

**PLANNING BOARD
TOWN OF OSSINING, NEW YORK**

**PARTH KNOLLS, LLC RESIDENTIAL DEVELOPMENT
RESOLUTION OF SITE PLAN APPROVAL**

WHEREAS, the Planning Board has received an application from Parth Knolls, LLC (the "Applicant" and "Owner") for site plan approval for the development of a fifty-three (53) unit apartment complex in two (2) buildings, as well as associated site improvements including recreation facilities (the "Project" or "Proposed Action"); and

WHEREAS, the 5.5 acre subject property is located at 87 Hawkes Avenue within the Multi-Family-Inn (MF-I) District and designated Section 80.20, Block 1, Lot 15 on the Town Tax maps (the "Subject Property" or "Site"); and

WHEREAS, the Applicant has submitted an Application for Site Plan Approval dated July 24, 2015; a Full Environmental Assessment Form dated July 24, 2015, last revised August 17, 2016; and the following plans generally entitled "New Residential Development, Parth Knolls, LLC, 87 Hawkes Avenue, Ossining, New York 10562" prepared by ARQ.HT, LLC, dated August 2, 2016, and last revised November 9, 2016, unless otherwise specified:

1. A-100, Zoning, Code Analysis & ADA Standards, last revised September 12, 2016
2. A-100-A, Schematic Building Layout and Tabulations
3. A-101, Proposed Building #1 Basement Floor Plan
4. A-102, Proposed Building #1 First Floor Plan
5. A-103, Proposed Building #1 Second Floor Plan
6. A-104, Proposed Building #1 Upper Level Floor Plan
7. A-105, Proposed Building #1 Roof Floor Plan
8. A-106, Proposed Building #1 Front and Rear Elevations
9. A-107, Proposed Building #1 Left and Right Side Elevations
10. A-201, Proposed Building #2 Basement Floor Plan
11. A-202, Proposed Building #2 First Floor Plan
12. A-203, Proposed Building #2 Second Floor Plan
13. A-204, Proposed Building #2 Upper Level Floor Plan
14. A-205, Proposed Building #2 Roof Floor Plan
15. A-206, Proposed Building #2 Front and Rear Elevations
16. A-207, Proposed Building #2 Left and Right Side Elevations
17. SK2, Rendering – Scenario 2, last revised April 8, 2016; and

WHEREAS, the Applicant also submitted three (3) drawings generally entitled, "Survey of Property Situate in the Town of Ossining, Westchester County, New York," prepared by JRL Land Surveying, PC, surveyed on March 7, 2015 and wetland flags located on June 8, 2015; and

WHEREAS, the Applicant has also submitted the following drawings generally entitled "Site Plan Prepared for Parth Knolls, LLC" prepared by Site Design Consultants originally dated September 25, 2015 with latest revisions dated September 7, 2016, unless otherwise noted:

1. T, Title Sheet
2. T-2, Title Sheet 2
3. C-101, Site Plan last revised November 2, 2016
4. C-102, Existing Conditions Plan
5. C-103, Erosion & Sediment Control Plan
6. C-104, Utility Plan
7. C-105, Water Main Plan
8. C-106, Grading Plan
9. C-107, Sight Distance Plan
10. C-108, Tree Plan
11. C-109, Fire Access Plan
12. C-110, Environmental Constraints Map
13. C-111, Open Space & Recreation Plan
14. C-112, Lighting Plan, last revised November 17, 2016
15. C-113, Recreation Plan, last revised December 12, 2016
16. C-114, Construction Sequence, last revised December 7, 2016
17. C-301, Utility Profiles
18. C-302, Profiles
19. G-1, Notes, last revised April 8, 2016
20. G-2, E & SC Notes, last revised April 8, 2016
21. C-501, E & SC Details, last revised April 8, 2016
22. C-502, Details, last revised April 8, 2016
23. C-503, Water Main Details, last revised April 8, 2016
24. C-504, Sanitary Sewer Details, last revised April 8, 2016
25. C-505, Drainage Details, last revised April 8, 2016
26. C-506, Stormwater Management Details, last revised September 12, 2016
27. C-507, Crystal Stream Details, last revised April 8, 2016
28. C-508, Cistern Details Defender, last revised March 7, 2016

