

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

February 10, 2020

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:

Enclosed please find the following materials and further information on this project as requested:

1. Ten (10) copies of the Declaration, Control Number 583373281,
2. Ten (10) sets of the following drawings:
  - a. Preliminary Plat prepared for Mark Picucci dated December 5, 2019 revised January 29, 2020,
  - b. Details / Notes Preliminary Plat prepared for Mark Picucci dated December 5, 2019 revised January 29, 2020,

**(1) Comment Letter from Dan Ciarcia, PE**

We received comments from Dan Ciarcia, PE, Town of Ossining Consulting Engineer, dated December 18, 2019 and offer the following additional information:

Comment: 1. Provide a plat for review.

**Response: Our Plan is a Preliminary Plat – upon approval we will provide the Final Plat by the surveyor and engineer.**

Comment: 2. Verify the ownership of the 8" sanitary sewer. If the line has not been dedicated to the Town, the lateral should be connected to the section of the line that is owned and maintained by the Town.

**Response: The portion of the sewer that runs through the adjoining development is a public sewer. We revised the location of the lateral connection to that portion of the sewer that is owned and maintained by the Town as shown on the Town of Ossining GIS Mapping.**

Comment: 3. The proposed rain garden should be sized to capture and treat the water quality volume (WQv). Indicate the limits of the watershed to be treated by this practice.

**Response: Sizing calculations for the rain garden are provided on the revised plan.**

Comment: 4. Show the footing drain location.

**Response: The footing drain is shown on the revised plan.**

## **(2) Access Easement**

We also provide copies of a filed Declaration, Control Number 583373281 showing that the owner contemplated the additional subdivision of Lot 2, and provisions were made to facilitate this subdivision. The 50-foot Easement provides access as well as zoning frontage for all the lots, existing and proposed, in accordance with Section 200-25.1 B, (Street Frontage).

## **(3) Issue of the Subdivision Note in a Former Resolution**

We reviewed the minutes of all Planning Board meetings and the three (3) Resolutions of Approval adopted by the Planning Board. Only the last Resolution adopted December 12, 2007 contained the Condition "g. The final subdivision plat shall include a note stating, "There shall be no further subdivision of Lot #2."

This Resolution also notes that the Board reviewed the map entitled "Final Plat" showing "Subdivision of Property prepared for Umberto Picucci and Ida Picucci prepared February 25, 1999 last revised November 30, 2006 by Baxter Land Surveying, PC." This is the exact map that was signed by the Planning Board Chairman George Weeks on September 8, 2008 and the Receiver of Taxes on November 2, 2009, which became the filed subdivision Plat #28288. The filed map did not contain any note regarding further subdivision.

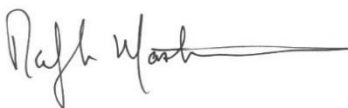
The note regarding further subdivision in the Resolution was in response to the fact that the sewage pumping station near Feeney Road was in bad shape and could not take any additional flow. This was, in fact, the justification provided by former Chairman George Weeks as recommended by him in a staff meeting with the owner just prior to the Planning Board meeting. Thus, the Resolution of approval reflected Mr. Weeks thinking on the matter of the failing sewage pump station.

However, Mr. Weeks later signed the plat without there being a note on the plat.

Now, the failing pumping station was replaced with a gravity sewer a few years ago and there is no longer any impediment to further flow. That being the case a new house can be connected to the sewer system without creating a problem.

We are requesting placement on the agenda of the February 19, 2020 meeting of the Planning Board for consideration of subdivision approval.

Sincerely,



Ralph G. Mastromonaco, PE

RGM/mte  
cc: Mark Picucci

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.



\*583373281DLR0014\*

## Westchester County Recording & Endorsement Page

### Submitter Information

Name: The Great American Title Agency, Inc. Phone: 914 761 1776  
Address 1: 170 Hamilton Ave, Ste 207 Fax: 914 761 1770  
Address 2: Email: azhina@gamericantitle.com  
City/State/Zip: White Plains NY 10601 Reference for Submitter: GA850463 Dec & Easement

### Document Details

Control Number: **583373281** Document Type: **Declaration (DLR)**  
Package ID: 2018120300157001001 Document Page Count: **6** Total Page Count: **8**

### Parties

☐ Additional Parties on Continuation page

#### 1st PARTY

#### 2nd PARTY

1: YELLOW JUG INC - Other 1: YELLOW JUG INC - Other  
2: 2:

### Property

☒ Additional Properties on Continuation page

Street Address: 51A CROTON DAM ROAD Tax Designation: 89.08-1-78.2  
City/Town: OSSINING TOWN Village:

### Cross-References

☐ Additional Cross-Refs on Continuation page

1: 2: 3: 4:

### Supporting Documents

#### Recording Fees

Statutory Recording Fee: \$40.00  
Page Fee: \$35.00  
Cross-Reference Fee: \$0.00  
Mortgage Affidavit Filing Fee: \$0.00  
RP-5217 Filing Fee: \$0.00  
TP-584 Filing Fee: \$0.00  
Total Recording Fees Paid: **\$75.00**

#### Transfer Taxes

Consideration: \$0.00  
Transfer Tax: \$0.00  
Mansion Tax: \$0.00  
Transfer Tax Number:

#### Mortgage Taxes

Document Date:  
Mortgage Amount:  
  
Basic: \$0.00  
Westchester: \$0.00  
Additional: \$0.00  
MTA: \$0.00  
Special: \$0.00  
Yonkers: \$0.00  
Total Mortgage Tax: **\$0.00**

Dwelling Type: Exempt: ☐  
Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 12/04/2018 at 03:30 PM  
Control Number: **583373281**  
Witness my hand and official seal

Timothy C. Idoni  
Westchester County Clerk

### Record and Return To

☐ Pick-up at County Clerk's office

Meyer & Spencer PC  
390 Bedford Road

Pleasantville, NY 10570

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.

\*583373281DLR0014\*

## Westchester County Recording & Endorsement Page

### Document Details

Control Number: **583373281**

Document Type: **Declaration (DLR)**

Package ID: 2018120300157001001

Document Page Count: 6

Total Page Count: 8

### Properties Addendum

51 CROTON DAM ROAD 10562

OSSINING TOWN

89.08 1 78.1

### **Driveway and Utility Use and Maintenance Declaration**

This Driveway and Utility Use and Maintenance Declaration (hereafter "Declaration") is made the 28th day of November, 2018, by Yellow Jug Inc. a New York Corporation, with an address at 15 Hoags Cross Road, Ossining, NY 10562, hereinafter referred to as the "Declarant".

