



# TOWN OF NEW CASTLE

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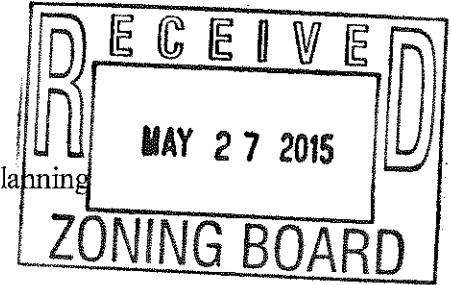
## Development Department

Building  
William Maskiell  
Planning  
Sabrina Charney Hull,  
AICP

Engineering  
Robert J. Cioli, P.E.,

## MEMORANDUM

TO: New Castle Zoning Board of Appeals  
FROM: Sabrina D. Charney Hull, AICP, Director of Planning  
DATE: May 27, 2015



SUBJECT: Amendment of a Special Exception Use Permit for Sunshine Children's Home and Rehab Center, 15 Spring Valley Road [TM#: 79.16-1-1]

<b>PROJECT NAME</b>	<b>SUNSHINE CHILDREN'S HOME AND REHAB CENTER</b>
<b>TM #</b>	79.16-1-1
<b>OWNER/APPLICANT</b>	Spring Valley Road LLC and Sunshine Children's Home and Rehab Center
<b>PROPERTY SIZE</b>	
<b>ZONING DISTRICT</b>	R-2A
<b>APPLICATION FOR</b>	SEUP Amendment, Wetland Permit, Steep Slope Permit, Tree Removal, Stormwater
<b>SEQR CLASSIFICATION</b>	Tyoe I

### Project Materials

- Cover letter prepared by Mark Weingarten, Delbello Donnellan Weingarten Wise & Wiederkehr, LLP dated March 27, 2015
- ZBA Application dated December 29, 2014;
- Coverage Calculations Worksheet, dated December 30, 2014;
- Steep Slopes Application not dated;
- Tree Removal Permit Application signed December 30, 2014;
- Memorandum from Michael W. Junghans, P.E. VHB Engineering, Surveying, and Landscape Architecture, P.C., dated March 25, 2015 in response to Engineering Comments;
- Document titled "Planning Report and EAF Part 1" prepared by VHB Engineering, Surveying, and Landscape Architecture, P.C. dated March 2015;
- Document titled "Stormwater Pollution Prevention Manual" prepared by VHB Engineering, Surveying, and Landscape Architecture, P.C. dated December 2014 and revised March 2015;
- Plan titled "Topographic Map", prepared by DeRosa Land Surveying, PLLC. and dated August 5, 2013;
- Plan titled "Survey of Property", prepared by DeRosa Land Surveying, PLLC. and dated December 9, 2014;
- Plan titled "Tree Survey", prepared by DeRosa Land Surveying, PLLC. And dated August 5, 2013;
- Plan titled "Proposed Additions and Bed Expansion- Title Sheet (T1.0)" prepared by Schopfer Architects, LLP, and dated March 20, 2015;
- Plan titled "Proposed Additions and Bed Expansion-Ground Floor Plan (A1.0)" prepared by Schopfer Architects, LLP, and dated January 29, 2015 and last revised March 20, 2015;

