

January 20, 2021

A MEETING OF THE PLANNING BOARD of the Town of Ossining was **held on January 20, 2021 at 7:30 p.m. by video conference** pursuant to Governor's Executive Order 202.1 dated March 12, 2020. Members of the public were able to view and join the meeting via computer or mobile app as follows:

<https://us02web.zoom.us/j/81585519247>

There were present the following members of the Planning Board:

Ching Wah Chin, Chair  
Jim Bossinas, Member  
Gareth Hougham, Member  
Carolyn Stevens, Member  
Donna Sharrett, Member

Absent: Jesus Lopez, Alternate Member

Also Present: Kathy Zalantis, Attorney, Silverberg, Zalantis LLP  
Valerie Monastra, AICP, Nelson, Pope & Voorhis, LLC  
Daniel Ciarcia, PE, Consulting Town Engineer  
Sandy Anelli, Secretary

### **Meeting Announcement**

After review and count of attendees from the public, Mr. Chin announced that the agenda item for River Knoll, (Stony Lodge Property), 40 Croton Dam Road was not a public hearing tonight and therefore the Board would not be taking any public comment regarding this particular application this evening. The Planning Board is viewing the submission and hearing the presentation for the first time tonight. There will be a public hearing scheduled for this at some point in the future. For tonight and any subsequent meetings, everyone is invited to view the project and hear the presentation and prepare comment for the hearing when it is set. Mr. Chin recommended written submissions. This will be the most efficient way for the Board to review and streamline the process for the Board to consider all comments from the public. There are several public hearings on the agenda for other properties and the Board will be taking those comments this evening.

### **Rinaldi Subdivision, 39 Stormytown Road, 10-Lot Subdivision Final Subdivision Review PUBLIC HEARING CONTINUED**

The applicants are seeking Final Subdivision Plat Approval to subdivide the subject property into ten (10) building lots and to construct a Town Road to provide access to eight (8) of the ten (10) lots. Lots #1 and #3 are proposed to have direct access to Stormytown Road via existing driveways. The project is located at 39 Stormytown Road, Section 89.07, Block 3, Lot 62 on the Town of Ossining tax maps. The site is 6.68 acres in size and is zoned R-20 One-Family Residence District. The Applicant received Preliminary Site Plan Approval on October 2, 2019.

The applicants requested an adjournment. Mr. Don Utschig was in attendance, apologized for asking for the adjournment last minute. He said they are working on their final submission documents and could be ready at the next scheduled meeting February 3, 2021. Mr. Chin asked if there was anyone else in the audience in attendance for this this Public Hearing. There were no responses.

**Ms. Stevens made a motion, seconded by Mr. Bossinas and unanimously passed by the Board to adjourn the Rinaldi Subdivision, 39 Stormytown Road Public Hearing to February 3, 2021.**

### **Borrego Solar Systems Inc., St. Augustine Church, 381 N. Highland Avenue, Battery Storage System Site Plan Review PUBLIC HEARING**

Borrego Solar Systems Inc. (the "Applicant") is seeking site plan approval to construct a standalone energy storage system that would be used to supplement power to the local power grid at peak hours, by utilizing New York State's Value of Distributed Energy Resources (VDER) mechanism. The system will be enclosed by a 7 ft. chain link fence and will occupy a total area of 0.22 acres. The system will be unmanned, and a gravel access road will be installed for occasional vehicle access.

**Borrego Public Hearing continued**

The property is owned by the Archdiocese of NY Inc. and is located at 381 North Highland Avenue, Section Block and Lot 80.18-2-1 ("Project Site"). The property is located in the R-20 zoning district.

Mr. Mike Conway and Mr. Greg Gibbons of Borrego Solar were in attendance. Mr. Gibbons gave a brief overview of the project to the public and the Board. He said they met with Mr. Margolies of Mystic Pointe to discuss the easements brought up at the last meeting of the Planning Board. The lawyers agreed that the only requirement would be to return the access way to its original state before construction. Construction would take about 2 to 3 months. The site will be very well screened. A Stormwater Pollution Prevention Plan (SWPPP) was submitted to the Town. They are working with DEC on confirming impacts to the Bald Eagle. They are finalizing those documents and expect to receive a no impact letter soon. With ongoing coordination with NY State Historic Preservation Office (SHPO) they've completed their field work for Phase 1A requirement. They found some pre-contact crushed stone chippings from stone tools made by Native Americans. This is the most prevalent artifact to find. In a couple of test holes they were able to identify that they weren't the actual tools but it was a site where tools were made. The highest point where they were found was 22 inches below grade. There's new fill above pre-contact level which was done by others since that tool making time and that's where the consultant is responding to SHPO. If they keep to above 16 inches of that buffer, they will likely have no impacts to any of the archeological findings. The applicant expects to receive this report in the near future.