WHEREAS, the Declarant is the owner of two (2) lots located at 51A and 51 Croton Dam Road in the Town of Ossining, County of Westchester and the State of New York and is more particularly described on Map #28288 filed in the Westchester County Clerk's Office on November 2<sup>nd</sup>, 2009 as Lot 1 and Lot 2 (hereafter "Map"), a copy is attached hereto as Exhibit A and made a part hereof; and

WHEREAS, the Declarant desires to clarify the rights and obligations between the owners of Lot 1 and 2, including any future subdivision of Lot 2, for the use and maintenance of the "Access and Utility Easement in Favor of Lot 2" (hereafter "Access Easement") as shown on the Map.; and

1. NOW THEREFORE, Declarant, for itself, its heirs, successors, grantees, and assigns, hereby covenants and agrees that the Access Easement shown on the Map shall be for the purpose of connecting to all utilities and access, ingress and egress for all vehicular traffic going to the structures located on Lot 1, Lot 2 and any future Subdivision of Lot 2. No vehicle, other than utility, emergency or police vehicles, shall be parked in the asphalt driveway area shown on the Map without the permission of all of the then Owners of the Lots. The Owners of the current lots and any newly subdivided lot shall share equally in the cost of maintaining,

paving, snow plowing and repairing the Asphalt Driveway area from Croton Dam Road to the Southeasterly corner of the framed garage as shown on the Map unless such repairs are occasioned by the negligence of a lot owner or their agents, licensees or invitees in which event the negligent party shall be responsible for the full costs of the necessary repairs.

2. Each party, their successors, heirs or assigns, shall defend, reimburse, indemnify and hold harmless the other party, their successors, heirs, or assigns, from and against any and all liability and damages, and from and against any and all suits, claims, and demands of every kind and nature, including reasonable counsel fees, by or on behalf of any person, firm, association or corporation, arising out of or based upon any accident, injury or damage, which occurs as a result of any negligent or careless acts or omissions of the other party or their employees, agents, licensees, invitees and/or contractors, from and against any matter or thing growing out of the condition, maintenance, repair, alteration, use or operation of the Asphalt Driveway. In case any action or proceeding is brought against either party by reason of any such claim, the offending party, upon written notice from the other party, shall, at their own cost and expense, resist or defend such action or proceeding.
3. The rights granted herein shall run with the land and shall be binding upon as well as inure to the benefit of Owners and all persons claiming under them. Owner shall be prohibited from constructing any structures in the

Access Easement Area or otherwise impeding access to Owners within the Access Easement Area without the prior written approval of the Owners, such approval not to be unreasonably withheld.

4. The limited permissive use of the driveway by the owner of Lot 2 and any future subdivision thereof, non-owners, their agents, relatives, tenants and guests is solely for the purpose of "moving traffic" in and out of the adjacent properties and other homes therein. The driveway shall not be used for any recreational purposes (including, but not limited to, walking, running, exercising, bike riding, scooters, sledding, roller-skating, hoverboards, skateboards, all-terrain vehicles, motorized vehicles, motorcycles, etc.), loitering by any vehicle or persons or the storage of any materials and/or equipment.
5. Fee ownership of the property which is subject to this easement remains and shall in perpetuity remain in all respects vested in the Owner of Lot 1, as said Owner's fee ownership interest may appear of record, and in said Owner's heirs, successors and assigns.
6. This Access Easement shall run with the land and shall inure to the benefit of any present or future owners, mortgagees, occupants of the premises therein, heirs and assigns.

IN WITNESS THEREOF, this agreement has been signed this 28th day of November, 2018.

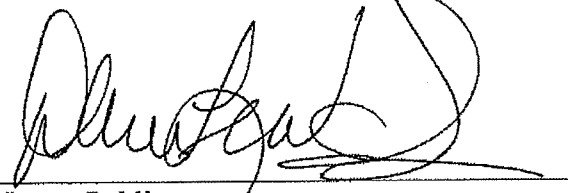
Yellow Jug Inc.

By:

  
Mark Picucci, Secretary

State of New York                    )  
                                              )  
County of Westchester            )        ss:

On this 28th day of November, 2018, before me, the undersigned, personally appeared Mark Picucci personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person on behalf of which the individual(s) acted, executed the instrument.

  
\_\_\_\_\_  
Notary Public

DONNA LEE WARD  
Notary Public, State of New York  
No. 01WA6163499  
Qualified in Westchester County  
Commission Expires March 26, 2019

Record + Return:  
Meyer + Spencer PC  
390 Bedford Road  
Pleasantville, NY 10570



# **The Great American Title Agency Inc.**

170 Hamilton Avenue, Suite 207 White Plains, NY 10601 914-761-1776 914-761-1770  
orders@gamericantitle.com

Title Number: GA1850463

Page 1

## **SCHEDULE A DESCRIPTION**

ALL that certain plot piece or parcel of land situate lying and being in the Town of Ossining County of Westchester and State of New York being shown and designated as Lot No. 1 on a certain subdivision map entitled "Final Plat Showing Subdivision of Property Prepared for Umberto Picucci & Ida Picucci, Property Situate in Town of Ossining, County of Westchester, State of New York and which map was filed in the Office of the County Clerk of Westchester County (Division of Land Records) on November 2, 2009 as Map No. 28288, and which said Lot No. 1 is bounded and described according to said map as follows:

**BEGINNING** at a point on the northwesterly side of Croton Dam Road at the dividing line between Lot No. 1 and Lot No. 2;

**THENCE** along the said dividing line the following courses and distances:

North 41 degrees 44' 17" West 90.00 feet;

North 69 degrees 18' 20" West 274.39 feet;

South 89 degrees 09' 00" West 79.00 feet and

South 13 degrees 23' 00" West 110.04 feet to lands now or formerly of Hassell also known as "Subdivision of Property Known as Galiger Acres" filed in the aforesaid County Clerk's Office as Map No. 18653;

**THENCE** along the last said lands North 68 degrees 44' 18" West 142.98 feet to lands now or formerly of Picciano also known as "Subdivision of Property Known as Noack Acres" filed in the aforesaid County Clerk's Office as Map No. 18618;

**THENCE** along the last said lands North 21 degrees 15' 42" East 174.71 feet to lands known as "Subdivision Map, Country Meadows at Ossining" filed in the aforesaid County Clerk's Office as Map No. 22622;

**THENCE** along the last said lands South 69 degrees 28' 20" East 68.78 feet; and North 21 degrees 46' 30" East 11.83 feet and South 69 degrees 18' 20" East 497.03 feet to the Northwesterly side of Croton Dam Road aforesaid and

