

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 16th day of January 2019. There were present the following members of the Planning Board:

Ching Wah Chin, Chair  
Greg McWilliams, Vice Chair  
Gareth Hougham, Member  
Jim Bossinas, Member  
Carolyn Stevens, Member

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

### **Executive Session**

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Mr. Chin announced that the Planning Board will go into executive session. Mr. Bossinas made a motion, seconded by Ms. Stevens and unanimously passed by the Board to enter into executive session at 7:35 p.m.

At 8:11 p.m. a motion was made by Ms. Stevens, seconded by Mr. Bossinas and unanimously passed by the Board to reopen the meeting.

### **SPCA of Westchester, 590 North State Road, Site Plan Amendment – PUBLIC HEARING**

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Mr. Chin opened the public hearing at approximately 8:12 p.m. Mr. Wayne Spector, Attorney for the Applicant, introduced Mr. Daniel Collins, Project Engineer of Hudson Engineering, Ms. Deborah Klugman, Chairperson, Ms. Shannon Laukhuf, Executive Director, and Mr. Andrew Tung, Building Committee for the Project.

Mr. Spector presented the project to the audience and the board. The SPCA has a very long history in the Town of Ossining. It's been on this site since 1883. The property is approximately 3.8 acres of land located at 590 North State Road, Briarcliff Manor (Unincorporated area of the Town of Ossining). The property is located in the General Business District (GB). The applicant proposes to maintain the current use of the property as an animal shelter and related animal care facility but to make extensive improvements by replacing the current mix of structures on the property with a single consolidated new building.

There is a long list of services that the SPCA currently provides: shelter services, cruelty investigation, low cost veterinary care, animal cruelty, transportation, rescue of animals, volunteer programs, and educational outreach. These are all programs that serve the community, both Ossining and greater community.

The site that the SPCA currently operates on is 166,988 square feet. The structures there constitute approximately 17,700 square feet. The buildings have been in place for many, many, years and are significantly outdated and in need of replacement so that the facility can provide services in an efficient and proper manner. The most recent additions to the property were made in 1995 and the buildings that are there are in various states of disrepair. The use of SPCA is a permitted use in the General Business District. With this proposal the SPCA seeks to advance its goal of consolidating into a space efficient modern centralized facility which can provide a higher standard of excellence of animal care. Its goal is to provide a sheltered environment and security for its animals and its use. One that will ensure the health, wellbeing, and adoptability of dogs and cats under its care. The SPCA intends to continue to enhance its mission providing a vital community service and reasonably expand its reach to help more animals and at the same time decrease environmental impacts on the site.

The facility will provide a clean comfortable intake which is suitable for the age and condition of the animal and allow the applicant to assess for disease and decrease the chance of contamination of dogs and cats at the facility. There's going to be a new cat facility with a communal area to allow the cats to exercise out of their habitats. There's going to be space for the public to interact with dogs and cats inside several rooms designed to allow perspective adopters to get acquainted with the animals. There's going to be increased area for sick and for isolation of animals and areas which will allow the animals to get well quicker due to better ventilation, HVAC, etc.

**SPCA Continued**

They are proposing to reduce the six scattered buildings on the site to one centralized two-story building which will modestly increase the capacity of the facility from 72 dogs and 69 cats to approximately 78 dogs and 98 cats. The new building will consist of 20,968 on the first floor and 6,150 square feet on the second floor which is going to increase the total square footage from 17,700 to approximately 27,121 square feet. The new plan will provide for 67 defined parking spaces and a much clearer improved traffic pattern on the property. Right now, the parking and traffic set up is very difficult to traverse, turnarounds, etc. It's not a modern parking structure it developed over the years as buildings were added. The improved organization of the site will provide improved circulation of the site and improved the management and reducing the environmental impacts in the property. There is going to be landscaping and a reduction in the incidental and occasional noise impacts by reason of moving the animals inside the structure instead of housing them in the outside open structures.

