

September 5, 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 5th day of September 2018. There were present the following members of the Planning Board:

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

Absent: Greg McWilliams, Vice Chair

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

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. Mr. Stolman submitted a draft resolution of Architectural Review Approval, dated September 5, 2018. Mr. Fussell delivered a copy of the cross section plan at the meeting. Dr. Hougham asked Mr. Fussell if the cross section was for one lot or for both lots. Mr. Fussell noted that this is the cross section for the first lot. The home design is the same for both lots. Dr. Hougham and Mr. Fussell discussed this at length. Since there is a larger topographical slope on lot 2, Dr. Hougham asked Mr. Fussell to provide the cross sectional view of the second lot as well. Some of the items discussed at an earlier meeting were provided, however, there were still certain items such as the rear walls and the use of natural stone being proposed that the applicant was not fully in agreement with. Dr. Hougham stated will not be in favor of a vote on this resolution tonight with this issue outstanding. Mr. Hoeflich expressed concerns with the proposed retaining wall. Mr. Hoeflich gave Mr. Fussell architectural graphic standards specification sheets on retaining wall construction.

Mr. Ciarcia noted that the retaining wall will require an additional building permit. Signed and sealed drawings of that wall will be required. Mr. Bossinas noted the engineering of the wall and that detail was for the construction documents and for the building department's review, however, the height, aesthetics, and effect on the site is for the Board's review. The retaining wall, in one corner, could be up to 18 feet in height. Mr. Ciarcia identified some discrepancy with the topographical elevations on the plan. Mr. Fussell discussed this discrepancy with the Board.

Mr. Stolman noted that there are some items listed in the resolution that are still needed. Mr. Fussell said he would contact his engineer in the morning to get this done right away. Mr. Fussell said he will bring his engineer to the next meeting to speak on his behalf.

Mr. Chin asked if there was anyone from the public to speak on this application. There were none. A motion was made by Mr. Bossinas, seconded by Mr. Hoeflich and unanimously passed to adjourn the public hearing to October 3, 2018.

Village of Ossining, Water Treatment Plant, 25 Reservoir Road, Site Plan – PUBLIC HEARING CONTINUED

Mr. Chin opened the public hearing at 7:50 p.m. 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, Mr. David Braun, Project Engineer, Mr. Michael Broder, Project Manager were in attendance. Mr. Fraioli also introduced Ms. Ruby Wells, who will be discussing their grant application for the facility.

Mr. Braun provided the landscape plan to the board. They are proposing a substantial amount of tree restitution on site and also proposing additional trees and tree restitution off site. Mr. Hoeflich suggested instead of planting grass on the slope of the property to use moss instead grass. Mr. Braun said they can take that under advisement but some slope areas need to be grass. Mr. Braun presented a color rendering of the building. He did note that the color rendering looks a lot brighter than the natural color. The Board suggested the darker brown earth tones.

Mr. Hoeflich raised concerns with fire protection and recommended fire sprinklers. Mr. Braun described to the Board how this item is handled in this type of facility. Mr. Braun noted that they have consulted with the Fire Department on this matter.

Mr. Braun stated they received a letter from NYS DEC on Friday, August 31, 2018. He has revised all of the related documents, the EAF and the Negative Declaration document. Mr. Braun provided a copy of the NYS DEC letter to the Board at the meeting. There are two items noted in the letter that describe why this application is a Type I Action rather than an Unlisted Action under SEQRA. One item that changes the status from Unlisted Action to Type I Action is because the site is adjacent to the Old Croton Aqueduct which is on the National Register of Historic Places. Mr. Braun read amendments to the Negative Declaration into the record.

Mr. Braun: For the record, there is a notice of determination of non-significance under the State Environmental Quality Review Act.