- Plan titled “Proposed Additions and Bed Expansion-Overall Second Floor Plan (A1.1)” prepared by Schopfer Architects, LLP, and dated March 19, 2015 and last revised March 20, 2015;
- Plan titled “Site Plans” prepared by VHB Engineering, Surveying & Landscape Architecture, P.C., dated December 29, 2014 and last revised March 25, 2015;
- Plan titled “Legend and General Notes (C-1)” prepared by VHB Engineering, Surveying & Landscape Architecture, P.C., dated December 29, 2014 and last revised March 25, 2015;
- Plan titled “Abutter’s List Map (C-2)” prepared by VHB Engineering, Surveying & Landscape Architecture, P.C., dated December 29, 2014 and last revised March 25, 2015;
- Plan titled “Layout and Materials Plan (C-3)” prepared by VHB Engineering, Surveying & Landscape Architecture, P.C., dated December 29, 2014 and last revised March 25, 2015;
- Plan titled “Grading and Drainage Plan (C-4)” prepared by VHB Engineering, Surveying & Landscape Architecture, P.C., dated December 29, 2014 and last revised March 25, 2015;
- Plan titled “Utility Plan (C-5)” prepared by VHB Engineering, Surveying & Landscape Architecture, P.C., dated December 29, 2014 and last revised March 25, 2015;
- Plan titled “Soil Erosion and Sediment Control Plan (C-6)” prepared by VHB Engineering, Surveying & Landscape Architecture, P.C., dated December 29, 2014 and last revised March 25, 2015;
- Plan titled “Soil Erosion and Sediment Control Notes and Details (C-7)” prepared by VHB Engineering, Surveying & Landscape Architecture, P.C., dated December 29, 2014 and last revised March 25, 2015;
- Plan titled “Site Details 1 (C-8)” prepared by VHB Engineering, Surveying & Landscape Architecture, P.C., dated December 29, 2014 and last revised March 25, 2015;
- Plan titled “Site Details 2 (C-9)” prepared by VHB Engineering, Surveying & Landscape Architecture, P.C., dated December 29, 2014 and last revised March 25, 2015;
- Plan titled “Site Details 3 (C-10)” prepared by VHB Engineering, Surveying & Landscape Architecture, P.C., dated December 29, 2014 and last revised March 25, 2015;
- Plan titled “Lighting Plan (C-11)” prepared by VHB Engineering, Surveying & Landscape Architecture, P.C., dated December 29, 2014 and last revised March 25, 2015;
- Plan titled “Delivery Truck Vehicle Maneuvering Plan (C-12)” prepared by VHB Engineering, Surveying & Landscape Architecture, P.C., dated December 29, 2014 and last revised March 25, 2015;
- Plan titled “Emergency Vehicle Maneuvering Plan (C-13)” prepared by VHB Engineering, Surveying & Landscape Architecture, P.C., dated December 29, 2014 and last revised March 25, 2015;
- Plan titled “Entrance Road Profile (C-14)” prepared by VHB Engineering, Surveying & Landscape Architecture, P.C., dated December 29, 2014 and last revised March 25, 2015;
- Plan titled “Steep Slopes Disturbance Plan (C-15)” prepared by VHB Engineering, Surveying & Landscape Architecture, P.C., dated December 29, 2014 and last revised March 25, 2015;
- Plan titled “Tree Removal Plan (C-16)” prepared by VHB Engineering, Surveying & Landscape Architecture, P.C., dated December 29, 2014 and last revised March 25, 2015;

#### Project History

- 1963 Special Permit to Women’s Service for Asthma, Inc. for operation of a convalescent home for the care and treatment of asthmatic children (child patients limited to not more than 30);

- 1990 Special Use Permit amendment to allow home health care to approximately 100 children suffering from asthma and to utilize an existing building, formerly used for residential purposes, for offices for personnel providing home health care. Permit included discussion of parking;

### Project Description

Sunshine Children's Home and Rehabilitation Center is a 54-bed nursing facility currently operating under an existing Special Use Permit. The facility is located on 33.28 acres off of Spring Valley Road. The current request for an Amended Special Use Permit and variance to allow the proposed expansion includes an addition to the north of the existing building. Details related to the expansion are found below. Of note, this Application is intended to bring the existing use on the property into full compliance with all Town zoning and environmental requirements.

- Increase in the number of beds from 54 to 122 (addition of 68 new beds)
- Facility expansion from 18,916 SF to 147,367 SF [addition of 128,451 SF (two stories)]
- Increase in parking from 96 parking spaces to 144 spaces (141 required based on 80 employees)
- Increase in employees from 95 to 187 (92 new staff to work at various times)
- Currently wastewater disposal occurs through a privately owned sewage disposal system which connects into the Town of Ossining Sewer District. Current wastewater design flow is 9,960 gpd. The proposed expansion is expected to increase wastewater flow to 22,550 gpd (12,590 gpd of additional flow). There are inconsistencies in the submitted materials. The GPD should be clarified.

### SEQRA

The Zoning Board of Appeals issued its Notice of Intent to act as Lead Agency under the State Environmental Quality Review Act (SEQRA) on May 7, 2015. As such on June 6, 2015, provided no objection has been received, the Zoning Board of Appeals can confirm that they are the Lead Agency regarding the environmental review of this application.