**THENCE** South 28 degrees 01' 40 seconds West 57.33 feet; and

**THENCE** along the same South 26 degrees 58' 00" West 35.00 feet to the point and place of **BEGINNING**.

### **FOR INFORMATION ONLY:**

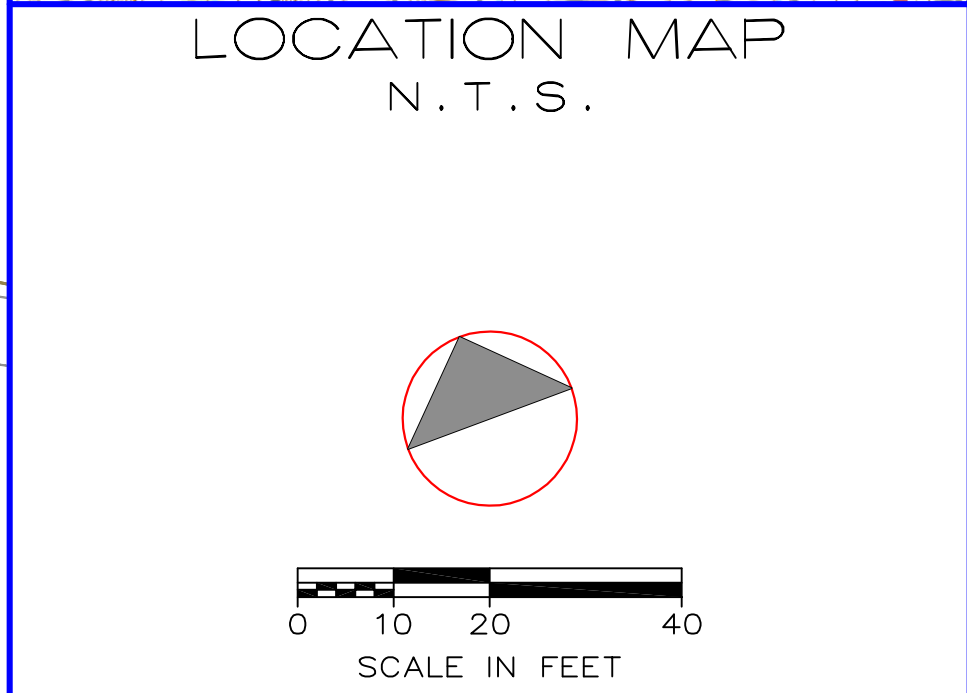
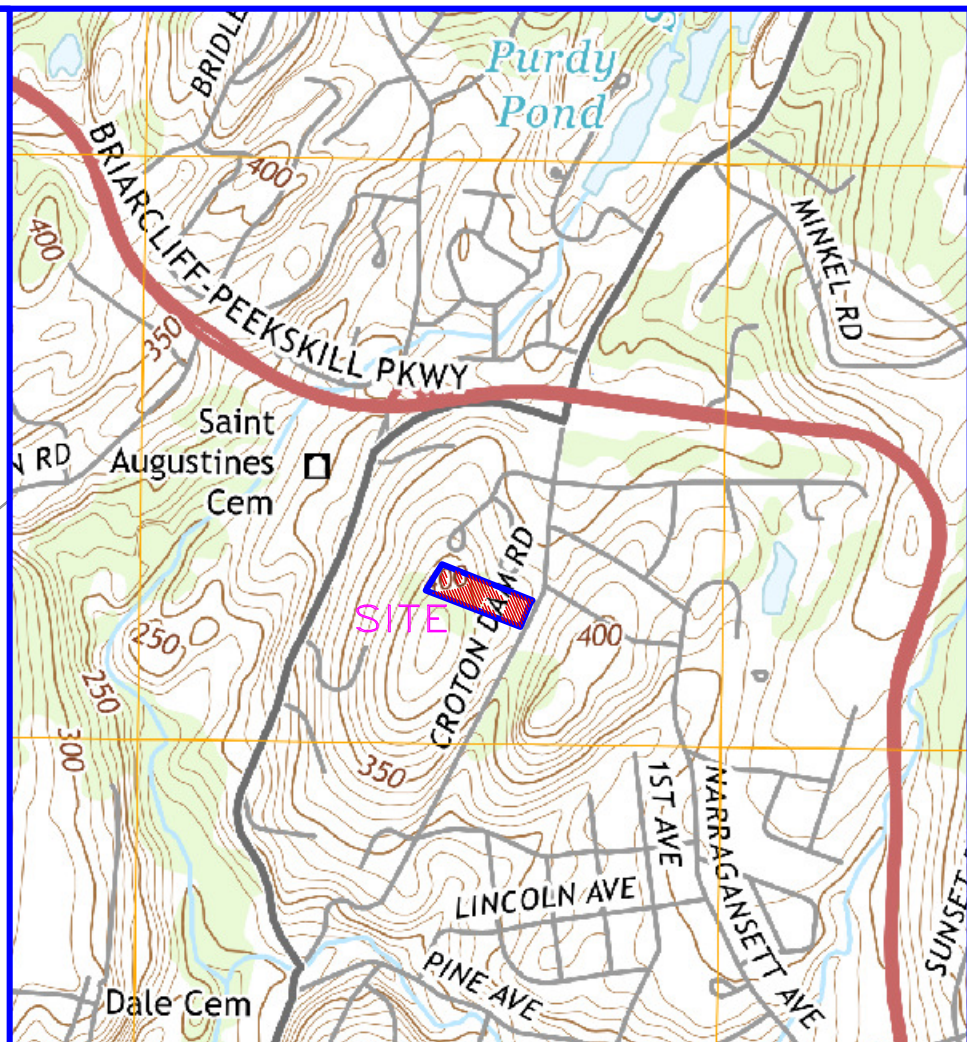
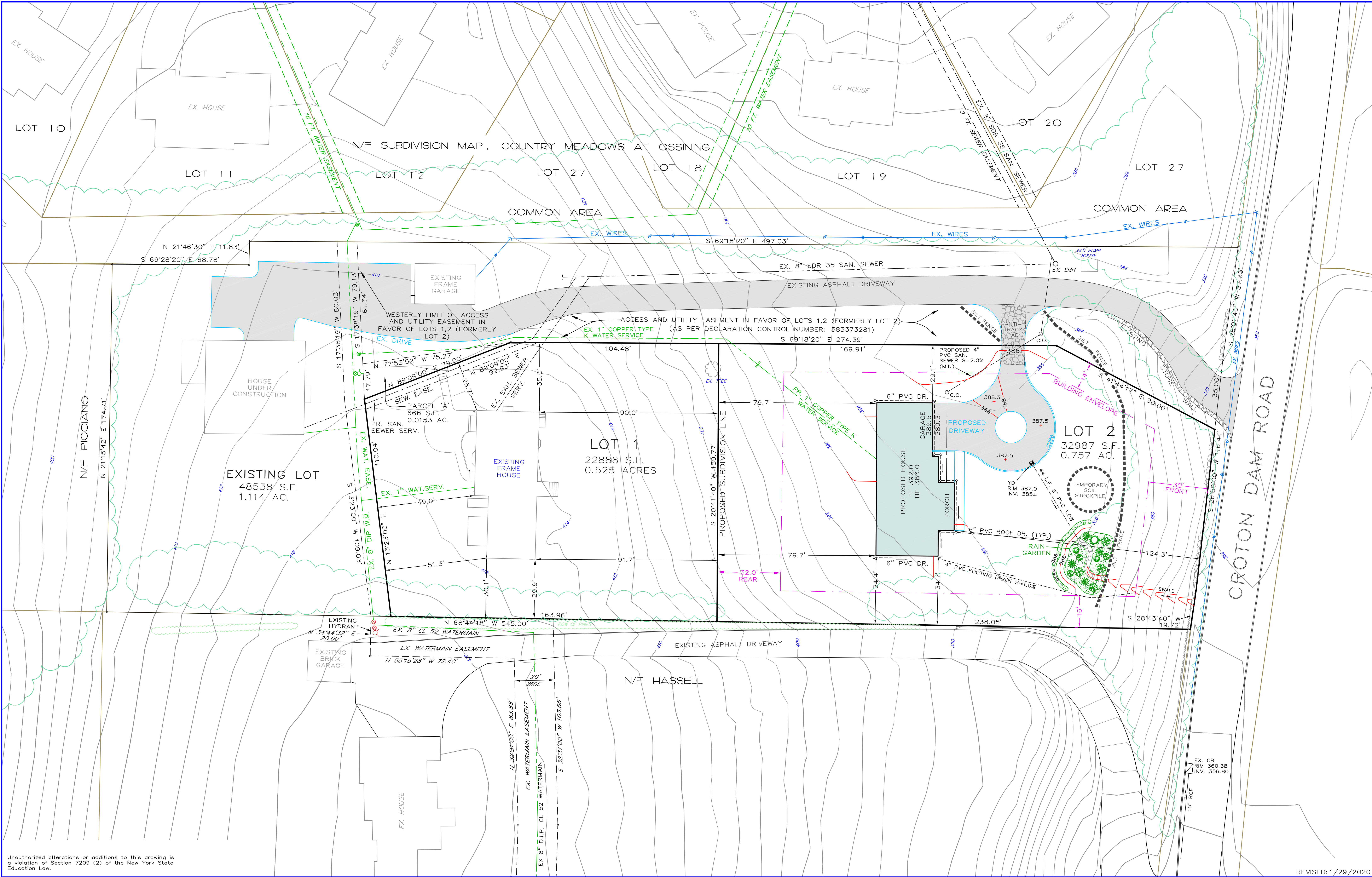
**SAID** premises are also known as Section 89.08, Block 1, Lot 78.2 on the Official Tax Map of the Town of Ossining.