The overall footprint will be improved reducing environmental impacts. A Storm Water Prevention Plan SWPP is being submitted which will show that the storm water is being treated on site and no untreated storm water will leave the property. There is going to be adequate sediment and erosion control measures proposed during construction and all applicable regulations minimizing runoff leaving the property during construction will be adhered to. The inclusion of storm water management practices will greatly improve the storm water either leaving the property or entering the wetlands. It is also noted an area of regulated wetland does exist on the property. The proposed project will improve what is existing the ecology of regulated wetland from within the property. A reduction in its current use and there will be measures to provide protection to the regulated wetlands. Traffic from the property is not anticipated to increase over its current use. The use is staying the same. The property is not anticipated to increase the use or the traffic on the property. It's going to provide for the SPCA to operate in a safer and improved manner.

At this time, Mr. Collins reviewed the engineering plans with the audience and the board. Mr. Collins described locations of the dog runs and the outdoor kennels which will only be used during the day. All dogs will be brought in at night. The new parking lot allows for an improved flow and parking. Access remains off of North State Road which doesn't change. The lighting plan provides nine decorative light poles with down lighting. No light will escape the property. There are two parts to landscaping, ornamental trees and wetlands mitigation plantings. Mr. Collins noted that PVC fencing will be provided along the Stone Creek Condominium side where there is an existing six foot berm. There are trees on the berm but they are thinned out at the bottom due to age. For the mitigation plan there will be plantings and replanted as buffer area and additional plantings where they are proposing the storm water area. The proposed parking lot is going to be captured and treated by a NYSDEC surface filter. The water goes in fills up to a certain point which is water quality, it sits in there, filters through and the treated water is discharged to the front. The roof area it is being directed into a separator which will be discharged to the front as well.

Mr. Spector presented the rendering of the building and noted that the sign shown on the plan exceeds the size permitted by the Town Code. They are currently applying to the Zoning board of Appeals for a variance on the signs. This date has not been set yet.

Mr. Stolman submitted and reviewed a memo dated January 16, 2018 with the applicant and the Board. Mr. Ciarcia submitted and reviewed his memo dated January 16, 2019 with the applicant and the Board. The applicants acknowledged receipt of these memos and agreed to update the plan accordingly. At this time, Mr. Chin opened the meeting to the public for questions and comments.

Ms. Donna Sharrett of 84 Morningside Drive offered comments and recommendations with regard to the planting plan. She said the Hemlock will not survive in this area. She recommended another choice such as American Holly and offered the applicant other suggestions. Ms. Sharrett noted that the American Elm will also not survive and the Viburnum is attacked by beetles, so this should be replaced as well. There are a lot of invasive species in the mature trees in the front and at the back of the property. Part of the plan should be the removal of the invasive vines and bramble to protect the trees that will remain on the property near the two waterways. Also, the Oaks are great, but the soil needs to be greatly amended. Ms. Sharrett recommended using leaf compost over the top 18 inches of these and noted that perhaps the Town could provide some of the compost since there is an abundance available in the Town. Oaks will not grow in post construction dead soil.

Ms. Angela Ottomonelli of the Stone Creek Condominiums, asked when the SPCA will start construction and how long will it go on. Also, another resident brought up that there are times when there is parking on the Stone Creek property and walking of dogs on their property.

**SPCA Continued**

In response to Ms. Ottomonelli, Ms. Klugman said they are hoping to get started by this summer. Mr. Spector noted that there will be no parking or construction equipment using the Stone Creek property. Also, the animals are going to be brought to another facility temporarily during construction.

Ms. Lorraine Bullis of Stone Creek Condominiums, asked about the fencing that was described earlier. Mr. Collins noted that the fence is a grey color PVC, seven foot high fence that will be placed behind the white pines on the SPCA side of the property line.

Mr. Jeffrey Carpenter, 11 Stone Creek Lane, asked about the lighting and if it will be on all night long. Mr. Stolman clarified that lighting is not required to be on all night. It is during regular business hours, when business hours are over, the lights go off and not on again until morning. The proposed sign will have some lighting on it but this will be turned off as well.

Mr. Carpenter also asked about the dog runs and if there will be more dog runs now. Mr. Collins said there are three dog runs proposed. There are two now but they are much larger. There will be 8 ft. high fencing around all of the dog kennels and dog runs so no one can escape. Mr. Carpenter asked if the SPCA can list Stone Creek as an additionally insured, since at times dogs were walked on the Stone Creek property for exercise. Mr. Spector clarified that there is not anything insurable since the intent is not to use Stone Creek property for anything. Ms. Klugman noted that there is not supposed to be any walking of dogs on the Stone Creek property and they will ensure that this doesn't happen going forward.