Ms. Monastra noted that these were the two outstanding items dealing with the environmental review discussed by Mr. Gibbons, the threatened endangered species and the archeology of the site. The Board will need those documents for final review aspects of the outstanding site plans. At the last meeting, the Building Inspector's comments were incorporated into the plan which dealt with the fire hydrant and distance away from that, as well as to make sure the turn-around conforms to appendix D and the driveway grading has to be no more than 10% grading. The landscape plan was provided and the plan proposes to use all native plantings and the battery storage system will be adequately screened. The Ossining Fire Department commented relating to the driveway access and those comments have also been incorporated into the site plan and the SWPPP was submitted and will be reviewed by the Town Engineer.

Ms. Zalantis noted that this applicant would need to apply to the Zoning Board of Appeals for a Special Permit. Also, the Town Board is considering a new law that will impact battery storage and it would be similar to the solar law with tiers as considered under another application. With the new law, the Planning Board would have to make a recommendation to the Town Board. It would be a floating zone and applied to the property. Currently under existing law, you have to apply to the Zoning Board. The applicant is aware of this. It could be in the next few weeks that the Town Board passes this new law. The Planning Board continues as lead agency and will get input from the Town Board. If the Town Board takes action, the applicant would not need to go to the Zoning Board. Ms. Zalantis clarified to the applicant that these are options and if they would like to proceed to the Zoning Board that is an option that the applicant can pursue, or if they would like to wait and see what action the Town Board takes, they can do that as well. The Planning Board will still act as lead agency in either case.

After some discussion with regard to procedure, the applicant and the Board agreed and asked for an adjournment to wait for the Town Board to adopt a new process. Mr. Ciarcia had no concerns or comments at this time. Ms. Sharrett asked the applicant if there is any deer protection in place for the plants. Some of the plants listed are deer resistant but still are eaten by deer in this area of Westchester. Also, Ms. Sharrett asked them to change the plan with respect to the root ball, the hole they are digging should only be as deep as the root ball and they don't have to amend the soil. The soil can be the same soil they take out of the hole that goes back in. Ms. Sharrett recommended they use nuggets instead of shredded bark mulch.

Dr. Hougham commended the applicant on the planting plan. Dr. Hougham expressed concerns on the archeological findings. Mr. Gibbons shared his screen and outlined the location and reviewed the report which said it was shavings of tools and some were 22 inches and some 23 to 28 inches. Mr. Gibbons read the recommendations to the Board. Mr. Gibbons said this was determined to be a no impact site. Ms. Monastra noted the Board should wait on the final report from SHPO and the applicant. Mr. Chin asked if anyone from the public who would like to comment on this hearing.

**Borrego Solar – Public Hearing continued**

Mr. Eugene Buccini, 108 Mystic Dr. asked if St. Augustine considering having another organization coming in and then building solar panels and if Board can ask them the same. Ms. Zalantis noted that the Board has an application for this specific project in front of it currently and the Board can't really ask what future applications would be. According to the plan, there is no master plan to do anything different than what the applicant is proposing right now. Mr. Chin said if a new application comes in, the Board would consider it and weigh all of the factors that exist at that time. Mr. Buccini thanked the Board. Mr. Chin asked if there was anyone else who would like to speak on this matter. There were none.

**Mr. Bossinas made a motion, seconded by Ms. Sharrett and unanimously passed by the Board to adjourn Borrego Solar Battery Storage Systems, 381 N. Highland Avenue Site Plan Review Public Hearing to February 3, 2021.**

**Parth Knolls Residential Development, 87 Hawkes Avenue, Amendment to Resolution of Site Plan Approval, Public Hearing Continued**

Mr. Anthony Beldotti, Applicant and Owner and Mr. Adam Wekstein, Attorney, were present. Ms. Monstra reported that there were two issues raised by the public at the last meeting dealing with lighting and landscaping. Mr. Ciarcia went out to the property to review those issues. Mr. Ciarcia said he looked at the fixtures to confirm that they are what is specified on the original site plan as well as placement of the fixtures and light spill over between the sites. The light from Parth Knolls did not spill over to Deerfield. Because of the intensity of the LED lighting and though the lighting on the ground is where it is supposed to be, the perception when you are looking at it looks very bright. Mr. Ciarcia asked the applicant to install some shields on 3 of the fixtures, 2 on the west side and one light location on the other side near the eastern section of Deerfield. The applicant has agreed to do that and shields have been ordered. The landscaping is not complete. Some of the trees are in but there are still a few trees and shrubbery that need to go in. The time to do that would be early spring. The applicant will be seeking the full Certificate of Occupancy (CO) for the building when complete so the Board will have adequate leverage on this applicant to fulfill all the conditions of the approval.