**SAID** premises are improved by a one or two family dwelling.

**SAID** premises being intended to be part of the same premises as conveyed in Deed recorded in Control No. 573133376.







ZONING SCHEDULE			
R-15 DISTRICT	REQUIRED	PROPOSED LOT 1	PROPOSED LOT 2
MIN. SIZE OF LOT - LOT AREA	15,000 SF	22,888 SF	32,987 SF
FRONTAGE	50'	183'	101'
LOT WIDTH	90'	139'	139'
LOT DEPTH	120'	171'	245'
MIN. YARD DIMENSIONS			
FRONT	30'	90'	124'
SIDE (1)	14'	25'	29'
SIDE (BOTH)	30'	57'	63'
REAR	32'	49'	79'
LIVABLE FLOOR AREA PER DU	850 SF	>850 SF	>850 SF
MAX. HEIGHT OF BUILDING			
STORIES	2 1/2	< 2.5	< 2.5
FEET	35'	< 35	< 35
MAXIMUM BLDG. COVERAGE			
MAXIMUM IMPERVIOUS AREA	CALCULATED	8,453 SF	13,097 SF
PROPOSED IMPERVIOUS AREA		2,932 SF EX	4,721 SF
MAXIMUM FLOOR AREA			
PROPOSED FLOOR AREA	CALCULATED	3,914 SF	4,444 SF
		2,152 SF EX	2,510 SF
PARKING REQUIREMENT	2/DU	2	2

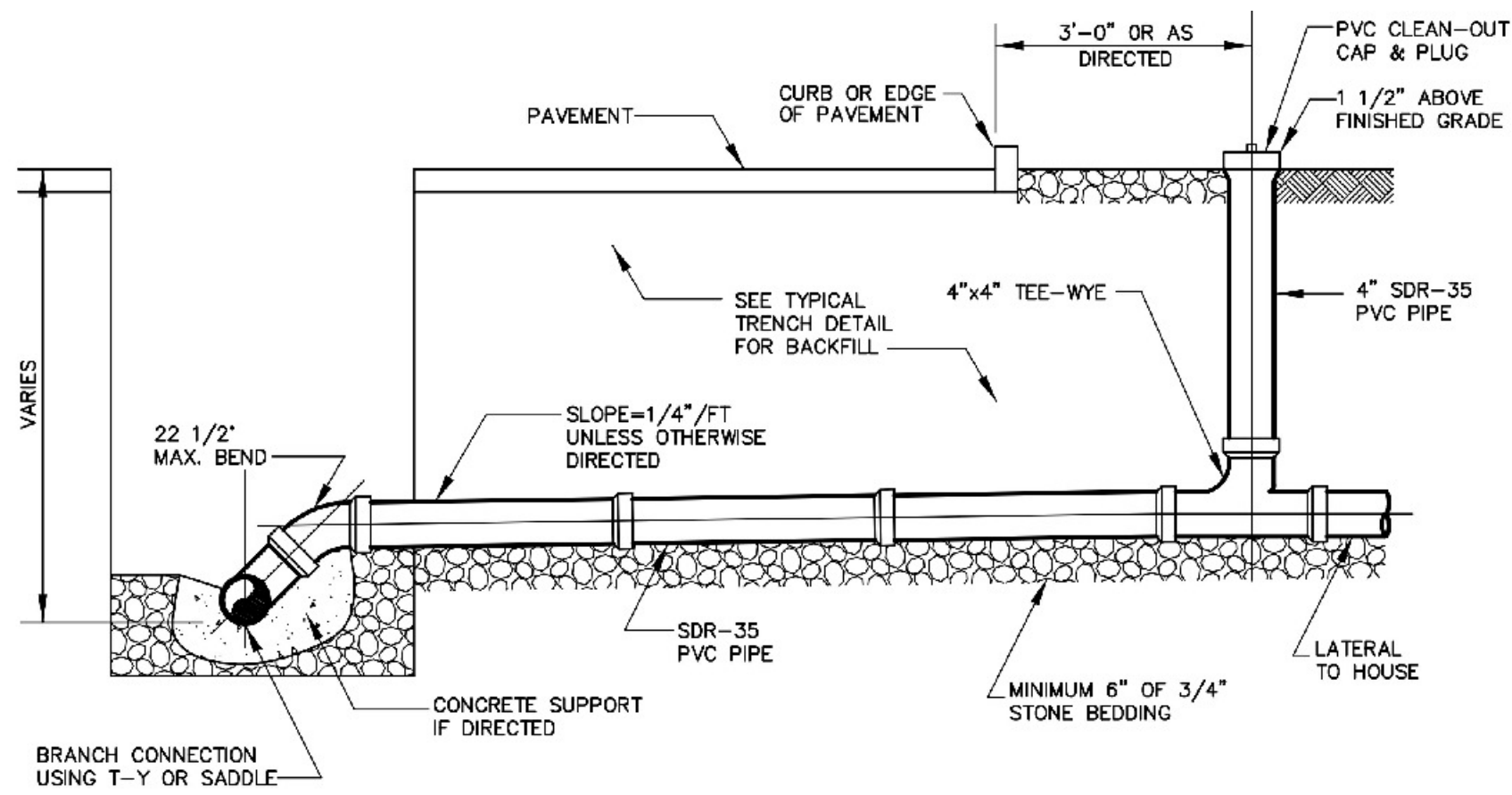
RALPH G. MASTROMONACO, P.E., P.C.  
Consulting Engineers  
13 Dove Court, Croton-on-Hudson, New York 10520  
(914) 271-4762 (914) 271-2820 Fax

PRELIMINARY PLAT  
PREPARED FOR  
MARK PICUCCI  
AND  
YELLOW JUG CORP.  
CROTON DAM ROAD  
TOWN OF OSSINING  
WESTCHESTER COUNTY, NY  
DECEMBER 5, 2019  
SHEET 1 OF 2 SHEETS

