

October 16, 2024

A MEETING OF THE PLANNING BOARD of the Town of Ossining was held on October 16, 2024 at 7:30 p.m. at the John Paul Rodrigues Ossining Operations Center, 101 Route 9A, Ossining, NY and by Zoom video conference. Members of the public were able to attend in person or view and/or join the meeting via computer or mobile app as follows:

<https://us02web.zoom.us/j/85279276072>

There were present the following members of the Planning Board:

Jim Bossinas, Member
Donna Sharrett, Member
Jason Mencher, Member
Kim Jacobs, Member

Absent: Carolyn Stevens, Chair
Manny Enriquez, Member

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

North State Development Group, 549 North State Road, Site Plan Review Change of Use to existing interior retail space PUBLIC HEARING CONTINUED

ARQ Architecture P.C. ("Applicant") is seeking Site Plan approval for a new restaurant at 549 North State Road. The applicant proposes to adaptively reuse the existing building. The Project will be located at 549 North State Road, Section, Block, and Lot 90.15-1-44 ("Project Site"). The Project Site is located in the GB, General Business District.

Ms. Monastra submitted two draft resolutions of approval for the Board to review and consider. Copies of Resolution of Site Plan and Resolution of Architectural Review Board Approval were on file and given to the applicant in advance of the meeting. Mr. Jorge B. Hernandez, Architect, was in attendance with Applicants/Restaurant Owners Mr. Fernando Alvarado and Mr. Dario Alvarado. Revised plans and letter from the Property Owner, Mr. Angelo Fabbri, submitted October 3, 2024 were on file. The letter from Mr. Fabbri says once the project advances to completion, the contractor will ensure recommended plantings are installed. The plan was redesigned to include new plants and to move the outdoor walk-in cooler to the interior space near the kitchen inside the restaurant. This reduced seating which reduces the number of parking spaces required for this use.

Mr. Mencher and Mr. Bossinas were very pleased with the updates. They thanked the applicant for the changes. Ms. Sharrett also thanked the applicant for the landscape changes. It is her recommendation that they plant a group of the flowers and then a group of the shrubs instead what's shown on the plan. Ms. Sharrett also asked the applicant to confirm trash pickup time and discussed noise issues related to compressors and afterhours cleanup. Mr. Hernandez said they are going to use trash pickup according to the times that already exists for the site. There will just be an increase in the amount garbage. With respect to issue of noise from the mechanical equipment on the roof, Mr. Mencher recommended a condition to the resolution that the Building Inspector be satisfied with screening related to that. The Board agreed. Ms. Sharrett also recommended that the applicant remove the 10 Mountain Laurels proposed on the wall near the chain link fence and change the chain link fence to wood stockade style fence. She said the plants probably wouldn't survive in that spot and will be very difficult to maintain. Also, any lighting along the rear of the building should be downward facing or shield the tops of existing lights. Mr. Hernandez said hours of operation will be 6:30 am to 10:30 pm. Mr. Alvarado confirmed that supply deliveries coming to the restaurant will be during regular business hours.

At this time, Mr. Bossinas asked if there were any comments from the public. There were none.

A motion was made by Mr. Bossinas, seconded by Mr. Mencher and unanimously approved by the Board to close the public hearing for North State Development Group, 549 North State Road, Site Plan Review Change of Use to existing interior retail space.

549 North State Rd. Continued

A motion was made by Mr. Mencher, seconded by Ms. Jacobs and unanimously approved by the Board to adopt Resolution of Architectural Review Board Approval and Resolution of Site Plan Approval both dated October 16, 2024, as amended and to include items discussed above, for North State Development Group, 549 North State Road, Site Plan Review, Change of Use to existing interior retail space to restaurant use.

Board members thanked the applicant for making changes to their plan in consideration of the neighboring properties.

Crotonville Owner LLC, 1 Old Albany Post Road, Petition for Zoning Text Amendment and Site Plan Review

Mr. Clay McPhail, Applicant/Owner and Mr. Brad Schwartz of Zarin & Steinmetz were in attendance. Crotonville Owner LLC ("Applicant") is seeking an amendment to the Town's Zoning chapter of the Town Code to modify the BE, Business Education, District regulations to facilitate the planned repurposing of the former General Electric ("GE") management-training facility, located at 1 Old Albany Post Rd ("Project Site") by expanding the permitted uses of the site. The applicant is also seeking Site Plan approval for the planned reuse of each of the 12 existing buildings at the Project Site. There are no new buildings, or expansion of existing buildings, planned or proposed at this time. The applicant proposes to adaptively reuse the existing buildings.

