report. He urged that there are some misrepresentations throughout the report provided. The waterway is a continuous tributary to the Pocantico River. It's part of a larger wetland system that is highly functional. Dr. Hougham recommended their wetland consultant revisit and much more carefully study existing conditions. Ms. Zalantis recommended retaining the services of the Town's Wetland Consultant, Mr. Steve Coleman. The Board and Applicant were in agreement with this, Mr. Wekstein said they are going to provide a re-submission of the plans in consideration of all of the Boards comments and work on circulation of NOI.

#### **Schemmer & Santucci Subdivision and Reconfiguration of Lots, 37-41 Croton Dam Road, Subdivision Review**

The applicants were not in attendance. This item was adjourned to the next meeting of the Planning Board scheduled for July 18, 2018. Mr. Stolman prepared a memo which he will forward to the applicant by email. Copies of the memo were given to the Board.

#### **Minutes**

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Mr. Bossinas made a motion, seconded by Mr. Hoeflich and unanimously passed to adopt the meeting minutes of the Planning Board Meeting June 6, 2018.

#### **Adjournment**

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There being no further business to come before the Planning Board of the Town of Ossining, Mr. Bossinas made a motion, seconded by Mr. McWilliams that the meeting be adjourned to July 18, 2018.

Time noted 10:07 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

**APPROVED: July 18, 2018**