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January 23, 2017

Sandy Anelli
Town of Ossining Building and Planning Dept.
101 Route 9A
Ossining, New York 10562

RECEIVED
JAN 30 2017
Town of Ossining
Building & Planning Department

Re: Artis Senior Living

Dear Ms. Anelli:

Enclosed for your files please find a copy of the transcript of the final Planning Board public hearing regarding Artis Senior Living project held on December 21, 2016. Please feel free to call me if you have any questions.

Very truly yours,


PETER J. WISE

Enclosure

RECEIVED

JAN 30 2017

Minutes
of

Town of Ossining
Building & Planning Department

THE TOWN OF OSSINING PLANNING BOARD

December 21, 2016
7:30 P.M.

held at

John Paul Rodrigues
Ossining Operations Center
101 Route 9A
Ossining, New York 10562

SUBJECT: ARTIS SENIOR LIVING

-----X
A P P E A R A N C E S:

CHING WAH CHIN, Acting Chairperson

GARETH HOUGHAM, Member

GREG MCWILLIAMS, Member

MARC HOEFLICH, Member

STEPHEN COLEMAN, Member

JIM BOSSINAS, Member

KATHERINE ZALANTIS, ESQ., Town Attorney

DAVID H. STOLMAN, AICP, PP.

ALSO PRESENT:

PETER J. WISE, ESQ.
DelBello Donnellan Weingarten
Wise & Wiederkehr, Esqs.

BRIAN HILDENBRAND, P. E.
Kellard Sessions Consulting PC

1 ARTIS SENIOR LIVING

2 CHAIRPERSON CHIN: Next item is
3 Artis Senior Living. Is the
4 Applicant present?

5 MR. WISE: Good evening, Mr.
6 Chairman, Board Members. Peter Wise
7 on behalf of the Applicant. I hope,
8 I think and I hope we've come to the
9 end of a very long road tonight.

10 We've all worked very hard to
11 get to this point and to bring the
12 project to this point. I think it's
13 now a project that everybody could be
14 proud of and that will be successful.

15 Unless you have any questions
16 of me tonight, I respectfully ask you
17 close the public hearing and grant
18 the site approval, wetland approval,
19 tree removal permit and architectural
20 material review board approval for
21 the project. Thank you.

22 MR. STOLMAN: You should be
23 looking for the resolution of site
24 plan approval wherein the upper
25 right-hand corner it says draft

1 ARTIS SENIOR LIVING

2 today's date 12/21/16 which you
3 received tonight and by e-mail this
4 afternoon.

5 CHAIRPERSON CHIN: Are there
6 other resolutions pertaining to Artis
7 Senior Living in front of us?

8 MR. STOLMAN: Yes. You should
9 have something you received
10 yesterday, Sandy made copies and it's
11 a memo dated December 20, 2016. It
12 actually has four resolutions
13 attached to the memo.

14 So shall I go through the first
15 resolution of site plan approval
16 dated 12/21/16?

17 So we've updated the revision
18 dates on the drawings and then on the
19 second page besides updating the
20 dates on the drawings in that middle
21 "whereas" paragraph, we have another
22 paragraph which says "whereas, the
23 Planning Board has received comments
24 and recommendations from the Board's
25 Engineering and Wetland Consultants."

1 ARTIS SENIOR LIVING

2 We'll add "and from the
3 public". "And the Town's Planning
4 Consultant and from the public has
5 given due consideration to said
6 comments". And then we're striking
7 "whereas, the Building Inspector has
8 rendered his determination that the
9 project conforms to the Town's Zoning
10 Law". That will actually become a
11 condition that we'll read in just a
12 little bit.

13 CHAIRPERSON CHIN: You will be
14 inserting "and the public" in there?

15 MR. STOLMAN: Yes. Inserting
16 "and the public".

17 And then on page three in the
18 second whereas clause, we have the
19 date that the public hearing would be
20 closed on and then the first "now
21 therefore, be it resolved" is the
22 same as in the last resolution we
23 talked about. "The Planning Board
24 hereby adopts and incorporates the
25 recitations and statements set forth

1 ARTIS SENIOR LIVING

2 above as if set fully resolved and
3 set forth herein.