WHEREAS, the Applicant has also submitted the following drawings generally entitled, "Site Plan Prepared for Parth Knolls LLC., 87 Hawkes Avenue, Town of Ossining, Westchester County, NY", prepared by Tim Miller Associates, Inc. and last dated last revised November 2, 2016, unless otherwise noted:

1. M-101, Wetland Buffer Mitigation Plan
2. M-102, Buffer Mitigation Notes
3. Detailed Wetland and Sediment Basin Plan, undated
4. Consolidated Planting Plan
5. Tree Preservation Plan
6. Wetland Buffer Monitoring and Maintenance Plan and Invasive Species Monitoring and Control Program, dated September 9, 2016
7. Buffer Signage Plan, undated
8. L-1, Landscape Plan; and

WHEREAS, the Applicant has also submitted a report entitled, "Transportation Study for a Multi-Family Development," dated October 9, 2015 and last revised September 6, 2016, prepared by Tim Miller Associates, Inc.; a report entitled "Supplement to Traffic Capacity Study" dated February 26, 2016 and prepared by Tim Miller Associates, Inc.; a letter report dated January 12, 2016 on the sufficiency of proposed parking dated January 12, 2016 and prepared by Tim Miller Associates, Inc.; a report dated March 7, 2016, regarding sampled surface water and the quality thereof at the Site prepared by Tim Miller Associates, Inc.; a fiscal analysis report dated April 7, 2016, and prepared by Tim Miller Associates, Inc.; a report entitled "Parth Knolls, Hawkes Avenue Visual Context;" a construction sequence narrative dated December 12, 2016 and prepared by Anthony Beldotti of APB Management; and the following drawings generally entitled, "New Residential Development, Parth Knolls, LLC," prepared by ARQ.HT, LLC, and dated August 2, 2016 unless otherwise noted:

1. Sketch SK-1, Building #1 & Deerfield Building Front Elevations
2. Sketch SK-2, Building #1 & Deerfield Building Rear Elevations
3. Sketch SK-3, Site Schematic Section
4. Sketch SK-4, Truck Turning Plan, Dated September 12, 2016; and

WHEREAS, the Planning Board is familiar with the Subject Property and its surroundings, and has reviewed the Project in accordance with the standards for approval contained in the Zoning Law, including Section 200-50 *Approval of Site Plans*, of the Town of Ossining.

WHEREAS, the Planning Board has determined that the Applicant has met the application procedures specified in Section 200-50C, *Procedure*, of the Code of the Town of Ossining; and

WHEREAS, the Planning Board has determined that the Applicant has met the application procedures specified in Section 200-50.D, *Site Plan Elements*, of the Code of the Town of Ossining, except as may be noted below; and

WHEREAS, the Planning Board has received comments and recommendations from the Board's Engineering and Wetland Consultants, the Town's Planning Consultant and the public, and has given due consideration to said comments; and

WHEREAS, the Building Inspector has rendered his determination that the Project conforms to the Town's Zoning Law; and

WHEREAS, the Planning Board referred this application to the Westchester County Planning board in accordance with Sections 239-l and n of the General Municipal Law; and

WHEREAS, the Westchester County Planning Board concluded in a letter dated August 17, 2015 that the proposal was a matter for local determination; and

WHEREAS, a public hearing was opened on March 16, 2016 and closed on December 21, 2016 at which time, all persons interested were given an opportunity to be heard; and