In accordance with the State Environmental Quality Review Act, the proposed action as described is considered a Type I action in accordance with Sec. 617.4b(6)(iv.) which states that in a town having a population of 150,000 persons or less, construction of a facility with more than 100,000 square feet of gross floor area would be considered a Type I Action. In addition, this action is also considered a Type I action in that it exceeds 25 percent of any threshold in this section [617.4(b)], occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space, including any site on the Register of National Natural Landmarks pursuant to 36 CFR Part 62, 1994 (see section 617.17 of this Part), as this property abuts Cedar Lane Park, located within the Town of Ossining. Notwithstanding the Type I classification, this office has reviewed the submitted application materials, as well as review memoranda from Town Staff and Consultants. Based on the information received to date, and subject to the submission of additional information as requested, this office recommends adopting a negative declaration based upon the determination that there are no significant impacts from the proposed action. Below you will find information to assist the Board with making a determination regarding the environmental significance of the proposed action.

### Impact on Land

1. The surrounding land use to the project is vacant woodland and parkland and residential uses. There are 14 properties which abut the subject property. There are seven residential homes along Spring Valley Road. The proposed construction is not anticipated to impact any adjacent property as the area of the building expansion is located to the north of the existing structure which is greater than 700' from the nearest residential dwelling to the north of the site.
2. According to the EAF, the proposed project is anticipated to impact approximately 8.5 acres of the 33.28 acre site. [Note that the EAF is not consistent with Impact Summary as written by VHB regarding the total acres anticipated to be impacted. Clarification is necessary.] This disturbance will occur in relation to construction of the building addition, the associated parking lot, walkway and driveway modifications as well as implementation of stormwater controls. The Applicant has indicated that proper soil erosion and sediment controls will be put in place to stabilize disturbed areas during construction and after construction.
3. The proposed action will impact approximately 2.81 acres of regulated steep slopes. The majority of the disturbance is occurring within the Town's moderately steep slope category (121,500 SF). The Applicant has been requested to provide additional information pertaining to the steep slopes disturbance by the Deputy Town Engineer. Mitigation pertaining to the steep slopes disturbance remains to be provided.
4. The Application materials indicate that 266 trees are located within the project limit of disturbance. 119 of the 210 trees which are within the purview of the Town's Tree Removal Ordinance (Chapter 121) are identified to be removed and are subject to tree replacement. The total caliper inches to be removed are 1,884.0 inches. Per Chapter 121, 942 caliper inches must be replaced, which represents a total of 377 trees to be replaced on site. Per the Town's Environmental Coordinator, the Applicant should provide clarification as to the location of trees to be removed and the tree protection measures for the trees that will remain. In addition, the Applicant should prepare a tree replacement plan in accordance with the requirements of Chapter 121. If the total caliper requirement cannot be replanted on site, the Applicant can take advantage of the Town's Tree Bank Fund.
5. The Applicant has minimized impacts from blasting by strategically locating the new building on the site and will seek to minimize blasting on the site due to the sensitive nature of the facilities. The Applicant is exploring alternate options for rock removal. In addition, all rock removal techniques will be in accordance with Town requirements.

### Impact on Water

6. The Applicant has submitted a Stormwater Pollution Prevention Plan (SPPP) which has been reviewed by the Deputy Town Engineer. Per the Deputy Town Engineer's memorandum dated April 25, 2015, additional information should be provided. This report is currently under review.

7. Two wetlands exist on the property-Wetland A which extends on both sides of the existing entrance and Wetland B, a man-made pond with a liner located east of the main building on site. Per the Environmental Coordinator's memorandum dated May 18, 2015, there are no direct wetland impacts proposed. All impacts are proposed to occur within the wetland buffer. A total of 27,249 SF of wetland disturbance associated with the wetland buffer to Wetland A is proposed as a result of widening the existing driveway. Per Chapter 64, a replacement ratio of 2:1 is required for this disturbance which is equivalent to mitigation of 54,498 SF of wetland buffer area. Per this mitigation, the Applicant has proposed removal of invasive species, re-planting with native trees, shrubs and ground covers. More information is required to be submitted to determine compliance with the Town's mitigation requirement as specified by the Town's Environmental Coordinator. In regards to Wetland B, a total of 58,953 SF of wetland buffer is proposed. The Environmental Coordinator had indicated that this defined wetland is an artificial pond. Per the Town's definition of a wetland, this created structure is classified as a wetland; however given its construction (as per information submitted as part of this application) it has minimal functional wetland value. Given the minimal functionality of this "defined" wetland, the Environmental Coordinator has determined that mitigation for the wetland buffer disturbance associated with Wetland B is not required.