4 And then we have the same four
5 findings that the Planning Board
6 would be determining with respect to
7 site plan approval.

8 And then the next substantive
9 change would be on page four where
10 we're relocating having the Applicant
11 describe the process of excavation of
12 the proposed basement. So that is
13 being relocated to page five, we'll
14 get to it in a moment.

15 There is a new paragraph at the
16 bottom of page four, item d which
17 would state "all aspects of the
18 Wetlands Mitigation Plan and the
19 landscaping plan shall be such that
20 they meet the satisfaction of the
21 Planning Board's Wetland Consultant."

22 I think we need this catch all
23 there has been some recent
24 correspondence regarding some
25 vegetation that would change which

1 ARTIS SENIOR LIVING

2 the Applicant has agreed to and
3 Steven will check that out.

4 MR. HOEFLICH: That was dealing
5 with Donna's letter yesterday.

6 MR. STOLMAN: Yesterday and
7 previously. And at the top of page
8 five we have a new condition which
9 states "in accordance with Section
10 200-5.c(3) of the Zoning Law, the
11 Applicant shall obtain a
12 determination from the Building
13 Inspector that the project as shown
14 on the application drawings conforms
15 to the Town's Zoning Law".

16 Strike the next paragraph which
17 talks about a manhole which has been
18 modified already.

19 And in the second category of
20 conditions, those which shall be
21 fulfilled prior to the issuance of
22 the first building permit for the
23 project, we have that paragraph that
24 we relocated from earlier which
25 states "the Applicant shall describe

1 ARTIS SENIOR LIVING
2 the process of excavation of the
3 proposed basement to the Planning
4 Board, and shall identify whether the
5 blasting of rock will be required,
6 all to the satisfaction of the
7 Planning Board. The Planning Board
8 hereby reserves the right to hold a
9 public hearing and to impose
10 requirements regarding this matter
11 based upon the nature of the
12 information submitted by the
13 Applicant".

14 CHAIRPERSON CHIN: Clarification,
15 if it turns out the Planning Board is
16 not satisfied, what would happen?

17 MR. STOLMAN: If it is not
18 satisfied, then it basically
19 withholds its approval of the method
20 of excavation until it's refined to a
21 point where the Planning Board is
22 satisfied.

23 MS. ZALANTIS: And they cannot
24 get a building permit until the
25 Planning Board is satisfied.

1 ARTIS SENIOR LIVING

2 MR. STOLMAN: There is some
3 method of excavation that will be
4 acceptable to the both parties.

5 MR. WISE: Our initial
6 expectation is blasting will not be
7 necessary. As soon as we have better
8 information we will come back to the
9 Board and let you know.

10 MR. BOSSINAS: If it turns out
11 blasting is not necessary, do they
12 really need to come back? If it's
13 conventional rock removal, why would
14 they have to come back?

15 MR. STOLMAN: Just to tell us
16 that basically.

17 MR. WISE: I can send you a
18 letter informing you and you can
19 decide.

20 MR. STOLMAN: We do have a
21 paragraph as a reminder, page seven,
22 rock removal of the site shall first
23 be attempted by non-blasting methods
24 and it talks about the circumstances
25 under which blasting can occur and

1 ARTIS SENIOR LIVING

2 what the Applicant would be
3 responsible for.

4 And then the next change and
5 last change to this resolution is on
6 page seven and we have changed all
7 the resolutions to say the project
8 shall comply with the then current
9 Americans with Disabilities Act and
10 New York State Energy Code, as
11 applicable.

12 CHAIRPERSON CHIN: I assume
13 it's a term of art when you say then
14 current. It's understood to be
15 meaning --

16 MR. STOLMAN: Whenever the code
17 is being used.

18 CHAIRPERSON CHIN: Okay. It's
19 a clarification, we have a definition
20 of then.

21 MR. HOEFLICH: It's the most
22 current at that particular time.

23 MR. WISE: And with this
24 facility in particular, we have
25 received the certificate of need from

1 ARTIS SENIOR LIVING
2 the State Department of Health which
3 means we are completely compliant
4 with the American with Disabilities
5 Act.