Ms. Monstra submitted and reviewed draft Resolution of Site Plan Approval. The Applicants received copies prior to the meeting for review. The Public Hearing for this project was closed September 18, 2024. A letter was received October 15, 2024 from Resident, Nancy Carmichael of 78 Mystic Drive, regarding traffic related issues at the intersection of Route 9, Old Albany Post Road and Mystic Drive. Copies of letter were given to the Applicant and the Board.

Mr. Schwartz' response to the letter was that the traffic study was performed and vetted. It was expanded from the initial study that was prepared. From a traffic and intersection analysis standpoint, they feel it's totally covered. The intersection is where Mr. John Canning from Kimley Horn, is also recommending the 3 second signal change. This intersection is now operating at a C level without the project, that's with normal future conditions, or go to a D, increase in 33 seconds or 37 seconds and then with a large event at the facility, it will go to an E, but with the 3 second adjustment, it goes back to the D. The 3 second adjustment essentially keeps the intersection at the same level, the same grade, as it is expected to operate at in the future in normal growth. Mitigation, even with a big event, keeps it at a D. Osmond Barry of Nelson, Pope concurred with the 3 second mitigation. It does say that a signal planning modification should be coordinated with the relevant jurisdictional agency which is New York State Department of Transportation (NYS DOT), so this could be a condition of approval.

Mr. Schwartz said they're mostly comfortable with the resolution. There are some minor adjustments to where it references a post approval or post occupancy traffic study that they have always talked about during the process post approval parking study. The parking is still fluid because of the shuttle, the valet and the land banking. Traffic numbers checked out fine.

The project is located in the BE Business Education district. The Board agreed that the property should be included in the updated Indian Brook Croton Gorge Overlay zone. This will be updated in the final version of the resolution.

A motion was made by Mr. Mencher, seconded by Ms. Jacobs and unanimously passed by the Board to adopt Crotonville Owner LLC, 1 Old Albany Post Road, Resolution of Site Plan Review, as amended and discussed above.

Crotonville Owner continued

Although the public hearing for this project was closed September 18th, Ms. Jaimie Black, of Quaker Bridge Road in attendance on Zoom, asked for an opportunity to speak.

It is the opinion of Ms. Black that the traffic report is not realistic to the traffic conditions that exist for the neighborhood. Additionally, she requested the helipad be taken out of service. The helipad is risk to the community because low flying helicopters are, in fact, a danger over high density neighborhoods and that's the reason why the FAA creates stringent requirements prohibiting the use of helicopters to fly in specific neighborhoods that reflect the composition of the Crotonville area.

Ms. Black discussed litigation between residents with Metro North and the MTA because of the low frequency noises that they're generating at the Croton area. They are identified as infrasound, and they're extremely hazardous for people with any type of heart conditions, preemie babies and also it's extremely disturbing for sleep. She recommended that the applicant be denied the opportunity to expand the use of this property for a hotel and obviously an assisted living facility until the problem with this noise generation has been resolved.

Ms. Black's final comments, in her opinion, were, 1. The traffic study isn't realistic. 2. The helipad has to be taken out of service because it no longer has a need or a functional use, especially with 24, 7 cell phone communication any place in the world, and 3. the battle with Metro North and the MTA low frequency noise.

In response to Ms. Black's comments, Ms. Addona said these issues were raised before the Town Board as far as the low frequency noises and as it relates to Metro North. This is something that was brought up before that the applicant has heard and it is their decision whether or not they choose to move forward with the uses. As far as recommending litigation, the Town Board and the Supervisor, both past and current, did what they could on behalf of the residents to try to facilitate a resolution with Metro North and we're not able to get anywhere, so ultimately, at some point, the Board had to say, "if you guys want to pursue this further, it has to be of your own volition and through your own attorneys". I have no comments on the sites and I certainly never advocated for that as it relates to the helipad. This is something that, as we've mentioned, has been in existence for as long as GE was operating and it is not actively operating. As I understand it right now and as a condition of the Town Board approval and in your resolution Condition 4, the applicant is going to be required to enter into an agreement that aligns with what GE was required to abide by for the use of the helipad. In practice there should be absolutely no change to what was previously operating when it was under GE ownership.