A resident raised concern with parking issues on adoption days. There are times when the Stone Creek property can be blocked by parked cars during these events. Mr. Spector noted that the new parking area and additional parking spaces should eliminate that issue. Ms. Klugman said no one is ever directed to park in the roadway or at Stone Creek.

At this time, Mr. Chin asked if there were any additional comments or questions from the Public or the Board. Dr. Hougham noted that there are wetlands along both sides of the building area. After review of the plan, the site is going to be a lot better than what is there now in terms of potential runoff and pet waste. Dr. Hougham noted that he would like to see our Town Environmental Consultant review the plan but does not want to put undue burden on the SPCA because it's a not-for-profit organization. He further discussed the two streams and asked if they are putting in any new culverts. Mr. Collins noted that they are not putting in any new culverts, they are reusing everything that they can as far as drainage and pulling the building further away from the Pocantico tributary.

Dr. Hougham noted that the culvert that goes under the road at the front of the Stone Creek property is badly perched and not in compliance with the Town of Ossining. However, the Stone Creek property is located in the Town of New Castle. Dr. Hougham asked the applicant if during construction they were to find that they need to repair their bridge or entryway at the SPCA if it can be done in a manner to make it passable by fish. Mr. Collins agreed. Dr. Hougham recommended a discussion with regard to the use of the Town's proposed Tree Bank Fund for SPCA. Since the tree bank has not been established yet, the Board cannot ask the applicant to consider this. The use trees from this may not even be permitted for private properties. Also, Dr. Hougham asked if they have considered using solar or designing the roof for future solar installation. Mr. Collins said they can look into that.

With regard to the discussion of the Town's Tree Bank proposal, Mr. Tung said in a neighboring community they've considered where in a similar situation that when there are too many trees to be replaced some of the tree requirement can be satisfied by shrubs and ground cover plants. An example would be five shrubs for a tree. This way the re-vegetation of the site is furthered. This could give the planning board more flexibility in crafting a solution to a particular situation where there are too many trees. Ms. Sharrett asked if they would commit to doing a chemical free lawn. The applicant agreed.

At this time, there were no more comments or concerns from the Public or the Board. **Ms. Stevens made a motion, seconded by Mr. Bossinas and unanimously passed by the Board to adjourn the public hearing to February 6, 2019.**

**Mark Picucci, 51A Croton Dam Road, New Single-Family Home, Architectural Review**

Mr. Mark Picucci was in attendance. He presented plans and renderings of the proposed new single-family home to be built on a vacant parcel of land located at 51A Croton Dam Road. Plans prepared by Gemmola & Associates dated December 4, 2019 were on file with photos of roofing material, fencing, siding and decking material.

Mr. Stolman noted that there needs to be a complete review of the materials submitted. The Board agreed and referred the plan to Mr. Stolman and Mr. Ciarcia for a full review and comment. Mr. Picucci will return to the next meeting of the Planning Board scheduled for February 6, 2019.

**Artis Senior Living, 553 North State Road, Amendment to Approved Site Plan**

Mr. Brian Hildenbrand from Kellard Sessions Consulting, Mr. Mike Terwilliger of Artis and Mr. Preston Briggs of Whiting Turner Development were in attendance. Mr. Hildenbrand presented the proposed changes to the Board.

The site is under construction with a building permit at this time. Grading, drainage and utilities are in. One of the changes would be to the proposed walking path. The modification will have the path connect to the parking lot directly to accessible parking spaces in front. These spaces were shifted over to the right side. This allowed for an additional parking space.

The original approval was for a solid fence around the courtyard system. The change is to install an open style wrought iron fence. This would create a more open feeling for the residents using the courtyard. The fence is not on the property line. It is 20 feet in from the rear property line. There is a full planting plan proposed in between.

The original approval also included an open channel that was proposed along the side of the property. It was discovered after some excavation that the channel would have to be much deeper than originally anticipated and a partial retaining wall on the neighbor's property was uncovered. Mr. Hildenbrand showed the wall to the Board. After discussions with the Building Inspector, it was agreed that constructing the channel will negatively impact the neighbor's property. Rather than do the open channel, they are requesting to move the headwall up to the corner of the property and use a conventional pipe system. Mr. Hildenbrand noted that discovered foundation wall is not on their property. If the wall was on the Artis property they could analyze it, stabilize it, own the wall and be able to excavate it as needed.