6 CHAIRPERSON CHIN: For now.
7 Okay. As long as the Applicant
8 understands what we mean by then
9 current.

10 Any comments from the Board?

11 Do you want to continue with
12 the other ones?

13 MR. STOLMAN: Sure. If you go
14 to the resolution of wetland permit
15 approval which I believe Sandy made
16 copies of, you are looking for a
17 resolution of wetlands permit
18 approval which in the upper
19 right-hand corner has the date
20 12/20/16. This was e-mailed to you
21 yesterday.

22 MR. HOUGHAM: We have the
23 December 6, that has all four.

24 MR. HOEFLICH: For resolution
25 for the wetland permit approval.

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2 MR. STOLMAN: It shouldn't be
3 dated December 6th.

4 MR. COLEMAN: December 20th.

5 MR. STOLMAN: Yes.

6 MR. HOUGHAM: I read them
7 online.

8 MR. HOEFLICH: I read them on
9 my phone.

10 CHAIRPERSON CHIN: Go through
11 the changes then.

12 MR. STOLMAN: It was received
13 by you yesterday. Again we changed
14 all the revision dates to be
15 appropriate.

16 There is a temporary footnote
17 on the bottom of page two. And this
18 is a question for Steve. A report
19 entitled Artis Senior Living Wetlands
20 Narrative. So the footnote comes out
21 and the date remains April 6th.

22 We have a blank on page three
23 for when the public hearing would be
24 closed.

25 On page four toward the bottom

1 ARTIS SENIOR LIVING

2 we've added a new memo date, Steven's
3 latest memo is dated December 13th.
4 So we added that.

5 On page five it's not really
6 substantive, we were redundant in
7 saying the deer fencing shall be
8 installed to allow the passage of
9 amphibians and reptiles. We struck
10 it in one place and kept it in the
11 other.

12 And that's it for the changes
13 to the resolution of wetlands permit
14 approval relative to the last version
15 we reviewed.

16 The next resolution is the
17 resolution of tree removal permit
18 approval. Again we updated the
19 revision dates. We have a blank for
20 the closing of the public hearing.
21 And there are no other changes to
22 that resolution.

23 MR. HOEFLICH: They have to
24 remove those three bumps or -- the
25 rock dams.

1 ARTIS SENIOR LIVING

2 MR. COLEMAN: That was taken
3 care of in the latest revision.

4 MR. HOEFLICH: Okay.

5 MR. STOLMAN: The last
6 resolution is the resolution of the
7 Architectural Review Board approval.

8 Again we updated the revision
9 dates. There is a blank for the
10 closing of the public hearing. And
11 because the resolution of site plan
12 approval addresses the New York State
13 Energy Code we took it out of this
14 resolution so as not to be redundant.
15 And those are the only changes.

16 CHAIRPERSON CHIN: Any comments
17 from the Board?

18 MR. HOEFLICH: No.

19 MR. HOUGHAM: No.

20 CHAIRPERSON CHIN: Any comments
21 from the public?

22 No.

23 Shall we vote?

24 MR. STOLMAN: You should close
25 the public hearings on the four

1 ARTIS SENIOR LIVING

2 matters.