As for comments related to the traffic, we have Mr. Canning, Kimley Horn, who prepared the traffic study and we have Nelson Pope, who reviewed the traffic study and the Planning Board really has to focus on the expertise of those individuals and not just someone saying that it's not going to work in practice. As discussed this evening, we are going to require the post operation parking study and if the DOT does not approve the 3 second modification to the timing then there will also be an updated traffic study.

Mr. Mencher said he is ready and would like to move forward to remake his motion to adopt the Planning Board Resolution of Site Plan Approval for Crotonville Owners, LLC, Old Albany Post Road, as amended and previously discussed, seconded by Ms. Jacobs and unanimously approved by the Board.

Minutes

A motion was made Mr. Mencher, seconded by Mr. Bossinas and unanimously passed by the Board to adopt Planning Board meeting minutes of August 21, 2024.

A motion was made Mr. Mencher, seconded by Ms. Jacobs and unanimously passed by the Board to adopt Planning Board meeting minutes of September 18, 2024.

October 16, 2024

Adjournment

A motion was made Mr. Mencher, seconded by Mr. Bossinas and unanimously passed by the Board to adjourn the Planning Board meeting to November 20, 2024.

Respectfully submitted,

Sandra Anelli

Sandra Anelli, Secretary
Town of Ossining Planning Board

APPROVED: February 19, 2025

**RESOLUTION
TOWN OF OSSINING ARCHITECTURAL REVIEW BOARD**

Application of ARQ Architecture P.C.

Property: 549 North State Road (Section Block and Lot 90.15-1-44 and GB Zone)

Resolution of Architectural Review Board Approval

Background

WHEREAS, ARQ Architecture P.C. (the "Applicant" and "Owner") is seeking Architectural Review Board (ARB) approval to adaptively reuse an existing building as a restaurant; and

WHEREAS, the Project Site is located at 549 North State Road, Section Block and Lot 90.15-1-44 ("Project Site"). The property is located in the GB General Business district; and

WHEREAS, the Architectural Review Board confirms that the project is categorized as a Type II action under NYS DEC 617.5 (c) as it is the "construction or expansion of a nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance;" and

WHEREAS, the Applicant made a preliminary presentation to the Planning Board on July 17, 2024, and, thereafter, the Planning Board conducted a duly noticed public hearing on August 21, 2024, September 18, 2024, and October 16, 2024; and

WHEREAS, The Architectural Review Board has carefully examined the Application and the Applicant's materials as follows:

1. Response Memo, prepared by Jorge B. Hernandez, RA, of ARQ Architects, dated August 1, 2024;
2. Site Plan by ARQ Architects last revised June 12, 2024;
3. Narrative dated July 1, 2024;
4. Short Environmental Assessment Form, Part 1, dated July 1, 2024;

WHEREAS, the Architectural Review Board has also reviewed and examined letters, reports, and memorandum from the Board's consulting planner Valerie Monastra, AICP including the following:

- a. Memorandum dated July 11, 2024

b. Memorandum dated August 8, 2024; and

WHEREAS, the Architectural Review Board closed the public hearing on October 16, 2024 and at the same meeting, the Board deliberated in public on the Applicant's request for approval; and

Architectural Review Board Determination

NOW FOR IT BE RESOLVED, the Architectural Review Board determines that based upon the findings and reasoning set forth below, the application for Architectural Review Board approval is granted subject to the conditions set forth below.

I. Findings

The Architectural Review Board is familiar with the Subject property and the general vicinity and has reviewed the application in accordance with Chapter 55, Architectural Review Board, of the Town Code.

The Architectural Board has conducted an extensive review of the Applicant's proposal and finds that the Applicant has satisfactorily addressed the criteria for granting Section 55-8 of the Town Code.

In accordance with Section 55-8(A) the Architectural Review Board finds the Application took into account the natural and man-made features of the site and its surroundings, and the character of the zoning district and its peculiar suitability for particular purposes, with a view to conserving existing values and encouraging the most appropriate use of land.

