

RALPH G. MASTROMONACO, P.E., P.C.

Consulting Engineers

13 Dove Court, Croton-on-Hudson, New York 10520

Tel: (914) 271-4762 Fax: (914) 271-2820

Civil / Site / Environmental

www.rgmpepc.com

Ching Wah Chin, Chairman and Members
Town of Ossining Planning Board
John Paul Rodrigues Operations Center
101 Route 9A – PO Box 1166
Ossining, New York 10562

RECEIVED

March 9, 2020

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Town of Ossining
Building & Planning Department

Hand Deliver

Re: Subdivision prepared for Mark Picucci
Section 89.08, Block 1 Lot 78.1
51A and 51 Croton Dam Road / Town of Ossining, New York

Dear Chairman and Members of the Board:

This is to request an amendment of your "Resolution of Subdivision Plat Approval" for the Picucci Subdivision adopted on December 12, 2007, attached.

In the Resolution, there was a condition, letter "g." as follows:

**g. The final subdivision plat shall contain a note stating:
"There shall be no further subdivision of Lot #2."**

As you know from my appearance, in spite of the required condition, that notation was not on the filed map for reasons unknown to our firm, as we were not involved in the project at the time.

The minutes of all the Planning Board meetings did not provide any indication of an analysis by the Board or any discussion as to why such a restriction was needed.

In fact, Lot #2 was large enough in area to be subdivided into two lots. Further, as in the attached slope map, there are no other impediments, such as steep slopes, that would preclude an additional house.

In our independent investigation of the process leading to the note, we found that former Chairman George Weeks suggested that a restriction should be added to the approval, as he was aware that the sewage pumping station near Hawkes Avenue and Croton Dam Road was in disrepair. This was, in fact, the only reason for the restriction on further subdivision.

Since that original subdivision, the failed pump station is now removed from the sewerage system of the Town and there is now a new gravity sewer that has no practical limitations in capacity to serve the lots in the area.

Given that there is now no impediment to adding one additional house to the sewerage system, we make this request and hope to remove the restriction.

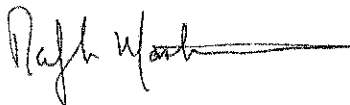
For your consideration, and to advance our request, we attach the letter of Mr. George Weeks, the former Chairman of the Planning Board who confirms that the sewer capacity was the only issue behind the no-further-subdivision condition.

Accordingly, please note the following:

- Your approval of this request would not require the re-filing of the subdivision plat since the restriction never appeared on the filed map.
- The modified Resolution would clear up the conflict that exists between the Resolution and the filed plat.
- Our requested amendment of the Resolution would be non-jurisdictional of the General Municipal law based on the notes from the County Planning Board in the original approval.
- The modification of the Resolution should not require a public hearing since this is not a subdivision application though the decision would depend on the Planning Board's interpretation of the Code on this matter.
- As to SEQRA, and subject to Town's concurrence, we believe this matter may be an unlisted action. The Board issued a negative declaration on the prior subdivision and the modification of the Resolution does not create any new impacts.
- The attached letter (3/5/2020) is from the former Chairman, Mr. George Weeks, indicates that the only reason for the condition of "no further subdivision" was his personal concern over the capacity of the sewage pumping station.

In consideration of the above, and since there is no longer a sewage related impediment to a new house on the site, we hope that your Board will consider this request and grant the modification to the original subdivision Resolution by removing paragraph letter "g".