Ms. Monstra noted that the draft resolution was sent to the Board last month and once the Board is comfortable with it, it can be approved. Ms. Sharrett said even with the shields, she believes this is still very bright, almost industrial looking. Ms. Sharrett inquired about a large area where there is a lot of planting missing. Mr. Ciarcia noted that this area is not completed yet but more planting will go in there. Ms. Sharrett said, in her opinion, it is still too bright. Mr. Ciarcia noted that the applicant is following the plans as approved by this Board. Dr. Hougham asked if there was any way the intensity of those lights could be adjusted downward. The applicant said he wasn't sure but would check the specifications. Dr. Hougham said, if possible a simple voltage reduction in the control box at the base of each light would accomplish that.

Mr. Beldotti said this is what the shields respond to. The shields are recommended in three locations. The only way to reduce the intensity would be by alternating the fixtures in a way that some would be on and some would be off. They are all at the 3000K as initiated originally by the Planning Board. He said it's a white light and all of the fixtures today go to this. It's the most energy efficient. They can't change the bulb, they can only put a shield on the pole lights to make it go down and not spread onto other areas. Mr. Beldotti said the only other way to do this is to alternate the fixtures based on one on and one off. Mr. Beldotti reported that they investigated the issue of reducing intensity as suggested by Dr. Hougham earlier and they cannot put dimmers or reduced intensity on these. This is based on their engineer's report. The shields are the best option for preventing any light going beyond property lines.

Ms. Stevens reported at Fox Hill lights were recently changed from a traditional incandescent to new LED's in order to save electricity. When looking at the intensity, they were supposed to be similar to what they had but these are much brighter than what was there before because they're white. These are good for people who may want to go out walking at night and not so good for people who find a little too much light coming through their windows. Ms. Sharrett said the issue is the amount of fixtures and is asking if there a way to reduce the amount of fixtures.

**Parth Knolls Public Hearing continued**

Mr. Bossinas said he has had two visits to the site. During one visit, all the lights were on and during the second visit just the bollards were on and overhead lights off. It seemed to be not too far off of Deerfield's lighting scheme. There are fewer smaller lights at Deerfield, but there wasn't that much of a difference when the bollards were on by themselves. Mr. Bossinas asked Mr. Beldotti about when he said the lights go off at a certain hour, is that the overhead lights?

Mr. Beldotti said the pole lights go off but they haven't really set a time yet. They started at seven o'clock, but the project is not occupied yet so the safety feature hasn't been brought in. They've been turning the pole lights off at 7pm and bollards stay on. Mr. Bossinas said when the pole lights go off, he didn't see that much of a drastic difference between the neighboring properties and in this one. Obviously, there are more light fixtures on this property, being a multi-unit property, but it wasn't that bad once the pole lights were off, if these are going off at a reasonable hour.

Mr. Chin noted that he visited the property and agrees when the pole lights are on, it definitely looks a lot brighter but after the shutdown it is tolerable. When the pole lights are on, it is much safer for anybody who actually goes out to walk around at night. Mr. Chin asked if there was anyone from the public who would like to comment.

Mr. Jason Mencher from 94 Deer Run Lane, Deerfield, provided a written report dated January 12, 2021 which was submitted to the Board and copied to the applicant for review. Mr. Mencher had written about the landscaping and asked to make two quick comments on the lighting. His comments were as follows:

The grade of this property is such that the small bollards, while they're four feet tall, are directly visible from his second floor window. The property is a higher grade than both of the neighboring sides of Deerfield except the back of the property Deerfield is way up the hill. There is a misalignment of people's concerns about the lighting with where Deerfield houses actually sit, which is below the grade level of where those two new apartment buildings are. It also sounds like when the buildings are occupied the lights will be turned off a lot later than 7pm, if they stay on till 10pm or 11pm, that's kind of a different calculus.

Mr. Mencher said he's not clear if anyone looked at the issue raised about additional trees having been removed that weren't on the tree remediation or removal plan. Again, since the property is so much higher than the Deerfield property, the small trees, or whatever was contemplated on the landscaping plan on paper, look like it might be sufficient but in Mr. Mencher's opinion without having the proper shrubbery and trees around the property, it's disrupting to the character of what the neighboring developments are which are lower density single-family condos. Parth Knolls is a higher density lot and most of the property was effectively raised and the trees and shrubbery and wild growth was removed there's spill over. The six or eight foot trees that are there will take a dozen years or more to grow into whatever height they mature to. Mr. Mencher was hoping that the Planning Board could require additional plantings.