Dr. Hougham expressed disappointment with this change. He said the open channel was a matter that was discussed at length during the original application process. Dr. Hougham said that Artis was given permission to build over the buffer area on the basis of mitigating some of the past and new impacts to the stream. Dr. Hougham expressed that this was the only significant mitigation agreed to. Dr. Hougham said they could still do the open channel if they were to stabilize the wall by pouring a reinforced concrete wall sistered up next to that block wall. Mr. Hildenbrand said originally this was in their budget and they worked hard to create it, but to say they didn't do significant mitigation is an unfair statement. Mr. Hildenbrand noted that they cannot undermine something that is not on their property and he cannot design something based on another's property. After some discussion Dr. Hougham said he would completely defer to John Hamilton on the matter but is greatly disappointed. Mr. Chin asked if they have made any attempt to discuss this with the neighbor. Mr. Chin said he understands that the Building Inspector and Engineer are satisfied with the solution that is presented here, but he asked if there are there any other alternatives that they might consider that would achieve partial commitment to the agreement that was made originally. Mr. Hildenbrand noted that it would be difficult to do anything because of how close this comes to the wall. If they move it over, they would be well into the property and they would have to dig deeper and wider which would make it too close to the other foundation wall. Either way there is a compromise of a foundation wall.

Dr. Hougham expressed concern with the open fence and asked if they would be open to another solid fence. Mr. Terwilliger said they can make the outer fence solid if that is desired but it may be less attractive and block the view of the plantings. Board members and audience expressed disagreement with this change. Although this was not a public hearing, Mr. Chin asked if anyone from the public would like to comment on this matter. Ms. Sharrett of 84 Morningside Drive strongly objected to this change, this change will dramatically interfere with the use of her property. Ms. Sharrett also said she is experiencing runoff into the wetlands and would like this addressed.

**Artis Senior Living Continued**

Mr. Ken Kamber, Donna's husband, stated he is in agreement with Donna about the fence. He reminded the applicant that this was a three year process when they were seeking approval. These things were all agreed upon over the course of this at least six months or more of discussions. It is poor professionalism if the applicant doesn't know what they are getting into with their site plan. Mr. Kamber said he was also told that they would not get water on their property and now they are getting water on their property which is unacceptable.

Mr. Terwilliger said that this style fence is actually a betterment, it's a more expensive fence. It's an improvement to the quality of life to their patients and more attractive all around. He also stated that relative to the open channel, they will be more than willing to contribute mitigation to the tree fund that was discussed earlier. Dr. Hougham said he would approve of this type of mitigation and it could be considered for other areas along the wetland area that could use planting. After some discussion, the Board determined that the applicant should follow the original approved plan as far as the fence is concerned. This was the original agreement and it should remain.

Mr. Patrick Viperman, 86 Morningside Drive also stated that they do not wish to view the daily activities of the residents with the open fence. They use all of their property like Donna and Ken and they believe the proposed plantings are probably not going to be mature enough to create a buffer for 40 years or more. They were not here at the beginning of the Artis process but they are working very hard on their property to remove invasive species and plant more native species.

Ms. Stevens asked the applicant some questions to be brought up to date on the project. She was not on the Board during the original application. Dr. Hougham asked the applicant to come up with an approximate value to contribute to a stream restoration fund, if one were to be made available. Dr. Hougham asked Mr. Hildenbrand to come back to the Board with a number. Mr. Chin asked the applicant to work on a solution with respect to the runoff that the neighbors mentioned earlier.

Ms. Sharrett spoke of the runoff that is created by the slope created by project and understands that once it's planted it will function much differently. The contractor has temporarily addressed runoff at this time. There is a concern of runoff when there are periods of unpredictable rain. Ms. Sharrett urged that they put something more permanent on their site plan so there will be no water on her property. Mr. Ciarcia noted that the property always had some portion of it that was tributary to the neighbor's property and now you have the rooftop, parking, walkways which are all going to be controlled by stormwater systems that all go out onto North State Road. The amount of water that will be running off a vegetative stabilized area that once established should remain so. These issues were all addressed when their storm water protection plan was prepared.