#### Impact to Traffic

8. The Town's traffic consultant, Michael Galante, from Frederick P. Clark Associates, reviewed the Applicant's traffic analysis as submitted with the subject application in comment memoranda dated February 18, 2015 and May 7, 2015. The consultant's review included review of existing access, accident history, traffic counts, adjacent roadway conditions and the overall capacity of the site access drive to accommodate the additional traffic. The existing facility generates 42 vehicle trip ends during the weekday morning peak hour (7:15-8:15AM) and 25 vehicle trip ends during the weekday afternoon peak hour (5:00-6:00PM). Estimated future traffic volume was based on the assumption that the bed increase will generate 53 additional vehicle trip ends during the morning peak and 32 new trip ends during the evening peak. The review found that based on the available accident data, there is no indication of any significant concerns with the site driveway location and the current operation of the intersection. The results of the capacity analysis of the Spring Valley Road/site access drive indicated that operations would still function at a level of Service "A" during existing, no-build and build conditions.

The Application proposes to widen the narrow driveway to maintain a 22-foot wide pavement area from Spring Valley Road up to the top of the hill near the existing building. As part of these improvements, the existing stonewall and column located at the terminus at Spring Valley Road will be relocated to accommodate for the appropriate radii at the intersection to improve site distance. Per the information that has been submitted in relation to this application to date and which has been reviewed by the Town's traffic consultant, the Town's traffic consultant has determined that the proposed expansion of the facility will not have a significant environmental impact regarding traffic.

9. The submitted application proposes to increase parking from 96 parking spaces to 144 spaces. The Applicant indicates that the number of employees will increase from 95 to 187 (92 new staff to work at various times). The Applicant should provide additional

information regarding the number of shift employees, number of shifts, hours of shifts, etc. so that the appropriate parking ratios can be determined.

10. The Deputy Town Engineer's memorandum dated April 25, 2015 raises several questions regarding emergency maneuvering and site line profiles. These questions need to be addressed.

#### Impact to Utilities

11. Water supply for the existing facility is currently served by on-site drinking water wells. The Applicant intends on continuing to use the existing wells and make improvements to the wells, if necessary, once investigations are complete.
12. Currently, wastewater disposal occurs through a privately owned sewage disposal system which connects into the Town of Ossining Sewer District. Current wastewater design flow is 9,960 gpd. The proposed expansion is expected to increase wastewater flow to 22,550 gpd (12,590 gpd of additional flow). There are inconsistencies regarding the gpd numbers as contained in the submitted materials. This should be clarified. In addition, wastewater is provided through a three party agreement involving the Town of Ossining, the Town of New Castle and the Applicant. These agreements, if necessary, should be revised accordingly to allow the new levels of wastewater flow to be treated.

#### Impact to Historical Significance/Archaeology

13. The submission material states that the location of the parcel would most likely contain Native American or early historic archaeological remains. In response, the Applicant conducted a Phase IA Archeological Study for further detail. The report was to be submitted to the NYS OPRHP for their review. A response has not yet been received.

#### **Conclusion**

Per my review of the submitted application materials, review of staff and consultant memoranda this office is of the opinion that this Type I action does not appear to have a significant environmental impact as any environmental disturbances as discussed herein are to be adequately mitigated. Prior to making a final determination through a negative declaration, I would advise the Zoning Board of Appeals to schedule a public hearing regarding the proposed action and direct the Applicant to respond to the outstanding inquiries as contained herein and within staff memoranda.

Cc: Bill Maskiell, Building Inspector  
Lori Anderson, Zoning Board Secretary,  
Eric Gordon, Esq. Keane and Beane  
Mark P. Weingarten, Esq. Delbello Donnellan Weingarten Wise & Wiederkehr, LLP,  
Michael Junghans P.E. VHB Engineering, Inc.  
Bonnie Von Ohlsen, VHB Engineering, Inc.  
Ari Friedman, Applicant