First that is has changed from an Unlisted Action to a Type I Action under SEQRA. The second item is threatened, endangered and species of special concern: The New York Natural Heritage Program (NHP) was consulted in 2017 to obtain a list of flora and fauna that are protected by state or federal rules and regulations. On June 12, 2017, NHP provided a response that there were no records of rare or state-listed animals or plants, or significant natural communities at the project site, and did not report them to be in the project vicinity. Additionally, the United States Fish and Wildlife Services' (USFWS) Information for Planning and Conservation (IPaC) online tool was queried for a list of federally protected species that have the potential to occur in the proposed project area. The species reported from IPaC include the Indiana bat (*Myotis Sodalis*) and Northern long-eared bat (*Myotis Septentrionalis*). More recently, according to correspondence received from the New York State Department of Environmental Conservation (NYSDEC) Division of Environmental Permits, Region 3, on August 31, 2018, the site is located within or near record(s) of bald eagles and/or their habitat. Prior to construction, NYSDEC would be contacted to determine if any new records of bald eagles are present in the vicinity of the project site. Should a bald eagle nest (or nests) be identified or observed during construction, all work within a 660-foot buffer area of the nest(s) would immediately halted. At that time, coordination with USFWS would be initiated to implement measures to ensure that the bald eagle nest in the project area would not be impacted due to the IBWTP project, in accordance with all applicable bald eagle management regulations. Bald eagle management regulations include the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act, as well as recommendations from the USFWS National Bald Eagle Management Guidelines. The results of habitat assessments performed found potential suitable habitat for the two species of bat.

The Board was in agreement and accepted these changes. Mr. Stolman will amend the Negative Declaration to reflect these items. Ms. Wells thanked Mr. Stolman and the Board and emphasized the importance of the grant which will benefit both the Town and Village of Ossining for many years to come. At this time, Mr. Chin asked if there were questions or concerns from anyone in the audience. There were none.

Mr. Bossinas made a motion, seconded by Mr. Hoeflich, and it was unanimously passed by the Planning Board to **Accept Lead Agency Status under SEQRA for the Indian Brook Water Treatment Plant.**

Mr. Bossinas made a motion, seconded by Mr. Hoeflich and it was unanimously passed by the Planning Board to adopt a **Negative Declaration under SEQRA for the Indian Brook Water Treatment Plant, as amended, September 5, 2018.**

At this time, there were no further comments or questions. Mr. Fraioli and his Consultants thanked the Board.

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

Mr. Adam Wekstein, Attorney, Mr. Mathew Jarmel, Architect, Jay Fain, Environmental Consultant, and Mr. Gerard Gesario, Civil Engineer, were in attendance representing the applicant, Briarcliff Manor Partners, LLC. Plans, with latest revision dated August 20, 2018, and related documents were on file and provided to the Board.

A memo submitted by Mr. Stephen Coleman, the Town's Environmental Consultant, dated August 31, 2018 was on file. Copies were provided to the applicant and the Board prior to tonight's meeting. Mr. Coleman was unable to attend the meeting.

Mr. Wekstein addressed the Board, he noted that the site currently is being used for storage. Currently, it's a site where there is uncontrolled runoff, virtually no vegetation other than some invasive species, no regulated trees under the Town's Code and they submit that their plan will show, including stormwater management, and wetlands mitigation, that it will improve the environment and conditions as they exist today. Mr. Wekstein introduced Mr. Fain to further discuss their mitigation plan and environmental findings.

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Mr. Fain, introduced his credentials and then discussed existing conditions of the wetlands in the area and relationship to the site. The site is highly disturbed by the past land use and the current use. There are mostly invasive species that are not protecting the watercourse and not fulfilling ecological functions of the watercourse and protecting the watercourse.

Mr. Fain noted that this was part of a historical wetland that went through the entire area but now is confined to the back of the site and culverted area. Either way, they are planning to preserve the stream as much as possible. Since the last meeting, they have widened the buffer by eliminating a few parking spaces, shifting the playground area and have added buffer that will increase wildlife value and decrease storm runoff. They will be removing all invasive species. He said they are going to provide a robust planting plan of native species which will revive this area of the wetland. Dr. Hougham asked Mr. Fain to make another site inspection to identify the fish species in the stream and the culvert in his report and to indicate that it is described as a perineal stream rather than drainage channel.