Ms. Monastra clarified that this project is actually still under construction. As typical with all projects that go under construction, once they are ready for a final CO, the Building Inspector will notify the Planning Board and will require another site inspection. At that time, if for some reason the Planning Board finds that there are significant gaps within the landscaping, there is the ability to request the applicant provide additional landscaping in particular areas. This can be done as part of a field change.

Mr. Wekstein agreed and said this is actually in the resolution for the project. It's in Section 3 is where the Board will have to be notified before the final CO is going to be issued and before it's issued, the Board can go out and do a site inspection and require adjustments that are consistent with the plan. Right now, for the Board to go out and make a determination, when there's still planting to be done and it's out of season now and the client can't plant because of the time of year, it doesn't make sense to make decision for a future point that's not too far down the road, particularly in light of the fact that Mr. Beldotti is asking for a Temporary Certificate of Occupancy (TCO) just so that he can show those units and take care of insurance issues that will result if he doesn't have the TCO.

Mr. Beldotti said they will definitely be planting in the spring season once they're able to order the balance of trees. They have planted a substantial amount of trees. There is an issue on the property line of Deerfield and Parth Knolls and some trees were destroyed due to storms. The trees lost were recorded in the Building Department, they were tagged and removed. A report was given to the Building Inspector, so he knew exactly what trees fell and what the cause was.

**Parth Knolls Public Hearing continued**

Mr. Beldotti said they have planted a considerable amount of the blooming trees. There were 92 trees required on the plan and they planted 54 of them. They still have 38 plants that go around the buildings in front of the site where you enter. There's 126 plants going in there which have not been planted yet. There were approximately 70 grasses that were planted in the wetlands and will be continually reviewed. Mr. Beldotti said they've been in the area for a long time and have been builders and they will not walk away from the project. He understands what the Planning Board wants and it's what they want as well. They will do whatever they have to do to make it look good. Mr. Bossinas recommended following up in the spring when they've had an opportunity to purchase and plant the additional items.

After some discussion about turning off some of the taller pole lights and selection of lights to be shielded, Mr. Beldotti said they have to be careful about shutting lights off because of insurance and safety issues but for now they are shielding three of them, one near the Deerfield entrance, one near the neighbor, Jason Mencher, and one near the lift pump station. Also, if in the future when the Board visits the site they can have a discussion about more shields if needed.

Ms. Zalantis noted that the Board can close the public hearing tonight and adopt the proposed resolution as amended, with additional requirements for the screening of the three lights. Mr. Chin asked for a motion to close the public hearing and adopt the proposed resolution as amended.

**A motion was made by Ms. Stevens, seconded by Mr. Bossinas and unanimously passed by the Board to close the Parth Knolls Residential Development, 87 Hawkes Avenue Amendment to Resolution, Public Hearing.**

**A motion was made by Ms. Stevens, seconded by Mr. Bossinas and unanimously passed by the Board to adopt the Parth Knolls Residential Development, 87 Hawkes Avenue Amended Resolution, with additional comments as discussed.**

**Mark Seiden, 49 Croton Dam Road, Garage Addition & Site Amendment, Architectural Review Public Hearing**

Mark Seiden (the Applicant and Owner) is seeking Architectural Review Board (ARB) Approval to construct and 290 sq. ft. bar-shed and an addition onto the existing garage consisting of 770 sq. ft. of garage space, 285 sq. ft. of storage and 1,550 sq. ft. of recreation space. The project site is located at 49 Croton Dam Road, Section Block and Lot 89.08-1-79 (Project Site). The property is located in the R-15 residential district.

Ms. Monastra announced Mr. Seiden is scheduled for a Zoning Board of Appeals meeting January 25, 2021 for a request of a side yard variance. A letter was on file from a resident, Mr. Andrew Hazen, 66 Hawkes Avenue, dated January 18, 2021, regarding a drainage and screening. Mr. Seiden submitted a response to Mr. Hazen's letter which was reviewed with the Board. He said he will be addressing the drainage issue at the corner in the back of the property. Mr. Seiden gave a brief overview of the project to the audience and the Board. Mr. Seiden noted that the number of windows in the addition that faces one of the neighbors' was reduced from three to two. One of which would be in the bathroom which would only be on when in use. Mr. Seiden shared his screen and addressed items in Mr. Ciarcia's memo with regard to water runoff, filtration and location of utilities. Again, he said the majority of the windows face in towards his own property. Mr. Seiden provided his neighbors to the right which are the closest, copies of the plans. He received letters from both of those neighbors stating they have no objection to the project. After some discussion regarding additional windows and screening, Mr. Seiden said if they need additional windows they may look into skylights and he believes the screening seems to be adequate and already in place.

