

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 6th day of February 2019. There were present the following members of the Planning Board:

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

Absent: Greg McWilliams, Vice Chair
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

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

Mr. Glen Vetromile was in attendance. He said they have responded to earlier comments with the FEIS and it was circulated to the Board. Mr. Vetromile asked for confirmation from the Board that they have received the document. Mr. Stolman pointed out that the submission is a partial document. Mr. Chin said the Board recognizes that the CD's have been distributed.

Dr. Hougham asked Mr. Vetromile how he is planning to address the issue of Con Edison proposing to stop new gas service. Mr. Vetromile said this has been a problem for every developer but they have submitted a demand application. The amount of gas and electric based on what is submitted in the FEIS. The moratorium begins in two weeks from now and Con Ed is accepting new applications until then and as long as they get in under that threshold, they are in the queue. There were no further comments.

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

Mr. Chin opened the public hearing at 7:40 p.m. and asked if there was anyone from the public that has questions or comments. There were none. Mr. Chin announced that this application will be adjourned to February 20, 2019. The applicant was not in attendance, Mr. Spector, Attorney for the Applicant, submitted a written request dated February 1, 2019 asking for an adjournment of the hearing until after the Zoning Board of Appeals makes a determination with respect to the variance application submitted for approval of the proposed building signs. The Zoning Board meeting is scheduled for February 11, 2019.

Dr. Hougham made a motion, seconded by Mr. Bossinas and unanimously passed by the Board to adjourn the SPCA of Westchester, Site Plan Amendment Public Hearing to February 20, 2019 and to direct staff to prepare a draft resolution of approval.

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

Mr. Picucci was present. Plans prepared by Gemmola & Associates dated December 4, 2019 were on file with photos of roofing material, fencing, siding and decking material. Mr. Stolman submitted and reviewed a memo, dated February 6, 2019, titled Picucci Architectural Review Board Application.

Mr. Stolman's memo recommends more details with regard to color and product specification be put on the plans. Also, it was recommended Mr. Picucci identify all regulated trees by Chapter 183, Tree Protection and provide a vegetative screening between the homes on lots 1 and 2 which also should be shown on the plans. Mr. Picucci said they are not taking any trees down because there aren't a lot of trees existing on the property to start. They are providing plantings around the new home. He said he is reducing some of the blacktop on the driveway and they are going to loop the existing driveway into the garage. Mr. Picucci clarified that they are going to remove a substantial portion of the driveway blacktop from the beginning of the driveway near the road leading up to the home.

Mark Picucci, Architectural Review - Continued

Mr. Stolman reminded him that all of these items need to be shown on the plan and the memo provides some standard notes with regard to lighting that should also be put on the plan.

Mr. Bossinas said he is in agreement with the need for landscaping between the two homes. As it goes with flag lots, there needs to be some separation between the two homes. Dr. Hougham reminded the applicant not to use any invasive species and to refer to the Town's approved plantings list.

Mr. Stolman advised the Board that a public hearing date can be set at this time. Mr. Chin asked for a motion, **Mr. Bossinas made a motion, seconded by Dr. Hougham and unanimously passed by the Board to set the public hearing for the Picucci Architectural Review Board Application on March 6, 2019.**

Artis Senior Living, 553 North State Road, Amendment to Approved Site Plan – PUBLIC HEARING

Mr. Chin opened the public hearing at approximately 7:55 p.m. Mr. Brian Hildenbrand from Kellard Sessions Consulting, Mr. Mike Terwilliger of Artis were in attendance. Plans titled Artis Senior Living, Town of Ossining, Westchester County, NY, prepared by Kellard Sessions Consulting, dated August 1, 2015 with latest revision date January 25, 2019 were on file. Mr. Hildenbrand noted that they are here for an amendment to the original plan. They have removed the request made earlier to change the fence from solid to open. The solid fence will remain. He further discussed changes to the sidewalk and parking spaces and the need to replace the open channel with a conventional pipe system. It was determined that construction of the open channel could be a detriment to neighboring properties. This was supported by the Building Inspector in a memo stating this could undermine the neighboring retaining wall and foundations and creates a potential for heaving during a freeze/thaw cycle. Stormwater calculations have been updated and show it has proper capacity. As part of this submission, they have included a profile of the drainage system as requested by the Town Engineer. Mr. Hildenbrand they have added some temporary erosion control matting to the rear of the property to eliminate sediment from entering the Ms. Sharrett's property. This was discussed at length at the last meeting of the Planning Board.