Sincerely,



Ralph G. Mastromonaco, PE

RGM

Attachs:

Slope Map

Original Resolution

Letter from Mr. George Weeks, former Chairman

cc: Mark Picucci

Minutes Copy
Sent to Clerk 12/18/07

**PLANNING BOARD
TOWN OF OSSINING, NEW YORK**

**PICUCCI SUBDIVISION
RESOLUTION OF SUBDIVISION PLAT APPROVAL**

WHEREAS, Umberto and Ida Picucci (the "Applicant(s)") have applied for approval of a minor subdivision involving the subdivision of the 2.3969-acre subject property into two (2) lots which would be 1.1142-acres (Lot #1) and 1.2827-acres (Lot #2) in size (the "Project") on land which is located on the westerly side of Croton Dam Road in the R-15 One-Family Residence District; and

WHEREAS, the subject property is designated Section 1, Plate 4, Block 11, Lot 3 on the Town tax maps (the "Subject Property"); and

WHEREAS, the Subdivision Plat for the Project is expressed on the following plans, generally entitled "Proposed Subdivision for Mr. & Mrs. U. Picucci, Croton Dam Road, Ossining, New York," and prepared by Edmond A. Gemmola, Architect, except as otherwise noted:

1. Sheet SY-1, "Site Plan," drawn at a scale of 1" = 20', originally dated 9/5/98 and last revised 5/14/05;
2. Sheet SY-2, "Details," drawn not to scale, originally dated 12/7/98 and last revised 5/14/05;
3. Sheet SY-3, "Erosion Control," drawn not to scale, dated 12/7/98;
4. Sheet SY-3, "Server Profile," drawn at a horizontal scale of 1" = 20' and a vertical scale of 1" = 10', and dated 5/14/05; and
5. "Subdivision of Property prepared for Umberto Picucci & Ida Picucci," drawn at a scale of 1" = 30', dated 2/25/99 and last revised 3/3/03, and prepared by Baxter Land Surveying, P.C.; and
6. "Final Plat showing Subdivision of Property prepared for Umberto Picucci & Ida Picucci," drawn at a scale of 1" = 30', dated 2/25/99 and last revised 11/30/06, and prepared by Baxter Land Surveying, P.C.; and

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Resolution of Subdivision Plat Approval

WHEREAS, the Planning Board is familiar with the Subject Property and its surroundings, and has reviewed the Project in accordance with the standards for approval contained in the Zoning Law and the Subdivision Regulations; and

WHEREAS, the Planning Board referred an earlier approved version of the subject application to the Westchester County Planning Board on June 4, 2002 in accordance with Sections 239-L and N of the General Municipal Law; and

WHEREAS, the Westchester County Planning Department responded by letter dated June 12, 2002 in which letter it is stated that the Project is "non-jurisdictional under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code;" and

WHEREAS, the Planning Board has reviewed the Project as a "minor subdivision" as defined by the Town's Subdivision Regulations; and

WHEREAS, a public hearing on the Project was held on December 12, 2007 at which time all persons interested were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the State Environmental Quality Review (SEQR) law, the Planning board hereby issues a Negative Declaration, thereby finding that this Project will have no significant adverse impact to the environment, and thereby finding that the preparation of a Draft Environmental Impact Statement will not be required regarding this action; and

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Subdivision Plat Approval to the Project as expressed on the above specified Subdivision Plat Drawings, subject to compliance with the following conditions and modifications and any other requirements which must be met by law:

1. **Prior to the endorsement of the Subdivision Plat Drawings by the Planning Board Chairman, the following conditions shall be fulfilled:**
 - a. The subdivision plat shall be endorsed by the Westchester County Department of Health for the approval of the water supply and sewage disposal facilities.
 - b. The Applicant shall obtain approval from the Village of Ossining with regard to the adequacy of the municipal water system to accommodate the proposed home with an individual water connection.