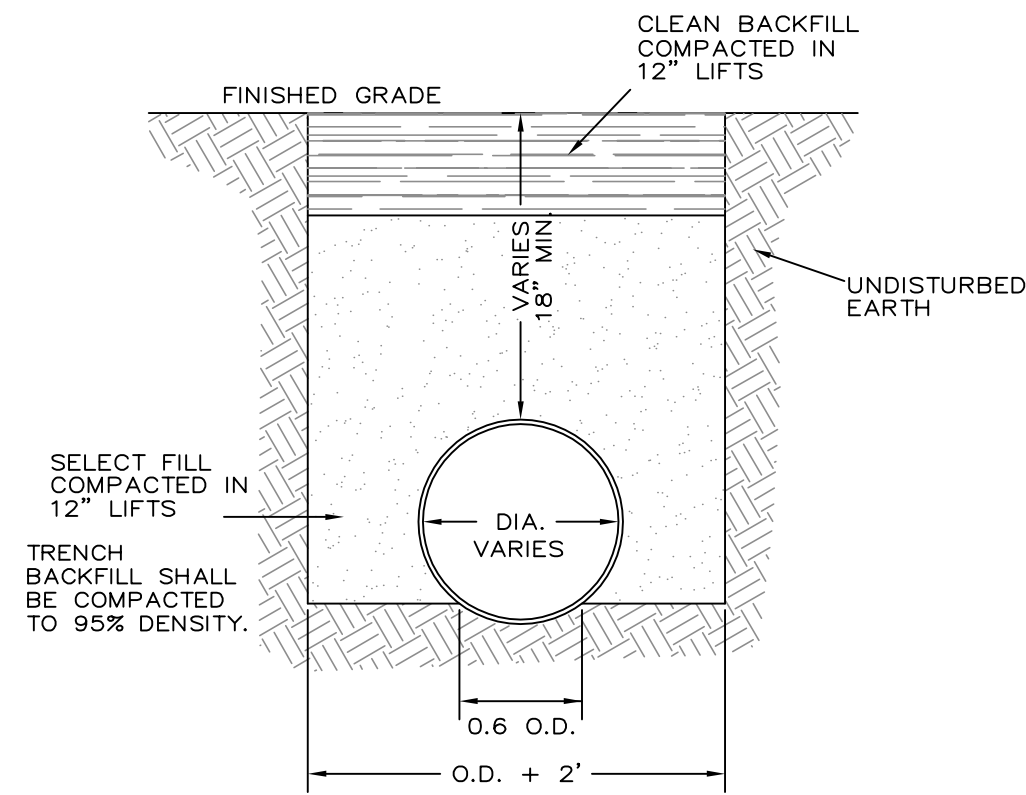
Unauthorized alterations or additions to this drawing is a violation of Section 7209 (2) of the New York State Education Law.

REVISED: 1/29/2020

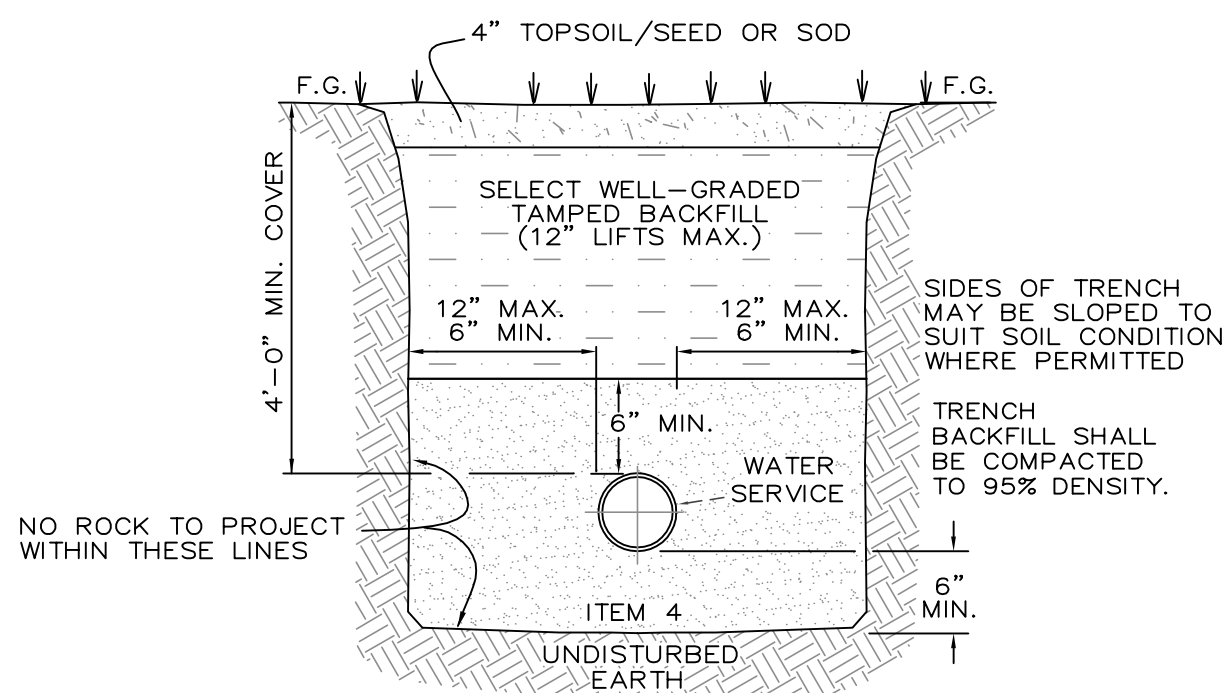




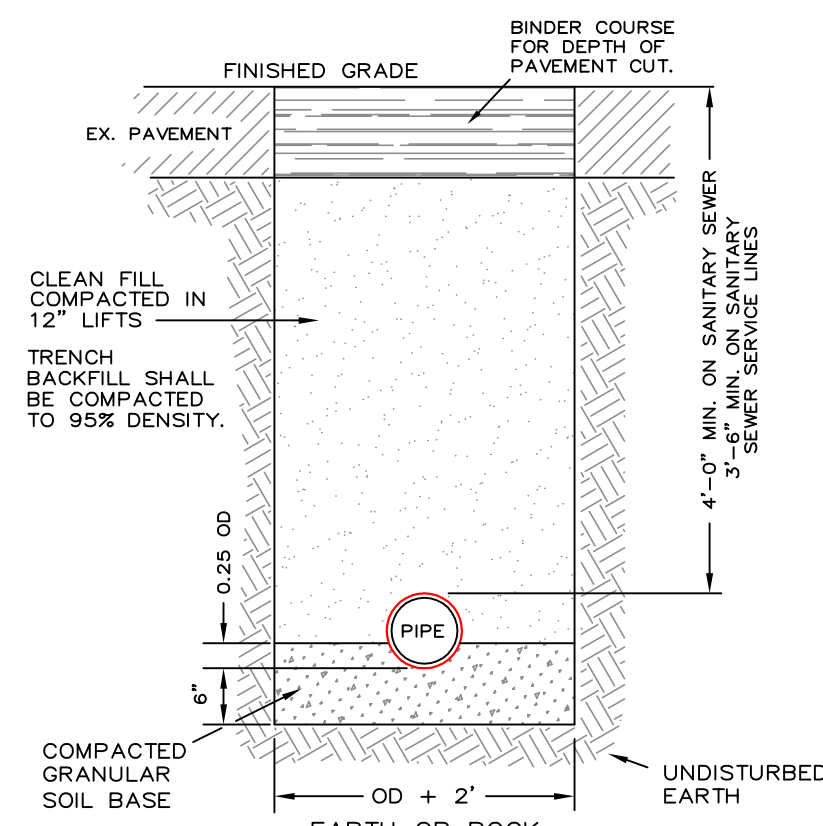
TYPICAL HOUSE SANITARY SEWER CONNECTION  
N.T.S.



