

Town of Ossining (Westchester County, New York)
Application for Planning Board

A copy of this form accompanied by a \$350.00 Filing Fee, Escrow Deposit as outlined on the Town fee schedule, 10 Copies and 1 PDF of an accurate intelligible plan of the property. This must be submitted to the Planning Board Secretary on the specified submission date prior to the regularly scheduled meeting (see Calendar).

I, (We) Armstrong Pibq Htz II Inc
Address 593 North State Rd
Buarely Manor NY 10510
Phone Number 914-941-8492 Email Kathie@armstrongph.com

Request a Planning Board Hearing for:

- ☐ Preliminary Site Plan Review
- ☐ Architectural Review
- ☒ Site Plan Approval (Revised)
- ☐ Conditional Use Permit
- ☐ Rezoning Application
- ☐ Subdivision Approval
- ☐ Filling and Grading Permit
- ☐ Wetland Approval

Location of Property 593 North State Rd.
Section 554 59 40.11 - 1-36
Plate _____ Block _____ Lot(s) _____

Present Zoning Retail - office Purposes

Purpose of Hearing: Approval of Revised Site Plan due to Easement
approval on Property (Attached) ONE page change from original approval
9/15/18

Date: 7/9/18

[Signature]
Signature of Applicant

Note: The applicant is responsible for complying with all rules and regulations with respect to filing of final subdivision plats with the Westchester County Clerk.

Submission Checklist:

- ☐ Application Form & Plans (10) & (1) PDF File
- ☐ Environmental Form (EAF)
- ☐ Fees, Section 200-51
- ☐ Property Owner Authorization

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is by and between the Town of Ossining, a municipal corporation with offices located at 16 Croton Avenue, Ossining, New York 10562 (the "Town") and 593 North State Road, LLC, a New York limited liability company with offices located at 593 North State Road, Ossining, New York 10562 ("Owner").

I. Background

A. The Owner is the fee owner of real property located at 593 North State Road, Ossining, New York 10562 and located within the Town (the "Property").

B. In 2018, the Owner made an application to the Town of Ossining Planning Board ("Planning Board") for a change of use of the Property with an existing single-family home to use the structure for retail and office purposes and to make related improvements, including construction of a parking area, installation of a fence and retaining wall and other associated site improvements.

C. The Planning Board granted site plan approval by Resolution dated September 5, 2018 ("Site Plan Approval," attached hereto as Exhibit "A"), which cited the plans submitted by the Owner that the approval was based upon.

D. After the Owner began constructing the improvements authorized by the Site Plan Approval, the Owner and the Town learned that there was a water main that runs underneath a portion of the Owner's Property, which water main was not depicted on the plans the Owner submitted to the Planning Board and based upon which the Planning Board granted Site Plan Approval.

E. Some of the improvements authorized by the Site Plan Approval, including the parking area and the retaining wall, are over the location of the water main. Had the Planning Board known about the water main at the time the application was pending before the Planning Board, the Planning Board would have taken its existence into consideration when determining the appropriate locations for the proposed improvements and taken measures to ensure that the water main remained accessible by the Town even after the improvements were made and required the Owner enter into an easement agreement with the Town for access to the water main as a condition of the Site Plan Approval.

II. Purpose

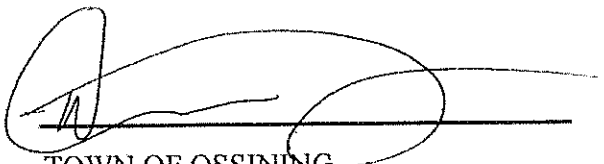
A. The Owner and the Town recognize that it would be mutually beneficial and in the best interest of both parties for the Owner to seek amended site plan approval from the Planning Board to remove and/or modify the improvements proposed to be in the location of the water main as determined to be appropriate during the amended site plan review process. This would ensure the Town has access to the water main in the event there is an issue that needs to

be addressed. This would also be more cost-effective for the Owner as it would remove and/or modify certain costly improvements approved and required as part of the Site Plan Approval and would also provide assurance to the Owner that it would not have issues with the Property in the event there was an issue with the water main but due to the improvements the Town could not gain access to the water main.

III. Obligations of the Parties

A. Owner will apply to the Planning Board for amended site plan approval for the sole purpose to remove, modify and/or relocate the improvements approved as part of the Site Plan Approval that are in the location of the water main in order to ensure that the Town will be able to easily and directly access the water main. The Town will waive the Planning Board application fee for said application.

B. As part of any amended site plan approval granted by the Planning Board, the Owner will provide the Town with an access and maintenance easement for the Town to gain access to and maintain the water main in perpetuity in the form attached hereto as Exhibit "B".


TOWN OF OSSINING

By: Dana Levenberg, Supervisor

Date: 6/10/21


593 NORTH STATE ROAD, LLC

By: Richard S. Bell, Member-Manager

Date: 5/28/21