Further the Architectural Review Board finds that the project meets Section 55-8 (B) and the Project:

- a. would be in harmony with the purposes of this chapter,
- b. would not be visually offensive or inappropriate because of the poor quality of exterior design;
- c. would not constitute monotonous similarity or visual discord in relation to the site or its surroundings;
- d. would not mar the appearance of the area, would not be detrimental to the character of the neighborhood; and
- e. would not prevent an appropriate development and utilization of the site and adjacent lands.

II. Approved Plan:

Except as otherwise provided herein, all work shall be performed in strict compliance with the plans submitted to the Architectural Review Board and approved by the Architectural Review Board as follows:

- a. Site Plan Set by ARQ Architects, last revised October 16, 2024, including:
 - i. T-001 Cover Sheet & General Notes
 - ii. T-002 Occupancy & Egress Diagram
 - iii. S-100 Existing & Proposed Site Plan and Zoning Data
 - iv. A-001 Exist. & Demo. Floor Plan
 - v. A-100 Existing & Proposed Floor Plan, Details, Legend & Notes
 - vi. A-200 Exist. Elevations
 - vii. A-400 Door Schedule, Jamb Detail, Enlarged Bathroom Plan, Bar Detail & ADA Standard

III. General Conditions

- a. Prerequisites to Stamping Final ARB Plan and Issuance of Building Permit: The following conditions must be met before the Architectural Review Board Plan ("Final ARB Plan") is stamped and a Building Permit is issued:
 - i. The Architectural Review Board's approval is conditioned upon the Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
 - ii. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Town Engineer and Town Planner, they shall also be considered "Approved Plans."
 - iii. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Architectural Review Board review of this Application.
- b. Force and Effect: No portion of any approval by the Architectural Review Board shall take effect until (1) all conditions are met, and (2) the Final ARB Plan is stamped by the Building Department.

- c. Landscaping: All landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first and second year of installation. Individual species that do not survive beyond the first and second year shall be replaced at the beginning of the next growing season with another native species suitable for the site conditions.
- d. Field Changes: Any further modification of the subject premises beyond those approved herein shall be subject to further Board review and approval. The Applicant is subject to all permits, time limits, and applicable fees as set forth in NYS Town Law and the Town Code.
- e. Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule.
- f. Prior to Issuance of Certificate of Occupancy: The Building Inspector shall inform the Board of the Applicant's request for a Certificate of Occupancy and the Board reserves the right to make a field inspection of the site prior to the issuance of said Certificate of Occupancy, and to require any reasonable modifications to site details, which modifications shall be a condition of said Certificate of Occupancy

Dated as of October 16, 2024


Carolyn Stevens, Planning Board Chair

Motion by: Jason Mencher
Seconded by: Kim Jacobs
In Favor: All
Opposed: None
Abstaining: None

**RESOLUTION
TOWN OF OSSINING PLANNING BOARD**

Application of ARQ Architecture P.C.

Property: 549 North State Road (Section Block and Lot 90.15-1-44 and GB Zone)

Resolution of Planning Board Approval

Background

WHEREAS, ARQ Architecture P.C. (the "Applicant") is seeking a Site Plan Amendment to adaptively reuse an existing building as a restaurant; and

WHEREAS, the Project Site is located at 549 North State Road, Section Block and Lot 90.15-1-44 ("Project Site"). The property is located in the GB General Business district; and

WHEREAS, the Planning Board confirms that the project is categorized as a Type II action under NYS DEC 617.5 (c) as it is the "construction or expansion of a nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance;" and

WHEREAS, the Applicant had made a preliminary presentation to the Planning Board on July 17, 2024, and, thereafter, the Planning Board conducted a duly noticed public hearing on August 21, 2024, September 18, 2024; and October 16, 2024; and

WHEREAS, The Planning Board has carefully examined the Application and the Applicant's materials as follows:

1. Response Memo, prepared by Jorge B. Hernandez, RA, of ARQ Architects, dated August 1, 2024;
2. Site Plan by ARQ Architects last revised June 12, 2024;
3. Narrative dated July 1, 2024;
4. Short Environmental Assessment Form, Part 1, dated July 1, 2024;
5. Planning Board Application, dated July 1, 2024;