WHEREAS, in accordance with the requirements of the New York State Environmental Quality Review Act (SEQRA) and based upon the review of the Environmental Assessment Form and all of the application materials that have been submitted for this action, the Planning Board issued a Negative Declaration on October 19, 2016, thereby finding that this Project will have no significant adverse impact.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board hereby adopts and incorporates the recitations and statements set forth above as if set fully resolved and set forth herein; and

BE IF FURTHER RESOLVED, that the Planning Board hereby makes the following findings in accordance with Section 200-50.A of the Zoning Law:

1. The Planning Board has taken into consideration the public health, safety and welfare and the comfort and convenience of the public in general and of the residents of the proposed development and of the immediate neighborhood in particular; and
2. The Planning Board finds that all proposed traffic access and ways are adequate but not excessive in number; adequate in width, grade, alignment and visibility; and not located too near street corners or other places of public assembly; and
3. The Planning Board finds that adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of any persons connected with or visiting the use and the interior circulation system is adequate to provide safe accessibility to all required off-street parking spaces; and

4. The Planning Board finds that all playground, parking and service areas are reasonably screened at all seasons of the year from the view of adjacent residential lots and streets and that the general landscaping of the Site is in character with that generally prevailing in the neighborhood; and

BE IT FURTHER RESOLVED, that the Planning Board hereby finds that a proper case exists for requiring that a park be suitably located for playground or other recreational purposes within the Town and the Planning Board makes the following findings in accordance with New York Town Law § 274-a:

1. The proposed site plan with its proposed fifty-three (53) residential units would benefit from park, playground or other recreational uses located on-Site.
2. The proposed site plan does provide certain on-Site recreation areas, including but not limited to a children's playground and walking trails, which walking trails may be utilized by both children and adult residents. The site plan also proposes a pool, exercise room and community rooms.
3. The square footage areas of the children's playground, walking trails and in-ground pool total 22,070 square feet (of exterior space) and the interior recreational areas total 1,550 square feet, for a total interior and exterior square footage of 23,629 square feet.
4. However, the proposed site plan does not fulfill other potential recreational needs. The site plan does not propose any ball fields or courts. And although a pool is proposed, the pool is not large enough to allow for competitive or lap swimming. In addition, while the proposed site plan provides permanent open space areas, these areas are comprised of wetlands and other lands that must be preserved and cannot be utilized for recreational purposes. Consequently, certain recreational needs can only be satisfied off-Site and future residents of the Project will likely utilize the Town and Village recreational facilities, including the Town and Village parks, ball fields and large community swimming pool.
5. As there are not park or recreational areas of adequate size on-Site to fulfill all the recreational needs created by the proposed site plan, the Applicant is required to pay a sum of money in lieu thereof as detailed below.
6. Given that the proposed site plan provides certain on-Site recreational areas, there is no basis to provide a straight formulaic fee based solely on the number of apartments as it is appropriate to credit the Applicant for on-Site recreational areas provided within the proposed development.

7. As a result, taking into account the recreational needs created by the proposed site plan and making an individualized consideration of such needs, the Planning Board determines that the amount of one hundred seventy-eight thousand dollars (\$178,000) is an appropriate amount of money to be paid in lieu of land for park, playground or other recreational purposes, which amount of money shall be deposited into a trust fund held by the Town to be used by the Town exclusively for park, playground and other recreational purposes, including the acquisition of property.
8. The Applicant represented before this Board that it consents and agrees that the amount of \$178,000 is an appropriate amount of money to be paid in lieu of land for park, playground or other recreational purposes, which amount of money shall be deposited into a trust fund held by the Town to be used by the Town exclusively for park, playground and other recreational purposes, including acquisition of property and the Applicant further consented to remit such amount as detailed below; and

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Site Plan Approval to the Project as expressed on the above specified drawings, subject to compliance with the following conditions and modifications and any other requirements which must be met by law:

1. **Prior to the endorsement of the Site Plan by the Planning Board Chairman, the following conditions shall be fulfilled to the satisfaction of the Planning Board:**
 - a. All necessary governmental approvals and permits required for this Project, including from, but not necessarily limited to, the Village of Ossining, the Westchester County Department of Health and the New York State Department of Environmental Conservation shall be obtained, and evidence of such shall be submitted to the Town Building and Planning Department.
 - b. All engineering aspects of the site plan shall be such that they meet the satisfaction of the Planning Board's Engineering Consultant.
 - c. All traffic aspects of the site plan shall be such that they meet the satisfaction of the Planning Board's Traffic Engineering Consultant.
 - d. The Applicant has proposed the installation of DO NOT BLOCK THE BOX pavement markings and signage for motorists traveling northbound on Croton Dam Road approaching the NYS Route 134 intersection, so as to allow motorists on Kitchawan State Road to be better able to turn left onto Route 134. These improvements shall be implemented prior to any Temporary Certificate of Occupancy being issued and in the event no Temporary Certificate of Occupancy is issued, then prior to any Certificate of Occupancy being issued for the Project.

Further, the Applicant has also proposed to fund, and shall fund an escrow account in the amount of nine thousand dollars (\$9,000) toward the cost of traffic improvements which shall be remitted to the Town prior to the endorsement of the Site Plan by the Planning Board Chairman.

The Applicant shall apply to the New York State Department of transportation (NYSDOT) for a Highway Work Permit for the application of paint and the installation of signage for the DO NOT BLOCK THE BOX improvements. The Applicant shall use its best efforts to pursue the issuance of this permit. However, if the NYSDOT does not approve the application for the Highway Work Permit either by the issuance of any Temporary Certificate of Occupancy for the Project or by the time construction commences on Building 2, whichever is earlier, then instead of the DO NOT BLOCK THE BOX improvements, the Applicant has proposed that the Town shall be able to use said nine thousand dollars (\$9,000), at its discretion, for traffic improvements within the Town.

The Planning Board has deemed the Applicant's proposed arrangement to be proportional to the expected traffic impact from the Project. The Applicant shall enter into an agreement with the Town regarding this matter which meets the satisfaction of the Planning Board Attorney in form and substance.

- e. The Applicant shall prepare a revised Construction Sequencing and Management Plan and Program which meets the satisfaction of the Planning Board and the Building Inspector that in addition to addressing such matters as are addressed in the Construction Sequence, last revised December 12, 2016 (including but not limited to phasing/sequencing of the various improvements including the recreation facilities; measures to ensure construction safety when residents are living on-Site; the location of construction entrance and the use of a flagman; etc.), shall also address the payment of the recreation fee consistent with this approval, and will provide for sequencing of construction so that: (1) Building 1 and the pool and attendant pool recreational facilities are constructed to the maximum extent practicable in the first phase; and (2) the pool and attendant pool recreational facilities and remaining recreation areas are fully constructed with the construction of Building 2. The issuance of a Temporary Certificate of Occupancy (TCO) may be issued for the following construction completion scenarios: ten (10) apartments on the first floor in Building 1 which will be completed first, fourteen (14) apartments on the second floor in Building 1 to be completed second, the completion of Building 1 and completion of Building 2 but the Applicant has been advised that the Building Department is under no obligation to issue a TCO if the Building Inspector fails to determine, in the Building Inspector's sole option and

discretion, that all life and safety issues have been adequately addressed to permit the temporary occupancy in Building 1 during the construction of Building 2 and the remainder of the Site. It is further acknowledge by the Applicant that any TCO issued for Building 1 may be revoked or not extended if the Building Inspector determines the Applicant is not diligently pursuing construction of the pool and attendant pool recreational facilities and remaining recreational areas required under the site plan approval. It is also further acknowledged by the Applicant that if no TCO is issued for Building 1 the Building Department intends to issue only one Certificate of Occupancy for the completed Project.

- f. The documents above which are noted as being "undated", if any, shall be revised so as to bear a date, including the revised Construction Sequencing and Management Plan and Program that is to be submitted prior to the endorsement of the site plan.
- g. The drawings shall be modified to the satisfaction of the Town Planning consultant to show the color temperature of the outdoor lighting shall not exceed three thousand Kelvin (3,000K).