Mr. Chin reminded Mr. Hildenbrand at the last meeting he said he was going to put together a cost estimate for the value of not installing the open channel. Dr. Hougham said it was supposed to be an estimated value of cost differential from the open culvert to the piped system. Mr. Hildenbrand noted that they are willing to work with something like the Town's tree bank fund but they don't generally have a method to make a contribution for this an open channel change. Mr. Terwilliger said they do not have the estimate but they can prepare that for what would be the net change in the design removing the open channel an adding back the 24 inch pipe. Dr. Hougham said the differential should be based on the acknowledgement that doing the daylighting would involve underpinning and whatever else would be required to stabilize that wall. The cost of doing that should be what the cost is based on, not the initial assumptions about the project. Dr. Hougham asked the Board if having an independent consultant do the estimate would be something they can consider.

Mr. Hildenbrand said typically this type of thing is submitted to the Town Engineer for review. Mr. Hildenbrand expressed that he is confused as far as if this is something that is allowed. Mr. Hildenbrand said we are taking the idea of a tree bank and coming in with a check. Mr. Stolman clarified that there is a mechanism for this type of thing with trees, but there is no mechanism with drainage. Dr. Hougham urged the need to come up with a number first so this can be discussed with the Town Board about creating this mechanism. This precipitated a lengthy discussion.

Mr. Stolman reminded the Board the daylighting of the stream was part of the mitigation for the wetland buffer disturbance so in terms of the SEQRA process there is some mitigation that is missing that has to be made up somehow in order to be back where we started, that would be the basis for mitigation. Dr. Hougham agreed and said he is looking for a way to mitigate those impacts on site or somewhere in the watershed. He recommended Ryder Park as an appropriate additional site. The Board recommended having the Town's Environmental Consultant, Mr. Steve Coleman, review this change. Mr. Stolman will contact Mr. Coleman. Mr. Chin asked if anyone from the public has questions or comments.

Ms. Donna Sharrett, 84 Morningside Drive, submitted an email memo to the Planning Board earlier in the day, copies of the memo were given to the Board and shared with the applicant for review and comment. Mr. Bossinas recommended Mr. Coleman meet directly with the applicants.

Artis Senior Living - Continued

Ms. Sharrett continued to discuss items in her memo and expressed dissatisfaction with the matting material and metal staples to be used on the slope. She said that she is hoping that the compensation for the mitigation for the open stream doesn't go to another place before making this stream as good as it can be. Dr. Hougham reassured Ms. Sharrett that everything that can be done with regard to mitigation will be done. Mr. Hildenbrand asked for clarification on whether or not they have permission to go on Ms. Sharrett's property. She said she doesn't need them to plant on her property but recommended they check with neighboring properties, 557 North State Road and do some corrective work and her neighbor at 86 Morningside Drive. Ms. Sharrett's memo outlines specific plantings that she recommends.

Mr. Kamber, 84 Morningside Drive, asked why the Board and/or the Engineering Department didn't know about the wall and how the applicant didn't know anything about what was on site. Mr. Ciarcia clarified when the process begins the survey will show surface conditions, so when construction begins sometimes you find things that are not anticipated when you start digging. The Town Engineer reviews what is presented on the plan. What you find sometimes doesn't show on the plans. In this case, there are footings from adjacent structures that trespass onto the property. This couldn't have been represented in the plans.

In response to Mr. Kamber's concerns, Mr. Stolman and Board members pointed out that there are always field changes in projects and always unforeseen things that come up. Mr. Bossinas pointed out that unless this site was excavated ahead of the approval, this wouldn't have been discovered. There was no need to believe that excavation is needed before the project begins and excavation wouldn't be permitted before getting approval. Mr. Kamber recommended the compensation for mitigation be done closer to the site rather than further. The Board was in agreement with this. Additionally, Dr. Hougham stated that the buffer area there should not use fertilizer. Mr. Hildenbrand said there was never the intent to use fertilizer, it was an error on the recent plan but this has been removed. They will not be using fertilizer at all. At this time, Mr. Chin asked if the Board or the audience had additional questions or comments. There were none.

Mr. Bossinas made a motion, seconded by Dr. Hougham and unanimously passed by the Board to adjourn the Artis Senior Living Amendments to the Original Site Plan Public Hearing to February 20, 2018.

Minutes

Minutes were not available at this time.

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, and unanimously passed by the Board that the meeting be adjourned to February 20, 2019.

Time Noted: 10:40 p.m.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: March 6, 2019