WHEREAS, the Planning Board has also reviewed and examined letters, reports, and memorandum from the Board's consulting planner Valerie Monastra, AICP including the following:

- a. Memorandum dated July 11, 2024
- b. Memorandum dated August 8, 2024; and

WHEREAS, the Planning Board closed the public hearing on October 16, 2024 and at the same meeting, the Board deliberated in public on the Applicant's request for approval; and

WHEREAS, the Board is familiar with the property and all aspects of the application and has determined that the proposal is consistent with the standards as set forth in the Town of Ossining Zoning Code ("Code"), Section 200-50; and

Planning Board Determination

NOW FOR IT BE RESOLVED, the Planning Board determines that based upon the findings and reasoning set forth below, the application for Site Plan Amendment is granted subject to the conditions set forth below.

I. Findings

- A. The Planning Board is familiar with the Subject property and the general vicinity and has reviewed the application in accordance with Chapter 200, Zoning, of the Town Code.
- B. The Planning Board has conducted an extensive review of the Applicant's proposal and finds that the Applicant has satisfactorily addressed the criteria for granting Section 200-50 of the Town Code.
- C. In accordance with Section 200-50 the Planning Board finds the application took into account 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.
- D. The Board considered, among other things, traffic access; circulation and parking; landscaping and screening; lighting; natural features; and whether these elements will exceed the capabilities of existing municipal roads or utility services.

II. Approved Plan:

Except as otherwise provided herein, all work shall be performed in strict compliance with the plans submitted to the Planning Board and approved by the Planning as follows:

- a. Site Plan Set by ARQ Architects, last revised October 2, 2024, including:
 - i. T-001 Cover Sheet & General Notes
 - ii. T-002 Occupancy & Egress Diagram

- iii. S-100 Existing & Proposed Site Plan and Zoning Data
- iv. A-001 Exist. & Demo. Floor Plan
- v. A-100 Existing & Proposed Floor Plan, Details, Legend & Notes
- vi. A-200 Exist. Elevations
- vii. A-400 Door Schedule, Jamb Detail, Enlarged Bathroom Plan, Bar Detail & ADA Standard

III. General Conditions

A. The following conditions must be met before the Planning Board Chair may sign the approved Site Plan ("Final Site Plan"):

- i. Replace the mountain laurels on the site plan with a wood stockade fence at the maximum height allowed by code.
- ii. Rear building lights will be pointed downward or shielded.
- iii. Deliveries will take place during business hours, which are from 6:30 am to 10:30 pm.
- iv. The Planning Board's approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans and evidence of such must be submitted to the Town Planning and Building Department.
- v. The Applicant must address to the full satisfaction of the Town Engineer, all outstanding storm water, and engineering issues raised in the hearings and documents submitted to the Board.
- vi. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Town Engineer and Town Planner, they shall also be considered "Approved Plans."
- vii. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

B. Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board has been filed with the Town Clerk.

- C. Field Changes: Any further modification of the subject premises beyond those approved herein shall be subject to further Board review and approval except for grading changes that would result in the reduction of the height of the retaining wall which only requires review and approval from the Town Engineer. The Applicant is subject to all permits, time limits, and applicable fees as set forth in NYS Town Law and the Town Code.
- D. Landscaping: All landscaping on the Approved Plans shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first and second year of installation. Individual species that do not survive beyond the first and second year shall be replaced at the beginning of the next growing season with another native species suitable for the site conditions.
- E. Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. The project must adhere to all applicable State and Town Codes.
- F. Prior to Issuance of Certificate of Occupancy: The Building Inspector shall inform the Board of the Applicant's request for a Certificate of Occupancy and the Board reserves the right to make a field inspection of the site prior to the issuance of said Certificate of Occupancy, and to require any reasonable modifications to site details, which modifications shall be a condition of said Certificate of Occupancy.
- G. Issuance of Final Certificate of Occupancy: A Final Certificate of Occupancy shall be issued for the Site upon completion of all improvements shown on the site development plan and, if applicable, all easements and property interests have been duly granted or dedicated to the Town. The Applicant must enter into an agreement with the Town for the operation and maintenance of the storm water system. This agreement must satisfy the Town Engineer.
- H. Expiration of Site Plan: In accordance with section 200-50 C (9) site plan approval shall expire if:
 - i. All of the conditions required to be fulfilled prior to the signing of the site plans by the Planning Board Chair are not fulfilled within one year from the date of the adoption of site plan approval and if said plans are not submitted for endorsement by the Chair within said one-year period.