When the conditions of the above have been fulfilled, the Planning Board Chairman will endorse (4) approved sets of Site Plan Drawings for the Town Building and Planning Departments, Planning Board Engineering Consultant's, Town Planning Consultant's and Property Owner's/Applicant's files, and the endorsement of said site plan drawings by the Planning Board Chairman shall signify that the conditions above have been fulfilled.

2. The following condition shall be fulfilled prior to the issuance of the first Building Permit for the Project.

The Applicant shall describe the process of any rock excavation for the Project to the Planning Board, and shall identify whether the blasting of rock will be required, all to the satisfaction of the Planning Board. The Planning Board hereby reserves the right to hold a public hearing and to impose requirements regarding this matter based upon the nature of the information submitted by the Applicant.

3. The following conditions shall be fulfilled prior to the issuance of any Temporary Certificate of Occupancy for Building 1 of the Project:

- a. The existing stone structure located at the Site shall be removed to the satisfaction of the Town Building Inspector.
- b. The Applicant shall enter into a stormwater facilities maintenance agreement with the Town of Ossining.

- c. See Condition 1.d above.
- d. The swimming pool and attendant pool recreation facilities to the maximum extent practicable as documented by the Applicant.
- e. In the event no Temporary Certificate of Occupancy is issued for Building 1, the requirements set forth in subparagraphs 2.a through 2.d must be completed prior to the issuance of any Certificate of Occupancy. It is acknowledged that if the Building Department issues a Temporary Certificate of Occupancy for Building 1, the Building Department will only simultaneously issue a final Certificate of Occupancy for Building 1 and a Certificate of Occupancy for the remainder of the Project including Building 2 upon satisfaction of all conditions and requirements of this approval and all other approvals.
- f. The Building Inspector shall inform the Planning Board of the Applicant's request for any Temporary Certificate of Occupancy or Certificate of Occupancy and the Board reserves the right to make a field inspection of the Site prior to the issuance of said Temporary Certificate of Occupancy or Certificate of Occupancy, and to require any reasonable modifications to landscaping, lighting or other Site details, provided the modifications to landscaping, lighting or other Site details, provided the modifications are materially consistent with the approved site plan and all other approvals/permits granted by the Board, and any other governmental agency, which modifications shall be a condition of said Temporary Certificate of Occupancy or Certificate of Occupancy.

4. The following conditions shall be fulfilled prior to the issuance of a Temporary Certificate of Occupancy for Building 1 or any Certificate of Occupancy for the Project:

- a. The Applicant shall provide the Town with a fee in lieu of a suitable park in the amount of one hundred seventy-eight thousand dollars (\$178,000) to be deposited into a trust fund held by the Town to be used by the Town exclusively for park, playground or other recreation purposes, including the acquisition of property ("Recreation Fee") as set forth below in Condition 3.b.
- b. In the event a Temporary Certificate of Occupancy is issued for Building 1, the Recreation Fee shall be paid as follows: (1)\$44,500 for the ten apartments on the first floor and \$44,500 for the subsequent fourteen apartments on the second floor ; and (2) the remainder due prior to the issuance of the final Certificate of Occupancy for Building 1 and the Certificate of Occupancy for the remainder of the Project including Building 2.

In the event a Temporary Certificate of Occupancy is not issued for Building 1, the Recreation Fee shall be paid in full prior to the issuance of the Certificate of Occupancy for the Project.