3 CHAIRPERSON CHIN: Do we have a
4 motion to close the hearing on this.

5 MR. MCWILLIAMS: I make a
6 motion.

7 MR. HOUGHAM: I second.

8 CHAIRPERSON CHIN: Board?

9 MR. HOEFLICH: I approve.

10 MR. BOSSINAS: I approve.

11 MR. HOUGHAM: Approve.

12 CHAIRPERSON CHIN: We make a
13 motion to rule on the resolutions?

14 MS. ZALANTIS: Yes. Let's do
15 four separate motions.

16 CHAIRPERSON CHIN: Start with
17 the site plan.

18 MR. HOEFLICH: I make a motion
19 to approve.

20 MR. MCWILLIAMS: Second.

21 CHAIRPERSON CHIN: Board votes.

22 MR. HOUGHAM: Yes.

23 MR. BOSSINAS: Yes.

24 MR. MCWILLIAMS: Yes.

25 MR. COLEMAN: Yes.

1 ARTIS SENIOR LIVING
2 CHAIRPERSON CHIN: Yes.
3 The wetland approval.
4 MR. HOEFLICH: I make a motion
5 to approve.
6 MR. HOUGHAM: Second.
7 CHAIRPERSON CHIN: Board?
8 MR. HOEFLICH: Yes.
9 MR. MCWILLIAMS: Yes.
10 MR. COLEMAN: Yes.
11 MR. BOSSINAS: Yes.
12 CHAIRPERSON CHIN: Yes.
13 Tree removal resolution.
14 MR. HOEFLICH: Make a motion to
15 approval.
16 MR. BOSSINAS: Second.
17 MR. HOUGHAM: Yes.
18 MR. MCWILLIAMS: Yes.
19 MR. HOEFLICH: Yes.
20 MR. COLEMAN: Yes.
21 CHAIRPERSON CHIN: Yes.
22 Architectural review plan.
23 MR. MCWILLIAMS: I make a
24 motion.
25 MR. BOSSINAS: I second.

1 ARTIS SENIOR LIVING

2 CHAIRPERSON CHIN: Board.

3 MR. HOEFLICH: Yes.

4 MR. HOUGHAM: Yes.

5 MR. MCWILLIAMS: Yes.

6 MR. COLEMAN: Yes.

7 CHAIRPERSON CHIN: Yes.

8 Thank you.

9 MR. WISE: Thank you very much.

10 My client couldn't be here
11 tonight. He's with his family for
12 the holidays already. He wanted to
13 make sure I let the Board know the
14 company very much looks forward to
15 being a member of the Ossining
16 community. I really believe as this
17 project evolves it is going to be a
18 great one for the Town. I thank you
19 for your patience and cooperation and
20 look forwarding to get the project
21 going. Happy holidays.

22 (Whereupon, at 7:45 P.M., the
23 above matter concluded.)

24

25

° ° ° °

ARTIS SENIOR LIVING
C E R T I F I C A T E

I, SUSAN LANZETTA, a Professional
Court Reporter for and within the State of
New York, do hereby certify:

That the above is a correct
transcription of my stenographic notes.

I further certify that I am not
related to any of the parties to this
action by blood or by marriage and that I
am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 9th day of January 2017.



SUSAN LANZETTA

| | | | | |
|----------|--|---|---|--|
| 1 | appropriate [1] - 11:15 approval [16] - 2:18, 2:20, 2:24, 3:15, 5:7, 7:19, 10:15, 10:18, 10:25, 12:14, 12:18, 13:7, 13:12, 15:3, 15:15 approve [4] - 14:9, 14:10, 14:19, 15:5 Approve [1] - 14:11 April [1] - 11:21 Architectural [2] - 13:7, 15:22 architectural [1] - 2:19 art [1] - 9:13 Artis [3] - 2:3, 3:6, 11:19 ARTIS [1] - 1:10 ask [1] - 2:16 aspects [1] - 5:17 assume [1] - 9:12 attached [1] - 3:13 attempted [1] - 8:23 Attorney [1] - 1:18 | C | conventional [1] - 8:13 cooperation [1] - 16:19 copies [2] - 3:10, 10:16 corner [2] - 2:25, 10:19 correct [1] - 17:8 correspondence [1] - 5:24 Court [1] - 17:6 current [4] - 9:8, 9:14, 9:22, 10:9 | |
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Diamond Errata Sheet

Plaintiff(s): _____

Defendant(s): _____

[illegible]

Date: _____

Jane of Witness:

Signature:

Subscribed and sworn to before me

This _____ **of** _____ **20** ____.

Notary Public