- ii. All required improvements are not maintained and if all conditions and standards of the site plan approval are not complied with throughout the duration of the approved use.
- iii. A bona fide application for a building permit or a certificate of occupancy is not made within one year from the date of the endorsement of the site plans by the Planning Board Chair.
- iv. All required improvements are not substantially completed within two years from the date of the endorsement of the site plans by the Planning Board Chair. The staging of a development over a longer period may be specifically provided for by the Planning Board in its resolution of site plan approval.

The Planning Board may extend site plan approval if, in its opinion, such extension is warranted by the particular circumstances involved.

Dated as of October 16, 2024


Carolyn Stevens, Planning Board Chair

Motion by: Jason Mencher
Seconded by: Kim Jacobs
In Favor: All
Opposed: None
Abstaining: None

**RESOLUTION
TOWN OF OSSINING PLANNING BOARD**

Application of Crotonville Owner LLC

Property: 1 Old Albany Post Road (80.14-2-13, 80.15-1-4.1,80.15-1-24,80.1-25,80.15-1-27,80.15-2-28,80.15-1-29,80.15-1-30,80.15-1-31,80.19-2-1,80.19-2-2,80.19-2-3, Town of Ossining, Westchester County and BE Zone)

Resolution of Planning Board Approval

Background

WHEREAS, Crotonville Owner LLC ("Applicant") is seeking a Site Plan Approval for the planned reuse of each of the 12 existing buildings at the Project Site for a conference center, event venue and restaurant, and up to 300 hotel rooms ("Project"); and

WHEREAS, the Project is located at 1 Old Albany Post Road, Section, Block, and Lots 80.14-2-13, 80.15-1-4.1,80.15-1-24,80.1-25,80.15-1-27,80.15-2-28,80.15-1-29,80.15-1-30,80.15-1-31,80.19-2-1,80.19-2-2,80.19-2-3, ("Project Site"); and

WHEREAS, the Project Site is located in the BE Business Education district; and

WHEREAS, this is a Type I Action involving Coordinated SEQR review with the Town Board acting as Lead Agency; and

WHEREAS, the Town Board issued a Negative Declaration on September 24, 2024; and

WHEREAS, the Town Board adopted the Applicant's zoning petition requesting the expansion of uses in the BE zoning district on September 24, 2024, which permits the uses proposed by the Applicant in this Site Plan application; and

WHEREAS, the Project Site is within the Indian Brook watershed and will be subject to the requirements of Chapter entitled Indian Brook-Croton Gorge Watershed Overlay Protection District; and

WHEREAS, the Planning Board conducted a duly noticed public hearing on August 21, 2024 and September 18, 2024, at which time all those wishing to be heard were given the opportunity to be heard, and the public hearing was closed on September 18, 2024; and

WHEREAS, the Planning Board has carefully examined the Application and the Applicant's materials as follows:

1. Planning Board Application dated July 1, 2024
2. Letters to the Planning Board dated July 1, 2024, August 1, 2024, and September 3, 2024
3. Response to Comments by Kimley-Horn dated August 1, 2024, and September 3, 2024
4. Narrative by Kimley-Horn last revised September 3, 2024
5. Parking Management Plan by Kimley-Horn dated September 3, 2024
6. Traffic Study last revised August 2024
7. Site Plans by Kimley Horn Engineers last revised September 3, 2024

WHEREAS, the Planning Board has also reviewed and examined letters, reports, and memorandum from the Board's consulting traffic engineer and planner; and

WHEREAS, all testimony provided at the public hearing was carefully considered, and the Planning Board deliberated in public on the Applicant's request for approval of the Project; and

Planning Board Determination

WHEREAS, the Board is familiar with the property and all aspects of the application and has determined that the proposal is consistent with the standards as set forth in the Town of Ossining Zoning chapter of the Town of Ossining Code ("Code"), Section 200-50; and