Mr. Gesario described site changes since the last submission at the recommendation of Board members and memos provided at the last meeting. They have increased the rear yard buffer to 20 feet. This reduced the playground area and shifted it forward. They eliminated one parking space and changed circulation to one-way circulation. A sidewalk has been added along the property frontage. They provided fencing protection on the waterway where it crosses North State Road with additional plantings in this area. Also, they have modified the lighting plan in line with 3000 Kelvin.

Mr. Stolman submitted and reviewed with the Board a memo titled, The Learning Experience, dated September 5, 2018. They are proposing a 10,000 square foot child-care facility, 35 parking spaces and other site improvements. Mr. Stolman discussed signage and the issue whether the proposed blocks containing letter and numbers proposed at the front entrance of the building constitute signage. If so, the applicant would need a variance for such signage from the Zoning Board of Appeals. The Building Inspector should be requested to make a determination in this regard. Mr. Stolman further outlined that the applicant did not change the front entrance to include a walkway as they need parking spaces in this area to work as primary drop off spaces and there is handicap parking and a striped walkway area at the center of the building that gives direct access into the building. It seems that this issue has been addressed.

Mr. Wekstein noted there are certain site constraints that don't allow for turning the building and that they are in agreement with Mr. Stolman's recommendation that the west elevation will be modified to provide more of a front-appearing presence on North State Road. At this time, Mr. Wekstein asked the Board to set a public hearing.

Mr. Bossinas made a motion, seconded by Mr. Hoeflich and unanimously passed by the Planning Board to **Accept Lead Agency Status under SEORA for The Learning Experience, Child Care Facility.**

Mr. Bossinas made a motion, seconded by Mr. Hoeflich and unanimously agreed by the Board to **set the public hearing for October 3, 2018.** Mr. Wekstein thanked the Board.

Santucci & Schemmer Subdivision, 37 & 41 Croton Dam Road, Subdivision and Lot Line Amendment

Mr. Val Santucci and Ms. Valarie Schemmer were in attendance with Mr. Gerhard Schwalbe, P.E., from the firm of Divney, Tung, Schwalbe LLP. Mr. Schwalbe noted that they have addressed memo comments provided by Mr. Stolman at an earlier meeting and have received comments from Mr. Ciarcia this evening.

The property is a total of 5.05 acres in size and located in the R-15 zoning district. Existing on 37 Croton Dam Road are two single-family homes. The lot known as 41 Croton Dam Road is vacant. The applicant proposes to subdivide the two existing lot into four lots for a total of four single-family homes (two existing and two new homes).

Mr. Schwalbe discussed certain constraints in meeting Town tree replacement requirements, as some area will be needed for lawn areas and landscaping of the new lot. They are planting a substantial amount of new trees and the applicant is willing to provide trees and/or funds to the Town's Tree Bank, however, a tree bank policy hasn't been established yet and requires additional action by the Town Board. The Planning Board can discuss this issue further. The applicant is not planning to build homes at this time, they are just preparing the subdivision. At a later date, the applicant will make a separate application for Architectural Review when proposed residences are developed. Mr. Schwalbe also noted that they will address any new comments and comments provided in Mr. Ciarcia's memo dated September 5, 2018.

Mr. Bossinas made a motion, seconded by Mr. Hoeflich, and it was unanimously passed by the Planning Board to **Accept Lead Agency Status under SEORA for the Santucci & Schemmer Subdivision, 37 & 41 Croton Dam Road.**

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The applicant will submit another revised version of the plan for October 3, 2018 Planning Board meeting and requested a public hearing October 17, 2018. This item was adjourned to October 3, 2018. Mr. Schwalbe thanked the Board.

Minutes

Mr. Bossinas made a motion, seconded by Dr. Hougham and it was unanimously passed to adopt the meeting minutes of the Planning Board Meeting August 1, 2018.

Adjournment

There being no further business to come before the Planning Board of the Town of Ossining, Mr. Bossinas made a motion, seconded by Dr. Hougham, that the meeting be adjourned to October 3, 2018.

Time noted: 9:43 p.m.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: October 3, 2018