**A motion was made by Ms. Sharrett, seconded by Ms. Stevens and unanimously passed by the Board to adjourn the Mark Seiden, 49 Croton Dam Road Architectural Review Public Hearing to February 3, 2021.**

**River Knoll Residential Development, 40 Croton Dam Road Preliminary Site Plan Review**

Mr. Chin announced to the audience that this was not a public hearing, however, members of the public are invited to hear the presentation and submit comments in writing to the Board. Mr. Glen Vetromile, Developer, Mr. Wayne Spector, Council, and Mr. Carter Pottash, Owner of the Property, were in attendance. Mr. Vetromile presented the new plan to the audience and the Board.

Mr. Vetromile said they started conversations back in the fall 2014 and then in 2015. They had discussions on providing an environmental assessment form which was submitted at the end of 2015. In 2016 they were requested to do a full scope which was completed. Then they prepared the first draft of the environmental impact statement and that was delivered in February 2017. The second draft with comments that year and then third draft December of 2017. The fourth draft came in the beginning of 2018. Then there were some hearings and comments that were incorporated and then the final notice of completion in March 2018.

The first draft of the final was provided that summer and then the second draft was provided in the following spring. Mr. Vetromile said they were into final discussions on things like what the recreation fee would be and there was part of the final understanding of doing certain things on Croton Dam Road like providing guardrails down at what would be the Eastern or Western end of it. Then there was a request for a Community garden on the Narragansett side of the site. They began, at that time, drafting the statement of findings and then for a variety of reasons. They stopped last year in the fall. There was a lot of discussion late fall going into the beginning of 2019 to 2020 and they presented a project of 155 units and then because of feedback from the neighbors from the various public hearings, etc., the thought of having an age-restricted project of townhouse style with private entrances was something that sounded appealing.

Again, to give some background, Mr. Vetromile shared photos of existing structures and conditions. The site has large areas of blacktop at the southern end. It's been a highly disturbed site for many years. A lot of the site is overgrown now because of lack of maintenance. The site has been vacant for six or seven years. When Stony Lodge was in operation, the last full year was 2011. It had three shifts; morning, early evening around dinnertime and then late evening. It had employed about 200 full time and part time employees, 61 beds and social workers coming in and out all day long and then it was mostly inner-city adolescents. Taxes paid today are actually less than \$100,000 for the 28 acre site and at that time, there were all sorts of ambulances and healthcare workers coming in all the time.

Mr. Vetromile showed a plan that was done by Toll Brothers going back to 1986 or 96. He said this site has been the site of numerous applications to the Town. Toll Brothers was a plan with about 120 townhouses. Mr. Vetromile presented the initial proposal back in the fall 2014 and early 2015 and they were talking about 239 units in five buildings, double buildings in two locations. Then they reduced it to three buildings with 188 units and then into one building which was the current plan that was in front of the Board. Then in response to public comments and thinking that private entry buildings as opposed to common entry buildings would be more appealing to the public and because of Covid, they're now proposing a private entry townhouse project which leaves about 45% of the site of green. The street coming is off of Croton Dam Road follows the same contours as the existing road to come back sweep behind the building, essentially two-story townhouses, one and two-bedroom units. Then another road sweeping in front along the same contours of the existing road and then just sweeping up to the top. All of the units up top would have views out to the Hudson, which is to the right side. There will be a series of stormwater basins or swales which will all have sustainable grasses in front. One down in the lower southeast corner and one in the northeast corner. All of the storm basins will help improve stormwater conditions that currently run off into some of the homes' lawns located on Pershing Avenue.

Mr. Vetromile shared photos of the design they're contemplating. This was shown with Hardie Plank siding, some with picket fences. Most units will have the ground floor master suite, as this is proposed as a senior community 55 plus age restricted. Two and three bedroom units. The materials will be quality materials and GA timberline roofing. The interiors will have hardwood floors, two and three and a half bathrooms, sub-zero quality appliances, work counters, fireplaces, and about 1600 to 1700 square feet of livable area plus basement. They will have garages, dens, or offices, and space for gyms on the lower level.