Ms. Sharrett and Mr. Kamber were in disagreement with this. Mr. Ciarcia said the topography has water flowing onto their property naturally. There's a portion of this property that flows into the channel. The pre-existing condition was not one where there was zero runoff. Once all of the drains are established, water can run into them. The condition of the site right now is there are drains that are not connected because it's a disturbed site right now. Mr. Ciarcia clarified that some water is going to get into the channel. After more discussion about the runoff and water going on the neighbor's property, Mr. Chin asked if there is some mitigation the applicant can consider to prevent this from happening.

Mr. Chin asked for a motion to set a public hearing. **Ms. Stevens made a motion, seconded by Mr. Bossinas and unanimously passed by the Board to set a public hearing for February 6, 2019.**

**River Knoll, Multi-Family Development, 40 Croton Dam Road, Preliminary – Final Draft Environmental Impact Review FEIS**

Mr. Glen Vetromile, Glenco Development, Ms. Nanette Bourne, Sam Schwartz Consulting, and Mr. Wayne Spector, Attorney, were present. Ms. Bourne discussed a memo from David Stolman dated January 11, 2019 and requested additional comments and guidance from the Planning Board on certain items. She noted that they have not received response from the Fire Department. It was recommended that they resubmit their request to the newly appointed Fire Chief. Mr. Vetromile has met with Mr. Gonzalez, Town Assessor, for verification of the assessment which is shown in the document. Mr. Stolman said he can follow up on this issue with the Town Assessor. With regard to a comment as to why the project cannot be geared to 55 and older, the applicant has included a response. Ms. Bourne said this can be changed so it shows as the applicant's opinion on the matter.

**River Knoll pFEIS**

Ms. Bourne said they have identified hypothetical properties in the Town that can be zoned the same way as this project but there are no other properties zoned this way. She said the Ossining School District provided a lengthy letter with regard to taxes, overcrowding and funding. Mr. Vetromile has met with the School Superintendent on several occasions and it was agreed that the project will provide a payment of \$350,000 to aide in this issue. It is their opinion that some of the taxation issue is lack of funding from Albany for Ossining Schools. Mr. Bossinas also pointed out that there is also the issue of physical space, it's not only funding. After some discussion on school funding, the applicant asked the Board if they can set up a special meeting to consider their comments for completeness.

Mr. Chin asked if anyone from the public would like to speak on this matter. Mr. John Demidio from 3 Croton Dam Road asked about the payment of \$350,000. Mr. Vetromile said it is a one-time payment to the school in addition to the taxes that are collected from the project each year thereafter.

Ms. Elizabeth Marrisodi, 1 Hawkes Avenue, said she is concerned about the issue of the Fire Department being able to handle all of this extra housing. She also expressed concerns about traffic and the water runoff coming down the hill towards Hawkes Avenue.

Mr. Stolman said a memo can be prepared and the Board can meet as a work session to address these issues. Also, Mr. Stolman will coordinate something with Town Departments such as Police, Fire, Ambulance and Assessor. Mr. Spector discussed the issues of taxation and asked if the Board can appoint two Board Members to work with the applicant on behalf of the Planning Board as a committee. Mr. Vetromile said he would like to have a work session with Board Members as stated. Mr. Chin reiterated the issues should be further addressed as discussed and then come back to the Board for a work session. Mr. Vetromile and Ms. Bourne thanked the Board and will return February 6, 2019.

**Minutes**

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A motion was made by Ms. Stevens, seconded by Mr. Bossinas and unanimously passed by the Board to adopt meeting minutes of the December 5, 2018 Planning Board meeting.

A motion was made by Mr. Bossinas, seconded by Ms. Stevens and unanimously passed by the Board to adopt meeting minutes of the December 19, 2018 Planning Board meeting.

**Adjournment**

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There being no further business to come before the Planning Board of the Town of Ossining, Ms. Stevens made a motion, seconded by Mr. Bossinas, and unanimously passed by the Board that the meeting be adjourned to February 6, 2019.

Time Noted: 10:40 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

**APPROVED: March 6, 2019**