5. The following are general conditions, which shall be fulfilled as the Project progresses to completion:

- a. A duly authorized representative of the Town shall have the right to inspect the Subject Property in order to monitor compliance with the conditions of this approval.
- b. In accordance with Section 200-51.B of the Zoning Law, the Applicant shall be responsible for the payment of all application review costs incurred by the Planning Board in the review of this matter. Such fees shall be paid by the Applicant within thirty (30) days of the notification by the Planning Board that such fees are due. If such fees are not paid within this thirty (30) day period, and an extension therefor has not been granted by the Planning Board, this Resolution shall automatically be rendered null and void.
- c. Any future modifications of the Subject Property, above and beyond that approved herein and with the exception of filed changes approved by the Building Inspector, shall be subject to further Planning board review and approval.
- d. In accordance with Section 200-50.C(9) of the Zoning Law, this Site Plan Approval shall expire:
 - (1) If all of the conditions required to be fulfilled prior to the signing of the Site Plan Drawings by the Planning Board Chairman are not fulfilled within one (1) year from the date of the adoption of this resolution and if said drawings are not submitted for the signing by the Chairman within said (1) year; or
 - (2) If all required improvements are not maintained and if all conditions and standards of this approval are not complied with throughout the duration of the approved use; or
 - (3) If a bona fide application for a Building Permit for the proposed use is not made within one (1) year from the date of the signing of the Site Plan Drawings by the Planning Board Chairman; or
 - (4) If all required improvements relating to the proposed use are not substantially completed within three (3) years from the date of the signing of the Site Plan Drawings by the Planning Board Chairman.

The Planning Board may extend Site Plan Approval, if in its opinion, such extension is warranted by the particular circumstances involved.

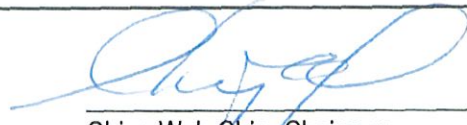
- e. All construction on this Project shall be in accordance with best management practices.

- f. All soil brought into the Site shall be accompanied by a manifest that states that the soil is clean, as defined by the New York State Department of Environmental Conservation, and suitable for the intended use.
- g. Non-blasting techniques shall be attempted for all rock removal on the Site, before any blasting may occur. If the blasting of rock is required for the construction of the Project, the Applicant shall be responsible for the payment of any fees for consultants or agents hired by the Town to monitor and/or oversee the blasting operation. Further, if the blasting of rock is required for the construction of the project, the Applicant shall conduct a pre-blast survey of the adjacent residential properties and provide a written commitment to reimburse property owners for any damages resulting from the blasting.
- h. The Applicant and the School District have entered into an agreement whereby the Applicant will make a monetary payment to the District in the amount of eighty-five thousand (\$85,000; the "Payment"), which Payment and the Project's annual property taxes are deemed by the Planning Board and the District to fully mitigate the environmental impact which the Project would otherwise have on the District. The Applicant shall fully comply with all aspects of this agreement in a timely manner. This Payment shall be remitted to the School District in accordance with the schedule of schedule:
 - 1. The first payment of \$50,000 is due upon the issuance of a Temporary Certificate of Occupancy for Building 1 and the remainder due prior to the issuance of the final Certificate of Occupancy for Building 1 and the Final Certificate of Occupancy for Building 2 and the Project.
- i. This project shall comply with the then current Americans with Disabilities Act and New York State Energy Code, as applicable.
- j. The construction of the Project shall adhere to the final approved Construction and Sequencing and Management Plan and Program.
- k. The Applicant shall place shields on the following three light poles:
 - 1st Pole: The Pole Light is located at the main entrance into the site, on the North East Side of the Entrance (Backing up to Deerfield Property);
 - 2nd Pole: The Pole Light is located in the Parking Lot behind Building No.2 , on the North West side of the Parking Lot (Backing up to Deerfield Property); and
 - 3rd Pole: The Pole Light is located in the Parking Lot in front of Building No. 1, on the South east side of the Parking Lot (Backing up to the Wetland).

Resolution Adopted: January 20, 2021

Parth Knolls, LLC Residential Development
Resolution of Site Plan Approval

Jun 30, 2021
Date


Ching Wah Chin, Chairman
Town of Ossining Planning Board