### **River Knoll continued**

These are typically empty nesters or retirees who would like to have their own offices and the increase in work from home. The pricing is ranging from \$750,000 to \$975,000. There will be Bluestone patios and the option to have an elevator, particularly for this profile.

At the entrance there will be a community room with an outdoor pool adjacent to it with whirlpool, changing rooms, club room with kitchen, and then a larger fitness room with state of the art equipment, walking paths on site that will connect to the Veterans Park and area trails. Also, there are rain gardens in the stormwater swales using native grasses, there are a lot of flowers proposed all over the property, and buffer to neighbors and then lighting, very important, making sure lighting doesn't disturb neighbors and is energy efficient.

Mr. Vetromile continued, this will be known as housing 55 plus Community, it's a Housing and Urban Development (HUD) regulated community, you will have to file with the State Attorney General's office and 80% of the units must have an occupant 55 years of age or older. They will publish all of the policies, adhere to them, and are subject to periodic reviews by the state. It will be professionally managed so all the exterior maintenance of the homes and site is to be done with a professional management company and with Covid, it's increasingly getting into what construction processes can be implemented on items like HVAC systems, common areas like wall finishes that have smooth surfaces, looking at elevators, looking at all different types of ways of cleaning elevators with radiant light, this has become a big issue in the multi-family world.

Mr. Vetromile further discussed the zoning and said the comprehensive plan back in 2015 was adjusted to address this and it does call for higher density development and what they are proposing to do is to employ the current MF Zone. They are proposing to revise the Final Environmental Impact Statement (FEIS) which included a very extensive section on analyzing alternatives. They got into analyzing 10 alternatives with the Planning Board and prior Town Consultant David Stolman.

In the original plan, Mr. Vetromile's traffic engineers surveyed five different times and the local streets. Then surveyed the new townhouse plan using similar traffic generation figures for seniors and similar to what the existing Stony Lodge was. It was less in the evening for the townhouse plan and that's because it's typically spread over a longer period of time at night. The reduction of trips between the prior proposal and the current proposal is less.

One of the other things studied was community character. The adjoining properties on Pershing Avenue, Narragansett Avenue, Grandview Avenue and Croton Dam Road are all zoned S-50 which are 5,000 square foot lots and a small piece in the Town is zoned R-7.5 which is 7,500 square foot lot sizes. The property is almost 18 acres and if you were to divide it by the 5,000 square foot lot adjacent density in the Village, you would come up with 156 lots. That doesn't take out things like wetlands and various setbacks, but just simple math and similarly if you used a 7,500 square foot lot size of the Town lots, it would 104 lots, once again not taking out setbacks, etc. Mr. Vetromile said they are proposing in 98 lots so it leaves about 45% of the site as green, almost half.

Mr. Spector said at this point, Mr. Vetromile did a great job of explaining the new proposal and there are some new eyes to see this on the zoning side of it. The main thing is the change from the need to create a new zone which was something that was somewhat controversial at the time and created a lot of thought and concern about potentially the new zone being applicable to other properties. In using this the MF Zone, which allows for this density of development, it takes away that side of the process. It's no longer necessary to do an analysis of how this could possibly impact other large properties in the Town and it also addresses the issue on the density side about the questions and concerns about creating a much more dense zone than had existed in the past. It should be just a matter of applying to the Town Board as part of this process once this process is complete.

Mr. Vetromile added that there have been a couple of other senior or age restricted projects throughout the county and they've met with tremendous demand. There's a very significant aging baby Boomer empty nester that doesn't want to have a large house any longer and wants something that's much simpler and more carefree and but also wants to be in the neighborhood where they raised their kids and where their friends reside, but also want something new.

**River Knoll continued**

Ms. Monastra noted this application is still undergoing the state environmental quality review process versus the SEQRA process that Glenn was referring to, so as he also mentioned that this last official SEQRA document that was received by the Planning Board and it was beginning its review in March 2019. Because of the revised plan viewed tonight, this plan is very different from the original plan. The applicant is going to have to undertake a supplemental environmental impact statement (SEIS) and this is required when there's a change in circumstances which arises as a result in a significant environmental impact that has not yet been evaluated and since this plan differs greatly from the original plan, changing circumstances of the environmental impacts, the revised plan needs to be reevaluated. The applicant will be able to utilize existing data and relevant studies to assess the impacts of the result of the revised plan based upon work that he's already done as part of the draft environmental impact statement (DEIS) and final environmental impact statement (FEIS). The first step in developing an SEIS is a process called a scope which is an outline which will define what areas needs to be analyzed as part of the SEIS process and once the draft scope is developed, it will be available and open for public comment. That draft scope will be developed by the applicant. They would provide it to the Planning Board. The Board can revise it and then once the Board is comfortable with what is being proposed to be analyzed that will go for out for public comment. The public can weigh in and provide additional comments on some other avenues that they feel is missing in the scope. The Board can take that into consideration and then, once the final scope gets adopted that information in the scope will be ultimately what is presented and analyzed in the SEIS. The first step right now is for the applicant to create the draft scope for the Planning Board to review.