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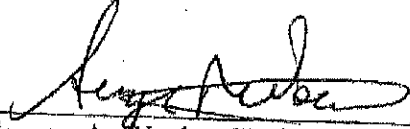
- c. The Applicant shall demonstrate that the property is within a Town sanitary sewer district. If the extension of a Town sanitary sewer district is required, the Applicant shall apply for and obtain such an extension from the Ossining Town Board.
 - d. In accordance with Section 200-51.A(1)(b) of the Zoning Law, the Applicant shall submit a recreation fee in the amount of two thousand dollars (\$2,000) to the Town. In accordance with Section 277.4 of New York State Town law, the need for recreation fees and the amount of said fees as required by the Town's Zoning Law have been established based upon the study performed by Frederick P. Clark Associates, Inc., the Town's Planning Consultants, in the study entitled *Park, Playground and Recreation Analysis* dated March 23, 1994.
 - e. The subdivision plat shall be revised to the satisfaction of the Planning Board to clearly show the westerly boundary of the access and utility easement over Lot 1 in favor of Lot 2. The graphic depiction of the easements shall be revised to clearly show their boundaries. Further, legal easements for access and utilities which meets the satisfaction of the Deputy Town Attorney in terms of form and substance shall be provided by the Applicant for eventual filing with the respective deeds.
 - f. The subdivision plat shall be revised to show building envelopes for both Lots 1 and 2, as is shown on the "Site Plan."
 - g. The final subdivision plat shall include a note stating: "There shall be no further subdivision of Lot #2."
- In accordance with Section 176-9.A(1) of the Town's Subdivision Regulations, the approval of the subdivision plat shall expire one hundred eighty (180) days from the date of the adoption of this resolution unless the requirements listed above have been completed to the satisfaction of the Planning Board and the plat has been submitted for signature. The Planning Board may, however, extend the time in which the requirements must be fulfilled and said plat is to be submitted for signature for up to two (2) additional periods of ninety (90) days each if, in its opinion, the particular circumstances warrant such extension(s).
2. The following are general conditions which shall be fulfilled as the Project progresses to completion:

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- a. The Applicant shall be responsible for the payment of all application review costs incurred by the Planning Board in the review of this matter in accordance with Section 200-51.B of the Zoning Law. Such fees shall be paid by the Applicant within thirty (30) days of the notification by the Planning Board that such fees are due. If such fees are not paid within this thirty (30) day period, and an extension therefore has not been granted by the Planning Board, this Resolution shall be rendered null and void.
- b. In accordance with Section 176-9.A(2) of the Town's Subdivision Regulations, the endorsed subdivision plat shall be filed in the Westchester county Clerk's Office (Division of Land Records) within sixty-two (62) days of the date of the endorsement of said plat by the Planning Board Chairman.
- c. Subsequent to the filing of the subdivision plat in the County Clerk's office, the applicant shall submit three (3) copies of the filed plat to the Town Building and Planning Department.
- d. The legal easement specified in Condition 1.e above shall be filed in a manner satisfactory to the Deputy Town Attorney and evidence thereof shall be submitted to the Town Building and Planning Department.

Resolution Adopted: December 12, 2007

Dec. 12, 2007
Date


George A. Weeks, Chairman
Town of Ossining Planning Board

cc: Mary Ann Roberts
John D. Hamilton
James J. Vanoli, PE
Wayne H. Spector, Esq.
David H. Stolman, AICP, PP

George Weeks
1 Harbor Square #323
Ossining, NY 10562

Chairman Ching Wah Chin
Members
Ossining Town Planning Board
John Paul Rodrigues Operations Center
101 Route 9A – PO Box 1166
Ossining, New York 10562

March 5, 2020

Re: Picucci Subdivision

Dear Chairman and Members:

I am aware that the final subdivision resolution for this subdivision contained a restriction on further subdivision of Lot 2.

This restriction was my effort to control flows to the failing pumping station and that was the only reason for the condition of no further subdivision.

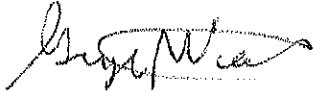
If at the time of the subdivision approval, the sewer system had been in good condition I would not have made that condition in the resolution. I am happy that the sewer system is now repaired.

I hope this clarifies the matter for you and the members of the Board.

If you have any questions about this feel free to call me.

Thank you for your time on this matter.

Sincerely

A handwritten signature in dark ink, appearing to read "George Weeks", with a stylized flourish at the end.

George Weeks
Former Chairman of the Planning Board

cc: Mark Picucci