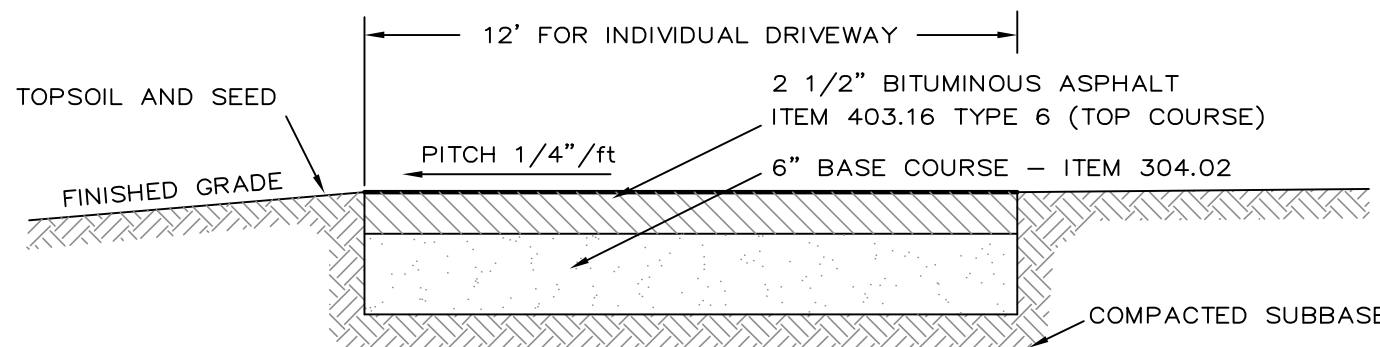
DRAIN PIPE BEDDING  
N.T.S.



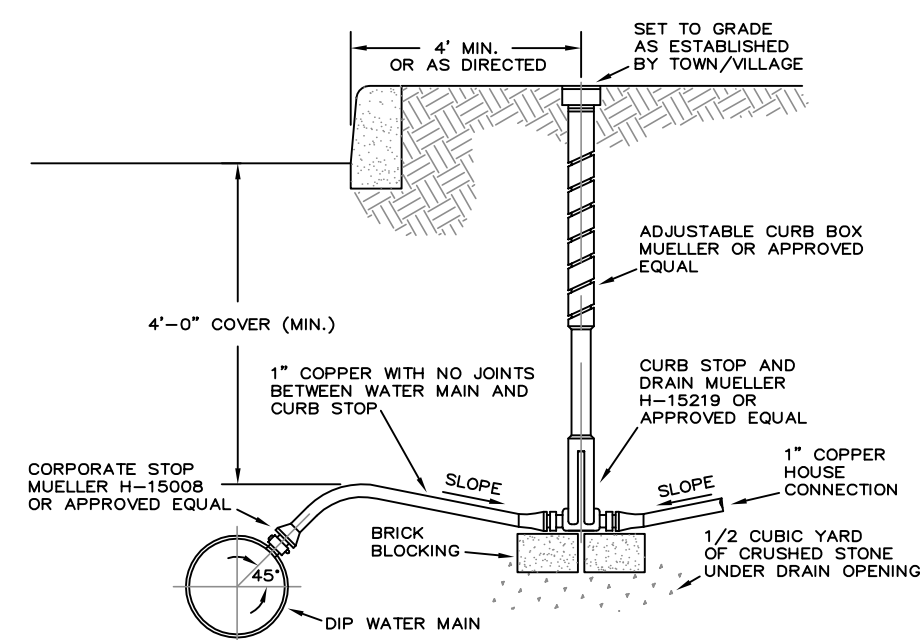
WATER SERVICE BEDDING  
N.T.S.



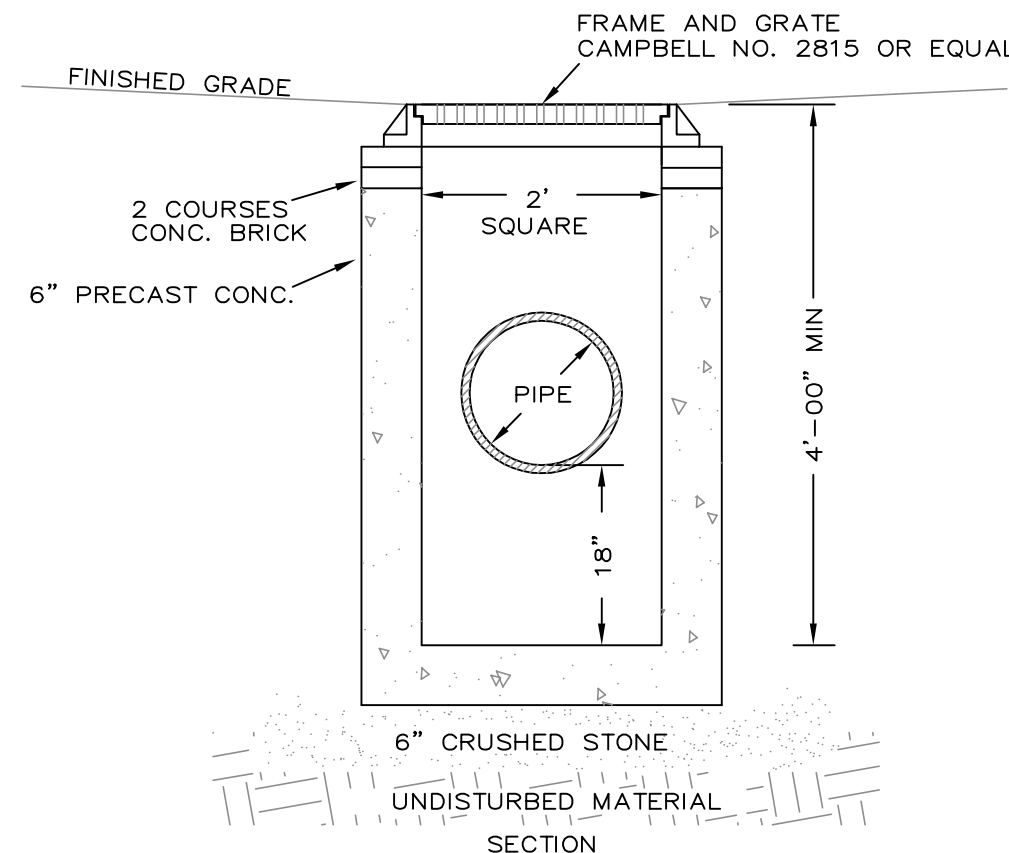
SEWER TRENCH AND PIPE  
BEDDING DETAIL  
N.T.S.



DRIVEWAY SECTION  
N.T.S.



WATER SERVICE  
CONNECTION DETAIL  
N.T.S.