An SEIS is a little bit more focused than a DEIS is because at this point we probably already know some of the main key environmental topic areas that were of concern last time around specifically dealing with school children, community character, traffic and affordable housing. Those are the types of elements that we'll definitely want to make sure get brought into the overall scope for the SEIS as well as some of the other additional items like any other environmental issues, open spaces and alike.

Mr. Chin asked if Board members had any comment at this time. Mr. Bossinas asked the applicant how the age restriction is enforced or put in place. Mr. Vetromile said its part of the offering memoranda which has to get approved by the Attorney General's office and periodically checked by HUD. There's also going to be a management element of who's going to be directly involved in ensuring compliance. It's a constant process because whenever a unit is going to be placed on the market, any potential buyer is going to have to be reviewed to make sure there's compliance as far as the percentage and also the make sure that at least one member of the family is 55 or over within the buying unit. There will be multiple levels of review and management to ensure the compliance on a regular basis.

Ms. Stevens said, when she was in Scarsdale they did a condominium project which was age restricted and there's never been an issue. It is part of the offering plan and you literally can't sell it to somebody who doesn't qualify. The State does keep really good records and the management company does a good job too because that's what's required under the offering plans. Mr. Spector said these are the in the form of restrictive covenants as well, so the title insurance companies are going to have to ensure title and in doing so, they're going to have to also make sure that there's no issue as far as the purchaser qualifying. There are multiple layers of oversight which are going to come into play. Ms. Stevens asked the applicant, as required per the Town, what is the number of affordable units being included in this plan. Mr. Spector said there are 10.

Ms. Sharrett said the chart says 80% of the units have someone 55 or older in them so 20% of the units could have younger people. Only one person has to be 55 and older. Mr. Spector said that is correct. Ms. Sharrett pointed out that three bedrooms and a den in a unit is lot of space also with Covid there are a number of younger people moving back in with parents. Ms. Sharrett asked if minors could be living there as well, or is there any restriction at all. Mr. Spector said there's no restriction, minors can live there. Ms. Sharrett said then that should be considered as school aged children.

Mr. Vetromile said the chances of there being school aged children are de minimis by virtue of the 55 plus requirement. The typical age of buyers in this type of project tends to be mid-60s to late 70s to early 80s so very remote and there's also a marketing aspect to these as well as to who you're marketing to. A product that's less restricted is age targeted that's popular for older people as well but it's very unlikely that there will be any meaningfully young people here. It just will not attract them if they know it's a 55 plus project.

**River Knoll continued**

Ms. Sharrett said she did see the alternatives from the original project and it didn't seem in any way consider the slopes or the wetlands. It looked like it was just put on a flat piece of property. Mr. Vetromile said this has been very rigorously looked at in terms of slopes, setbacks from wetlands and the provision of wetland basins. They started with a map that includes all of those things and then put the buildings in. He said they took a very, very hard look at all those things and they're making sure that the slopes of the roads conform to town code and also the road turnarounds for emergency vehicles.

Ms. Monastra said he's referring to his current plan. A lot of times for just when they do an alternative as part of an environmental impact statement, it's just looking at how that alternative would more or less fit on to a site and then looking at the overall impacts for that. In terms of the SEIS there probably would be an alternative or two and the Board will take a look at that, but that will really depend on, ultimately, what the Planning Board is looking at to potentially tweak to this particular plan itself.

Ms. Sharrett said the tree inventory was less than satisfactory, one tree was listed as a deciduous tree and the inventory didn't seem to be very in-depth. The tree survey should have accurate information and this seems to be very incomplete. Just stating that something is a deciduous tree is not a very complete identification. It seems that looking at the previous plan and this plan, there's going to be a lot more disturbance to the trees, so the applicant should include that information. Also, what the Board is asking people to do is use the scientific Latin name and common name, so that it's a little easier to understand. Ms. Sharrett thanked the applicant for considering this.