WHEREAS, in accordance with Section 200-50 the Planning Board finds the application took into account 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; and

WHEREAS, the Planning Board considered, among other things, traffic access; walkways; circulation and parking; stormwater; landscaping and screening; lighting; noise; natural and environmentally sensitive features; and whether the proposed project will exceed the capabilities of existing municipal roads or utility services; and

NOW FOR IT BE RESOLVED, the Planning Board determines that based upon the findings and reasoning set forth below, the application for Site Plan is granted subject to the conditions set forth below:

Conditions

1. Approved Plan. Except as otherwise provided herein, all work shall be performed in strict compliance with the plans submitted to the Planning Board and approved by the Planning as follows:
 - a. Site Plans prepared by Kimley Horn Engineers last revised September 3, 2024
 - i. Sheet C.1 Overall Site Plan
2. A post-occupancy parking study and traffic study, if NYSDOT does not approve the three second change to the light at Old Albany Post Road (NYS Route 9) and Mystic Road, should be undertaken by the Applicant one year after operation of the additional uses commences and the Applicant agrees to address any issues identified by the study, as may be appropriate.
3. The Applicant will abide by the Parking Management Plan by Kimley Horn Engineers dated September 3, 2024, for all large events at the property that will require parking for over 217 vehicles.
4. The Applicant shall enter into an agreement with the Town regulating the use of the helipad in a manner that aligns with the previous agreement between the Town and GE from 1984.
5. The Applicant must continue to provide monthly reports to the Town (by the 15th of every month) of any helicopter activity and must comply with all laws related to such use.
6. Any additional development of the Property or change of use to incorporate uses not included in the zoning petition, negative declaration and site plan shall be submitted to the applicable Town department in advance for the appropriate review.
7. General Conditions. The following conditions must be met before the Planning Board Chair may sign the approved Site Plan ("Final Site Plan"):
 - a. The Planning Board's approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans and evidence of such must be submitted to the Town Planning and Building Department.
 - b. The Applicant must submit a final parking management plan for the file.

- c. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Town Engineer and Town Planner, they shall also be considered "Approved Plans."
- d. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
- e. Force and Effect. No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board has been filed with the Town Clerk.
- f. Field Changes. In the event the Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Building Inspector may allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes. The Applicant is subject to all permits, time limits, and applicable fees as set forth in NYS Town Law and the Town Code.
- g. Commencing Work. No work may be commenced on any portion of the Project Site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. The Project must adhere to all applicable State and Town Codes.
- h. Prior to Issuance of Certificate of Occupancy. The Building Inspector shall inform the Board of the Applicant's request for a Certificate of Occupancy and the Board reserves the right to make a field inspection of the Project Site prior to the issuance of said

Certificate of Occupancy, and to require any reasonable modifications to site details, which modifications shall be a condition of said Certificate of Occupancy.

- i. Issuance of Final Certificate of Occupancy. A Final Certificate of Occupancy shall be issued for the Project Site upon completion of all improvements shown on the site development plan and, if applicable, all easements and property interests have been duly granted or dedicated to the Town. The Applicant must enter into an agreement with the Town for the operation and maintenance of the storm water system. This agreement must satisfy the Town Engineer.
- j. Expiration of Site Plan. In accordance with section 200-50 C (9) site plan approval shall expire if:
 - i. All of the conditions required to be fulfilled prior to the signing of the site plans by the Planning Board Chair are not fulfilled within one year from the date of the adoption of site plan approval and if said plans are not submitted for endorsement by the Chair within said one-year period.
 - ii. All required improvements are not maintained and if all conditions and standards of the site plan approval are not complied with throughout the duration of the approved use.
 - iii. A bona fide application for a building permit or a certificate of occupancy is not made within one year from the date of the endorsement of the site plans by the Planning Board Chair.
 - iv. All required improvements are not substantially completed within two years from the date of the endorsement of the site plans by the Planning Board Chair. The staging of a development over a longer period may be specifically provided for by the Planning Board in its resolution of site plan approval.

Dated as of October 16, 2024


Chair

Motion by: Jason Mencher
Seconded by: Kim Jacobs
In Favor: All
Opposed: None
Abstaining: None