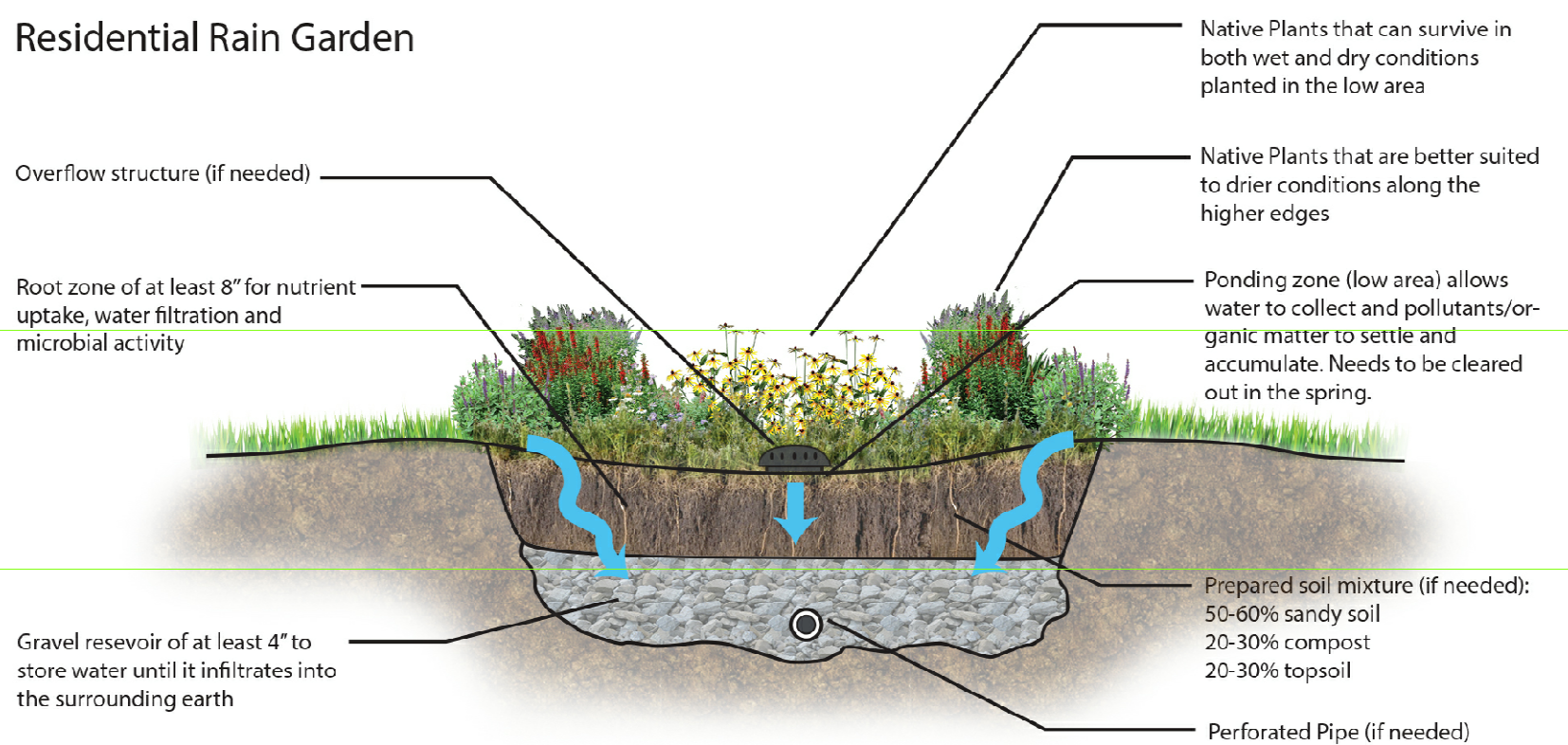


YARD DRAIN  
N.T.S.

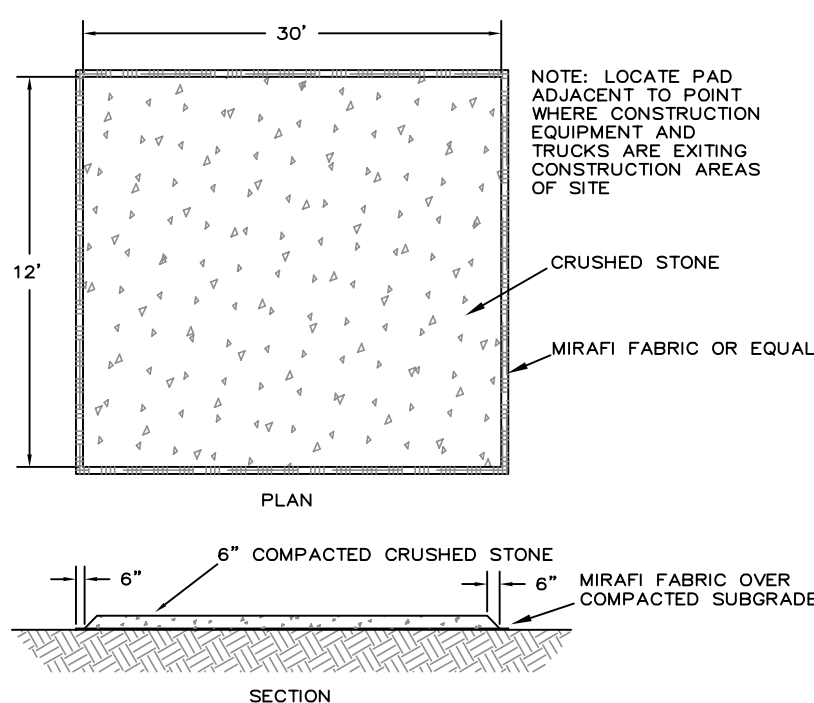
#### RAIN GARDEN DESIGN:

IMPERVIOUS AREA TO BE CAPTURED (HOUSE AND DRIVE OF PROPOSED LOT 2): 4,200 S.F.  
CAPTURE 1" (0.083') OF RAINFALL  
STORAGE VOL. REQUIRED: 350 C.F.  
AREA PROVIDED: 550 S.F.  
AVERAGE DEPTH PROVIDED: 0.75 FT.  
VOLUME PROVIDED: 412 C.F.