Mr. Vetromile said they tagged all of the trees that have certain diameters and they were surveyed on the east side of the site where there are trees. On the whole front of the site there were very few trees and few trees at the southern edge of the site. It's mostly parking lots with very few trees, but they can take another look. At that the top of the site there's just a handful of trees because that's where all of the buildings are on the parking lots but Mr. Vetromile said he would be happy to walk the site with Ms. Sharrett. He said they will be replanting trees and creating buffers as part of the project.

Dr. Hougham asked if they anticipate the roads to be public Town roads or private and if it will be a gated community. Also, Dr. Hougham expressed concern about the loss of one of the most compelling features of the original plan, which was pedestrian access from Croton Dam Road through to Narragansett Avenue. If these roads are proposed to be public they could retain that but if it is going to be a private area or road that won't work. Dr. Hougham said Mr. Vetromile had agreed to do a walking path that would connect Croton Dam Road to Narragansett and it would be publicly accessible.

Mr. Vetromile discussed the existing plan and the walk and the possibility of putting another walk to connect behind the homes on Grandview Avenue. Mr. Vetromile asked if there is a lot of foot traffic that expected to walk from Croton Dam Road. Dr. Hougham said he would not expect a lot, but making it possible is consistent with a longer term view of the Town of Ossining for improving pedestrian access and bicycle access and if there was a shortcut from Croton Dam Road through to Veterans Park area would be to the community's benefit. In the previous plan it was discussed publicly although, it may not be shown in its completion on the diagram shown.

After some discussion with regard to the prior plan and the walkway location and this version, where Mr. Vetromile pointed out that children walking along Grandview to Narragansett would be not dissimilar than somebody coming up behind all the houses on Grandview. Dr. Hougham clarified that the pedestrian walkway was going to be on the downhill side over to the right starting from where the driveway is now, then going around and through the perimeter. Dr. Hougham urged that there was a discussion about having the walkway there about three years ago and talks about having a sledding hill.

Dr. Hougham said in his opinion, not having that walk is something that makes this current plan less compelling than the original plan. Dr. Hougham said he would like to open the discussion for improving a pedestrian walkway through this and if there would be any possibility of that, or is this anticipated as being a gated community. Ms. Monastra said that can be part of the scope. Pedestrian walkways and pedestrian access can be incorporated into the scope of what would be studied in the SEIS.

### **River Knoll continued**

Mr. Spector reported there are legal issues with any kind of pedestrian use of private property in terms of who's responsible for liability issues. These things would have to be looked at and the Town, would have to be part of the discussion if this turns into a public access or walkway. There are a lot of issues, safety issues that have to be looked at. It's a complicated question to create that on private property. Ms. Monastra recommended bringing this into the scope, make note of pedestrian access through the site. Mr. Spector said as far as the roads becoming public roads, that's something the Town have would have a say in as well, and the Town may prefer that the roads not be publicly dedicated. Mr. Vetromile said they haven't decided on that.

Mr. Chin said his only comment would be is that we will probably have saved a lot of effort if the number of units came down to 98 back several years ago. Ms. Monastra reported that the applicant will have to provide a scope which is an outline of they would be studying in the SEIS. Mr. Vetromile said they want to be able to use the existing document wherever they can. Ms. Monastra said the applicant can utilize some of the analysis and the material in the original document that is still applicable to this, it can be supplemental and can be targeted on environmental topics of that would need to be looked at as part of this overall new plan. Ms. Monastra and Mr. Ciarcia will review and advise the Board. Then the Board can review it and add anything else they feel is necessary to be studied. Mr. Ching asked the applicant to provide the PowerPoint presentation viewed tonight to the staff for posting on the Town's website. Mr. Vetromile said yes and they thanked the Board.

### **Miscellaneous**

---

**MGM Subdivision, 5 Hawkes Avenue, Subdivision, Wetlands Permit & Tree Removal Permit,** A letter dated January 4, 2021 from, Joseph Riina, PE, Site Design Consultants was on file. The applicant is requesting a 90-day extension of time to complete outstanding resolution items.

**A motion was made by Ms. Stevens, seconded by Mr. Bossinas and unanimously passed by the Board to grant a 90-day extension to the MGM Subdivision, 5 Hawkes Avenue, Subdivision, Wetlands Permit & Tree Removal Permit, as requested.**

### **Minutes**

---

December 16, 2020 were not available at this time.

### **Adjournment**

---

**A motion was made by Mr. Bossinas made a motion, seconded by Ms. Sharrett and unanimously passed by the Board to adjourn the meeting to February 3, 2021.**

Time Noted: 9:50 p.m.

Respectfully submitted,

*Sandra Anelli*

Sandra Anelli, Secretary  
Town of Ossining Planning Board

**APPROVED: February 17, 2021**