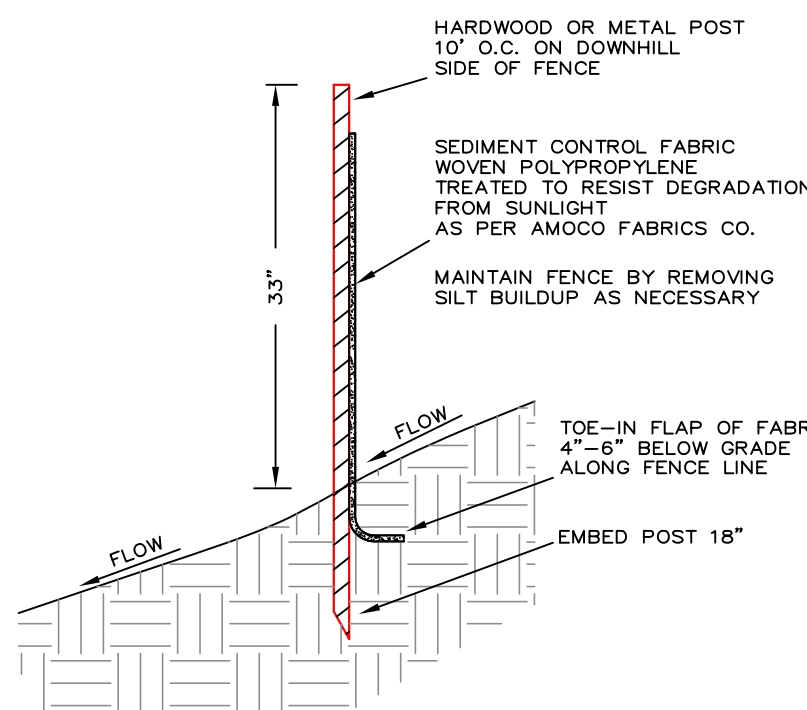
#### Residential Rain Garden



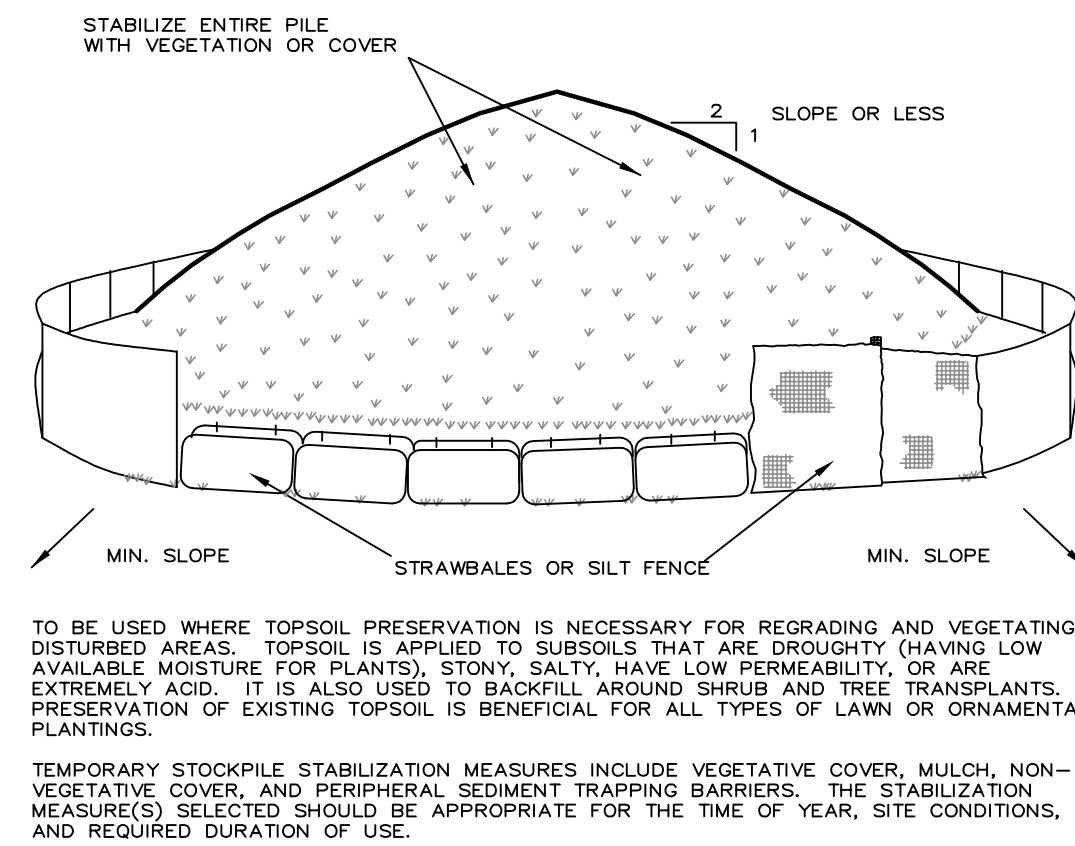
TYPICAL RESIDENTIAL RAIN GARDEN  
N.T.S.



ANTI-TRACKING PAD  
N.T.S.



SILT FENCE  
N.T.S.



DETAILS/NOTES  
PREPARED FOR  
MARK PICUCCI  
AND  
YELLOW JUG CORP.  
CROTON DAM ROAD  
TOWN OF OSSINING  
WESTCHESTER COUNTY, NY  
DECEMBER 5, 2019  
SHEET 2 OF 2 SHEETS

#### CONSTRUCTION NOTES:

1. THE CONTRACTOR SHALL LOCATE AND VERIFY IN THE FIELD ALL UTILITIES - GAS, WATER, ELECTRICAL BEFORE THE START OF CONSTRUCTION. CONTRACTOR SHALL CALL CODE 753 (FORMERLY CODE 53).
2. AS BUILT PLANS SHALL BE REQUIRED AND CERTIFIED BY A N.Y. STATE LICENSED PROFESSIONAL ENGINEER.
3. ALL PROPERTY DISTURBED IN THE R.O.W. OR ON PRIVATE LANDS, SHALL BE RESTORED TO NEW CONDITIONS.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL APPLICATIONS AND PERMITS REQUIRED FOR CONSTRUCTION.
5. UNDERGROUND GAS AND ELECTRIC SHALL BE AS REQUIRED BY THE TOWN/VILLAGE AND CON EDISON.
6. SITE TOPOGRAPHY IS BY OTHERS. NO CERTIFICATION IS GIVEN.

#### EROSION AND SEDIMENT CONTROL NOTES:

1. Erosion control measures shall be installed prior to the start of construction and maintained in effective condition throughout the construction period.
2. All erosion and sedimentation control measures and procedures shall comply with the standards and specifications of the "Westchester County Best Management Manual for Construction Related Activities."
3. Prior to any excavation, silt fence shall be installed at the appropriate locations noted on erosion control plan. Silt fencing shall be installed as directed by the owner's representative in the field and installed as per the instructions of the manufacturer. Additional silt fence may be placed by the owner's representative in the field. Silt fencing shall be maintained in operable condition and shall not be removed until disturbed areas are thoroughly stabilized.
4. All finished slopes and all rough cut slopes to remain open for extended periods immediately topsoil, seed with a mixture of perennial rye grass, annual rye grass and winter rye and mulch with 6" of hay.
5. All slopes constructed with fill material and all slopes with grade 3:1 or steeper shall be topsoiled, seeded, mulched and stabilized with staked jute netting, unless otherwise noted.
6. All areas of disturbed soil shall be stabilized. In addition to all specified and located erosion control devices, the contractor shall take all steps prudent and necessary to stabilize the site at all times.
7. Do not stockpile materials on steep slopes, in drainage swales or in wetland areas. Surround all stockpile areas with silt screen and seed them with the annual rye grass.
8. All catch basins are to be protected with haybale filters throughout the construction period and until all disturbed areas are thoroughly stabilized.
9. Haybales shall be used at the tops and toes of slopes, as necessary, to collect silt and divert flows. Silt screens will be used in areas of unconcentrated flows to collect silt. Haybales and silt screen on plans may be augmented in the field as necessary.
10. Utility line excavated material shall be temporarily stockpiled on high side of excavation so runoff is directed away from trench, after back-filling, area is to be topsoiled, seeded, and mulched.
11. All erosion and sediment control measures shall be inspected immediately after each rainfall and at least daily during prolonged rainfall. Any required repairs shall be made immediately.
12. Sediment deposits shall be removed when they reach approximately one-half the height of the barrier. Sediment shall be disposed of in a manner that does not result in additional erosion or pollution.

RALPH G. MASTROMONACO, P.E., P.C.  
Consulting Engineers  
13 Dove Court, Croton-on-Hudson, New York 10520  
(914) 271-4762 (914) 271-2820 Fax